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A7-0147/2012

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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 Mozambique
(18059/2011 – C7-0028/2012 – 2011/0378(NLE))

Committee on Fisheries

Rapporteur: Dolores García-Hierro Caraballo

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.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council Decision on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique (18059/2011 – C7-0028/2012 – 2011/0378(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (18059/2011),
 - having regard to the draft for the new Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique (18058/2011),
 - having regard to the request for consent submitted by the Council in accordance with Article 43(2) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0028/2012),
 - having regard to Rules 81 and 90(7) 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 (A7-0147/2012),
1. Consents to conclusion of the protocol;
 2. Calls on the Commission to forward to Parliament the minutes and the conclusions of the meetings of the Joint Committee provided for in Article 9 of the Agreement, as well as the multiannual sectoral programme provided for in Article 3 of the new Protocol and the corresponding annual evaluations; calls on the Commission to facilitate the participation of representatives of Parliament as observers in the meetings of the Joint Committee; calls on the Commission to submit to Parliament and the Council, within the last year of application of the new Protocol and before the opening of negotiations for its renewal, a full evaluation report on its implementation, without imposing unnecessary restrictions on access to this document;
 3. Calls on the Commission and Council, in the context of their respective competences, to keep Parliament immediately and fully informed, at all stages of the procedures related to the new Protocol and its renewal, pursuant to Article 13(2) of the Treaty on European Union and Article 218(10) of the Treaty on the Functioning of the European Union;
 4. 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.

EXPLANATORY STATEMENT

Analysis of the new Protocol

The main elements of the new protocol are described below.

On 2 June 2011, after lengthy and difficult negotiations, a new Protocol was signed between the EU and Mozambique. This protocol will be valid for three years (from 1 January 2012 to 31 December 2014) and involves an annual contribution of EUR 980 000 from the EU budget, of which EUR 520 000 is for access by European fishing vessels to the Mozambique fishing zone and 460 000 is to assist Mozambique's sectoral policy.

The reference tonnage used to calculate access rights has been set at 8 000 tonnes per year, which represents a reduction in relation to the previous protocol, in terms of the catch figures for the previous season. Access is authorised for a total of 75 EU vessels: 43 tuna seiners and 32 surface long-liners. The Member States interested in these fishing opportunities are Spain, France, Portugal and the United Kingdom.

In accordance with the Council's mandate, the Protocol now includes certain conditionality clauses applied to the annual financial contribution, with particular reference to respect for the sectoral support programme and human rights, incompliance with which may lead to its suspension.

The Protocol's technical annex has been considerably improved, mainly to reflect the latest changes in Mozambique's national fisheries legislation and the outcome of the negotiations on aspects with financial implications for ship owners.

The changes specifically include:

- an increase of 20-25 % in the payments made by ship owners (under the new Protocol, the fees are set at EUR 5 100 for tuna seiners, EUR 4 100 for large long-liners and EUR 2 500 for long-liners under 250 GT;
- the terms for licensing support vessels (USD 3 580 per year per vessel);
- an annual contribution of EUR 300 to be made by ship owners towards the creation of a fund for the observers programme;
- the requirement that European vessels sign on Mozambican seamen (2 per seiner and 1 per long-liner), with a penalty (fine) of EUR 30 per day per vessel if they fail to do so;
- the requirement that a third of the vessels authorised to fish shall undergo an annual inspection in a Mozambican port before commencing their fishing activities. The vessels concerned shall, however, be entitled to choose the date and place of the inspection, informing the Mozambican authorities 72 hours in advance;
- the fact that the inspection in port shall be carried out within 24 hours of arrival;

– the introduction, from 1 July 2012, of an electronic logbook system for recording and transmitting catch reports, and the involvement of the Mozambican Scientific Institute in the administrative process of verifying catch data.

The changes are significant ones, which aim to improve the way that fishing activities in the Mozambique fishing zone are monitored and controlled; other measures, such as the requirement to hire Mozambican seamen, aim to increase the direct economic benefits for the country.

The agreement with Mozambique is a strategic one, as it safeguards the continued existence of the European fleet's fishing zone in the Indian Ocean, and may offer an excellent alternative in the light of rising incidences of piracy in other exclusive economic zones further north.

Fisheries relations between the European Community and the Republic of Mozambique go back a long way.

The first fisheries agreement between the two parties, which came into force in 1987, provided Community ship-owners with fishing opportunities for shrimp and tuna in exchange for financial compensation.

This new Protocol promotes responsible and sustainable fishery and encourages the creation of cooperation based on respect for fisheries- related legislation and rules currently in force in both the EU and Mozambique.

One of the objectives pursued by the EU and Mozambique is to promote economic, scientific and technical cooperation in the fisheries sector and in all related sectors, in order to establish cooperation structures leading to the development of a sustainable fisheries policy and responsible use of fisheries resources, in the interests of both parties.

