

Arrangements for importing fishery and aquaculture products into the EU with a view to the future reform of the CFP

European Parliament resolution of 8 July 2010 on the arrangements for importing fishery and aquaculture products into the EU with a view to the future reform of the CFP (2009/2238(INI))

The European Parliament,

- having regard to the United Nations Convention on the Law of the Sea of 10 December 1982,
- having regard to the 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 (the ‘New York Agreement’), signed on 4 August 1995,
- having regard to the FAO Code of Conduct for Responsible Fisheries, adopted on 31 October 1995,
- having regard to the final declaration issued at the World Summit on Sustainable Development held in Johannesburg from 26 August to 4 September 2002,
- having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy¹,
- having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products²,
- having regard to its resolution of 12 December 2007 on the common organisation of the market in the fisheries and aquaculture products sector³,
- having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing⁴,
- having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel⁵,
- having regard to the Commission Green Paper entitled ‘Reform of the Common Fisheries Policy’ (COM(2009)0163),

¹ OJ L 358, 31.12.2002, p. 59.

² OJ L 17, 21.1.2000, p. 22.

³ OJ C 323 E, 18.12.2008, p. 271.

⁴ OJ L 286, 29.10.2008, p. 1.

⁵ OJ L 27, 30.1.2010, p. 1.

- having regard to its resolution of 25 February 2010 on the Green Paper on the reform of the Common Fisheries Policy¹,
 - having regard to the Commission communication entitled ‘Building a sustainable future for aquaculture – A new impetus for the Strategy for the Sustainable Development of European Aquaculture’ (COM(2009)0162),
 - having regard to its resolution of 17 June 2010 on a new impetus for the Strategy for the Sustainable Development of European Aquaculture²,
 - having regard to the Marrakesh Agreement Establishing the World Trade Organization (WTO), signed on 15 April 1994,
 - having regard to the WTO ministerial declaration adopted in Doha on 14 November 2001,
 - having regard to the Commission communication entitled ‘Global Europe: competing in the world’ (COM(2006)0567),
 - having regard to its resolution of 7 May 2009 on Parliament’s new role and responsibilities in implementing the Treaty of Lisbon³,
 - having regard to the Treaty on the Functioning of the European Union (TFEU),
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on International Trade (A7-0207/2010),
- A. having regard to the strategic importance of the fisheries and aquaculture sector for supplying the population and for the food balance of both the Member States and the EU as a whole, as well as its considerable contribution to the social and economic wellbeing of coastal communities, local development, employment and the preservation of cultural traditions,
- B. whereas fish is a natural resource that, under proper management, can be renewable and provide both food and jobs within the EU and around the world, and needs to be sustained in order to avoid depletion of fish stocks and subsequent hardship in coastal communities in the EU and abroad; whereas, in this respect, there is a need to strengthen effective fisheries management, including the dimension and impact of international trade on fish resources worldwide,
- C. in the light of the ambitious reform of the Common Fisheries Policy launched by the Commission with the adoption of the Green Paper of 22 April 2009 with a view to reviewing most aspects of that policy,
- D. also in the light of the new Strategy for the Sustainable Development of European Aquaculture set out by the Commission in its communication of 8 April 2009 (COM(2009)0162),

¹ Texts adopted, P7_TA(2010)0039.

² Texts adopted, P7_TA(2010)0243.

³ Texts adopted, P6_TA(2009)0373.

