



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0049/2014

27.1.2014

RECOMMENDATION

on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Gabonese Republic
(11871/2013 – C7-0484/2013 – 2013/0216(NLE))

Committee on Fisheries

Rapporteur: João Ferreira

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.)

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	7
OPINION OF THE COMMITTEE ON DEVELOPMENT	10
OPINION OF THE COMMITTEE ON BUDGETS	14
RESULT OF FINAL VOTE IN COMMITTEE	17

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Gabonese Republic

(11871/2013 – C7-0484/2013 – 2013/0216(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (11871/2013),
 - having regard to the draft protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Gabonese Republic (11875/2013),
 - having regard to the request for consent submitted by the Council in accordance with Article 43 and Article 218(6), second subparagraph, point (a), and (7), of the Treaty on the Functioning of the European Union (C7-0484/2013),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to its resolution of 25 October 2012 on the EU 2011 Report on Policy Coherence for Development¹,
 - having regard to the recommendation of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on Budgets (A7-0049/2014),
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 protocol and the corresponding annual evaluations, and the minutes and the conclusions of the meetings provided for in Article 4 of the protocol; 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 protocol and before the opening of negotiations for its renewal, a full report on its implementation, gauging the uptake of fishing opportunities and assessing the cost-effectiveness of the protocol; maintains that there should be no unnecessary restrictions on access to that report;
 3. Calls on the Council and the Commission, acting within the limits of their respective powers, 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

¹ Texts adopted, P7_TA(2012)0399.

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, the Commission and the governments and parliaments of the Member States and of the Gabonese Republic.

EXPLANATORY STATEMENT

Context and general aspects

On the basis of the powers conferred on it by the Council, the European Commission has conducted negotiations with the Gabonese Republic with a view to renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Gabonese Republic. The previous Protocol was in force between 3 December 2005 and 2 December 2011. After two rounds of negotiations, two issues remained to be settled. The first concerned the conditions governing suspension of the application of the protocol, at the initiative of one of the parties. The second related to the conditions governing the payment intended for sectoral support. The non-renewal of the Protocol meant that EU fishing vessels were forced to cease fishing activities after 2 December 2011, since the 'exclusivity clause' provided for in the Fisheries Partnership Agreement (FPA) remained in force. The Protocol covered 40 vessels (24 purse seiners and 16 longliners). The Member States affected were France, Portugal and Spain.

The negotiations remained on hold until the end of the first quarter of 2013. After the resumption of negotiations, the two parties reached agreement on the text of the new protocol to the Fisheries Partnership Agreement. The text was initialled on 24 April 2013. The new protocol covers a period of three years from the date of provisional application laid down in Article 14, that being the date on which this new protocol is signed.

The main aim of the protocol to the Agreement is to provide fishing opportunities for EU Member State vessels in Gabonese waters within the limits of the available surplus, in accordance with the best available scientific advice and recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The Commission's negotiating position was based in part on the results of an ex-post evaluation carried out by external experts.

The new protocol provides for fishing opportunities in the following categories:

27 freezer tuna vessels;

8 pole-and-line tuna vessels.

The fishing opportunities for surface longliners (16 licences) provided for in the previous protocol have not been renewed. The decision to remove these licences for longliners was based on the low level of utilisation during the period covered by the previous protocol and the likelihood that this low utilisation rate would continue or indeed decline further. Gabon, along with other states, recently adopted national legislation prohibiting catches of sharks in the waters under its sovereignty and jurisdiction. In some cases, shark catches accounted for a significant proportion of the total catches taken by the fleets operating under this Agreement.

The annual financial contribution which the EU is to pay Gabon for the opportunity to fish for tuna and other highly-migratory species totals EUR 1 350 000. This sum is based on:

- (a) a reference tonnage of 20 000 tonnes, corresponding to the sum of EUR 900 000 linked to access to resources;

- (b) support for the development of Gabon's sectoral fisheries policy amounting to EUR 450 000. This sectoral support must meet the objectives of the Gabonese Republic's national fisheries policy and in particular the needs of the Gabonese Republic in the fight against illegal fishing and the implementation of the national fisheries strategy.

Access to fishery resources in Gabonese fishing zones will be granted to foreign fleets to the extent that there is a surplus within the meaning of Article 62 of the United Nations Convention on the Law of the Sea and having taken into account the operating capacity of the Gabonese fleet.

The two parties have agreed to improve the regular monitoring of catches taken by EU vessels in the Gabonese fishing zone. To this end, over the course of the fishing season, the EU will regularly analyse data on the catch and effort of EU fishing vessels operating in the Gabonese fishing zone. The EU will regularly update Gabon on the outcome of these analyses.

