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REPORT

on common rules in respect of application of the external dimension of the CFP, including fisheries agreements
(2015/2091(INI))

Committee on Fisheries

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on common rules in respect of application of the external dimension of the CFP, including fisheries agreements (2015/2091(INI))

The European Parliament,

- having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC¹,
- having regard to Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council²,
- having regard to the Treaty on the Functioning of the European Union (TFEU),
- having regard to the United Nations Convention on the Law of the Sea of 10 December 1982,
- having regard to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks,
- having regard to the Food and Agriculture Organisation Code of Conduct for Responsible Fisheries, adopted in October 1995, and to the associated instruments and guidelines,
- having regard to the vulnerable marine ecosystem (VME) concept that emerged from discussions at the United Nations General Assembly (UNGA) and gained momentum following the adoption of UNGA resolution 61/105 of 2006, and to the fact that VMEs constitute areas that may be vulnerable to the impact of fishing activities,
- having regard to the 2009 Azores Scientific Criteria and Guidance for identifying ecologically or biologically significant marine areas (EBSAs) and designing representative networks of marine protected areas in open ocean waters and deep sea habitats under the Convention on Biological Diversity (CBD),
- having regard to its resolution of 22 November 2012 on the external dimension of the Common Fisheries Policy³,

¹ OJ L 354, 28.12.2013, p. 22.

² OJ L 149, 20.5.2014, p. 1.

³ OJ C 419, 16.12.2015, p. 175.

- having regard to the conclusions of the Long Distance Advisory Council Conference of 16 and 17 September 2015,
 - having regard to Court of Auditors Special Report No 11/2015 of 20 October 2015 entitled ‘Are the Fisheries Partnership Agreements well managed by the Commission?’,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Development (A8-0052/2016),
- A. whereas, according to the 2014 Food and Agriculture Organisation (FAO) report entitled ‘The State of World Fisheries and Aquaculture’, the number of over-exploited stocks increased continuously until 2008 but decreased slightly in 2011;
- B. whereas the EU is one of the world’s main fishing players, with a strong historical presence and significant activities in all the world’s oceans through a combination of fleet activities, private investments by EU nationals, its network of bilateral fisheries agreements, its outermost regions, and its participation in all of the major regional fisheries management organisations (RFMOs), and whereas the EU encourages good practice and respect for human rights;
- C. whereas the sustainable management of global fish stocks must inevitably involve multilateralism and international cooperation, including bilateral cooperation; whereas the EU has a key role to play in global governance of the seas and oceans, and whereas the CFP must be based on an ambitious vision that is coherent with the internal dimension provided for in the basic regulation on the subject;
- D. whereas the FAO recently published Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries, which set out objectives in relation to such fisheries, particularly in developing countries;
- E. whereas the EU is a major market for fishery products (including fish caught by EU fleets as well as imports) and the largest importer of such products, consuming 11 % of the world’s fish production in terms of volume and importing 24 % of fishery products in terms of value, even though it only accounts for 8 % of the world’s catch; whereas the EU has an extensive processing industry with a significant social dimension which must be protected;
- F. whereas the external dimension of the new CFP encompasses international agreements and fisheries in the areas beyond national jurisdiction (ABNJs), whereas the Convention on Biological Diversity and the FAO advocate the identification of ecologically or biologically significant marine areas (EBSAs) and vulnerable marine ecosystems (VMEs), respectively, and whereas marine protected areas are essential tools for ecosystem-based management, as recognised by regional fisheries management organisations (RFMOs);
- G. whereas quotas in RFMOs have been based primarily on historical catches, which led to preferential access to global fish stocks for developed countries; whereas allocation criteria established by some RFMOs must now be used to take account of fishing by coastal developing countries which have depended on adjacent fisheries resources for

generations, a fact that the EU must continue to respect;

