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REPORT

on the proposal for a Council regulation on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique
(COM(2007)0472 – C6-0284/2007 – 2007/0170(CNS))

Committee on Fisheries

Rapporteur: Emanuel Jardim Fernandes

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 Fisheries Partnership Agreement between the European Community and the Republic of Mozambique (COM(2007) 0472 – C6-0284/2007 – 2007/0170(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council regulation (COM(2007)0472)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 (C6-0284/2007),
 - 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 Development and the Committee on Budgets (A6-0404/2007),
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 Republic of Mozambique.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 2 a (new)

(2a) The European Community's financial contribution should be used for the development of coastal populations living on fisheries and the creation of small industrial fish freezing and processing enterprises at local level;

Amendment 2
Recital 2 b (new)

¹ Not yet published in OJ.

(2b) It is important to improve the information provided to the European Parliament. To this end, the Commission should forward the conclusions of the meetings of the joint committee referred to in Article 9 of the Agreement.

Justification

Parliament needs to be supplied with proper information so that it can evaluate the agreement.

Amendment 3

Article 3, subparagraph 1 a (new)

The Commission shall evaluate each year whether Member States whose vessels are covered by the Protocol have complied with reporting requirements. Where this is not the case, the Commission shall withhold their requests for fishing licences for the following year.

Justification

Vessels that do not comply with the most basic requirement, reporting what they catch, should not benefit from financial support from the EU.

Amendment 4

Article 3 a (new)

Article 3a

The Commission shall report annually to the European Parliament and the Council on the results of the multiannual sectoral programme described in Article 7 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 in Mozambique, the Commission

should report annually to Parliament.

Amendment 5
Article 3 b (new)

Article 3b

The Commission shall forward to the European Parliament the conclusions of the meetings of the joint committee referred to in Article 9 of the Agreement.

Amendment 6
Article 3 c (new)

Article 3c

During the final year of the Protocol's validity and before another 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

Before any new agreement is concluded, the Commission should ask the authorities of the country with which it is opening negotiations to provide it with information on the basis of which it will submit a general assessment report to Parliament and the Council.

Amendment 7
Article 3 d (new)

Article 3d

On the basis of the report referred to in Article 3a and after consulting the European Parliament, the Council shall, where appropriate, grant the Commission a negotiating mandate with a view to the adoption of a new protocol.

Justification

Parliament and the Council will be able to discharge their respective duties only on the basis of the evaluation report on the application of the fisheries agreement.

EXPLANATORY STATEMENT

Introduction

There is a long history of fisheries relations between the European Community and the Republic of Mozambique.

The first fisheries agreement between the two parties, which entered into force in 1987, offered Community shipowners fishing opportunities for shrimp and tuna in return for financial compensation.

A new agreement was initialled in October 2002. That agreement and its protocol came into force on 7 January 2004 for a period of three years.

The Community has now negotiated and initialled, on 21 December 2006, an agreement granting fishing opportunities to Community fishermen in the Mozambique fishing zone.

Accompanied by a protocol and the annex thereto, the agreement has been signed for a period of five years (renewable) from its entry into force.

On the date of its entry into force, this agreement repeals and replaces the EC-Mozambique agreement on fishing off the coast of Mozambique and the corresponding protocol.

This new protocol is geared to responsible and sustainable fishing and makes it possible to develop partnership relations based on respect for Mozambique's fisheries regulations.

Its main objective is to strengthen cooperation between the European Community and Mozambique. In particular, it will encourage economic, scientific and technical cooperation in the fisheries sector and all related sectors, with a view to establishing a framework of partnership in which to develop a sustainable fisheries policy and responsible exploitation of fisheries resources, in the interests of both parties.

As regards the fishing opportunities granted to Community vessels, 44 purse seine vessels and 45 surface longliners are allowed to fish.

The protocol fixes a reference tonnage of 10 000 tonnes of tuna per year. It is established that the EC fishing effort in Mozambique's EEZ will have to be in line with appropriate tuna stock assessments based on scientific criteria, including the scientific overviews conducted by the Indian Ocean Tuna Commission (IOTC).

The financial contribution is fixed at EUR 900 000 to be paid annually by the Community during the period of application of the protocol.

This amount shall entirely be allocated to the support and implementation of initiatives taken in the context of the sectoral fisheries policy drawn up by the Government of Mozambique.

Main features of the agreement

Fishing opportunities

Fishing category	Type of vessel	Member State	Licences
Tuna fishing	Purse seine vessels (44)	Spain	23
		France	20
		Italy	1
Tuna fishing	Longliners (45)	Spain	21
		France	15
		Portugal	7
		United Kingdom	2

Financial contribution

The total amount of EUR 900 000 is to be paid by the Community each year during the period of application of the protocol.