It is established that the EU fishing effort in the Mozambique EEZ must be coherent with reasonable assessments of tuna stocks, established according to scientific criteria, such as those included in the annual scientific reports of the Indian Ocean Tuna Commission (IOTC).

Main features of the Agreement

Financial contribution

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

Fishing licences shall be issued once the following amounts have been paid to the competent national authorities:

- a. an annual amount for access to the Mozambique fishing zone of EUR 520 000 equivalent to a reference tonnage of 8 000 tonnes per year;

- b. a specific amount of EUR 460 000 per year for the support and implementation of Mozambique's sectoral fisheries policy and maritime policy.

If the overall quantity of catches of tuna by EU vessels in the Mozambique fishing zone exceeds 8 000 tonnes per year, the amount of the annual financial contribution shall be increased by EUR 65 for each additional tonne caught.

Embarking seamen

The EU ocean-going tuna seiners shall sign on at least two Mozambican qualified seamen per vessel. The long-liners shall sign on at least one Mozambican qualified seaman per vessel. When no Mozambican seamen are taken on board, EU ship-owners shall be obliged to pay EUR 30 per seaman per vessel.

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. That declaration provides for mandatory 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 wages shall not be lower than those of crews on national vessels, nor the level determined by the ILO.

Comments of the rapporteur

The rapporteur recognises the urgency of completing this agreement and considers the proposal a positive one, although its presentation has been involuntarily delayed.

In order to help provide Parliament and the Committee on Fisheries with a greater understanding of the issues, the Commission and the Council are asked to draft a report assessing the results of the application of the EU-Mozambique fisheries Protocol.

The assessment report should be drafted in the framework of the Joint Committee, as provided for in Article 3 of this Protocol, not more than one year after its entry into force.

Consequently if the performances of the sectoral policy support are found to be materially inconsistent with the budgeted programme, the European Commission may suspend, totally or partially, the payment of the specific contribution provided for in Article 2, paragraph 2(b). This situation may be reversed and activities resumed as soon as the above situation and its circumstances are rectified in accordance with the terms of the Protocol.

Financial contribution

The total sum of EUR 980 000 shall be paid annually by the Community during the period of application of this Protocol.

Fishing licences shall be issued once the following amounts have been paid to the competent national authorities:

- a. an annual amount for access to the Mozambique fishing zone of EUR 520 000, equivalent to a reference tonnage of 8 000 tonnes per year;
- b. a specific amount of EUR 460 000 per year for the support and implementation of Mozambique's sectoral fisheries policy and maritime policy.

If the overall quantity of catches of tuna by EU vessels in the Mozambique fishing zone exceeds 8 000 tonnes per year, the amount of the annual financial contribution shall be increased by EUR 65 for each additional tonne caught.

28.3.2012

OPINION OF THE COMMITTEE ON DEVELOPMENT

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 Mozambique (18059/2011 – C7-0028/2012 – 2011/0378(NLE))

Rapporteur: Gabriele Zimmer

PA_Leg_Consent

SHORT JUSTIFICATION

The Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique expired on 31 December 2011. The new Protocol will cover a period of three years starting from the adoption of the Council decision on the Protocol's signing and provisional application.

In accordance with Article 43, paragraph 2 and Article 218, paragraph 6(a) of the TFEU the European Parliament can either consent or decline to consent to the conclusion of this Protocol.

Mozambique is a least developed country, notwithstanding sustained GDP growth over the past decade. Development indicators have improved in recent years, but most of the Millennium Development Goals will not be attained unless the government and donors reinforce their commitment over the next five years. According to government data, aid disbursements represented 10.7% of GDP in 2010. Donors still funded 47.8% of the government budget in 2010.

About 80% of its population work in agriculture or fisheries. The fishing sector contributes about 4% to the GDP and represents 13% of the export income. Some 85% of Mozambique's total fisheries production comes from artisanal fishermen. Small scale fishing provides a living, directly or indirectly, for about 300,000 people.

The new Protocol reduces the fishing opportunities (75 fishing vessels as compared to 89 in the previous Protocol), and the fishing effort (8 000 tonnes as compared to 10 000 tonnes in the previous Protocol). The Commission, based on the findings of the ex-post evaluation of the current Protocol ordered to an external contractor, affirms that this is due to the need to strike a better balance between EU payments and real EU fishing activity in the zone.

The financial contribution amounts to € 2 940 000 over the three year duration of this Protocol. This amount corresponds to:

- € 520 000 per year equivalent to an annual reference tonnage of 8 000 tonnes for 75 vessels,
- € 460 000 per year, corresponding to the additional envelop paid by the Union to support Mozambique fisheries and maritime policy.