- E. having regard to the specific objectives set for fisheries management at the World Sustainable Development Summit held in Johannesburg in 2002, among them that of, by 2015, bringing down the exploitation of fish stocks to a level compatible with maximum sustainable yield (MSY),
- F. whereas EU fishery and aquaculture production has dropped by about 30% over the last 10 years,
- G. whereas this drop is a result of both declining fish stocks in EU waters and the measures (rightly) put in place to limit fishing and ensure sustainable management of fish stocks under the CFP, both within and outside EU waters, notably where EU fisheries are conducted by virtue of fisheries partnership agreements,
- H. whereas EU fisheries represent less than 6% of world catches,
- I. whereas, although the Green Paper on the reform of the CFP suggests that it may be possible to reverse the trend towards declining catches in the long term, the drastic measures envisaged to promote the regeneration of stocks (such as reduced fleet capacity, more stringent management measures and closer monitoring) will inevitably exacerbate the problem in the short and medium term,
- J. whereas, furthermore, despite the new strategy defined for the area, the multiple constraints on the development of aquaculture in the Community are such that it is unlikely to be able to compensate significantly, in the short or medium term, for the general trend of lower production in the extractive sector,
- K. whereas this makes it essential to encourage additional European production, especially in the new EU Member States with proven aquaculture potential,
- L. whereas, by contrast, demand for fishery and aquaculture products is generally rising in the European Union, with growth especially buoyant in the markets of the new Member States in central and eastern Europe, and whereas various factors are expected to lead to sustained growth in consumption over the next 20 years,
- M. whereas the European Union is now the world's largest market for fishery and aquaculture products (12 million tonnes in 2007, worth EUR 55 billion), ahead of Japan and the USA, whereas it depends very heavily on imports from non-EU countries to meet more than 60% of demand, and whereas its dependence on imports is likely to be further exacerbated,
- N. whereas it is now clear that the issue of fishery and aquaculture imports into the EU and the conditions under which such imports are produced is absolutely crucial to any analysis of EU policies on fisheries and aquaculture, and whereas particular consideration must be given to this issue in the light of the reforms under way,
- O. whereas all aspects of this issue must be addressed, including commercial, environmental, social, health and quality considerations,
- P. whereas unselective fishing and high levels of discards in some fisheries that export to the EU market mean that significant amounts of fish that would be suitable for human consumption is wasted,

- Q. whereas particular thought must be given to the common organisation of the market (COM) for fishery and aquaculture products, since the current rules are obsolete in a number of respects and must be revised as a matter of urgency,
- R. whereas this reflection also calls for a critical examination of the common commercial policy as applied to this sector in particular, and also of the consistency of the decisions taken in that framework with the need to preserve a viable and responsible European fisheries sector,
- S. whereas, although fishery and aquaculture products continue to receive a level of theoretical customs protection under the Common Customs Tariff (CCT) which is slightly above average for non-agricultural products, in practice this protection is significantly diminished by various exemptions and reductions, applied autonomously or on the basis of agreements, meaning that imports actually subject to MFN tariffs (applicable by default) account for about 5% of the total,
- T. whereas the policy to open up EU markets for fishery and aquaculture imports is likely to continue, both at multilateral level, in the context of WTO negotiations, especially the Doha Round talks on non-agricultural market access (NAMA), and in the context of a raft of preferential talks currently under way with all kinds of trading partners in Asia, Latin America, North America and the Mediterranean basin and with various groups in the ACP countries,
- U. whereas the conclusion of the Doha Round NAMA talks on the basis of the 'Swiss formula' as currently envisaged (with a coefficient of 8) would reduce the maximum customs tariff applicable to fishery and aquaculture products in the EU from 26% to about 6% and the average tariff from 12% to about 5%,
- V. whereas such a decision, as well as almost completely negating the protective effect of the tariffs still in place, would seriously erode the preferences already granted to developing countries and those currently being negotiated, rendering them utterly meaningless, and whereas it would undermine the very foundations of the COM mechanisms allowing access to the EU market to be adjusted according to the needs of the European fishery and aquaculture processing industry (tariff suspensions and tariff quotas),
- W. whereas the EU's requirement for coherence between its development policy objectives (eliminating poverty, development of sustainable local fisheries) and its trade policy implies that developing countries should be encouraged to export fisheries products with a greater added value, provided that the fish comes from well-managed and sustainable fisheries and meets the necessary sanitary conditions,
- X. whereas, moreover, in recent years EU trade negotiators have tended to agree more easily to derogations from the rules on preferential origin traditionally applied to fishery and aquaculture products, including both raw products (criteria for determining vessels' nationality) and processed products (possibility to keep preferential status despite the use of non-originating raw materials),
- Y. whereas an FAO study has demonstrated that, even if international trade in fish products can lead to increased food security in developing countries, it has also led to increased fishing in order to supply the export market, which can exacerbate stock depletion, meaning that it is necessary to ensure that fisheries are properly managed and controlled to

