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*Plenary sitting*

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**A9-0380/2023**

30.11.2023

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## **RECOMMENDATION**

on the proposal for a Council decision on the conclusion, on behalf of the Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community on the one hand, and the Republic of Kiribati, on the other (2023-2028)  
(COM(2023)0251 – C9-0356/2023 – 2023/0147(NLE))

Committee on Fisheries

Rapporteur: João Pimenta Lopes

***Key to symbols***

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

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

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision on the conclusion, on behalf of the Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community on the one hand, and the Republic of Kiribati, on the other (2023-2028)**

**(COM(2023)0251 – C9-0356/2023 – 2023/0147(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2023)0251),
  - having regard to the draft Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028) (9890/2023),
  - having regard to the request for consent submitted by the Council in accordance with Article 43(2) and Article 218(6), second subparagraph, point (a)(v), and (7), of the Treaty on the Functioning of the European Union (C9-0356/2023),
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the opinions of the Committee on Development and the Committee on Budgets,
  - having regard to the recommendation of the Committee on Fisheries (A9-0380/2023),
1. Gives its consent to the conclusion of the Protocol;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Republic of Kiribati.

## EXPLANATORY STATEMENT

### Introduction

The European Union (EU) has signed several fisheries partnership agreements (FPAs) and protocols with third countries. Through FPAs, the EU provides financial and technical support in exchange for fishing rights for surplus stocks in the country's exclusive economic zone (EEZ), in a legally regulated environment. These agreements also focus on resource conservation and environmental sustainability, ensuring that all EU Member State vessels are subject to the same rules of control and transparency, and contributing financially to support the partner country's own sustainable fisheries policy. At the same time, a clause on upholding human rights has been included in all protocols to fisheries agreements.

The Fisheries Partnership Agreement (FPA) between the European Community, on the one hand, and the Republic of Kiribati, on the other, was signed on 28 April 2008, and entered into force on 30 April 2008 for a duration of six years. The first Protocol on the implementation of the FPA expired on 15 September 2012. The second Protocol expired on 15 September 2015.

On 26 January 2015, the Council authorised the Commission to open negotiations for a new Protocol between the European Union and the Republic of Kiribati. Negotiations started in 2015 but were interrupted by the IUU yellow-carding process and the pandemic.

Following those negotiations, the new Protocol was signed by the negotiators on 18 December 2022. The new Protocol is in force for a period of five years from the date of its provisional application, i.e. the date of signature by both parties.

### Content of the Protocol

The aim of the proposal is to obtain the Council's authorisation for the conclusion of the new Protocol on the implementation of the Fisheries Partnership Agreement between the European Community on the one hand, and the Republic of Kiribati, on the other (2023-2028).

#### Fishing opportunities

The aim of the new Protocol is to grant fishing opportunities to EU Member State vessels in the fishing areas within Kiribati waters in accordance with scientific advice and the recommendations of the Western and Central Pacific Fisheries Commission.

The new Protocol allows EU Member State vessels to fish tuna species in Kiribati waters and offers fishing opportunities to four tuna purse seiners, with access to Kiribati waters for 160 days per year. Additional days per year can be made available to EU Member State vessels on request.

#### Financial contribution

The annual financial contribution from the Union is EUR 760 000, distributed as follows:

- an annual amount fixed at EUR 360 000 for the duration of the new Protocol to access fishery resources for the categories provided for in the Protocol;
- support for the development of Kiribati's sectoral fisheries policy for an annual amount of

EUR 400 000 for the duration of the new Protocol.

The Commission will be empowered to approve, on behalf of the EU, amendments to the Protocol adopted by the Joint Committee established by the Partnership Agreement.

### **Contribution of fisheries to Kiribati's economy**

Kiribati fishing fleets include small-scale and industrial vessels flying the flag of Kiribati. The small-scale fleet targets the reef and tuna fishery resources available close to the coast, with tuna catches estimated at almost 13 000 tonnes per year destined for the EU's internal market.

All industrial vessels flying the Kiribati flag are owned by consortia involving local and foreign interests, mainly from Asia. The main incentive for investors is that vessels flying the Kiribati flag have preferential access to the waters of other coastal States under the terms of the Federated States of Micronesia Agreement. According to the Kiribati authorities, not all consortia provide the expected benefits for the country, and the competent authorities are in the process of reviewing the national registration policy.