The Republic of Mozambique thus receives €65 per tonne of tuna caught plus additional funds for developing the national fisheries sector as well as advances and fees payable by ship-owners.

Your rapporteur welcomes the fact that amount allocated under the new Protocol to support Mozambique fisheries and maritime policy is higher (460.000 eur, as compared to 250 000 eur) than under the previous Protocol.

Mozambique shall be responsible for the management of the envelop designed to support Mozambique fisheries and maritime policy, based on the identification by the two Parties of the objectives to be achieved and the annual and multiannual programming to attain them, in particular as regards the sound management of fisheries resources, strengthening scientific research and the monitoring capacity of the competent Mozambican authorities, and improving production conditions for fishery products in order to increase the involvement of Mozambique in exploiting its own fisheries within its EEZ.

This new Protocol will coincide with the approval by the Mozambican cabinet of a bill on fisheries intended to make fishing more sustainable and to guarantee greater respect for fishery resources. The bill, which seeks to overhaul the 1990 fisheries law, seeks to encourage activities that complement fishing, such as processing.

Your rapporteur considers that the Protocol can contribute to a better management and conservation of fisheries resources through financial support for the implementation of the programmes adopted at national level by Mozambique.

Your rapporteur welcomes the new provisions in this Protocol whereby the payment of the financial contribution can be suspended in cases of violation of human rights and democratic principles and if Mozambique fails to work towards responsible and sustainable fishing.

Your rapporteur welcomes the provisions on signing-on of local seamen and on salaries, working conditions and rights applying to them, but takes the view that the number of local seamen onboard EU vessels authorised under this Protocol is insufficient to make a real contribution to improving the employment situation of Mozambican seamen. Your rapporteur invites the Joint Committee to take practical steps to increase EU vessels calls at Mozambican ports thus increasing local employment, which should be in agreement with ILO standards, and business opportunities.

Your rapporteur takes the view that the Joint Committee provided for in Article 9 of the Agreement should endeavour to assign a fair share of the envelop to support Mozambique fisheries and maritime policy for the development of coastal populations living on fisheries and the creation of small enterprises at local level.

Your rapporteur is concerned at the fact that policy support measures under the FPA were not considered until almost two years into the Agreement and apparently were not integrated within a wider matrix of fisheries policy measures supported by the State budget and other international donors. Your rapporteur is also of the view that more transparency is needed as regards the conclusions of the meetings of the Joint Committee and on the results of the multiannual sectoral programme described in Article 3 of the Protocol.

Your rapporteur is concerned regarding the non-submission of catch reports in accordance with the Protocol, as found by the ex-post evaluation. Finally, your rapporteur would ask the Mozambican authorities the same level of transparency for access arrangements for non-EU vessels as provided for EU vessels under the current FPA.

As a conclusion, your rapporteur takes the view that it is in the interest of both parties to conclude a new Protocol that would prolong the partnership between Mozambique and the EU.

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

The Committee on Development considers that the Commission should duly take into account the following points during the implementation of the Agreement:

- (a) the transparency of the procedures for identifying and reporting the total catches should be improved along with the measures to prevent illegal, unreported and unregulated fishing, in particular by improving the infrastructure for the monitoring and control of fishing activities in the Republic of Mozambique Exclusive Economic Zone, thereby ensuring that fishing is responsible and sustainable;
- (b) sustainable fishing practices should be promoted by ensuring that all fishing activities under the Fisheries Partnership Agreement meet the same sustainability criteria as fishing activities in EU waters;
- (c) access by EU vessels to the surplus of fisheries resources should be limited in accordance with the maximum sustainable yield after food security has been guaranteed and the nutrition needs of the local populations have been met; to this end, the Commission is called on to ensure that EU vessels only catch the surplus of the concerned fish stocks that is not able to be caught by the Mozambique fishing sector;
- (d) the integrity of the entire mechanism of the Agreement, in terms of corruption problems, should be beyond doubt;
- (e) the accountability of the local government should be reinforced and the local government must also guarantee the improvement of living conditions for local fishermen, the development of local, sustainable, artisanal fisheries and fish-processing industries and compliance with environmental and health standards;
- (f) annual reports on the implementation of the Agreement - and in particular of the multiannual sectoral programme provided for in Article 3 of the Protocol - should be drawn up and sent to the Parliament and the Council and made publicly available in

order to promote transparency and to make certain that the budget supporting the sectoral fisheries policy is indeed used for this purpose as well as to ensure policy coherence for development;

