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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 concerning the extension of the Protocol establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 2006 to 15 June 2007 (COM(2006)0182 – C6-0167/2006 – 2006/0065(CNS))

Committee on Fisheries

Rapporteur: Luis Manuel Capoulas Santos

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 concerning the extension of the Protocol establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 2006 to 15 June 2007

(COM(2006)0182 – C6-0167/2006 – 2006/0065(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council regulation (COM(2006)0182)¹,
 - having regard to Articles 37 and 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 (C6-0167/2006),
 - having regard to Rules 51 and 83(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A6-0271/2006),
1. 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 Republic of Guinea-Bissau.

¹ Not yet published in OJ.

EXPLANATORY STATEMENT

I. COMMISSION PROPOSAL

The protocol annexed to the fisheries agreement between the European Community and the government of the Republic of Guinea-Bissau expired on 15 June 2006.

The two parties agreed to extend the protocol for one year, from 16 June 2006 to 15 June 2007. This extension, in the form of an exchange of letters, was initialled by the parties on 17 January 2006, and sets out the technical and financial conditions governing the fishing activities of EC vessels in the waters of Guinea-Bissau for the period from 16 June 2006 to 15 June 2007.

The main elements of the extended protocol are unchanged, as regards both fishing opportunities and the financial contribution and amount of the fees to be paid by shipowners.

From 16 June 2006 to 15 June 2007 the arrangements applicable since 16 June 2004 will continue in operation. The Community's financial contribution under the interim arrangements will correspond to the amount provided for in Article 3 of the revised protocol currently in force (EUR 7 260 000). That amount is to be treated entirely as financial compensation and will be paid no later than 31 December 2006. During this period, fishing licences will be granted within the limits set in Article 1 of the revised protocol currently in force, by means of fees or advances corresponding to those fixed in point 1 of the annex to the protocol.

The fishing opportunities laid down in the protocol are allocated among the Member States using the existing allocation key as defined in Article 2 of Council Regulation (EC) No 829/2004 of 26 April 2004:

- (a) shrimps: Italy - 1776 GRT; Spain - 1421 GRT; Portugal - 1066 GRT; Greece - 137 GRT;
- (b) fin-fish/cephalopods: Spain - 3143 GRT; Italy - 786 GRT; Greece - 471 GRT;
- (c) tuna seiners: Spain - 20 vessels; France - 19 vessels; Italy - 1 vessel;
- (d) surface longliners and pole-and-line vessels: Spain - 21 vessels; France - 5 vessels; Portugal - 4 vessels.

II. RAPPORTEUR'S COMMENTS AND CONCLUSIONS

The fisheries agreement with Guinea-Bissau is one of the oldest to be signed by the Community, having been adopted by Council Regulation No 2213/80 of 27 June 1980 (OJ L 226, 29.8.1980). The protocol now being extended is the ninth protocol to have been agreed by the two parties and was approved by Council Regulation (EC) No 249/2002 as amended under the agreement approved by Council Regulation (EC) No 829/2004.

The extension in the form of an exchange of letters was initialled by the two parties on 17 January 2006, but Parliament did not receive the corresponding Commission notification until

2 May 2006 and did not receive the Council's request for consultation until 1 June 2006. Whilst recognising that the Commission has been making progress in this regard, the rapporteur once more regrets the delays affecting this type of procedure, which frequently make it difficult or impossible for Parliament to be consulted on fisheries agreements usefully and in good time.

The two parties agreed in December 2005 to extend this agreement, mainly in order to give the Government of the Republic of Guinea-Bissau time to prepare itself as well as possible for negotiations on a future partnership agreement, taking account of the political context (elections in June 2005 and change of government in November 2005), and to implement the action programme to support the control and inspection required for the sustainable development of the fisheries sector. This extension should thus enable the new Government to conduct negotiations under reasonable conditions and within reasonable deadlines, without suspending either the agreement or the annual financial compensation, which is essential for balancing the budget of the State of Guinea-Bissau.

The protocol currently in force was thoroughly evaluated in December 2005 with the assistance of a consortium of independent consultants. Given that the proposal is for extension of the protocol's validity for one year only, no specific *ex ante* evaluation has been carried out.

According to the Commission, the review of fishing opportunities (from 16 June 2004) and the reduction in the financial contribution from EUR 10 200 000 to EUR 7 260 000 made it possible to improve the profitability of the agreement and the rate of use of the fishing opportunities granted by it. The agreement will favour the creation of jobs linked to the agreement (directly and indirectly), estimated at 509 for the European Union and 141 for the partner country.

The fisheries agreement is also essential to Guinea-Bissau's economic and political stability, and to its fishing industry. It provides a substantial share of the budgetary resources of the State of Guinea-Bissau (an average of 38% of budgetary resources over the last five years).

A failure to extend the agreement could cause the fleet to discontinue its activity under the agreement and fall back on private licences, with the result that sustainable monitoring of the fishing effort could no longer be guaranteed; in addition, it could generate major difficulties for the economy and political stability of Guinea-Bissau, which would be deprived of a budgetary resource essential to the operation of its public services, and financing of the sector's operating costs (control, inspection, research, training, etc.) would no longer be properly covered.

In the light of the above, the rapporteur recommends, on behalf of the Committee on Fisheries, that Parliament approve the proposal for a Council regulation on the conclusion of the agreement in the form of an exchange of letters concerning the extension of the protocol establishing the fishing opportunities and the financial contribution provided for in the agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 2006 to 15 June 2007.

PROCEDURE

Title	Proposal for a Council regulation on the conclusion of the Agreement in the form of an Exchange of Letters concerning the extension of the Protocol establishing the fishing opportunities and the financial contribution provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea Bissau on fishing off the coast of Guinea Bissau for the period 16 June 2006 to 15 June 2007	
References	COM(2006)0182 – C6-0167/2006 – 2006/0065(CNS)	
Date of consulting Parliament	1.6.2006	
Committee responsible Date announced in plenary	PECH 13.6.2006	
Committee(s) asked for opinion(s) Date announced in plenary		
Not delivering opinion(s) Date of decision	BUDG 28.8.2006	DEVE 30.5.2006
Enhanced cooperation Date announced in plenary		
Rapporteur(s) Date appointed	Luis Manuel Capoulas Santos 4.7.2006	
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	28.8.2006	
Date adopted	12.9.2006	
Result of final vote	+ : 18 - : 2 0 : 2	
Members present for the final vote	James Hugh Allister, Elspeth Attwooll, Marie-Hélène Aubert, Iles Braghetto, Niels Busk, Luis Manuel Capoulas Santos, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Ioannis Gklavakis, Ian Hudghton, Heinz Kindermann, Henrik Dam Kristensen, Albert Jan Maat, Willy Meyer Pleite, Rosa Miguélez Ramos, Philippe Morillon, Seán Ó Neachtain, Struan Stevenson, Margie Sudre, Daniel Varela Suanzes-Carpegna	
Substitute(s) present for the final vote	Duarte Freitas	
Substitute(s) under Rule 178(2) present for the final vote		
Date tabled	14.9.2006	
Comments (available in one language only)	...	