



EUROPEAN PARLIAMENT

2009 - 2014

---

*Plenary sitting*

---

**A7-0192/2011**

26.5.2011

**\*\*\***

## **RECOMMENDATION**

on the draft Council decision on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles  
(17238/2010 – C7-0031/2011 – 2010/0335(NLE))

Committee on Fisheries

Rapporteur: Alain Cadec

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

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

## SOMMAIRE

|  | <b>Page</b> |
|--|-------------|
| DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION ..... | 5           |
| EXPLANATORY MEMORANDUM.....                            | 6           |
| OPINION OF THE COMMITTEE ON DEVELOPMENT .....          | 10          |
| OPINION OF THE COMMITTEE ON BUDGETS .....              | 14          |
| RESULT OF FINAL VOTE IN COMMITTEE.....                 | 18          |



## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the draft Council decision on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles (17238/2010 – C7-0031/2011 – 2010/0335(NLE))**

### **(Consent)**

The European Parliament,

- having regard to the draft Council decision (17238/2010),
  - having regard to the draft Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles,
  - having regard to the request for consent submitted by the Council in accordance with Article 43 and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0031/2010),
  - having regard to Rules 81 and 90(8) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on Budgets (A7-0192/2011),
1. Consents to the conclusion of the Protocol;
  2. Requests that the Commission send it the conclusions of the meetings and proceedings of the Joint Committee that is provided for in Article 9 of the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles (hereinafter ‘the Partnership Agreement’) and the multiannual sectoral programme mentioned in Article 3 of the Protocol;
  3. Calls on the Commission to submit an implementation review of the Partnership Agreement to Parliament and the Council in the final year of application of the Protocol, before negotiations are opened on the agreement’s renewal;
  4. Asks the Commission for a report on piracy in the Seychelles exclusive economic zone between 2006 and 2010 and its effect on Seychelles and EU fishing operations;
  5. Calls for representatives of its Committee on Fisheries, acting as observers, to attend meetings of the Joint Committee provided for in Article 9 of the Partnership Agreement;
  6. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States and of the Republic of Seychelles.

## EXPLANATORY MEMORANDUM

### The fisheries sector in Seychelles

A bilateral fisheries agreement was signed by the European Union and Seychelles in 1987. A fisheries partnership agreement came into force in 2006. Fishing by European vessels is governed by a protocol covering the period from 18 January 2005 to 17 January 2011.

Seychelles has a 1 374 000 km<sup>2</sup> exclusive economic zone for a land area of 453 km<sup>2</sup>. This archipelago of 115 islands has an estimated population of 80 000, 88% of whom live on the island of Mahé, whose capital is Victoria, the country's main port.

Seychelles' economy relies essentially on tourism and fisheries. Tourism accounts for 22% of its GDP and 30% of its workforce. Its fishing industry, centred around canning, accounts for 15% of its GDP and 17% of the working population.

Seychelles has an artisanal fleet of some 400 units of different types. Around 80% of landings are fish caught by line. A dozen long-distance fishing fleets operate in the western Indian Ocean. In 2009 they included Asian vessels from Taiwan, Japan, South Korea, the Philippines and China.

Purse seine fishing in the Indian Ocean centres around three main tuna species: yellowfin (*Thunnus albacares*), skipjack (*Katsuwonus pelamis*) and bigeye (*Thunnus obesus*). Skipjack is the dominant species, accounting for an average of 50% of the catch over the last ten years, followed by yellowfin (42%) and bigeye (7%). Albacore tuna catches remain insignificant (less than 1%). In 2008, 47 purse seiners operated in the Indian Ocean, including 37 under European flags.

