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REPORT

on the proposal for a Council regulation on the conclusion of the Agreement in the form of an exchange of letters extending the Protocol setting out, for the period 1 June 2005 to 31 May 2006, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé e Príncipe (COM(2005)0630 – C6-0045/2006 – 2005/0249(CNS))

Committee on Fisheries

Rapporteur: Duarte Freitas

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council regulation on the conclusion of the Agreement in the form of an exchange of letters extending the Protocol setting out, for the period 1 June 2005 to 31 May 2006, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé e Príncipe
(COM(2005)0630 – C6-0045/2006 – 2005/0249(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council regulation (COM(2005)0630)¹,
 - having regard to Article 37 and Article 300(2) of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0045/2006),
 - having regard to Rules 51 and 83(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinions of the Committee on Budgets and the Committee on Development (A6-0132/2006),
1. Approves the proposal for a Council regulation as amended and approves conclusion of the agreement;
 2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Democratic Republic of São Tomé e Príncipe.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 2 a (new)

(2a) The Community financial contribution should also be used for the development of coastal communities living on fisheries and the creation of small local fish-canning and processing firms.

¹ Not yet published in OJ.

Amendment 2
Article 1 a (new)

Article 1a

The European Parliament's opinion on the extension or conclusion of fisheries partnership agreements should be sought as swiftly as possible, so that these opinions are not requested after the date of payment of any financial compensation.

Justification

The good image of the institutions should be better safeguarded. In this particular case, the European Parliament's opinion was requested after the date agreed for payment of the financial compensation envisaged in the extension of this agreement (31 January 2006).

Amendment 3
Article 3 a (new)

Article 3a

During the final year of the Protocol's validity and before any agreement is concluded on its renewal, the Commission shall submit to the European Parliament and the Council a report on the application of the agreement and the conditions under which it was implemented.

Justification

Parliament and the Council should be informed by the Commission regarding the general assessment report for the agreement in question. Only after this should steps be taken towards negotiating a new fisheries agreement.

Amendment 4
Article 3 b (new)

Article 3b

The Commission shall report to the

***European Parliament and the Council on
the results of the targeted actions
described in Article 4 of the protocol.***

Justification

In order to evaluate whether the compensation paid by the EU is properly accounted for and does in fact promote the sustainable use of São Tomé e Príncipe's fishery resources, the Commission should report to Parliament.

Amendment 5
Article 3 c (new)

Article 3c

***The Commission shall submit to the
European Parliament a copy of the report
relating to the evaluation study on 'deep-
water crab' stocks scheduled for 2006.***

Justification

It is important to assess this stock since this will make it possible to ascertain whether a fishing category can be reopened in São Tomé e Príncipe (Crustacea).

Amendment 6
Article 3 d (new)

Article 3d

***Before concluding negotiations on the
renewal of this agreement, the
Commission shall forward to the
European Parliament the positions of the
Member States which have an interest in
its renewal.***

Justification

It is important to improve the level of information provided to Parliament so that it can discharge its duties under the consultation procedure.

EXPLANATORY STATEMENT

FISHERIES AGREEMENTS WITH THIRD COUNTRIES:

The conclusion of fisheries agreements between the European Union and third countries dates from the 1970s, following changes in the Law of the Sea. At this time, the Member States decided to transfer their competence in this area to the Community (Council Resolution of 3 November 1976), and since then fisheries agreements have figured among the Community's exclusive competences.

Under the new CFP (common fisheries policy), fisheries agreements must contribute to improving global governance with regard to fisheries issues through the effective implementation of the current international legal framework and by strengthening and promoting regional cooperation mechanisms. They should also ensure a partnership-based approach with developing countries.

Given that access for the Community fleet to surplus stocks in the EEZ of third countries has been enshrined as one of the EU's chief objectives in terms of external fisheries policy, it is desirable to ensure that it remains in tune with other fundamental objectives of the CFP.

