



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Fisheries*

---

**2011/0378(NLE)**

23.1.2012

**\*\*\***

## **DRAFT RECOMMENDATION**

on the draft Council decision on the conclusion of a new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mozambique  
(18059/2011 – C7-0000/2011 – 2011/0378(NLE))

Committee on Fisheries

Rapporteur: Dolores García-Hierro Caraballo

***Symbols for procedures***

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

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

## CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY MEMORANDUM .....	6



## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the draft Council Decision on the conclusion of a new Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique (18059/2011 – C7-0000/2011 – 2011/0378(NLE))**

**(Consent)**

The European Parliament,

- having regard to the draft Council decision (18059/2011),
  - having regard to the draft for a new Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Mozambique (18058/2011),
  - having regard to the request for consent submitted by the Council in accordance with Article 43(2) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0000/2012),
  - having regard to Rules 81 and 90(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on Budgets (A7-0000/2012),
1. Consents to conclusion of the protocol;
  2. Calls on the Commission to forward to Parliament the minutes and the conclusions of the meetings of the Joint Committee provided for in Article 9 of the Agreement, as well as the multiannual sectoral programme provided for in Article 3 of the new Protocol and the corresponding annual evaluations; calls on the Commission to facilitate the participation of representatives of Parliament as observers in the meetings of the Joint Committee; calls on the Commission to submit to Parliament and the Council, within the last year of application of the new Protocol and before the opening of negotiations for its renewal, a full evaluation report on its implementation, without imposing unnecessary restrictions on access to this document;
  3. Calls on the Commission and Council, in the context of their respective competences, to keep Parliament immediately and fully informed, at all stages of the procedures related to the new Protocol and its renewal, pursuant to Article 13(2) of the Treaty on European Union and Article 218(10) of the Treaty on the Functioning of the European Union;
  4. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Republic of Mozambique.

## EXPLANATORY MEMORANDUM

### Analysis of the new Protocol

The main elements of the new protocol are described below.

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

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

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

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

The changes specifically include:

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

- the fact that the inspection in port shall be carried out within 24 hours of arrival;
- the introduction, from 1 July 2012, of an electronic logbook system for recording and transmitting catch reports, and the involvement of the Mozambican Scientific Institute in the administrative process of verifying catch data.

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

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

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

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

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

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

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

## **Main features of the Agreement**

### Financial contribution

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

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

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

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

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

#### Embarking seamen

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

The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work will apply as of right to seamen signed on by Community vessels. That declaration provides for mandatory freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

The wages shall not be lower than those of crews on national vessels, nor the level determined by the ILO.

#### **Comments of the rapporteur**

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

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

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

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

#### Financial contribution

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



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

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

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