The financial contribution comprises an annual amount of EUR 650 000 equivalent to a reference tonnage of 10 000 tonnes per year and a specific amount of EUR 250 000 per year for the support and implementation of Mozambique's sectoral fisheries policy.

If the overall quantity of catches by Community vessels in Mozambican waters exceeds the reference tonnage, the amount of the annual financial contribution will be increased by EUR 65 for each additional tonne caught. However, the total annual amount paid by the Community may not be more than twice the amount equivalent to the reference tonnage (EUR 1 300 000). Where the quantities caught by Community vessels exceed the quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit will be paid the following year.

Payment of the financial contribution referred to in paragraph 1 will be made no later than **31 October 2007** for the first year and no later than 15 January 2008, 2009, 2010, 2011 for the following years.

The Mozambican authorities have full discretion regarding the use to which this financial contribution is put.

Measures to promote the Mozambican fisheries sector and the sustainable management of the resource

100% of the financial contribution will be used to support the implementation of the sectoral fisheries policy drawn up by the Mozambican Government.

Mozambique will be responsible for managing the corresponding amount, on the basis of the objectives identified by mutual agreement by the parties and in accordance with the annual and multiannual programming.

For the purposes of implementing the preceding paragraph, as soon as this protocol enters into force and no later than three months after that date, the Community and Mozambique will agree, within the joint committee provided for in Article 9 of the agreement, on a multiannual sectoral programme and detailed implementing rules.

Where the annual evaluation of the progress made in implementing the multiannual sectoral programme so warrants, the European Community may ask for the financial contribution to be readjusted with a view to bringing the actual amount of financial resources allocated to the implementation of the programme into line with its results.

Licences: fees

Fishing licences are valid for a maximum of one year, from 1 January to 31 December of each year. They are renewable.

The fee has been set at EUR 35 per tonne caught within Mozambique's fishing zone.,

Fishing licences are issued once the following fixed amounts have been paid to the competent national authorities:

- EUR 4 200 for each tuna seiner, equivalent to the fees due for 120 tonnes of highly migratory and related species caught each year;
- EUR 3 500 for each surface longliner of more than 250 gross tonnes (GT), equivalent to the fees due for 100 tonnes of highly migratory and related species caught each year;
- EUR 1680 for each surface longliner of less than 250 gross tonnes (GT), equivalent to the fees due for 48 tonnes of highly migratory and related species caught each year.

Fishing zone

Community vessels may carry out fishing activities only beyond 12 nautical miles from the baseline in accordance with the fishing zone defined in Appendix 4 of the protocol annexed to the agreement.

Embarking seamen

Shipowners undertake to employ, for the tuna-fishing season in Mozambique's fishing zone, at least 20% of seamen of ACP origin, of which, if possible, at least 40% are Mozambican.

Shipowners will endeavour to sign on additional seamen of ACP origin.

The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work will apply as of right to seamen signed on by Community vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

The employment contracts of Mozambican seamen will be drawn up in accordance with point 1 of this chapter between the shipowners' representative(s) and the seamen and/or their trade unions or representatives. These contracts will guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.

The wages of the seamen will be paid by the shipowners. They will be fixed by mutual agreement among the shipowners or their representatives and the authorities of the relevant ACP country prior to issuing fishing licences. However, the wage conditions granted to Mozambican seamen may not be lower than those applicable to crews from Mozambique and may under no circumstances be below ILO standards.

Rapporteur's remarks

The rapporteur acknowledges the urgency of concluding the agreement and considers the proposal to be positive in some respects, in that it can contribute to and support Mozambican sectoral policy on fisheries.

Nevertheless, whilst bearing in mind that it is not feasible to amend it, this being the responsibility of the Council and Commission, the rapporteur expresses his clearest possible disagreement with regard to the distribution of fishing licences under the *'regulation on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique'*, since it fails to respect the principle of relative stability which has always been followed in previous agreements, even though other criteria have also been used.

The rapporteur also regrets that, owing to possible legal considerations, it has been impossible to table legislative amendments to the articles of the agreement aimed at, firstly, the improved analysis and management of future fisheries agreements, above all through strengthening Mozambican civil society with the active participation of fishermen, and secondly, the optimisation of international rules as regards the occupational categories concerned, particularly in relation to the setting of minimum wage rules for ACP seamen, a situation which substantially restricts the European Parliament's political mandate resulting from its democratic legitimacy.