Kiribati relies heavily on distant-water fishing licence fees and remittances from Kiribati citizens employed abroad, mainly as seafarers. The fisheries sector contributes around 10 % to GDP in real terms.

Kiribati, like other members of the Pacific Islands Forum Fisheries Agency, also receives revenue from a multilateral treaty signed with the United States. It has bilateral fisheries agreements with the European Union, Japan, Taiwan and the Republic of Korea, as well as specific agreements with private companies with vessels operating in Latin America (Ecuador and El Salvador).

Revenue from fishing licences traditionally accounts for 23-30 % of Kiribati government revenues (IMF, 2011). The revenue from these licences varies widely, usually as a result of El Niño events. There is a strong link between increased stock abundance/availability and environmental conditions in the eastern region (Langley et al., 2008).

### **Conclusion and recommendations**

In 2014, the Commission carried out an ex post evaluation of the current Protocol to the Fisheries Partnership Agreement with Kiribati, together with an ex ante evaluation of a possible renewal of the Protocol<sup>1</sup>.

The ex post evaluation of the Protocol for the period 2012-2015 was carried out prior to the negotiation of the new Protocol. The evaluation led to the conclusion that it would be beneficial to conclude a new Protocol with Kiribati. In particular, the ex ante evaluation concludes that the continuation of the FPA is in the interest of both parties, with a clear added value of EU involvement to support its strategy focused on promotion of responsible fishing practices and the fight against illegal, unreported and unregulated (IUU) fishing in the Pacific Region.

Following the Court of Auditors analysis of the FPAs, the rapporteur would like to highlight

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<sup>1</sup>Maritime Affairs and Fisheries: Ex post evaluation of the current Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Kiribati, and ex ante evaluation, including an analysis of the impact of the future Protocol on sustainability. <https://webgate.ec.testa.eu/publications/studies/db/Consultation.action?studyProjectId=5911>

the observations of the Court and stress the importance of reliable information on fishery resources and catch data, in order to respect the principles and objectives covering the common fisheries policy and the FPAs, and in order to draw robust conclusions regarding the evaluation of the FPAs.

The rapporteur also underlines that Parliament should, at all stages, be kept fully and immediately informed about the procedures related to the Protocol.

## **General Consideration**

The Rapporteur believes that Fisheries Partnership Agreements are important both for the third countries with which they are concluded and for the EU Member State fleet that enjoys fishing opportunities.

He thinks that most FPAs have varying degrees of achievement: on the one hand, providing significant fishing opportunities for vessels from the EU Member States, while on the other hand, the results achieved with regard to developing the local fisheries sector are generally insufficient.

He therefore takes the view that sectoral support should be strengthened and supplemented and linked to development aid, with a view to contributing to the strengthening of local fishing sectors and the full exercise of the country's sovereignty over its resources.

Furthermore, he believes that FPAs should contribute to the local creation of direct and indirect jobs, both on vessels operating under the agreements and in fishing-related activities, upstream and downstream. They should also help the third countries with which agreements are concluded to develop their own capacity to study and acquire data on conserving fishery resources, on all catches and on the impact of FPAs on their ecosystems.

## **ANNEX: ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The rapporteur declares under his exclusive responsibility that he did not receive input from any entity or person to be mentioned in this Annex pursuant to Article 8 of Annex I to the Rules of Procedure.



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

for the Committee on Fisheries

on the draft Council decision on the conclusion, on behalf of the Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community on the one hand, and the Republic of Kiribati, on the other (2023-2028)  
(00000/2023 – C9-0000-2023 – 2023/0147(NLE))

Rapporteur for opinion: Beata Kempa

### **SHORT JUSTIFICATION**

The Fisheries Partnership Agreement (FPA) between the European Community and the Republic of Kiribati was signed on 28 April 2008 and entered into force on 30 April 2008 for a duration of six years. It is tacitly renewable and therefore still in force. The latest Protocol on the implementation of the Agreement covered a period of three years and expired on 15 September 2015. On the basis of the relevant negotiating directives, the European Commission carried out negotiations with the Government of the Republic of Kiribati on concluding a new Protocol, which was initialled on 18 December 2022 and covers a period of five years from the date of provisional application.