- H. whereas it is essential to differentiate between the northern agreements with Norway, Iceland and the Faroe Islands, and sustainable fisheries partnership agreements (SFPAs) involving other countries;
 - I. whereas the EU has to seek policy coherence for development under Article 201(1) of the TFEU, according to which ‘the Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries’;
 - J. whereas in some cases there are insufficient data on the status of resources and total removals by local and third-country fleets in respect of fish stocks that the EU is fishing in the waters of third countries, or which are destined for the EU market, thus making it difficult to evaluate the level of surplus stocks under many mixed agreements as required under the UN Convention on the Law of the Sea (UNCLOS); whereas it would be desirable to increase the quantity and transparency of such data;
 - K. whereas the EU should take all possible steps to ensure that the sustainable fisheries agreements entered into with third countries provide mutual benefits to the EU and to the third countries in question, including their local populations and fisheries sectors;
 - L. whereas the problem of piracy also has negative effects on regions where regulated fishing is practised within the framework of bilateral and multilateral fisheries agreements;
1. Welcomes the inclusion in the basic regulation on the CFP, for the first time, of a chapter referring to the external dimension, including minimum conditions for bilateral agreements, a duty to foster cooperation among RFMOs and consistency between the measures they take, an explicit reference to common standards both inside and outside EU waters, and a statement that measures must be based on the best available scientific advice;
 2. Emphasises the importance of ensuring consistency between fishery, environmental and trade policy and development cooperation;
 3. Recognises the importance of maintaining and expanding the coherence and compatibility of the existing legal framework;
 4. Calls for increased cooperation between Commission bodies relevant to fisheries, namely DG MARE, DG DEVCO and DG TRADE;
 5. Insists that the promotion, by the EU and the partners with whom it has bilateral and other agreements, of environmentally, socially and economically sustainable fisheries based on transparency and the participation of non-governmental stakeholders, especially professionals who depend on fishing for their livelihoods, is essential in order to secure a future for coastal communities, the marine environment, the development of local industry, the employment generated by fishing, processing and trade, and the contribution of fishing to food security;
 6. Insists on the importance of promoting ecosystem protection and maintaining fish stocks

above levels capable of producing the maximum sustainable yield, as more abundant fish stocks are an important requirement to enable the development of third countries' coastal fishing communities, in line with the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries;

7. Stresses the need to support the development of local communities whose livelihoods depend mostly on fishing and activities related to the fishing industry; underlines the need to support measures aimed at promoting the transfer of technologies and know-how, capacity management, multi-stakeholder partnerships and other investments for the benefit of the fishing industry;
8. Recalls that the environmental standards that must also apply to EU external fisheries include the implementation of the ecosystem-based approach to fisheries management together with the precautionary approach, so as to rebuild and maintain exploited stocks above levels that can produce the maximum yield by 2015 wherever possible, and by 2020 at the latest for all stocks;
9. Emphasises that all aspects of the external dimension of the CFP must be predicated on equitable and mutually beneficial relationships between the EU, its Member States and their partners globally, be they bilateral (SFPAs) or multilateral (RFMOs), with a view to promoting sustainable development of the local fishing industry; stresses that such equity must also be reflected in EU trade agreements with third countries, consistent with the requirement for policy coherence for development;
10. Calls on the Commission to include, in the external dimension of the CFP, consideration of the outermost regions, including bilateral agreements signed with third countries, so as to ensure that local fisheries in the outermost regions benefit;
11. Recognises the work done by the Long Distance Advisory Council in developing its position on the external dimension of the revised CFP and the implementation thereof, in conjunction with stakeholders from third countries;
12. Insists that, in its external fishery-related activities (catching, processing and marketing), the EU must promote its highest environmental and social standards and implement rigorous and effective control and inspection measures, while ensuring transparency in all its activities, so as to ensure fair competition on the EU market;
13. Recognises the role of the external dimension of the CFP in the creation of employment (both in the EU and elsewhere) and the supply of fish to EU markets (and to local markets in some circumstances), and as a vehicle by which the EU can provide technical, financial and scientific assistance to third countries, in particular through support for improvements in scientific research, control and surveillance regimes and the development of port infrastructure;
14. Welcomes the significant improvements in the way in which the EU has managed the external dimension of the CFP in recent years, in terms of both the SFPAs and their implementation, with the result that EU fleets are generally among the most progressive distant-water fishing fleets in meeting high social and environmental standards; considers that the EU should promote such environmental and social standards in the international context via RFMOs and its network of SFPAs;

