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## **DRAFT 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-xxxx/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-xxxx/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-xxxx/2023),
  - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
  - having regard to the opinion of the Committee on Budgets,
  - having regard to the recommendation of the Committee on Fisheries (A9-xxxx/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

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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>

Region.

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