The negotiation and conclusion of fisheries agreements with third countries, as well as their possible renewal, meet the overall objective of maintaining and safeguarding the traditional fishing activities of the Community fleet, including the distant-water fishing fleet. These agreements also enable relations to be developed in a spirit of partnership with a view to strengthening the sustainable exploitation of fishery resources outside Community waters, taking account of environmental, social and economic issues linked to these processes.

FISHERIES AGREEMENTS WITH SÃO TOMÉ E PRÍNCIPE:

Fisheries relations between the EEC and the Democratic Republic of São Tomé e Príncipe date back to the signing of a fisheries agreement in 1984. Since then, cooperation between the parties has been updated through the renewal of successive protocols fixing the fishing opportunities provided by the third country and the financial contributions granted by the EU.

As in the case of previous agreements, the agreement concluded for the period 2002-2005 provided for access to the waters of São Tomé e Príncipe's EEZ, offering fishing opportunities for the EU fleet and passage through to adjacent fishing grounds. In return the EU offered the government of São Tomé a financial contribution amounting to EUR 2 250 000 for the period between 1 June 2002 and 31 May 2005.

EXTENSION OF THE CURRENT FISHERIES AGREEMENT WITH SÃO TOMÉ E PRÍNCIPE:

The main objective of the extension to this agreement is to iron out certain difficulties relating to the implementation of the current protocol and to give the authorities involved in the process time to prepare for negotiations on a future agreement.

In addition, the extension will enable Community shipowners to continue their fishing activities in the exclusive economic zone of São Tomé e Príncipe pending the negotiations.

The two parties decided to extend the agreement for a period of one year (1 June 2005 to 31 May 2006). The extension, in the form of an exchange of letters, was initialled by the two parties on 3 June 2005, and sets out the technical and financial conditions governing the fishing activities of EC vessels in the waters of São Tomé e Príncipe for the period from 1 June 2005 to 31 May 2006.

The main features of the extended protocol are unchanged:

- Fishing opportunities: 36 freezer tuna seiners, two pole-and-line tuna boats and 25 surface longliners.

The fishing opportunities fixed in the protocol will be allocated among the Member States as in the 2002-05 protocol, namely:

- tuna seiners: France: 18, Spain: 18
- pole-and-line tuna vessels: Portugal: 2
- surface longliners: Spain: 20, Portugal: 5
- Reference tonnage: the reference tonnage provided for under the current protocol, namely 8500 tonnes of tuna caught during the extension period (1 June 2005 to 31 May 2006).
- Financial contribution: the amount provided for under the current protocol.
- Advances and fees payable by shipowners:
 - fees amount to EUR 25 per tonne of tuna caught in the Sao Tomé é Príncipe fishing zone, as in all the agreements concluded by the Community in the region;
 - the advances are fixed at EUR 3750 per year per tuna seiner, EUR 1375 per year per surface longliner and EUR 625 per year per pole-and-line tuna boat.

In addition, EUR 50 000 is to be provided to finance an evaluation study on deep-water crab. This study was scheduled for the first year of the 2002-05 protocol, but could not be carried out at the time.

The financial contribution has been set at **EUR 687 500 for the extension year (255 000 for targeted measures + 382 500)**. **The whole of this amount was to be paid, by way of financial compensation, by 31 January 2006!**

CONCLUSION:

Extending this agreement serves the EC's immediate interests, since it will enable the

Community fleet to continue fishing (maintaining the main features of the protocol) in the exclusive economic zone of São Tomé e Príncipe, pending the conclusion of a new fisheries agreement between the parties.

It will also prevent private agreements from being concluded which could jeopardise the sustainability of fisheries in the area. If the Community does not act, then Community vessels might change flags (mostly to flags of convenience), thereby reducing the size of the Community fleet. Given that the Community has made international commitments regarding the sustainable management of resources and combating illegal fishing, it is desirable to maintain fisheries partnership agreements, particularly with developing countries.

It is hoped that, with this extension, São Tomé e Príncipe will be ready to negotiate a new fisheries agreement which will meet the interests of both parties, and which should enter into force on 1 July 2006.