In this light, the rapporteur has tabled various amendments aimed at improving the information forwarded to the European Parliament. He has also called on the Commission to submit a report on the application of the agreement to Parliament and the Council during the final year of the protocol's validity and before another agreement is concluded on its renewal.

10.10.2007

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Fisheries

on the proposal for a Council regulation on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique (COM(2007)0472 – C6-0284/2007 – 2007/0170(CNS))

Draftswoman: Helga Trüpel

AMENDMENTS

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

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Article 3, paragraph 1 a (new)

The Commission shall evaluate each year whether Member States whose vessels operate under this Protocol have complied with reporting requirements. Where this is not the case, the Commission shall withhold their requests for fishing licences for the following year.

Justification

Vessels that do not comply with the most basic requirement, reporting what they catch, should not benefit from financial support from the EU.

Amendment 2
Article 3 a (new)

Article 3a

The Commission shall report annually to the European Parliament and the Council on the results of the multiannual sectoral programme described in Article 7 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 in Mozambique, the Commission should report annually to Parliament.

Amendment 3
Article 3 b (new)

Article 3b

Prior to expiry of the Protocol and before the beginning of new negotiations for a possible renewal, the Commission shall submit to the European Parliament and the Council an ex post evaluation of the Protocol, including a cost-benefit analysis.

Justification

An evaluation of the current protocol is necessary before new negotiations begin in order to know what changes, if any, should be included in any possible renewal.

PROCEDURE

Title	Fisheries Partnership Agreement between the EC and Mozambique
References	COM(2007)0472 - C6-0284/2007 - 2007/0170(CNS)
Committee responsible	PECH
Opinion by Date announced in plenary	BUDG 24.9.2007
Drafts(wo)man Date appointed	Helga Trüpel 20.9.2004
Date adopted	9.10.2007
Result of final vote	+: 16 -: 0 0: 0
Members present for the final vote	Reimer Böge, Herbert Bösch, Joan Calabuig Rull, Gérard Deprez, Brigitte Douay, Ingeborg Gräßle, Anne E. Jensen, Wiesław Stefan Kuc, Janusz Lewandowski, Nils Lundgren, Vladimír Maňka, Mario Mauro, Rovana Plumb, Nina Škottová, László Surján, Ralf Walter

4.10.2007

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Fisheries

on the proposal for a Council regulation on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique (COM(2007)0472 – C6-0284/2007 – 2007/0170(CNS))

Draftsman: Josep Borrell Fontelles

SHORT JUSTIFICATION

The European Union's development co-operation policy and the common fisheries policy (CFP) must be consistent, complementary and co-ordinated, contributing, as a whole, to poverty reduction and the sustainable development of the countries concerned.

The EU has committed itself to ensuring the sustainability of fisheries worldwide, as defined at the United Nations 2002 summit in Johannesburg, maintaining or restoring stock levels with a view to producing the maximum sustainable yield.

The EU has accepted the UN's Food and Agricultural Organization's "Code of Conduct for Responsible Fisheries", to promote long-term sustainable fisheries and to affirm that the right to fish carries with it the obligation to do so in a responsible manner so as to ensure effective conservation and management of the living aquatic resources.

The EU's presence in distant fishing grounds is a legitimate objective, but it must be recalled that the interest of European Union's fisheries ought to be protected alongside the interest in developing the nations with which fisheries agreements are signed.

The European Parliament's Development Committee welcomes the ACP-EU Joint Parliamentary Assembly resolution of 22 June 2006 on "Fisheries and their social and environmental aspects in developing countries", in particular in so far as it considers that the protection of EU and ACP fishing interests must be coordinated with the sustainable management of fishery resources in economic, social and environmental terms on the one hand, and with the livelihoods of coastal communities dependent on fisheries on the other.

The European Parliament's Development Committee further stresses the reference made in the ACP-EU Fisheries Partnership Agreement to the observation of the Cotonou Agreement;

insists that full account must be taken of Article 9 of the Cotonou Agreement on human rights, democratic principles, good governance and the rule of law, and welcomes the guarantees given by the Commission services to the effect that they shall take into consideration the content of Article 9 when negotiating agreements with developing countries, including non-ACP developing countries.

The proposed agreement will repeal and replace the Agreement between the European Community and the Republic of Mozambique which entered into force on 1 January 2004.

The Protocol and the Annex have been concluded for a period of five years from the date on which the appropriate adoption procedures are completed. It shall be tacitly renewed for further five years periods.