During the period covered by the protocol, the parties may decide to review the fishing opportunities within the Joint Committee provided for in Article 9 of the Agreement, in accordance with the conditions geared to promoting responsible fishing and sustainable fisheries. In that case, the financial contribution is to be adjusted proportionately and pro rata temporis.

EU shipowners are to pay fees for each tonne caught in Gabonese waters. The amount of the flat-rate fee to be paid by shipowners has been set at EUR 55 per tonne for tuna seiners and pole-and-line tuna vessels during the first year of the protocol's application and EUR 65 in the following two years. An annual national fee will also be charged, set at EUR 13 750 for the duration of the protocol.

Rules on landing have also been laid down, according to which, in the case of tuna seiners, a minimum of 30 % of the catch from Gabonese waters must be landed at Gabonese ports (once the port structures and tuna processing facilities are operational). In the case of pole-and-line tuna vessels, vessel owners must undertake to land 100 % of the catch at Gabonese ports.

Vessel owners must undertake to employ ACP nationals. For both the fleet of tuna seiners and the fleet of pole-and-line tuna vessels, at least 20 % of the seamen signed on must be of ACP origin. Vessel owners must endeavour to sign on Gabonese seamen.

Rapporteur's position

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 to the signing of the protocol between the EU and the Gabonese Republic.

The rapporteur recommends that Parliament should consent to the signing of the present protocol and considers it appropriate to make a number of comments on the protocol and on the Agreement.

After the negotiations had been suspended owing to the differences of opinion mentioned above, the compromise that has now been reached with regard to the conditions governing the suspension of the protocol's application can be seen as balanced and appropriate.

With regard to the conditions governing the payment intended for sectoral support, the EU's position is that this contribution is conditional on the effective implementation of the jointly agreed objectives and measures. In this context, and in order to prevent any interruptions in the payments to be paid to Gabon by the EU within the framework of this sectoral support, the EU should make more effort to verify the foundations necessary for the smooth absorption of aid while respecting Gabon's sovereignty and its legitimate options and priorities. The joint formulation of models with objectives, actions and indicators is called for, with the aim of monitoring the use of the funds more effectively in a spirit of partnership. Where divergences from the stated objectives have been found, such monitoring should include the adoption of corrective procedures, to be coordinated with Gabon, before any payments are suspended (which, in principle, should not occur).

It should be stressed that, in the medium term, the Fisheries Partnership Agreement between the EU and Gabon should promote Gabon's exploitation of its own fishery resources, for both internal consumption, according to the needs of its population, and export, boosting the added value of fishing activities and thereby enabling it to benefit from the wealth produced, which will remain in the country. From this point of view, the landing rules laid down still leave a long way to go before this objective can be achieved. It is proposed that the conditions be created that will allow port structures and tuna processing facilities to be brought into operation as quickly as possible so that, as a rule, catches taken in Gabonese waters can be landed at Gabonese ports.

The principle that access to fishery resources in Gabonese fishing zones is to be granted to foreign fleets to the extent that there is a surplus within the meaning of Article 62 of the United Nations Convention on the Law of the Sea should be understood dynamically rather than statically, factoring in the necessary development and gradual increase in operating capacity of the Gabonese fleet.

The availability of up-to-date scientific data on fish stocks and overall fishing effort in Gabonese waters is of major importance. This Agreement should help facilitate the analysis of this data.

The fact that the protocol recognises the need to improve the regular monitoring of catches taken by EU vessels in the Gabonese fishing zone demonstrates that there are shortcomings in this area. As has already been recommended for other agreements, the transparency of the procedures for identifying the total catches should be improved along with the measures to prevent illegal, unreported and unregulated (IUU) fishing. It is particularly important to verify that the provisions on catch reporting are complied with.

To conclude, the rapporteur would stress that full account must be taken of paragraphs 2 and 3 of the draft legislative resolution. Parliament must be kept immediately and fully informed at all stages of the procedures related to the new protocol and its renewal. It is proposed that an annual report be submitted to Parliament and the Council on the results of the multiannual sectoral programme described in Article 3 of the protocol, as well as on compliance with catch reporting requirements.

18.1.2014

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Fisheries

on the proposal for a Council decision on conclusion of the Protocol between the European Union and the Gabonese Republic setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two Parties currently in force
(COM(2013)0465 – C7 – 2013/0216(NLE))

Rapporteur: Eva Joly

SHORT JUSTIFICATION

Article 178 of the Treaty establishing the European Community states that ‘The Community shall take account of the objectives [of development cooperation] in the policies that it implements which are likely to affect developing countries.’ The Committee on Development should therefore evaluate the FPA concluded with Gabon.