15. Recognises that when the EU fleet ceases to operate in a fishery, its fishing rights may be redistributed among other fleets that have much lower standards of conservation, management and sustainability than those advocated and defended by the EU;
16. Considers the provision of sectoral support to the fishing sector in SFPA partner countries to be critical in addressing their growing needs relating to fishing management, scientific research capacity, infrastructure construction and maintenance, and the training of fisheries inspectors and crew members, and in improving the supply and availability of fish with a view to the food security of populations in SFPA partner countries by providing support for the work done by women in the fisheries sector;
17. Insists, therefore, on better linkage between the sectoral support provided under fishing agreements and the instruments available within the scope of cooperation on development, specifically the European Development Fund (EDF), and for full transparency in the funding of fisheries projects and the use of sectoral support, so as to ensure the proper use of EU funds;
18. Reiterates the need for better scientific information on the status of resources and catch/effort data for fishing outside EU waters, especially in the waters of certain developing coastal states, with funds available under the European Maritime and Fisheries Fund and the EDF being used for that purpose;
19. Notes that, according to the recent Court of Auditors report on the fisheries partnership agreements (FPAs), while one of the main objectives of the FPAs is to fish only surplus stocks, this has proved very difficult to implement in practice, 'due to a lack of reliable information on fish stocks and on the fishing effort of domestic fishing fleets, or of other foreign fleets which have also been granted access by the partner countries'; stresses, in this connection, the importance of reliable scientific data and independent ex-post evaluations concerning the effectiveness of FPAs;
20. Insists that the EU should promote, through its SFPAs and its work in RFMOs, harmonisation of the conditions governing access to African waters for all foreign fleets in respect of tuna and small pelagic and demersal species, with a view to establishing favourable conditions for fishermen working in a sustainable and responsible manner;
21. Calls for the expansion of independent observer programmes that contribute to the monitoring of fisheries and the collection of scientific data;
22. Is convinced that it is only through regional management of fisheries, including observer programmes and inspection (in port and at sea) and control systems at a regional level, that sustainable and equitable exploitation can be developed for highly migratory stocks and straddling and shared stocks as required by UNCLOS and the UN Fish Stocks Agreement;
23. Notes that a legal framework for regional management of highly migratory species, together with many other stocks, exists through the tuna and other RFMOs, although some fisheries remain outside the RFMO network, and urges the Commission to work to ensure that all relevant fisheries are managed by an RFMO as soon as possible;
24. Calls on the Commission to allocate greater funding to RFMOs, since they have a crucial

role to play in combating illegal, undeclared and unregulated (IUU) fishing;

25. Is concerned that certain other fisheries, especially for shared stocks not found on the high seas, do not yet have an effective forum for regional cooperation and management; considers this a serious problem, particularly for the stocks of small pelagic species in West Africa, given their strategic importance for food security, as noted in a recent advisory opinion of the International Tribunal for the Law of the Sea¹;
26. Urges the EU to use its influence to ensure that all fisheries with a regional dimension are managed by an RFMO; particularly urges the EU to push for the Fishery Committee for the Eastern Central Atlantic (CECAF) to become a full-fledged RFMO with decision-making authority, rather than an FAO regional fisheries advisory body;
27. Is convinced that, insofar as EU fleets have access to other fisheries (e.g. for demersal species), there is a need for the EU to promote measures applicable to all in order to ensure harmony between industrial and artisanal fishing fleets, which may require a zoning system that allows for the protection of the local artisanal fishing sector;
28. Calls for more studies on, and increased protection of, deep sea species and habitats, in particular those which are especially sensitive or fundamental for the ecosystem's long-term sustainability;
29. Encourages the Commission to promote a balanced distribution of the allocation of access in RFMOs, taking into account the environmental and social impact, food security needs, and developing countries' aspiration to develop their own fisheries; notes that any reallocation needs to involve all fleets, both distant-water and national, and to be based on any appropriate allocation criteria developed by the relevant RFMO;
30. Welcomes the requirement in the basic regulation that all foreign fleets operating in a country with which the EU has an SFPA must be subject to similar conditions of access which promote sustainable fisheries, as an important measure ensuring that other distant-water fleets operate to the same standards as the EU rather than undermining them; encourages the Commission to pursue this requirement vigorously;
31. Calls for the EU to utilise its network of SFPAs and negotiations in RFMOs to ensure that our partner countries limit access by all distant-water fleets to surplus stocks, as required by UNCLOS and the CFP, and as the EU does, and to provide preferential access to fleets using the most environmentally and socially sustainable practices for the region and stocks concerned;
32. Is concerned about the potential interruption of fishing activities between two protocols when negotiations on a new protocol become protracted; calls on the Commission to guarantee the legal and economic security of operators by assuring the continuity of fishing operations between two protocols;
33. Recognises the importance of establishing a broader framework with developing countries

¹ Advisory Opinion of the International Tribunal for the Law of the Sea of 2 April 2015, in response to the request submitted by the Sub-Regional Fisheries Commission (SRFC):
https://www.itlos.org/fileadmin/itlos/documents/cases/case_no.21/advisory_opinion/C21_AdvOp_02.04.pdf

which encompasses not only fisheries but also the preceding and subsequent areas of the supply chain;