Yet again, the European Parliament has been asked for its opinion on a fisheries agreement/extension to an agreement when the date for payment of the financial contribution has already passed. Parliament draws the Commission's attention to this fact.

27.3.2006

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Fisheries

on the proposal for a Council regulation on the conclusion of the Agreement in the form of an exchange of letters extending the Protocol setting out, for the period 1 June 2005 to 31 May 2006, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé e Príncipe (COM(2005)0630 – C6-0045/2006 – 2005/0249(CNS))

Draftswoman: Helga Trüpel

SHORT JUSTIFICATION

The proposal from the Commission is for a simple extension by one year of the previous protocol with São Tomé and Príncipe, which expired on 31 May 2005. For a financial compensation of €637.500 the government of São Tomé and Príncipe gives access rights to 36 Spanish and French tuna purse seiners, 25 Spanish and Portuguese surface longliners and 2 Portuguese pole-and-line tuna vessels. These vessels will be allowed to catch 8.500 tonnes of tuna, with, as usual, catches over and above that amount requiring additional payments. The EU must also pay €50.000 for a scientific survey of deep-water crab.

The Commission provides two reasons for proposing an extension rather than a new protocol for a longer period.

The first is to give more time to the government of São Tomé and Príncipe to prepare for negotiating a new partnership agreement. Given that there are certain significant differences between the old fisheries agreements and the new fisheries partnership agreements, it is understandable that the government would want to prepare itself well so as to be able to defend its interests.

The second is rather more intriguing. The Commission refers to the need to “*iron out certain difficulties relating to the implementation of the 2002-5 protocol*” but provides no details as to what those difficulties might have been. Depending on what those “difficulties” were, it might have been more prudent to suspend fishing activities.

Following the reform of the EU’s approach to fisheries agreements, the Commission now

engages consultants to provide an evaluation of the impact of agreements. The evaluation for the agreement with São Tomé and Príncipe gives some idea of the problems faced by the country. Among the conclusions of the summary evaluation:

Fisheries policy in São Tomé and Príncipe is only *weakly defined and stagnant*.

Policy development capacity and consultative mechanisms are *non-existent*.

Implementation capacity in terms of fisheries information and research, national fisheries development, fisheries management, monitoring control and surveillance and hygiene inspection are *weak to the point of irrelevance*.

According to the evaluation, the principal problem areas associated with the execution of the protocol from a budgetary point of view include:

extremely weak capacity on the part of the São Toméan authorities to absorb targeted action funds, implement measures and account for expenditure;

lack of proper budgetary controls relating to the financial contributions.

The consultants also express serious concerns about the impact of the EU surface longline fleet, especially on certain depleted shark species and critically endangered sea turtles. Since this fleet demonstrates “*very poor catch and effort reporting*”, one has to wonder why they should continue to benefit from subsidized access to the waters of São Tomé and Príncipe.

In conclusion, it can hardly be claimed that the agreement with São Tomé and Príncipe is smooth-running and problem free. The consultants make a number of recommendations, including ones of a budgetary nature:

providing technical assistance for institutional strengthening (a logical framework for such an intervention is proposed);

reduction or elimination of the surface longline fleet (although they warn against simply eliminating the fleet from São Tomé waters and displacing it elsewhere);

making the entire financial payment under the next protocol as financial compensation rather than including targeted measures.

The consultants delivered their evaluation in September 2004, long before the conclusion of the previous protocol. It is to be hoped that the Commission and the government of São Tomé and Príncipe make full use of the very valuable information included in the evaluation.

AMENDMENTS

The Committee on Budgets calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendment in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1
Article 3 a (new)

¹ OJ C .

Article 3a

The Commission shall report to the European Parliament and the Council on the results of the targeted actions described in Article 4 of the Protocol.

Justification

In order to evaluate whether the compensation paid by the EU is properly accounted for and does in fact promote the sustainable use of fishery resources São Tomé and Príncipe, the Commission should report to Parliament

PROCEDURE

Title	Proposal for a Council regulation on the conclusion of the Agreement in the form of an exchange of letters extending the Protocol setting out, for the period 1 June 2005 to 31 May 2006, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé e Príncipe
References	COM(2005)0630 – C6-0045/2006 – 2005/0249(CNS)
Committee responsible	PECH
Opinion by Date announced in plenary	BUDG 16.2.2006
Enhanced cooperation – date announced in plenary	0.0.0000
Draftswoman Date appointed	Helga Trüpel 20.9.2004
Previous drafts(wo)man	
Discussed in committee	23.3.2006
Date adopted	23.3.2006
Result of final vote	+: 30 –: 0:
Members present for the final vote	Laima Liucija Andrikienė, Herbert Bösch, Simon Busuttil, Paulo Casaca, Gérard Deprez, Valdis Dombrovskis, Brigitte Douay, James Elles, Hynek Fajmon, Szabolcs Fazakas, Ingeborg Gräßle, Louis Grech, Catherine Guy-Quint, Jutta D. Haug, Ville Itälä, Anne E. Jensen, Wiesław Stefan Kuc, Alain Lamassoure, Janusz Lewandowski, Vladimír Maňka, Mario Mauro, Giovanni Pittella, Nina Škottová, Helga Trüpel, Kyösti Virrankoski, Ralf Walter
Substitute(s) present for the final vote	Constanze Angela Krehl, Hans-Peter Martin, Peter Šťastný, Tomáš Zatloukal
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	...

22.3.2006

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Fisheries

on the proposal for a Council regulation on the conclusion of the Agreement in the form of an exchange of letters extending the Protocol setting out, for the period 1 June 2005 to 31 May 2006, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé e Príncipe (COM(2005)0630 – C6-0045/2006 – 2005/0249(CNS))

Draftswoman: Marie-Arlette Carlotti

SHORT JUSTIFICATION

All fisheries agreements signed by the European Union with third countries must follow the integrated framework for fisheries partnership agreements adopted by the Commission in 2002, on which Parliament delivered an opinion in October 2003. Even if the present case involves the extension of a fisheries agreement signed before the framework agreement came into force, the philosophy behind the new type of agreements should be taken into account by the Commission wherever possible.

The Union's development cooperation policy and the common fisheries policy (CFP) must be consistent, complementary and coordinated, contributing together to poverty reduction and to sustainable development.

The EU has committed itself to ensuring the sustainable character of fisheries worldwide, as defined at the Johannesburg summit, by maintaining or restoring stock levels.

The EU has signed the FAO 'Code of Conduct for responsible fisheries'.

The EU presence in distant fishing grounds is a legitimate objective and the Union's fisheries interests should be protected, whilst at the same time focusing on the development of the nations with which agreements are signed.

It was in this spirit that the fisheries agreement with São Tomé e Príncipe was signed in 2002, covering the period 2002-2005. The protocol expired on 31 May 2005 and was extended in the form of an exchange of letters until 31 May 2006.

The protocol grants fishing opportunities for tuna seiners from Spain and France, pole-and-line tuna vessels from Portugal and surface longliners from Spain and Portugal.

The financial contribution has been set at EUR 637 500 for the year and covers a total of 8500 tonnes of tuna.

The European Union is also providing EUR 50 000 to fund an assessment study on deep-water crab stocks.

We advocate targeted measures to finance local infrastructure projects for fish processing and marketing, which will enable coastal communities to progress beyond subsistence fishing.

Parliament has been consulted at a time when the extension to the agreement is coming to an end. The Committee on Development will vote on its opinion in March, and the Committee on Fisheries, as the committee responsible, will hold its vote the following month. This means that Parliament's opinion will not reach the Commission until one month before the end of the extension, in May 2006.

Parliament cannot allow its powers to be openly flouted without protest.

Our Institution should be consulted on the negotiating mandate given to the Commission by the Council, and the Commission should keep it informed of the progress of the negotiations. Any delay in the consultation process should be explained and justified.

Parliament cannot accept the present situation with regard to fisheries agreements with third countries. Consulting Parliament must be a meaningful exercise, and the procedure must be carried out in such a way that its powers are respected.

A dialogue must be opened up between the competent committees of the European Parliament, the Commission and the Council with the aim of removing the stumbling blocks to the smooth running of the consultation procedure for fisheries agreements.

AMENDMENTS

The Committee on Development calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1
Recital 2 a (new)

¹ Not yet published in OJ.

(2a) The Community financial contribution should also be used for the development of coastal communities living on fisheries and the creation of small local fish-canning and processing firms.

PROCEDURE

Title	Proposal for a Council regulation on the conclusion of the Agreement in the form of an exchange of letters extending the Protocol setting out, for the period 1 June 2005 to 31 May 2006, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé e Príncipe
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Committee responsible	PECH
Opinion by Date announced in plenary	DEVE 16.2.2006
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Marie-Arlette Carlotti 25.1.2006
Previous drafts(wo)man	
Discussed in committee	13.3.2006 21.3.2006
Date adopted	21.3.2006
Result of final vote	+: 23 –: 1 0: 0
Members present for the final vote	Margrietus van den Berg, Danutė Budreikaitė, Marie-Arlette Carlotti, Thierry Cornillet, Nirj Deva, Fernando Fernández Martín, Michael Gahler, Hélène Goudin, Filip Andrzej Kaczmarek, Glenys Kinnock, Ģirts Valdis Kristovskis, Maria Martens, Miguel Angel Martínez Martínez, Gay Mitchell, Luisa Morgantini, Horst Posdorf, Toomas Savi, Pierre Schapira, Frithjof Schmidt, Jürgen Schröder, Mauro Zani
Substitute(s) present for the final vote	Manolis Mavrommatis, Anne Van Lancker, Gabriele Zimmer
Substitute(s) under Rule 178(2) present for the final vote	
Comments (available in one language only)	

PROCEDURE

Title	Proposal for a Council regulation on the conclusion of the Agreement in the form of an exchange of letters extending the Protocol setting out, for the period 1 June 2005 to 31 May 2006, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé e Príncipe	
References	COM(2005)0630 – C6-0045/2006 – 2005/0249(CNS)	
Date of consulting Parliament	10.2.2006	
Committee responsible Date announced in plenary	PECH 16.2.2006	
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 16.2.0000	DEVE 16.2.0000
Not delivering opinion(s) Date of decision		
Enhanced cooperation Date announced in plenary		
Rapporteur(s) Date appointed	Duarte Freitas 15.2.2006	
Previous rapporteur(s)		
Simplified procedure – date of decision Date of decision		
Legal basis disputed Date of JURI opinion		
Financial endowment amended Date of BUDG opinion		
Parliament to consult European Economic and Social Committee – date decided in plenary		
Parliament to consult Committee of the Regions – date decided in plenary		
Discussed in committee	22.2.2006	20.3.2006
Date adopted	19.4.2006	
Result of final vote	+: 21 -: 3 0: 3	
Members present for the final vote	James Hugh Allister, Stavros Arnaoutakis, Elspeth Attwooll, Marie-Hélène Aubert, Iles Braghetto, Luis Manuel Capoulas Santos, David Casa, Paulo Casaca, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Ioannis Gklavakis, Alfred Gomolka, Pedro Guerreiro, Ian Hudghton, Heinz Kindermann, Henrik Dam Kristensen, Albert Jan Maat, Willy Meyer Pleite, Rosa Miguélez Ramos, Philippe Morillon, Seán Ó Neachtain, Bernard Poignant, Struan Stevenson, Margie Sudre	
Substitute(s) present for the final vote	Chris Davies, Duarte Freitas	
Substitute(s) under Rule 178(2) present for the final vote	Carlos Carnero González, Salvador Garriga Polledo, Eugenijus Gentvilas, Antonio Masip Hidalgo	
Date tabled	20.4.2006	
Comments (available in one language only)	...	