The fisheries sector makes a marginal contribution to the Gabonese economy: estimated at 1.5% of GDP, it generates just 0.1% of budget revenues. Its contribution to total employment is estimated at 5%, but this is mainly of benefit to foreign nationals as there is no maritime tradition in the country. However, the fisheries sector has been identified in national policies as a potential growth area for diversifying an economy which is heavily dependent on oil (80% of exports, 60% of budget revenues and 40% of GDP).

In the period 2008-2013, fisheries was not one of the national and regional focal areas under the 10th EDF. Gabon has, however, received EDF funding under an all-ACP programme for the fisheries sector entitled *Strengthening Fisheries Management in ACP Countries* (ACP FISH II).

The new Protocol sets an annual payment for access to Gabon’s EEZ of EUR 900 000. The amount paid by the EU (excluding additional costs paid by the vessel owners) will be EUR 45 per tonne, following an upward adjustment of the amounts paid by the EU and a downward adjustment of the amounts paid by the vessel owners. The amount allocated to the sectoral fisheries policy will rise from EUR 145 000 per year under the previous Protocol to EUR 450 000.

While EU investment under the previous agreement did have a significant leverage effect on wealth creation, it only benefited the European fisheries sector. That agreement helped to sustain 630 jobs – including 210 jobs for European nationals – but in Gabon it mainly benefited foreign nationals.

Overall, the agreement had very little impact in terms of its goal of stimulating development in the fisheries sector. The lack of adequate infrastructure, a high tax burden and the high cost of factors of production created an unattractive framework for investment in the sector. As Gabon has no fishing ports able to be used by industrial vessels and the industries capable of handling their catches, it is the neighbouring countries which have benefited from the purchase of goods and services when vessels call at ports.

The planned partnership for implementing responsible fishing practices did not work as foreseen in the Protocol.

Despite satellite monitoring of industrial vessels (VSM) and the organisation of sea patrols, IUU fishing practices remain common.

The considerable delays in forwarding the programming documents and documents for monitoring the use of sectoral support funds, partly due to a lack of capacity on the Gabonese side, are another sensitive issue.

Nevertheless, your rapporteur considers that the fisheries agreement between Gabon and the EU must be maintained. It makes it possible to use to an offshore resource which national fleets are not exploiting owing to a lack of catch capacity and a lack of land-based operations capable of making use of the catch. It provides the authorities in Gabon with programmed financial resources over the medium term, which have allowed it to begin implementing a national system to combat IUU fishing, a system that needs to be supplemented and continued at national and regional levels, as certain key aspects of fisheries management (e.g. scientific advice and compliance control) are largely transnational issues. Your rapporteur points out 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 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. Your rapporteur considers therefore that Parliament should give its consent to the ratification of the new Protocol, subject to a number of points being taken into account.

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 take into account the following points during the implementation of the Protocol:

- (a) Points out that in order to improve the EU's contribution to the promotion of sustainable fishing in Gabon, in particular in terms of the contribution to food security and poverty eradication, the action taken needs to be consistent and coordinated with action funded under other EU development programmes, including the 11th EDF and the ACP Fish II programme, as well as Gabon's regional and national programmes;
- (b) Calls for the multiannual sectoral programme to focus on only a limited number of objectives, in order to make the sectoral aid more effective (contribution to the construction of fishing ports which can be used by industrial vessels, further development of health controls and of processing activities in order to give renewed impetus to exports);
- (c) Calls on the Commission to consider adopting measures to bolster the legal framework and Gabon's financial, technical and human resources with a view to discouraging IUU fishing;
- (d) Considers, with a view to improving the agreement's overall transparency, that the amounts paid under the Protocol should be set out in Gabon's finance laws, and that it should be possible to consult the balance of the 'maritime fisheries fund' account on demand;
- (e) Calls for the annual reports on use of the sectoral budget to be sent to Parliament and the Council in order to promote transparency and ensure that the budget is used appropriately.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	18.12.2013
Result of final vote	+: 17 -: 1 0: 1
Members present for the final vote	Ricardo Cortés Lastra, Véronique De Keyser, Catherine Grèze, Mikael Gustafsson, Filip Kaczmarek, Miguel Angel Martínez Martínez, Gay Mitchell, Norbert Neuser, Bill Newton Dunn, Birgit Schnieber-Jastram, Michèle Striffler, Alf Svensson, Ivo Vajgl, Daniël van der Stoep, Anna Záborská
Substitute(s) present for the final vote	Kriton Arsenis, Santiago Fisas Ayxela, Isabella Lövin
Substitute(s) under Rule 187(2) present for the final vote	Jolanta Emilia Hibner

18.11.2013

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Fisheries

on the proposal for a Council decision on conclusion of the Protocol between the European Union and the Gabonese Republic setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two Parties currently in force
(COM(2013)0465 – C7-0000/2013 – 2013/0216(NLE))

Rapporteur: François Alfonsi

SHORT JUSTIFICATION

On the basis of the powers conferred on it by the Council, the European Commission has conducted negotiations with the Gabonese Republic with a view to renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Gabonese Republic. At the end of those negotiations, a new draft Protocol was initialled by the negotiators on 24 April 2013. The new Protocol covers a period of three years from the date of provisional application laid down in Article 14, that being the date on which this new Protocol is signed.

The main aim of the Protocol to the Agreement is to provide fishing opportunities for EU vessels in Gabonese waters within the limits of the available surplus, in accordance with the best available scientific advice and recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The Commission's negotiating position was based in part on the results of an ex-post evaluation carried out by external experts.

The general aim is to enhance the cooperation between the European Union and the Gabonese Republic, thereby creating a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fishery resources in the Gabonese fishing zone, in the interests of both Parties.

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 4 161 000 for the whole period and EUR 4 050 000 for the whole period for preservation and management of natural resources. The annual financial contribution of EUR 1 350 000 is based on: (a) a reference

tonnage of 20 000 tonnes, for an amount of EUR 900 000 linked to access and (b) support for the development of the sectoral fisheries policy of the Gabonese Republic amounting to EUR 450 000. This support meets the objectives of the national fisheries policy and in particular the needs of the Gabonese Republic in the fight against illegal fishing and the implementation of the national fisheries strategy.

In terms of content, the Agreement's characteristics are as follows:

Type of expenditure	2013	2014	2015	Total €
Operational appropriations	1 350 000€	1 350 000€	1 350 000€	4 050 000€
Administrative expenditure	37 000	37 000	37 000€	111 000€
TOTAL	1 387 000€	1 387 000€	1 387 000€	4 161 000€

Moreover, the Committee on Budgets calls on the Committee on Fisheries to ask the Commission to:

- check every year whether Member States whose vessels operate under the Protocol to the Agreement have complied with reporting requirements. Where this is not the case, the Commission should refuse to grant their requests for fishing licences for the following year;
- report annually to Parliament and the Council on the results of the multiannual sectoral programme described in Article 7 of the Protocol, as well as on compliance by the Member States with reporting requirements;
- submit, before the Protocol expires or before negotiations for its possible replacement begin, to Parliament and the Council an ex post evaluation 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.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	14.11.2013
Result of final vote	+: 30 -: 1 0: 1
Members present for the final vote	Jean-Luc Dehaene, José Manuel Fernandes, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Ivars Godmanis, Ingeborg Gräßle, Lucas Hartong, Anne E. Jensen, Ivailo Kalfin, Sergej Kozlík, Jan Kozłowski, Alain Lamassoure, Jan Mulder, Juan Andrés Naranjo Escobar, Nadezhda Neynsky, Dominique Riquet, Alda Sousa, Derek Vaughan, Jacek Włosowicz
Substitute(s) present for the final vote	François Alfonsi, Maria Da Graça Carvalho, Frédéric Daerden, Edit Herczog, Paul Rübig, Peter Šťastný
Substitute(s) under Rule 187(2) present for the final vote	Pablo Arias Echeverría, Jean-Paul Basset, Arkadiusz Tomasz Bratkowski, Zdravka Bušić, Jolanta Emilia Hibner, Helmut Scholz, Tadeusz Zwiefka

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	22.1.2014
Result of final vote	+: 19 -: 1 0: 0
Members present for the final vote	John Stuart Agnew, Antonello Antinoro, Alain Cadec, Chris Davies, João Ferreira, Carmen Fraga Estévez, Pat the Cope Gallagher, Dolores García-Hierro Caraballo, Isabella Lövin, Gabriel Mato Adrover, Guido Milana, Maria do Céu Patrão Neves, Ulrike Rodust, Raül Romeva i Rueda, Struan Stevenson, Isabelle Thomas, Jarosław Leszek Wałęsa
Substitute(s) present for the final vote	Izaskun Bilbao Barandica, Ole Christensen, Jens Nilsson