34. Encourages the EU to avoid negotiating SFPAs with countries where corruption is accepted;
35. Recognises the importance of establishing a broader framework with developing countries which integrates fisheries with other development-related themes;
36. Believes in the importance of recognising fishing licences through diplomatic channels;
37. Recognises the importance for developing countries of fisheries, especially artisanal fisheries, on account of their contribution to food security, the local economy and employment for both men and women, without prejudice to the role played by those industrial fisheries activities which take place within a responsible and transparent framework in ensuring the socio-economic development of coastal areas and the supply of fish products;
38. Underlines the need for the EU to respect its obligation to promote environmentally and socially sustainable fisheries in developing countries through all EU policies that affect fisheries in developing countries (aid, trade, fisheries);
39. Emphasises the importance of involving women throughout the value chain, from financing through to the processing and/or marketing of fish products; believes that promoting women's access to these activities would reinforce their economic and social empowerment, thereby playing an important role in closing gender gaps; insists that more attention be paid to equality-related priorities in EU relations with developing countries;
40. Emphasises the need to promote local development by means of sectoral support, by increasing the empowerment of partner countries' fisheries through, in particular, strengthening sustainable aquaculture, developing and conserving artisanal fishing, improving scientific knowledge about the condition of fish stocks and boosting private-sector initiatives by local parties; calls for the EU, through SFPAs, to encourage good governance, in particular the good management of public revenues from the fisheries sector and of financial compensation;
41. Considers that the EU should encourage third countries, starting with those with which it negotiates an SFA, to establish a regulatory framework for joint ventures by EU and other interests in the catching, processing and marketing sectors; is of the opinion that such a framework is the best means of ensuring that joint ventures are set up and operate in line with high sustainability and transparency standards as promoted by the reformed CFP, thus also providing better legal stability for EU interests in supporting sustainable fisheries development in third countries;
42. Insists that transparency, accountability and stakeholder participation are to be considered key elements of EU fisheries relations with third countries;
43. Emphasises that European investments in third countries' fisheries under the guise of joint ventures must be covered by the CFP; stresses that the EU should, through its SFPAs, promote a dialogue with partner countries on the establishment of a regulatory framework

in order to ensure that joint ventures in the catching, processing and marketing sectors formed with partners from the EU or other countries operate in a transparent manner, do not compete with the local artisanal sector and contribute to the development objectives of the country concerned;

44. Gives consideration to the Court of Auditors report, which stresses that the under-utilisation of the tonnage quotas adopted in certain recent protocols results in high costs; invites the Commission, therefore, to avoid unnecessary costs for the EU budget in this area as far as possible;
45. Believes that Parliament should have a more active role than the current consent procedure, and insists that it be immediately and fully informed at all stages of the proceedings as regards the conclusion or renewal of FPAs, in order to increase the transparency and democratic accountability of the protocols;
46. Recognises the importance of the external dimension of the CFP in creating employment in both the EU and our partner countries, including through the hiring of local crew in the context of SFPAs; encourages, where possible, EU vessels to unload their catches in the partner countries for initial processing; calls for instruments to protect workers and decent working conditions to be included in European regulations on fishing matters (especially in respect of International Labour Organisation Convention 188) and in SFPAs in order to guarantee the same working conditions, remuneration, protection of workers' rights and levels of training for EU and other nationals;
47. Warmly welcomes the transparency provisions of the most recent protocol with Mauritania, whereby the latter undertakes to publish all agreements with states or private entities granting foreign vessels access to its exclusive economic zone (EEZ), and urges that such transparency provisions be included in all SFPAs;
48. Warmly welcomes, also, the fact that the protocol with Mauritania grants the EU fleet priority access to fishing surpluses in that country, and encourages the Commission to follow this example in negotiating protocols with other third countries, taking into account the strict sustainability requirements which the EU fleet must meet;
49. Strongly encourages the Commission to ensure that similar transparency provisions are included in other future protocols, leading to much-improved transparency regarding total fishing effort and conditions of access; calls for information on the aggregated catches of vessels from all fleets allowed to fish in Mauritanian waters, and the associated conditions of access, to be publicly available;
50. Calls on the Commission, in the context of those international bodies with which it is involved, to encourage other third countries also to publish the terms of other agreements that they sign with other states or private entities, including the identity of vessels authorised to fish and their activities and catches; encourages, likewise, third countries to comply with RFMO resolutions, which promote transparency in fisheries agreements;
51. Encourages other third countries to consider RFMOs' recommendations, resolutions and decisions promoting the transparency of fisheries agreements within the EEZ concerned;
52. Believes that the Commission should, as soon as possible, improve transparency by

setting up a database covering all private agreements between or on behalf of EU ship-owners and local or regional bodies or authorities or third countries that involve access to third-country fisheries, including conditions for access, allowable fleet capacity, the identity of the vessels and the resulting fishing activities, and that this database should be in the public domain, with the exception of those parts which contain commercially sensitive information;

53. Notes that ship-owners sign private agreements with the governments of third countries which are outside the scope of the CFP; is concerned that the Commission is not systematically notified of such agreements; is worried that this could, under certain circumstances, lead to unfair competition with developing countries' local fishing communities, as well as with EU ship-owners operating under bilateral agreements;
54. Considers that vessels fishing under the provisions of an SFPA but which do not fulfil their obligations, such as that of supplying their Member State with the data required under the terms of their fishing authorisation, should be subject to the penalties provided for in the Control Regulation and the IUU Regulation, including, where appropriate, denial of a fishing authorisation;
55. Considers it regrettable that previous estimates of the size of the 'external fleet' have used differing definitions of the types of vessel to be included, with the result that existing estimates are not comparable, which makes it impossible to carry out an analysis of the fleet's size and evolution over time, thus severely limiting transparency; encourages the Commission to develop a definition of the external fleet that includes all vessels operating outside EU waters, while paying due attention to the relevant specificities of the northern agreements, so as to allow historical comparison;
56. Notes that, despite the role played by the General Fisheries Commission for the Mediterranean (GFCM), differences in the rules applied to EU and third-country fleets operating in the same fisheries have been causing considerable problems for EU fishermen; considers it necessary for the EU to increase its efforts in the Mediterranean Basin by means of closer cooperation with local bodies, regional organisations, scientific institutions, observatories and country-based fisheries clusters; considers that the EU has a role to play in the resolution of conflicts between vessels in the Mediterranean, and asks the Commission to consider supporting and assisting fishermen who are frequently subject to confrontations with third-country vessels, and to establish closer cooperation with countries on the southern shore of the Mediterranean;
57. Welcomes the recent publication of the names of EU-flagged vessels granted authorisation to fish outside EU waters, and insists that the Commission publish such information as a matter of course, including data on their activities and catches;
58. Notes that transparency is a prerequisite for consultation with, and the informed participation of, fisheries stakeholders, especially professionals whose livelihoods depend on fisheries; considers that such consultation and participation should be promoted in SFPAs, including the negotiation of agreements and protocols, their implementation, the allocation and use of sectoral support, work carried out in RFMOs, and the application of development cooperation projects;
59. Notes that the basic regulation includes a provision requiring vessels that leave and

subsequently return to the EU register to provide information on their activities before their return; considers that this requirement should be strengthened such that a vessel's complete flagging history must be submitted to the Commission and included in the Community Fishing Fleet Register database prior to the vessel's acceptance in the register;

60. Recognises the work done by the EU in combating IUU fishing, which is a threat to fish stocks and constitutes unfair competition to legitimate fishermen; acknowledges the contribution of the IUU Regulation to promoting sustainable fishing in the world; considers that, thanks to the EU's pivotal role as the world's leading market for fish, it has the capacity to secure support from other states, including those with which it has SFPAs, and international actors in order to ensure a common approach and an effective global regime to combat IUU fishing;
61. Promotes the development of a unique international system for registering all vessels sailing in international waters;
62. Insists that the IUU Regulation must be applied rigorously, objectively and transparently, in a non-discriminatory and harmonised manner, in order to promote a level playing field among fleets and countries, and encourages the Commission and the Member States to do so; considers, further, that in order to ensure the success of the regulation it must not be subject to the short-term needs of the EU's trade policy or be used by EU fishing interests as a tool for unfairly improving competition;
63. Calls on the Commission to study the inclusion in the IUU Regulation of provisions relating to working conditions;
64. Emphasises that SFPAs should also ensure the complete traceability of marine fisheries products;
65. Believes that bilateral and multilateral trade agreements negotiated by the EU should promote environmentally sustainable and socially just conditions for the production of fisheries products in the third countries concerned, through the use of appropriate quantitative and qualitative restrictions on access to the EU market, so as to not undermine the progress being made in combating IUU fishing through this regulation; also believes that these conditions should be a requirement for placing any fish or fishing-derived product on the European market, and that any fish or fishing-derived product not guaranteed to comply with these conditions or with consumer protection requirements should be barred from the European market;
66. Believes that the economic, social and environmental conditions prevailing in the collection and processing of fish should be clear to consumers;
67. Suggests that the provisions of bilateral and multilateral trade agreements should include an explicit reference to the IUU Regulation, including the standards contained therein; advises the Commission to propose the suspension of trade relations with a third country that has been identified under Article 31 of the IUU Regulation;
68. Urges the Commission to introduce into the IUU Regulation a system similar to the Trade Control and Expert System (TRACES) in order to verify and cross-check data relating to

catch certificates and vessels, or to establish a minimum percentage for the verification of imports of processed products;

69. Considers it important to issue detailed guidance to, and monitor the efforts made by, countries which have been the subject of yellow or red cards;
70. Welcomes the inclusion of fishing vessels as vulnerable in the context of Operation Atalanta activities, and requests that continued support and protection be given to the EU fleet;
71. Considers that the UN negotiations for a new system of international oceans governance in ABNJs must have the objective of arriving at a regime that allows the study and equitable, sustainable and precautionary utilisation of the resources of international ocean waters, including the continuing work of identifying EBSAs with a view to implementing a coherent network of marine protected areas;
72. Recalls the Commission's duty as guardian of the Treaties to ensure that Member States meet their due diligence obligations regarding the external activities of their nationals and vessels, and calls for the EU to take account of the recent International Tribunal for the Law of the Sea advisory opinion identifying the EU as flag state in the context of bilateral agreements;
73. Instructs its President to forward this resolution to the Council and the Commission.

EXPLANATORY STATEMENT

In the 1980s, when the CFP was in its very early years, there were relatively few distant water fishing nations, operating a long way from their own coastal waters - the EU, the Soviet Union, Japan, the US for tuna, and a few others at a minor scale. Now, three decades later, the situation has changed radically and there is intense competition in all ocean areas and for most species.

Among the increasingly important players are China, Korea and Taiwan, all of which have adopted aggressive policies to obtain access to dwindling resources. To varying degrees, these fleets operate under generally less stringent environmental, safety and social standards and benefit from high subsidies and often lower levels of taxation. Many of these distant water fishing countries do not fulfil their responsibilities as flag, port and market States, or even respect basic human rights, all of which provide them with a competitive economic advantage against EU vessels.

It is clear that the best strategy for realizing the EU objective of promoting sustainable fisheries is to use the EU's influence on the international stage to improve fisheries management and transparency standards, to encourage a race to the top instead of a race to the bottom.

The EU is still currently the world's largest market for fisheries products, has one of the largest fleets flying its flags and usually ranks among the top three world catching powers. Marketing fish products in the EU is subject to strict measures in terms of traceability, verification of catches and the fight against IUU fishing. This contributes to create the conditions whereby the EU sector is given a competitive advantage by being better in terms of the environmental and social sustainability of fisheries, strict implementation of international instruments and regulation of the market.

In September of this year, the Long Distance Advisory Council held a two-day conference on the implementation of the external dimension of the CFP, to which they invited a wide range of stakeholders from the EU as well as third countries, particularly those from West Africa and the Indian Ocean. The recommendations of the conference¹ reflect clear demands for, among others:

- improved transparency in fishing activities,
- a regional approach to fisheries management, including promoting the harmonization of conditions of access for foreign fleets to third countries EEZs,
- the development of a sustainability framework for joint ventures, as part of the implementation of SFPAs,
- serious political efforts of flag states and coastal states in the fight against IUU fishing,
- improving the supply of fish for food security by supporting the work done by women in the fisheries sector.

The recommendations that emerged from the conference have largely informed the present

¹ see <http://ldac.chil.me/download-doc/66268>.

report.

Transparency

One advantage the EU has over other distant water nations in promoting more sustainable fisheries is that it publishes the text of its agreements as well as evaluations of SFPAs. The new provisions in the reformed CFP require the EU to endeavour to obtain information on fishing activities by other operators in third countries with which we have an agreement, which will lead to greater transparency concerning total fishing effort and the identity of the various actors in the fishery.

One component of the external dimension that needs further transparency, however, is private agreements between EU ship-owners and third countries. Such agreements could include vessels owned by EU interests but flying non-EU flags operating under an agreement signed with a third country, or EU-flagged vessels operating in countries with which the EU does not have a bilateral agreement (the exclusivity clause prevents them in SFPA countries). A survey from a few years ago¹ found that one association at that time grouped 118 companies together that operated 321 fishing vessels flying 24 different flags, including several with which the EU had current, or had recently had, bilateral agreements. Catches were around 450.000mt per year, primarily to supply the EU market.

Recently, a searchable database was published using information provided by the Commission on all vessels that had been authorized to fish outside EU waters². Much useful information can be found there.

The EU and the MS must strive to find mechanisms to apply similar environmental and social sustainability standards for the activities of all companies and vessels of EU origin, fishing outside EU waters under a diversity of arrangements. The EU and MS should also reinforce their responsibilities as flag States and market States, and enhance their responsibilities with respect to their nationals involved in fishing activities outside EU waters. Some MS, like Spain, have recently developed legislation in that area, and Sweden successfully prosecuted two of its companies for breaking the exclusivity clause under the Moroccan agreement³.

New provisions of the Lisbon Treaty⁴ make the protection of EU private investments in third countries a competence of the EU, whereas previously it had been a Member State competence. If the EU is to assume such a responsibility, it must first of all have a clear understanding of what such investments in the fisheries domain include. At present, though, there is no systematic list of such private agreements, involving either EU-flagged vessels or vessels flying other flags but owned and operated by EU interests.

In this context, the new protocol with Mauritania is noteworthy - their government will be obliged to publish information about access conditions and financial arrangements for all non-Mauritanian industrial fleets, as well as the agreement texts, be they public or private in

¹ Lövin report on the external dimension A7-0290/2012.

² <http://www.whofishesfar.org>.

³

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d0f130deb97c0092a51b492ebcbc946ba0d8dad9.e34KaxiLc3eQc40LaxqMbN4Ob3qKe0?text=&docid=158429&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=399553>.

⁴ See TFEU, Articles 3.1e, 206, 207.

nature. It is also to provide the Commission with information on the number of vessels authorized to fish, their catches and financial and technical arrangements for providing access to the Mauritanian EEZ.

Clearly, an EU-wide database is necessary, that includes private agreements between EU ship-owners and third countries, and joint ventures between EU companies and companies in third countries. Such transparency is a prerequisite to any discussion about protection of investments: if the EU is not informed about private agreements, the Commission is unable to help the investor verify if the fishing authorisation it has purchased is even valid.

In short, EU companies and the Member States must be required to be as transparent as Mauritania in the most recent protocol.

Operating under EU protection offers significant advantages for EU companies investing in third countries' fisheries, particularly in developing countries with poor legal, judicial and financial systems. In parallel, the EU should find ways to ensure such investments meet similar sustainability and good governance standards to those in the reformed CFP: EU operators' investments in third countries fisheries should be transparent, should not contribute to overfishing or lead to increased competition with local small scale communities, and should provide long term social and economic benefits to the local economy. This will require the third country to collaborate for establishing an appropriate framework. That could be initially pursued through the political dialogue established under SFPAs.

Policy Coherence for Development requires special attention to be given to recognising the importance of both women and men from small scale fisheries in developing countries, given their role in job creation, food security and contribution to the local economy. Such attention is now being given by the EU, such as the new rules limiting access to surplus stocks, but more is necessary, such as through development aid policy.

In particular, development aid policy should help third countries implement the FAO Guidelines for securing sustainable small scale fisheries (VGSSF). These guidelines have a strong gender content, including in a special section devoted to the importance of the role of women in fisheries. For example, women active in artisanal fisheries in African countries are present at all stages of the value chain from pre-financing and preparation of fishing campaigns through marketing, both on local and regional markets. Women are organized into cooperatives, interest groups, etc. through which they are defending their priorities: improved access to credit, improvement of working conditions; improvement of policies to support families in coastal communities. Greater attention needs to be paid to these priorities through EU relations with developing countries.

Vessel reflagging

Vessels move on and off the EU fleet register for various reasons, and many that leave do so permanently. However, some return after a certain period of time. While the CFP assigns a unique vessel number to each fishing vessel (known as the CFR number), that number is only valid while the vessel is on the EU register. If the vessel returns, it can happen that it receives a different CFR number. Further, since the CFR number does not apply to vessels after they leave the EU register, the entire history of that vessel is difficult to follow.

One practice that has developed is for EU ship-owners to operate under an EU flag via an

SFPA or RFMO until it has exhausted its EU fishing possibilities and then to flag out, to avail itself of other possibilities. It subsequently may return to the EU register. Such flag-hopping can be used to bypass the “surplus” requirement enshrined in the new CFP, depending on the total fishing effort and the condition of the stocks in the EEZ where the vessel has operated. This practice should be prevented, as it is in contravention of the spirit of the exclusivity clause and could be considered to be unfair competition to vessels that continue to fly the EU flag and thereby limit their activities to those under bilateral agreements and EU internal quotas. Such behaviour is not in the interests of the crew either, as labour standards can vary under other flags. In addition, the EU loses all control over the vessel’s actions when it flies other flags. The question needs to be asked - should such vessels which use such tactics to evade limits negotiated by the EU subsequently benefit from agreements funded by tax-payers?