The aim of the new Protocol is to grant fishing opportunities to Union vessels in the fishing areas within Kiribati waters in accordance with scientific advice and the recommendations of the Western and Central Pacific Fisheries Commission, as well as improve and strengthen the governance framework of the strategic sustainable fisheries partnership between the EU and Kiribati. It protects the Union's fisheries sector while contributing to the implementation of the Kiribati 20-year Vision 2016-2036, particularly in the management and conservation of fish resources, the fight against illegal, unreported, and unregulated (IUU) fishing and in the improvement of working conditions in the small-scale fishing sector. It also includes a clause on the consequences of fishing practices in breach of human rights, highlighting how development cooperation in fisheries needs to be based on a people-centered sustainable approach.

The EU's financial contribution to Kiribati for access to Kiribati's fishery resources is EUR 760 000 per year. This sum is broken down into an annual amount of EUR 360 000 for access to Kiribati's fishing zone and an amount of EUR 400 000 for sectoral support.

Composed of three groups of islands – Gilbert, Phoenix, and Line, and with a population of 117,606 people, Kiribati belongs to the 20 largest exclusive economic zones in the planet. Its geographical location makes the country highly vulnerable to climate change, with flooding and frequent sewage practices jeopardizing its freshwaters. Furthermore, recent demographic growth and urbanization has strained the local economy to sustain local livelihoods. Along with tourism, fisheries is Kiribati's most productive sector, with fishing licenses as primary

sources of national revenue. The government has been thoroughly investing in fisheries to achieve the UN's 2030 Agenda for Sustainable Development. Your rapporteur recalls the EU's commitment to the principle of policy coherence for development and the need for the FPAs and their implementing protocols to be in line with the Sustainable Development Goals.

Coastal fishing is the main source of protein for the local communities, who consume fish on a daily basis. Standing challenges in the fisheries sector include lack of know-how and technical assistance for fish conservation, and limited underpaid employment opportunities. In this regard, your rapporteur calls for targeted efforts, through regular consultations with the impacted coastal communities, in providing sectoral support and technical assistance to stimulate the fishing economy and facilitate local economic development.

Your rapporteur takes the view that the Protocol has the potential to promote the responsible and sustainable exploitation of fisheries resources and the development of the national fisheries and maritime policy in Kiribati and is in the interests of both Parties. For this reason, your rapporteur is proposing that the protocol be approved.

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The Committee on Development calls on the Committee on Fisheries, as the committee responsible, to recommend approval of the draft Council decision on the conclusion, on behalf of the Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community on the one hand, and the Republic of Kiribati, on the other (2023-2028).

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	The Protocol on the implementation of the Fisheries Partnership Agreement between the European Community on the one hand, and the Republic of Kiribati, on the other (2023-2028)
<b>References</b>	2023/0147(NLE)
<b>Committee responsible</b>	PECH
<b>Rapporteur for the opinion</b> Date appointed	Beata Kempa 18.7.2023
<b>Date adopted</b>	20.9.2023
<b>Result of final vote</b>	+: 15 –: 1 0: 1
<b>Members present for the final vote</b>	Hildegard Bentele, Dominique Bilde, Christophe Clergeau, Ryszard Czarnecki, Mónica Silvana González, György Hölvényi, Rasa Juknevičienė, Karsten Lucke, Erik Marquardt, Michèle Rivasi, Miguel Urbán Crespo, Bernhard Zimniok
<b>Substitutes present for the final vote</b>	Frances Fitzgerald, Marlene Mortler, Patrizia Toia, Carlos Zorrinho
<b>Substitutes under Rule 209(7) present for the final vote</b>	Róza Thun und Hohenstein

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

15	+
ECR	Ryszard Czarnecki
ID	Bernhard Zimniok
PPE	Hildegard Bentele, Frances Fitzgerald, György Hölvényi, Rasa Juknevičienė, Marlene Mortler
Renew	Róza Thun und Hohenstein
S&D	Christophe Clergeau, Mónica Silvana González, Karsten Lucke, Patrizia Toia, Carlos Zorrinho
Verts/ALE	Erik Marquardt, Michèle Rivasi