The Protocol to the proposed agreement grants fishing possibilities for 44 "pursue seine vessels", from Spain, France and Italy, and 45 "surface longliners", from Spain, France, Portugal and United Kingdom, subject to a total of 89 licences.

The financial contribution is fixed at EUR 650 000 per year against a reference tonnage of 10 000 tonnes. A specific amount of EUR 250 000 per year is aimed at supporting and implementing initiatives taken in the context of Mozambican sectoral fisheries policy.

If the overall quantity of catches exceeds the reference tonnage per year, the financial contribution shall be increased by EUR 65 for each additional tonne caught.

The European Parliament's Development Committee welcomes the referred link to national initiatives and hope that they may include the financing to local infrastructure projects of processing and marketing of the fish, thus allowing local populations to go beyond subsistence fisheries.

The European Parliament's Development Committee also welcomes the fact that the agreement is partly based on an evaluation of local fisheries and that it fosters scientific and technical cooperation with local authorities. The above mentioned ACP-EU resolution considers that scientific resource assessment must be a precondition for access to fishing, and that an annual evaluation of resources must be a condition for obtaining further fishing permits.

The European Parliament's Development Committee do not endorse the procedure adopted for this agreement because the European Parliament should have played a part in the negotiation mandate, which the Council would have given to the Commission, and should be informed of the development of the negotiations.

Parliament has been consulted about the proposed agreement only in August 2007, eight months after the agreement was initialled, with the aim of coming into effect on 1 January 2007. Parliament should object and should assert that this procedure is not acceptable.

The Commission and the Council must reach an agreement on the conditions that would give the Parliament a real opportunity to be consulted. In the absence of such circumstance, the Committee on Fisheries should lead Parliament's reaction to the present status quo, including the option of voting against fisheries agreements submitted under present procedure.

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)

(2a) The Community's financial contribution should be used for the development of coastal populations living on fisheries and the creation of small local fish freezing and processing industries;

¹ Not yet published in OJ.

PROCEDURE

Title	Fisheries Partnership Agreement between the EC and Mozambique
References	COM(2007)0472 - C6-0284/2007 - 2007/0170(CNS)
Committee responsible	PECH
Opinion by Date announced in plenary	DEVE 24.9.2007
Drafts(wo)man Date appointed	Josep Borrell Fontelles 27.8.2007
Date adopted	3.10.2007
Result of final vote	+: 28 -: 0 0: 0
Members present for the final vote	Margrete Auken, Thijs Berman, Josep Borrell Fontelles, Marie-Arlette Carlotti, Thierry Cornillet, Nirj Deva, Alexandra Dobolyi, Alain Hutchinson, Romana Jordan Cizelj, Filip Kaczmarek, Glenys Kinnock, Maria Martens, Gay Mitchell, Luisa Morgantini, Miguel Portas, Horst Posdorf, Toomas Savi, Frithjof Schmidt, Jürgen Schröder, Luis Yañez-Barnuevo García, Anna Záborská, Jan Zahradil
Substitute(s) present for the final vote	Milan Gaľa, Miguel Angel Martínez Martínez, Manolis Mavrommatis, Atanas Papanizov, Anne Van Lancker, Gabriele Zimmer

PROCEDURE

Title	Fisheries Partnership Agreement between the EC and Mozambique
References	COM(2007)0472 - C6-0284/2007 - 2007/0170(CNS)
Date of consulting Parliament	14.9.2007
Committee responsible Date announced in plenary	PECH 24.9.2007
Committee(s) asked for opinion(s) Date announced in plenary	DEVE BUDG 24.9.2007 24.9.2007
Rapporteur(s) Date appointed	Emanuel Jardim Fernandes 4.9.2007
Discussed in committee	11.9.2007
Date adopted	22.10.2007
Result of final vote	+: 12 -: 8 0: 3
Members present for the final vote	Jim Allister, Alfonso Andria, Stavros Amoutakis, Elspeth Attwooll, Marie-Hélène Aubert, Iles Braghetto, Luis Manuel Capoulas Santos, Paulo Casaca, Zdzisław Kazimierz Chmielewski, Emanuel Jardim Fernandes, Carmen Fraga Estévez, Hélène Goudin, Pedro Guerreiro, Ian Hudghton, Heinz Kindermann, Rosa Miguélez Ramos, Philippe Morillon, Seán Ó Neachtain, Luca Romagnoli, Struan Stevenson, Catherine Stihler, Margie Sudre
Substitute(s) present for the final vote	Thomas Wise
Substitute(s) under Rule 178(2) present for the final vote	Willem Schuth
Date tabled	23.10.2007