Conclusions

The EU’s new CFP includes significant advances and, if properly implemented, will improve the standards of EU fishing in distant waters. Given the Treaty requirement for Policy Coherence for Development, this can only be welcomed.

The EU’s influence in the fisheries world, as a flag state and as a market state particularly, means that it is in a position to encourage other players, both coastal and distant water States, to improve their own fisheries policies not only on paper, but also in their implementation.

The notable success of the IUU regulation in leading to improvements in the fisheries legislation and activities of many countries around the world demonstrate quite clearly how such a “race to the top” can work, if the EU demonstrates enough political will, leadership, objectivity and appropriate support for developing countries to address new requirements. That is why recent signs of the weakening of the EU’s resolve in the fight against IUU fishing, notably by the delisting of Korea, are worrying.

11.11.2015

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Fisheries

on common rules in respect of application of the external dimension of the CFP, including fisheries agreements
(2015/2091(INI))

Rapporteur: Maria Heubuch

SUGGESTIONS

The Committee on Development calls on the Committee on Fisheries, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Welcomes the inclusion of an external dimension chapter in the recent reform of the Common Fisheries Policy regulation, in which Sustainable Fisheries Partnership Agreements (SFPAs) and fishing in RFMOs are formally regulated for the first time;
2. Underlines the need for the EU to respect its obligation to promote environmentally and socially sustainable fisheries in developing countries through all EU policies that affect fisheries in developing countries (aid, trade, fisheries);
3. Insists that transparency, accountability and stakeholder participation are to be considered key elements of EU fisheries relations with third countries;
4. Insists on the importance of promoting ecosystem protection and maintaining fish stocks above levels capable of producing maximum sustainable yield, as more abundant fish stocks are an important requirement to enable the development of third countries' coastal fishing communities, in line with the FAO Voluntary Guidelines for Sustainable Small-Scale fisheries;
5. Stresses the need to support the development of local communities whose livelihoods depend mostly on fishing and activities related to the fishing industry; underlines the need for supporting measures aimed at promoting the transfer of technologies, transfer of know-how, capacity management, multi-stakeholder partnerships and other investments for the benefit of the fishing industry;
6. Notes that ship owners sign private agreements with the governments of third countries, which are outside the scope of the CFP; is concerned that the Commission is not

systematically notified of such agreements; is worried that this could, under certain circumstances, lead to unfair competition with developing countries' local fishing communities, as well as with EU ship owners operating under bilateral agreements;

7. Emphasises that European investments in third countries' fisheries under the guise of joint ventures must be covered by the CFP; stresses that the EU should, through its SFPAs, promote a dialogue with partner countries on the establishment of a regulatory framework in order to ensure that joint ventures in the catching, processing and marketing sectors formed with partners from the EU or other countries operate in a transparent manner, do not compete with the local artisanal sector and contribute to the development objectives of the country concerned.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	10.11.2015
Result of final vote	+: 21 -: 1 0: 1
Members present for the final vote	Beatriz Becerra Basterrechea, Ignazio Corrao, Doru-Claudian Frunzuliță, Nathan Gill, Charles Goerens, Enrique Guerrero Salom, Heidi Hautala, Maria Heubuch, Teresa Jiménez-Becerril Barrio, Linda McAvan, Norbert Neuser, Cristian Dan Preda, Lola Sánchez Caldentey, Elly Schlein, Pedro Silva Pereira, Davor Ivo Stier, Paavo Väyrynen, Bogdan Brunon Wenta, Rainer Wieland, Anna Záborská
Substitutes present for the final vote	Marina Albiol Guzmán, Louis-Joseph Manscour, Joachim Zeller

RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

Date adopted	17.2.2016
Result of final vote	+: 22 -: 2 0: 0
Members present for the final vote	Marco Affronte, Clara Eugenia Aguilera García, Alain Cadec, David Coburn, Richard Corbett, Diane Dodds, Raymond Finch, Ian Hudghton, Carlos Iturgaiz, Werner Kuhn, António Marinho e Pinto, Gabriel Mato, Norica Nicolai, Liadh Ní Riada, Ulrike Rodust, Remo Sernagiotto, Isabelle Thomas, Ruža Tomašić, Peter van Dalen, Jarosław Wałęsa
Substitutes present for the final vote	José Blanco López, Anja Hazekamp
Substitutes under Rule 200(2) present for the final vote	Peter Eriksson, Liliana Rodrigues