### Management of stocks in the Indian Ocean

Responsibility for managing Indian Ocean stocks lies with the Indian Ocean Tuna Commission (IOTC). The latest data on stock levels show that yellowfin, bigeye and swordfish stocks are being fully exploited. Skipjack stocks are considered to be under-exploited. The fishing of juvenile yellowfin by purse seiners using fish aggregating devices (FADs) is a source of concern for the IOTC, although such juvenile catches fell significantly in 2003/2004. Bigeye stocks are affected by illegal, unreported and unregulated (IUU) catches. To address this problem, the IOTC has adopted resolutions to ensure that only vessels from contracting parties registered on a public list are authorised to fish, and that the fishing effort is frozen at 2003 levels.

Seychelles has signed and ratified most international fisheries and environmental agreements, including the Agreement on straddling fish stocks and the Agreement to promote compliance with conservation measures on the high seas.

### Renewal of the Protocol to the EU-Seychelles Partnership Agreement

On the basis of the relevant Council mandate, the Commission negotiated on behalf of the

European Union with the Republic of Seychelles the renewal of the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Seychelles. These negotiations concluded with the initialling of a new Protocol on the 3 June 2010, which was then amended by exchange of letters on 29 October 2010. The Protocol covers a period of three years from the adoption of the Council decision on the signing of the Protocol and its provisional application, and the expiry of the current Protocol on 17 January 2011. The new Protocol has been applied provisionally since 17 January 2011 to ensure that EU vessels could continue fishing.

### Main characteristics of the Protocol

|                                    | CURRENT AGREEMENT  | NEW PROTOCOL   |
|------------------------------------|--|--|
| <b>LENGTH OF AGREEMENT</b>         | <b>6 YEARS</b><br>(2005-2011)  | <b>3 YEARS</b><br>(2011-2014)  |
| <b>TYPE OF AGREEMENT</b>           | TUNA AGREEMENT   | TUNA AGREEMENT   |
| <b>FINANCIAL CONTRIBUTION</b>      | <b>TOTAL OF EUR 28 440 000 OVER 6 YEARS</b> <ul style="list-style-type: none"> <li>• EUR 5 355 000/YEAR FOR FISHING OPPORTUNITIES</li> <li>• EUR 2 241 900/YEAR IN SECTORAL SUPPORT</li> </ul> | <b>TOTAL OF EUR 16 800 000 OVER 3 YEARS</b> <ul style="list-style-type: none"> <li>• EUR 3 080 000/YEAR FOR FISHING OPPORTUNITIES</li> <li>• EUR 2 220 000/YEAR IN SECTORAL SUPPORT</li> </ul> |
| <b>FEE PAYABLE BY VESSEL OWNER</b> | <b>EUR 25/T (2006-2008)</b><br><b>EUR 35/T (2008-2011)</b>   | <b>EUR 35/T</b>  |
| <b>LUMP-SUM AMOUNT (LICENCE)</b>   | <ul style="list-style-type: none"> <li>• EUR 21 000/SEINER</li> <li>• EUR 3 150/LONG-LINER(&lt;250 GRT)</li> <li>• EUR 4 200/LONG-LINER(&lt;250 GRT)</li> </ul>                                | <ul style="list-style-type: none"> <li>• EUR 61 000/SEINER</li> <li>• EUR 3 150/LONG-LINER(&lt;250 GRT)</li> <li>• EUR 4 200/LONG-LINER(&lt;250 GRT)</li> </ul>                                |

### FISHING OPPORTUNITIES

|              | CURRENT PROTOCOL        |                        | NEW PROTOCOL |                        |
|--------------|-------------------------|------------------------|--------------|------------------------|
|              | TUNA VESSELS<br>SEINERS | SURFACE<br>LONG-LINERS | SEINERS      | SURFACE<br>LONG-LINERS |
| <b>TOTAL</b> | <b>40</b>               | <b>12</b>              | <b>48</b>    | <b>12</b>              |

Fishing opportunities for the European tuna fleet will be available for 48 seiners and 12 long-liners, i.e. a total of 60 vessels.