1	-
ID	Dominique Bilde

1	0
The Left	Miguel Urbán Crespo

Key:

+ : in favour

- : against

0 : abstentions

## **OPINION OF THE COMMITTEE ON BUDGETS**

for the Committee on Fisheries

on the proposal for a Council decision on the conclusion, on behalf of the Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028) (COM(2023)251 – C9-0356/2023 – 2023/0147(NLE))

Rapporteur for opinion: Niclas Herbst

### **SHORT JUSTIFICATION**

The Fisheries Partnership Agreement ('FPA') between the European Community, on the one hand, and the Republic of Kiribati, on the other, was signed on 28 April 2008, and entered into force on 30 April 2008 for a duration of six years. Unless terminated by one of the parties, it is to be tacitly renewed for additional periods of six years. Given that neither of the parties has notified their intention to terminate the FPA, it is still in force. The first Protocol on the implementation of the FPA expired on 15 September 2012. The second such Protocol expired on 15 September 2015.

On 26 January 2015, the Council authorised the Commission to open negotiations for a new Protocol to the FPA between the European Union and the Republic of Kiribati<sup>1</sup>.

Based on the relevant negotiating directives, the Commission conducted negotiations with Kiribati with a view to concluding a new Protocol on behalf of the Union. Following these negotiations, the new Protocol was initialled by the negotiators on 18 December 2022. The new Protocol covers a period of 5 years from the date of provisional application laid down in Article 22 thereof, that date being the date on which the new Protocol is signed by both parties.

The objective of the Protocol is to implement the Fisheries Partnership Agreement by authorising EU vessel owners to apply for fishing licences to fish in Kiribati fishing zone. The new Protocol will provide a framework for the fishing activities of the EU fleet in that fishing area on the basis of the best available scientific advice and following the conservation and management measures adopted by the Western and Central Pacific Fisheries Commission. In addition, the new Protocol will enhance cooperation between the EU and Kiribati with a view to promoting the development of a sustainable fisheries policy in all its dimensions. The sectoral support available under the Protocol will help Kiribati with its national fisheries strategy, including the fight against IUU fishing, while promoting cooperation in the field of sustainable

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<sup>1</sup> Council Decision authorising the Commission to open negotiations on behalf of the European Union for the renewal of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other hand, 26.01.2015, 5059/15

development of the oceans and decent working conditions for fishing activity along the lines of the ILO standards.

Concluding the Protocol on the implementation of the Fisheries Partnership Agreement means that the strategic fisheries partnership between the European Union and Kiribati can be continued and strengthened.

The conclusion of the Protocol will create fishing opportunities for EU vessels in Kiribati fishing zone. The new Protocol allows Union vessels to fish in Kiribati waters for tuna species and provides for the following fishing opportunities:

- 4 tuna purse seine vessels, with an access to Kiribati waters for 160 days per year;
- possible additional days per year can be made available to Union vessels, upon request.

The annual financial contribution from the Union is EUR 760 000, based on:

- a) an annual amount for access to fishery resources for the categories provided for in the Protocol, set at EUR 360 000 for the duration of the new Protocol;
- b) support for the development of Kiribati's sectoral fisheries policy amounting to EUR 400 000 per year, for the duration of the new Protocol.

This support meets the objectives of Kiribati's policy on the sustainable management of their maritime fishery resources for the entire duration of the new Protocol.

The annual amount for commitment and payment appropriations is established during the annual budgetary procedure, including for the reserve line for protocols not yet having entered into force at the beginning of the year<sup>2</sup>.

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The Committee on Budgets calls on the Committee on Fisheries, as the committee responsible, to recommend approval of the proposal for a Council decision on the conclusion, on behalf of the Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028).

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<sup>2</sup> In accordance with point 20 of the Interinstitutional Agreement on cooperation in budgetary matters (OJ L 433I, 22.12.2020, p. 28).