- (g) both the spirit and the letter of the exclusivity clause should be complied with;
- (h) practical steps should be taken to increase the number of calls by EU vessels at Mozambican ports, thus increasing local employment and business opportunities. In particular, efforts to support the processing industry and fleet capacities should be made in order to help Mozambique to exploit its fishing area on its own;
- (i) the inclusion of the surface long line elements in the Protocol should be revised to ensure compliance with the principle of responsible fisheries and to avoid the risk of causing unsustainable mortality of non-target species of sharks, seabird and turtle populations.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	27.3.2012
Result of final vote	+: 25 -: 0 0: 0
Members present for the final vote	Michael Cashman, Ricardo Cortés Lastra, Corina Crețu, Leonidas Donskis, Charles Goerens, Catherine Grèze, Filip Kaczmarek, Franziska Keller, Gay Mitchell, Norbert Neuser, Bill Newton Dunn, Maurice Ponga, Birgit Schnieber-Jastram, Michèle Striffler, Alf Svensson, Eleni Theoharous, Patrice Tirolien, Ivo Vajgl, Anna Záborská, Iva Zanicchi, Gabriele Zimmer
Substitute(s) present for the final vote	Enrique Guerrero Salom, Edvard Kožušník, Cristian Dan Preda, Patrizia Toia

8.3.2012

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 Mozambique (18059/2011 – C7-0028/2012 – 2011/0378(NLE))

Rapporteur: François Alfonsi

PA_Leg_Consent

SHORT JUSTIFICATION

On the basis of relevant Council mandate¹, the Commission on behalf of the European Union negotiated with the Republic of Mozambique in view of renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique. Following these negotiations, a new Protocol was initialled on the 2nd of June 2010, which covers a period of three years starting from the adoption of the Council decision on the Protocol's signing and provisional application and after expiry of the current Protocol, on 31 December 2011.

The new Protocol covers the period from 1 January 2012 to 31 December 2014. It will provide a framework for the fishing activities of the European fleet and will, in particular, allow ship owners to continue to obtain fishing authorisations in the Mozambique fishing zone.

In addition, one of the objectives of the new Protocol is to strengthen the cooperation between the EU and Mozambique on promoting the development of a sustainable fisheries policy and the rational exploitation of fishery resources in the Mozambique fishing zone.

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

The new Protocol provides for a total financial contribution of EUR 2 940 000 for the whole period. This amount corresponds to: a) EUR 520 000 per year equivalent to an annual reference tonnage of 8 000 tonnes, and b) EUR 460 000 per year, corresponding to the

additional envelop paid by the Union to support Mozambique fisheries and maritime policy. The annual financial contribution to be paid by the budget of the Union is therefore 980 000 EUR. Fishing opportunities for the European tuna fleet will be available to 43 purse seiners and 32 long liners, i.e. a total of 75 vessels.

Type of expenditure	2012	2013	2014	Total€
Access to Mozambique fishing zone for 8 000 t per year	520 000€	520 000€	520 000€	1 560 000€
Support of Mozambique sectorial fishing and maritime policy	460 000€	460 000€	460 000€	1 380 000€
Administrative expenditure	21 000€	21 000€	81 000€	123 000€
Other administrative expenditure and human resources	74 000€	74 000€	74 000€	222 000€
TOTAL	1 075 000€	1 075 000€	1 135 000€	3 285 000€

The Committee on Budgets calls on the Committee on Fisheries, as the committee responsible, to propose that Parliament give its consent.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	8.3.2012
Result of final vote	+ : 25 - : 3 0 : 0
Members present for the final vote	Marta Andreasen, Francesca Balzani, Jean-Luc Dehaene, Isabelle Durant, Göran Färm, José Manuel Fernandes, Eider Gardiazábal Rubial, Jens Geier, Ivars Godmanis, Ingeborg Gräßle, Carl Haglund, Jutta Haug, Monika Hohlmeier, Sidonia Elżbieta Jędrzejewska, Anne E. Jensen, Jan Kozłowski, Alain Lamassoure, Giovanni La Via, George Lyon, Barbara Matera, Claudio Morganti, Dominique Riquet, László Surján, Helga Trüpel, Derek Vaughan, Jacek Włosowicz
Substitute(s) present for the final vote	Frédéric Daerden, Jan Mulder

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	24.4.2012
Result of final vote	+: 18 -: 3 0: 0
Members present for the final vote	Antonello Antinoro, Kriton Arsenis, Alain Cadec, Chris Davies, João Ferreira, Carmen Fraga Estévez, Pat the Cope Gallagher, Dolores Garcia-Hierro Caraballo, Marek Józef Gróbarczyk, Carl Haglund, Ian Hudghton, Werner Kuhn, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Maria do Céu Patrão Neves, Crescenzo Rivellini, Ulrike Rodust, Raúl Romeva i Rueda, Struan Stevenson, Catherine Trautmann, Jarosław Leszek Wałęsa
Substitute(s) present for the final vote	Diane Dodds, Barbara Matera, Antolín Sánchez Presedo