As regards the cost of shipowners' licences, a fishing authorisation is valid for one year, from the commencement date of the protocol's provisional implementation.

(a) tuna seiners:

- a flat rate amount of EUR 61 000 per vessel per year payable in two instalments: 50% at the time of the application for fishing authorisation and 50% within 100 days after the start of the validity period of the fishing authorisation.
- in exceptional circumstances related to piracy which pose serious security threats to the vessels operating under the Fisheries Partnership Agreement forcing them to leave the Indian Ocean, the two parties will analyse the possibility of applying a *pro rata temporis* payment on a case-by-case basis upon individual requests by shipowners sent through the European Commission.

(b) Long-liners (above 250 gross registered tonnage (GRT)):

- EUR 4 200 equivalent to EUR 35 per tonne for 120 tonnes of tuna and tuna-like species caught within Seychelles' waters payable before the start of the validity period ;

(c) Long-liners (below 250 GRT):

- EUR 3.150 equivalent to EUR 35 per tonne for 90 tonnes of tuna and tuna-like species caught within Seychelles' waters payable before the start of the validity period ;

Where long-liners' catches exceed the above specified tonnages, shipowners will make the corresponding additional payments at the same rate of EUR 35 per tonne to the Seychelles competent authorities at the latest by 30 June of the same year following reception of the statement of fees in the bank account provided by the Seychelles authorities.

### **Rapporteur's remarks**

This agreement is of **mutual benefit** to the EU and Seychelles as regards their fishing interests:

The *Seychelles Fishing Authority* has an **effective vessel monitoring** system, which enables it, in particular, to combat IUU fishing. Moreover, European vessels authorised to fish in Seychelles' waters will take on board observers appointed by the Seychelles authorities.

Each tuna seiner will take on board during its trip in Seychelles' waters at least two Seychelles seamen, in agreement with the shipowner, from the names on a list submitted by the competent authority of Seychelles.

The agreement has resulted in the creation of 230 crew jobs for Seychelles population, **2900 jobs in Seychelles** and **760 induced jobs in Europe** in areas related to the sector.

Two qualitative improvements have been made to the agreement:

- The joint committee agrees on a **multiannual sectoral programme** to promote responsible fishing and sustainable fisheries in Seychelles' waters under the agreement. (Article 3) Provision is also made for scientific cooperation between the parties for this purpose.



- A **suspension clause** has been added to the protocol (Article 9), making it possible to suspend the agreement if either one of the parties ascertains a breach of human rights (Article 9 Cotonou). It may also be suspended in the event of non-compliance with the ILO Declaration on Fundamental Principles and Rights at Work.

Some aspects of the agreement, however, give **cause for concern**:

**Piracy** in the Indian Ocean is increasingly detrimental to tuna fishing. By reducing the number of vessels and restricting their fishing activities, piracy has a negative impact on the volume of catches and the operation of vessels.

As regards fishing gear, 90% of tuna fishing in the Seychelles' EEZ is carried out by seiners and 10% by long-liners. Steps should be taken to ensure that seine fishing using fish aggregating devices does not cause **large juvenile catches**.

Lastly, European shipowners say that they fail to understand **the increase in dues** claimed by the EU-Seychelles Joint Committee under the previous agreement. However, this is not prejudicial to the extension of the agreement.

## **Conclusions**

An assessment of the agreement shows that it is **relevant in that it helps to maintain the presence of EU fleets in the region** while contributing to local job creation.

The implementation of the protocol has proved **effective by providing Seychelles with resources to develop a responsible fishing industry**. The good results of seine fishing have enabled the agreement to be effective in ensuring that the cost of the fishing opportunities negotiated remains attractive. Fishing by seiner is not a threat to the biological sustainability of the stocks exploited.

The agreement is making a substantial contribution to the **stabilisation of the European canned tuna market**. The development of the fisheries sector in Seychelles is, to a significant degree, dependent on the existence of this agreement. Thanks to the implementation of the financial contribution's sectoral support, Seychelles has increased its stock management and fisheries monitoring capacity.

The new Protocol is **in line with the objectives of the Fisheries Partnership Agreement** aiming at strengthening the **cooperation** between the European Union and the Republic of Seychelles and promoting a partnership framework in which to **develop a sustainable fisheries policy** and responsible exploitation of fishery resources in the Seychelles' fishing zone in the interests of both Parties.

In the light of the foregoing, the rapporteur considers that the proposed new Protocol for the Fisheries Partnership Agreement between the EU and Seychelles serves the interests of both parties, and he therefore recommends that it be approved.

23.3.2011

## **OPINION OF THE COMMITTEE ON DEVELOPMENT**

for the Committee on Fisheries

on the draft Council Decision on the conclusion of a Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles (17238/2010 – C7-0031/2011 – 2010/0335(NLE))

Rapporteur: Michèle Striffler

### **SHORT JUSTIFICATION**

The Fisheries Agreement between the European Community and the Republic of Seychelles expired on 17 January 2011. The new Protocol will be valid for three years and will be provisionally applied pending the European Parliament's consent procedure.

According to Article 43(2) and Article 218(6)(a) of the Treaty on the Functioning of the European Union, the European Parliament can either consent to the proposed new Protocol or decline to consent. Declining to consent should only be considered as a last resort and must be duly justified.

Under the draft agreement the Parties undertake to promote responsible fishing in the Seychelles fishing zone based on the principle of non-discrimination between the different fleets fishing in the Seychelles fishing zone, while at the same time promoting a policy dialogue on the necessary reforms.

The financial contribution referred to in the agreement consists of an amount of EUR 16 800 000 in total for the whole period. This amount corresponds to:

- EUR 3 380 000 per year, equivalent to an annual reference tonnage of 52 000 tonnes for 60 vessels;
- EUR 2 220 000 per year, in the form of the additional sum paid by the European Union to support the Seychelles' fisheries and maritime policy.

If the overall quantity of catches by European Union vessels in Seychelles waters exceeds 52 000 tonnes per year, the amount of the annual financial contribution shall be increased by EUR 65 for each additional tonne caught.

Where the quantities caught by Community vessels come to more than double the total annual amount, the amount due for the quantity exceeding that limit is to be paid the following year; this may pose problems for the beneficiary country.

Another problematic issue is the allocation of these funds as they are paid to the Seychelles authorities, and they have full discretion regarding the use to which they are put. Consequently, it is very difficult to know who really benefits from these funds.

In conclusion, your rapporteur is of the opinion that fisheries partnership agreements should not simply be a legal way of allowing European vessels to have access to fish stocks in third countries. They should also be a tool to promote sustainable exploitation of maritime resources. The financial contribution paid by EU taxpayers must be ring-fenced and earmarked for development goals, i.e. spent in ways that benefit the fishing communities, in order to improve their living conditions, provide training programmes, ensure safety at sea and create new local jobs.

The Committee on Development therefore believes the following issues should be taken into account during implementation of the agreement:

1. The transparency of the procedures to identify the total catches should be improved;
2. The probity of all the mechanisms vis-à-vis the corruption problem should be beyond all doubt;
3. The accountability of the local government, which should guarantee an improvement in living conditions for local fishermen, should be reinforced;
4. Minimum standards and conditions agreed at regional level must be respected;
5. The European Union should receive regular reports on the implementation of the agreement.

\*\*\*\*\*

The Committee on Development calls on the Committee on Fisheries, as the committee responsible, to propose that Parliament give its consent to the conclusion of the agreement.

The Committee on Development asks that the following points be duly taken into account by the European Commission and by the Republic of Seychelles during implementation of the agreement:

- (a) The transparency of the procedures to identify the total catches must be improved;
- (b) The probity of all the mechanisms vis-à-vis the corruption problem must be beyond all doubt;
- (c) The accountability of the local government, which should guarantee an improvement in living conditions for local fishermen, must be reinforced;

- (d) Minimum standards and conditions agreed at regional level must be respected;
- (e) a fair market price must be paid per tonne of catch in order to combat exploitation and promote self-sustainability;
- (f) The European Union must receive regular reports on the implementation of the agreement in order to facilitate monitoring, transparency and policy coherence for development.

## RESULT OF FINAL VOTE IN COMMITTEE

|   |   |
|---|---|
| <b>Date adopted</b>   | 22.3.2011   |
| <b>Result of final vote</b>                                       | +:           26<br>-:            0<br>0:            0   |
| <b>Members present for the final vote</b>                         | Thijs Berman, Michael Cashman, Corina Crețu, Nirj Deva, Leonidas Donskis, Charles Goerens, Catherine Grèze, András Gyürk, Eva Joly, Filip Kaczmarek, Franziska Keller, Miguel Angel Martínez Martínez, Gay Mitchell, Norbert Neuser, Bill Newton Dunn, Maurice Ponga, Birgit Schnieber-Jastram, Alf Svensson, Eleni Theoharous, Patrice Tirolien, Ivo Vajgl, Anna Záborská, Iva Zanicchi, Gabriele Zimmer |
| <b>Substitute(s) present for the final vote</b>                   | Proinsias De Rossa, Agustín Díaz de Mera García Consuegra, Santiago Fisas Ayxela, Isabella Lövin, Judith Sargentini, Jan Zahradil   |
| <b>Substitute(s) under Rule 187(2) present for the final vote</b> | Josefa Andrés Barea   |

3.5.2011

## OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Fisheries

on the draft Council decision on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles (17238/2010 - C7-0031/2011 – 2010/0335(NLE))

Rapporteur: François Alfonsi

### SHORT JUSTIFICATION

The new protocol covers a period of three years from adoption of the Council decision on the signing and provisional application of the protocol, and after expiry of the current Protocol on 17 January 2011. The new protocol is at present being applied provisionally pending Parliament's consent procedure.

Under Article 43(2) and Article 218(6)(a) of the Treaty on the Functioning of the European Union, Parliament can either consent to the proposed new protocol or decline to consent.

As to its content, the agreement's main points are as follows:

| Type of expenditure   | 2011       | 2012       | 2013       | TOTAL       |
|---|------------|------------|------------|-------------|
| Equivalent tonnage 52 000 tonnes/year at €65/t                    | €3 380 000 | €3 380 000 | €3 380 000 | €10 140 000 |
| Implementation of the sectoral fisheries policy in the Seychelles | €2 220 000 | €2 220 000 | €2 220 000 | €6 660 000  |
|   | €5 600 000 | €5 600 000 | €5 600 000 | €16 800 000 |
| Administrative  |            |            |            | € 373 900   |

RR\868537EN.doc

PE460.600v02-00

|                    |                   |                   |                   |                    |
|--------------------|-------------------|-------------------|-------------------|--------------------|
| <b>expenditure</b> |                   |                   |                   |                    |
| <b>TOTAL</b>       | <b>€5 600 000</b> | <b>€5 600 000</b> | <b>€5 600 000</b> | <b>€17 173 900</b> |

Following a joint assessment of the state of stocks, opportunities to readjust the fishing quotas may be granted, on certain conditions.

The financial contribution paid by the European Union will comprise the following elements:

- an annual amount of € 3 380 000 for fishing rights applicable to 52 000 tonnes per year (€ 65 per tonne);
- an annual amount of € 2 220 000 for support and implementation of the sectoral fisheries policy in the Seychelles;

totalling € 5 600 000 per year, excluding administrative expenditure.

This comes to a total of € 17 173 900 over the three years of the agreement, including administrative expenditure.

There is no upper limit for additional catches of tuna by Community vessels. Each additional tonne will cost € 65. If the quantity caught by Community vessels exceeds quantities equivalent to double the total annual amount, the sum due for the quantity exceeding that limit will not be paid until the following year.

According to Transparency International's 2010 index of state corruption, the Seychelles ranks 49th out of 178 countries. It is important that the Commission should verify the extent to which the appropriations have been and will be used as agreed with the Seychelles.

The BUDG Committee therefore believes the following issues should be taken into account when implementing the agreement:

- ascertaining each year whether the Member States whose vessels are operating under the Protocol annexed to the agreement have complied with the provisions on the declaration of catches. Where the provisions are not complied with the Commission should refuse applications for fishing authorisation submitted by those countries for the following year;
- submitting a report each year to Parliament and the Council on the results of the multiannual sectoral programme described in Article 3 of the Protocol and on compliance by the Member States with the requirement to declare catches;
- submitting to Parliament and the Council, before the Protocol expires or before negotiations begin on its possible renewal, an ex-post assessment of the Protocol including a cost-benefit analysis.

The Committee on Budgets calls on the Committee on Fisheries, as the committee responsible, to propose that Parliament give its consent to conclusion of the agreement, and wishes the following points to be duly taken into account by the Commission and the Seychelles when implementing the agreement:

- (a) ascertaining each year whether the Member States whose vessels are operating under the Protocol annexed to the agreement have complied with the provisions on the

declaration of catches. Where the provisions are not complied with the Commission should refuse applications for fishing authorisation submitted by those countries for the following year;

- (b) submitting a report each year to Parliament and the Council on the results of the multiannual sectoral programme described in Article 7 of the Protocol and on compliance by the Member States with the requirement to declare catches;
- (c) submitting to Parliament and the Council, before the Protocol expires or before negotiations begin on its possible renewal, an ex-post assessment of the Protocol including a cost-benefit analysis.

\*\*\*\*\*

The Committee on Budgets calls on the Committee on Fisheries, as the committee responsible, to propose approval of the Commission proposal.



## RESULT OF FINAL VOTE IN COMMITTEE

|   |  |
|---|--|
| <b>Date adopted</b>                             | 2.5.2011   |
| <b>Result of final vote</b>                     | +: 21<br>-: 1<br>0: 0  |
| <b>Members present for the final vote</b>       | Marta Andreasen, Reimer Böge, Lajos Bokros, Isabelle Durant, José Manuel Fernandes, Eider Gardiazábal Rubial, Jens Geier, Ingeborg Gräßle, Estelle Grelier, Carl Haglund, Jutta Haug, Anne E. Jensen, Ivailo Kalfin, Jan Kozłowski, Giovanni La Via, Vladimír Maňka, Barbara Matera, Dominique Riquet, László Surján, Helga Trüpel, Angelika Werthmann |
| <b>Substitute(s) present for the final vote</b> | Jürgen Klute   |

## RESULT OF FINAL VOTE IN COMMITTEE

|   |  |
|---|--|
| <b>Date adopted</b>   | 24.5.2011  |
| <b>Result of final vote</b>                                       | +: 17<br>-: 2<br>0: 0  |
| <b>Members present for the final vote</b>                         | Josefa Andrés Barea, Kriton Arsenis, Alain Cadec, Carmen Fraga Estévez, Pat the Cope Gallagher, Marek Józef Gróbarczyk, Iliana Malinova Iotova, Isabella Lövin, Guido Milana, Maria do Céu Patrão Neves, Crescenzo Rivellini, Ulrike Rodust, Struan Stevenson, Catherine Trautmann, Jarosław Leszek Wałęsa |
| <b>Substitute(s) present for the final vote</b>                   | Jean-Paul Bisset, Izaskun Bilbao Barandica, Ole Christensen, Chris Davies  |
| <b>Substitute(s) under Rule 187(2) present for the final vote</b> | Pablo Arias Echeverría   |