**ANNEX: LIST OF ENTITIES OR PERSONS  
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

<b>Entity and/or person</b>
Niclas Herbst declares that he did not receive input from any entity or person

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	The Protocol on the implementation of the Fisheries Partnership Agreement between the European Community on the one hand, and the Republic of Kiribati, on the other (2023-2028)
<b>References</b>	09862/2023 – C9-0356/2023 – 2023/0147(NLE)
<b>Committee responsible</b>	PECH
<b>Opinion by</b> Date announced in plenary	BUDG 19.10.2023
<b>Rapporteur for the opinion</b> Date appointed	Niclas Herbst 24.10.2023
<b>Discussed in committee</b>	7.11.2023
<b>Date adopted</b>	16.11.2023
<b>Result of final vote</b>	+: 23 –: 0 0: 1
<b>Members present for the final vote</b>	Pietro Bartolo, Olivier Chastel, Andor Deli, Pascal Durand, Eider Gardiazabal Rubial, Alexandra Geese, Vlad Gheorghe, Valérie Hayer, Niclas Herbst, Hervé Juvin, Moritz Körner, Joachim Kuhs, Janusz Lewandowski, Siegfried Mureşan, Andrey Novakov, Dimitrios Papadimoulis, Bogdan Rzońca, Eleni Stavrou, Nils Ušakovs, Rainer Wieland
<b>Substitutes present for the final vote</b>	Ana Collado Jiménez, Francisco Guerreiro
<b>Substitutes under Rule 209(7) present for the final vote</b>	Jonás Fernández, Wolfram Pirchner



## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

23	+
ECR	Bogdan Rzońca
NI	Andor Deli, Hervé Juvin
PPE	Ana Collado Jiménez, Niclas Herbst, Janusz Lewandowski, Siegfried Mureşan, Andrey Novakov, Wolfram Pirchner, Eleni Stavrou, Rainer Wieland
Renew	Olivier Chastel, Vlad Gheorghe, Valérie Hayer, Moritz Körner
S&D	Pietro Bartolo, Pascal Durand, Jonás Fernández, Eider Gardiazabal Rubial, Nils Ušakovs
The Left	Dimitrios Papadimoulis
Verts/ALE	Alexandra Geese, Francisco Guerreiro

0	-

1	0
ID	Joachim Kuhs

Key to symbols:

+ : in favour

- : against

0 : abstention

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	The Protocol on the implementation of the Fisheries Partnership Agreement between the European Community on the one hand, and the Republic of Kiribati, on the other (2023-2028)	
<b>References</b>	09862/2023 – C9-0356/2023 – 2023/0147(NLE)	
<b>Date of consultation or request for consent</b>	5.10.2023	
<b>Committee responsible</b> Date announced in plenary	PECH 19.10.2023	
<b>Committees asked for opinions</b> Date announced in plenary	DEVE 19.10.2023	BUDG 19.10.2023
<b>Rapporteurs</b> Date appointed	João Pimenta Lopes 5.6.2023	
<b>Discussed in committee</b>	27.6.2023	23.10.2023
<b>Date adopted</b>	29.11.2023	
<b>Result of final vote</b>	+: 23 -: 1 0: 0	
<b>Members present for the final vote</b>	Clara Aguilera, João Albuquerque, Pietro Bartolo, Izaskun Bilbao Barandica, Isabel Carvalhais, Maria da Graça Carvalho, Asger Christensen, Rosa D'Amato, Francisco Guerreiro, Anja Haga, Niclas Herbst, Ladislav Ilčić, France Jamet, Predrag Fred Matić, Francisco José Millán Mon, Ana Miranda, João Pimenta Lopes, Caroline Roose, Bert-Jan Ruissen, Marc Tarabella, Theodoros Zagorakis	
<b>Substitutes present for the final vote</b>	Gabriel Mato	
<b>Substitutes under Rule 209(7) present for the final vote</b>	Erik Poulsen, Anne Sander	

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

23	+
ECR	Ladislav Ilčić, Bert-Jan Ruissen
NI	Marc Tarabella
PPE	Maria da Graça Carvalho, Anja Haga, Niclas Herbst, Gabriel Mato, Francisco José Millán Mon, Anne Sander, Theodoros Zagorakis
Renew	Izaskun Bilbao Barandica, Asger Christensen, Erik Poulsen
S&D	Clara Aguilera, João Albuquerque, Pietro Bartolo, Isabel Carvalhais, Predrag Fred Matić
The Left	João Pimenta Lopes
Verts/ALE	Rosa D'Amato, Francisco Guerreiro, Ana Miranda, Caroline Roose

1	-
ID	France Jamet

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention