



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0177/2014

19.3.2014

RECOMMENDATION

on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol between the European Union and the Union of the Comoros setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement currently in force between the two parties
(16130/2013 – C7-0011/2014 – 2013/0388(NLE))

Committee on Fisheries

Rapporteur: Jarosław Leszek Wałęsa

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 BUDGETS | 11 |
| RESULT OF FINAL VOTE IN COMMITTEE..... | 14 |

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol between the European Union and the Union of the Comoros setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement currently in force between the two parties (16130/2013 – C7-0011/2014 – 2013/0388(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (16130/2013),
 - having regard to the draft protocol between the European Union and the Union of the Comoros setting out fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force (16127/2013),
 - having regard to the request for consent submitted by the Council in accordance with Article 43 and Article 218(6), second subparagraph, points (a) and (7), of the Treaty on the Functioning of the European Union (C7-0011/2014),
 - having regard to Rule 81(1), first and third subparagraphs, Rule 81(2), and Rule 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Fisheries and the opinion of the Committee on Budgets (A7-0177/2014),
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 to monitor the implementation, interpretation and application of the Agreement, as provided for in Article 9 of the Agreement, as well as the evaluation of the progress made in implementing multiannual sectorial programme provided for in Article 3 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, without unnecessary restrictions on document access;
 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 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 Union of the Comoros.

EXPLANATORY STATEMENT

Background

A fisheries partnership agreement (FPA), between the EU and the Union of the Comoros, was reached in 2005 for a duration of 7 years. The FPA was tacitly renewed for another 7 years on 1st January 2012, covering the period up to 31st December 2018. The protocol relating to this agreement took effect on 31st December 2010 for a duration of 3 years. With a reference tonnage of 4 850 tonnes, the protocol allowed access to Comorian waters for 45 purse seiners and 25 surface longliners. The annual financial contribution of this protocol was EUR 615 250 of which almost half is for the Union of the Comoros fisheries policy support.

Since 2005 the itineraries of tuna fishing vessels have been modified as a result of Somali piracy. The progressive spread of the area in which pirates operate to the whole Northern Indian Ocean to the Seychelles coast during the austral summer monsoon (caused by north-easterly winds) has forced vessels to alter their fishing routes considerably. Faced with such difficulties and high risks, several boats have left the Indian Ocean. The total capacity of the European fleet has decreased by 25 % between 2005 and 2009. Over the past few months, improved security on board fishing vessels and fewer piracy events, have enabled vessels to travel further north, up to the Somali coast. However, fishing conditions have still not returned to what they were like pre-2005.

Though Comoros has a fisheries policy, it has little means to implement it, and consequently to manage artisanal fisheries and support fisheries development. Several development partners such as those from Qatar are currently investing in Comoros to establish fish processing plants.

In Comoros, fishing is artisanal or for subsistence. Most of the catch comes from trolling lines, especially around Fish Aggregating Devices (FAD). The total catch in Comorian waters is estimated at 24 500 tonnes, of which 19 500 tonnes come from artisanal fisheries and 5 000 tonnes come from foreign industrial fisheries. The aquaculture sector has not emerged yet.

The utilisation rate of fishing opportunities (expressed as the number of fishing authorisations issued under the protocol), in relation to the maximum number of authorisations under the protocol) was on average 78 % for purse seiners and near 0% for longliners (only one fishing authorisation issued during the whole protocol) during the last protocol (2005-2011). For the current protocol, the utilisation rate is 47 % and 0 %, respectively.

In 2011, the EU paid EUR 615 250 of which 315 250 were for financial compensation relating to access and EUR 300 000 to support the development and the management of Comoros fisheries. Vessel operators contributed EUR 81 400 through access fees and EUR 79 934 for exceeding the reference tonnage. In total, Comoros received over EUR 776 000.

Evaluation of the current protocol ¹

¹ Rapport final – Contrat cadre MARE/2011/01 – Évaluation rétrospective du protocole de l'accord de partenariat dans le secteur de la pêche entre l'Union européenne et l'Union des Comores (Janvier 2013, IOC123R02H)

The FPA with Comoros generates 16 direct job opportunities (seamen and fleet management personnel). There are also indirect job opportunities (downstream, relating to vessel supplying and upstream, relating to fish processing on land), in the order of 12 and 71, respectively. The FPA has created 100 jobs overall, however none for Comorians.

The gross value added was EUR 2.5 million in 2011 (the only reference year). The gross value added to Comoros is around EUR 215 000/year. It is made up of the fees and of possible compensations due when not embarking at least one local seamen during the seasons in Comorian waters. Another portion of the added value (EUR 225 000) goes to neighbouring countries of Comoros i.e. Seychelles and Mauritius because of the port services European vessels require for landings and transshipments. Added value to the EU is comprised of personnel expenses, taxes (VAT and others) and operating income (including taxes and profits) is EUR 2 million/year.

Relevance – Overall the protocol is relevant. The fisheries agreement ensures sustained fishing activity by EU vessels targeting highly migratory tuna and tuna-like species of the south-western Indian Ocean.

Coherence – The overall coherence of the FPA and its protocol are satisfactory. The protocol is satisfactory at the level of the EU (Cotonou agreement, relations with ACP countries, development policies, common fisheries policy, etc.) and at the level of Comoros (sectorial policy and national development policy). The FPA is also coherent with IOTC management and conservation measures.

Efficiency – Overall the efficiency is good. Compliance with the protocol is good and the use of the reference tonnage by seiners is satisfactory. The uptake capability of funds for sectorial support is good, as the entirety of the funds destined to the implementation of the fisheries policy are used annually. However its use lacks transparency.

Effectiveness – By respecting the principles of good fisheries governance and responsible fishing, the FPA participates in the efforts made by the EU, the IOTC and other regional organisations to implement sustainable fishing of tuna and tuna-like species stocks in the Indian Ocean.

Sustainability – The protocol not being over yet, the sustainability analysis by the evaluators can only be partial. However, it has been noted that the protocol has little impact on the viability of the EU fish processing sector. On the other hand, it has an indirect effect on the Comoros catch sector through the development activities financed by the protocol.

Content of New protocol

The main aim of the Protocol to the Agreement is to provide fishing opportunities for European Union vessels in the fishing zone of the Union of the Comoros within the limits of the available surplus.

Towards sustainable fishing: the general aim is to strengthen the cooperation between the European Union and the Comoros, thereby creating a partnership framework within which to

develop a sustainable fisheries policy and sound exploitation of fisheries resources in the fishing zone of the Union of the Comoros, in the interests of both parties.

Financial contribution: the overall annual financial contribution should be set at EUR 600 000/year over the entire reference period. This is based on: a reference tonnage of 6 000 tonnes, for an amount of EUR 300 000 linked to access. If the overall quantity of catches by EU vessels in the fishing zone of the Union of the Comoros exceeds the reference tonnage, the total amount of the annual financial contribution shall be increased by EUR 50 for each additional tonne caught during the year in question. However, the total annual amount paid by the European Union shall not be more than twice the amount. Where the quantities caught by EU vessels exceed the quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid the following year; support for the development of the sectorial fisheries policy of the Union of the Comoros amounting to EUR 300 000. This support meets the objectives of the national fisheries policy and in particular the needs of the Union of the Comoros in the fight against illegal fishing.

Fishing opportunities: 42 tuna seiners and 20 surface longliners shall be authorised to fish. The Joint Committee may review these fishing opportunities and adjust them by mutual agreement, provided that they continue to comply with the principles of sustainable fishing. In this case, the financial contribution shall be adjusted proportionately and pro rata temporis. Where necessary the Joint Committee may examine and adapt, by mutual agreement, the provisions governing the pursuit of fishing activities and the rules for implementing this Protocol and the Annexes thereto.

The reduction of the number of vessels in the waters of Comoros, with a decrease of 25% of EU vessels present in the Indian Ocean and an important reduction of catches in the region, is mainly due to the fact that in the area is increased by the presence of Somali pirates. . In addition, the attack by Somali pirates have forced European vessels to work intermittently for couples of vessels and fishing in areas at risk.

In addition, the European fleet , to being able to have access to more productive waters and to be protected against potential attacks by Somali pirates , it must to take into account that the distribution of catches in the West Indian Ocean t is not constant but varies in a season according to the distribution and migration of primary prey (tuna).

Duration of the Agreement: the Protocol should apply from 1 January 2014 and for a period of three years. In addition, the Protocol contains specific clauses for its suspension or termination.

Point of view of the rapporteur

In light of the above, your Rapporteur does not have any major objections to the proposal and calls for this fisheries Protocol between the European Union and the Union of Comoros, which benefits both parties and the fishermen in the area, to be approved. The agreement will create jobs and generate wealth, and should therefore be supported.

However, the European Parliament will remain vigilant regarding the Sectorial policy and sectorial support, as foreseen by the protocol: It is recommended that national institutions

optimise their organisation in order to deliver sectorial support in the most efficient manner. Better accounts of the utilisation of these funds are also necessary. Regarding the Sectorial support, it should ensure the sustained operation of the *centre de surveillance des pêches des Comores* (CNSP) and the *registre national des navires* and to draw up and implement a national plan of action against IUU fishing in Comorian waters and by Comorian flagged vessels. It is also recommended to put in place a regional fisheries surveillance centre (managed by IOTC and IOC).

Regarding Monitoring, Control and Surveillance, they should be implemented at sea by electronic fishing logbooks in compliance with the European legal framework in force. Parliament wishes also to be informed of meetings and events relating to the implementation of the agreement, and to have a table showing a breakdown of sectorial aid in order to keep track of activities in this field.

4.3.2014

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Fisheries

on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol between the European Union and the Union of the Comoros setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement currently in force between the two parties
(16130/2013 – C7-0011/2014 – 2013/0388(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 Union of the Comoros with a view to renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Union of the Comoros. At the end of the negotiations a new draft protocol was initialled by the negotiators on 5 July 2013. The new Protocol covers a period of three years from 1 January 2014, the date of provisional application laid down in Article 13.

The main aim of the Protocol to the Agreement is to provide fishing opportunities for European Union vessels in the fishing zone of the Union of the Comoros within the limits of the available surplus. 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 strengthen the cooperation between the European Union and the Union of the Comoros, thereby creating a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fisheries resources in the fishing zone of the Union of the Comoros, in the interests of both parties.

The new Protocol provides for a total financial contribution of EUR 1 800 000 for the whole period. The annual financial contribution of EUR 600 000 is based on: (a) a reference tonnage of 6 000 tonnes, for an amount of EUR 300 000 linked to access and (b) support for the development of the sectoral fisheries policy of the Union of the Comoros amounting to EUR 300 000. This support meets the objectives of the national fisheries policy and in particular the needs of the Union of the Comoros in the fight against illegal fishing.

| Type of expenditure | 2014 | 2015 | 2016 | TOTAL |
|--|----------|----------|----------|------------|
| Preservation and management of natural resources | 600 000€ | 600 000€ | 600 000€ | 1 800 000€ |
| Total | 600 000€ | 600 000€ | 600 000€ | 1 800 000€ |

It should be borne in mind that there are also private agreements between the Comoros and EU companies, allowing fishing with vessels flying non-EU flags. While not explicitly against the exclusivity clause, it raises questions about unfair competition and value for EU money.

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 | 4.3.2014 |
| Result of final vote | +: 36 -: 1 0: 0 |
| Members present for the final vote | Marta Andreasen, James Elles, Göran Färm, José Manuel Fernandes, Věra Flasarová, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Ivars Godmanis, Ingeborg Gräßle, Lucas Hartong, Jutta Haug, Monika Hohlmeier, Sidonia Elżbieta Jędrzejewska, Anne E. Jensen, Ivailo Kalfin, Jan Kozłowski, Alain Lamassoure, George Lyon, Claudio Morganti, Jan Mulder, Nadezhda Neynsky, Andrej Plenković, Dominique Riquet, Alda Sousa, Helga Trüpel, Angelika Werthmann |
| Substitute(s) present for the final vote | François Alfonsi, Frédéric Daerden, Edit Herczog, Paul Rübig, Peter Šťastný, Georgios Stavrakakis, Nils Torvalds, Catherine Trautmann |
| Substitute(s) under Rule 187(2) present for the final vote | Inés Ayala Sender, Antonio Cancian, María Auxiliadora Correa Zamora |

RESULT OF FINAL VOTE IN COMMITTEE

| | |
|---|---|
| Date adopted | 18.3.2014 |
| Result of final vote | +: 15 -: 0 0: 0 |
| Members present for the final vote | Antonello Antinoro, Alain Cadec, Chris Davies, Pat the Cope Gallagher, Isabella Lövin, Gabriel Mato Adrover, Maria do Céu Patrão Neves, Crescenzo Rivellini, Ulrike Rodust, Raül Romeva i Rueda, Struan Stevenson, Isabelle Thomas, Nils Torvalds, Jarosław Leszek Wałęsa |
| Substitute(s) present for the final vote | Jean-Paul Bisset, Jens Nilsson, Mario Pirillo |