prevent depletion of stocks,

- Z. having regard to the partially divergent interests of European fishermen and fish farmers, processing industries, distributors, importers and consumers, which the policies pursued at European level should endeavour to reconcile in an effective and balanced manner,
- AA. having regard to the need to ensure acceptable outlets for Community producers (fishermen and aquaculture enterprises) on a basis of sufficiently remunerative prices, taking account of the costs, constraints and imponderables related to their activity,
- AB. having regard to the need to ensure that Community processors can benefit from raw materials of uniform quality, in sufficient quantities and at stable prices all year long,
- AC. having regard to the need to satisfy the demand from consumers in the Community for high-quality products at competitive prices and to take account of their increasing desire for information on those products' characteristics and origin and the conditions under which they were caught or produced,
- AD. having regard to the differentiated impact of imports on the EU market depending on the species concerned, the degree of processing and the distribution circuits used,
- AE. whereas, for example, a depressive effect on prices at the initial point of sale caused by competition from imports would appear to be a more sensitive issue for 'industrial' species (those destined for the processing industry) than for non-industrial species,

General considerations

1. Deplores the fact that the Green Paper on the reform of the Common Fisheries Policy devotes only a few lines to the issue of imports, and clearly underestimates the importance of addressing this issue properly for the credibility and success of the reform;
2. Notes that the liberalisation of access to the EU market for fishery and aquaculture imports is already very advanced as a result of the commercial policy pursued by the EU over the last 20 years;
3. Notes that EU fishery and aquaculture production falls well short of the needs of the processing industry and growing consumer demand, and will continue to do so; acknowledges, therefore, the need to promote responsible consumption, based upon quality and sustainability rather than quantity, the need to reinforce fisheries management to promote stock recovery and the fact that imports will continue to play an important role in supplying the EU market;
4. Recognises that there is an upper limit on the amount of fish that can be caught on a sustainable basis, either for human consumption or for industrial purposes, which means that supplies of fish to the EU market cannot increase ad infinitum;
5. Emphasises, however, the overriding need to ensure that the EU retains environmentally sustainable and economically viable fishery and aquaculture sectors – including small-scale operations – that are spread harmoniously along its coastline, help to preserve the cultural identity of the regions concerned, provide jobs at all stages of production, and supply safe, good-quality food, which implies that fishers receive a fair price for their

product; stresses also that employees in the fishing industry should work under reasonable conditions and in accordance with the ILO's conventions on health and safety at work;

6. Notes that the current openness of the Community market to exports of fishery and aquaculture products can - under certain circumstances - have a negative impact on the local economy in certain regions, especially the most remote regions in relation to selling their local products;

Specific considerations

Trade and customs policy

7. Considers that the EU, as the world's largest importer of fisheries products, shares political responsibility with other major fish importing countries for ensuring that the WTO trade rules respect the highest possible global standards of fisheries management and conservation; to this end, calls on the Commission to ensure that fair, transparent and sustainable trade in fish is strengthened in the EU's bilateral and multilateral trade agreements;
8. Takes the view that tariff protection is reasonable and should continue to be an important and legitimate instrument enabling the authorities to regulate imports; points out that erga omnes tariff protection is the key aspect of the preferences granted by the EU to certain countries, in particular developing countries; points out that abolishing that protection would deprive countries benefiting from preferences of all the advantages they currently have; also points out that this tariff protection is adjustable, which is useful, and can be suspended by the EU where commodity production in the Community is insufficient for properly supplying its processing industry;
9. Cannot, therefore, accept the idea – promoted through the commercial policy currently being pursued – that all tariff protection in the fishery and aquaculture production sector must eventually be abolished, and that European producers (fishermen, fish farmers and processors) have no other choice than to resign themselves to this situation;
10. Takes the view that, like agriculture, fisheries and aquaculture are strategic sectors with multiple functions, which depend on the conservation and sustainable use of natural resources and include extremely vulnerable segments that do not lend themselves to a purely free-trade approach based on the free play of the comparative advantages;
11. Deplores the fact that unlike trade talks on agricultural products, which are headed up by the Agriculture Commissioner, talks on fishery and aquaculture products are considered to be 'non-agricultural' negotiations and responsibility for them lies with the Trade Commissioner, to whom they are simply an adjustment variable within a wider body of issues;
12. Calls for responsibility for heading up trade talks on fishery and aquaculture products to be transferred from the Trade Commissioner to the Commissioner for Maritime Affairs and Fisheries;
13. Calls for the development, through a series of studies and consultations, of a clear and complete picture of the Community market in fishery and aquaculture products, species by species, as well as of likely trends in demand and production in the Community and of the

outlets expected to be maintained for production in a context of fair competition;

14. Calls also for the Commission to make efforts to assess more reliably and more accurately the impact of imports of fishery and aquaculture products on the Community market, in particular as regards prices, and work on introducing a data collection and exchange system so as to facilitate that assessment process;
15. Demands that fishery and aquaculture products be treated as sensitive products for the purposes of applying the 'Swiss formula' in the WTO's Doha Round NAMA talks, to prevent the erosion of tariff protection which still applies to some products under the CCT, thereby preserving the value of the preferences granted to some partners and the effectiveness of COM mechanisms;
16. Recalls that, in accordance with paragraph 47 of the Doha ministerial declaration of 14 November 2001, the current round of talks is based on the 'single undertaking' principle, and that until the entire round has been concluded the European Union is still entitled to review its position on particular chapters;
17. Also encourages the Union's WTO negotiators to continue categorically to refuse to involve the EU in any initiative aimed at multilateral sectoral liberalisation of the fishery and aquaculture sector;
18. Calls on the Commission to insist that any agreement now under negotiation at the WTO that is concluded on subsidies in the fisheries sector, in particular as regards market regulation measures, must not put European producers at a competitive disadvantage vis-à-vis third-country suppliers; is opposed on principle to any separate and early implementation («early harvest») of such an agreement, which must remain inextricably linked to the other components of the Doha Round;
19. Asks the EU representatives negotiating bilateral and regional agreements to require more systematically a real quid pro quo in exchange for trade concessions to non-EU countries on imports of fishery and aquaculture products, resolutely defending any offensive interests of the EU in this sector;
20. Emphasises that the EU needs to retain control over the trade preferences that it grants to certain partners by insisting on the application of strict rules of origin based on the concept of 'wholly obtained' products; urges caution, in respect of raw products, with regard to granting any derogations from the traditional criteria for determining vessels' nationality, and demands that any new requests for derogations in respect of processed products be rejected; considers that the 'no-drawback' rule should be applied systematically and origin cumulation possibilities should be limited;
21. Urges the Commission to improve, quantitatively and qualitatively, the analysis of the impact on the fisheries and aquaculture sectors of tariff preferences granted to certain countries, in particular as regards business profitability and employment, both in the EU and in the beneficiary countries, particularly the ACP countries; also stresses that those assessments must provide duly quantified results and take particular account of vulnerable fish species;
22. Draws attention to the option for the Community industry of making use of the EU's commercial defence instruments in the event of dumping, subsidisation or increase on a

large scale and without warning of imports for certain categories of fishery and aquaculture products;

Environmental, social, health and quality aspects

23. Believes that it should be one of the key aims of EU policy on fishery and aquaculture imports to ensure that imported products meet the same requirements that apply to EU production in every respect; believes that this aim reflects basic concerns in relation to the fairness, consistency and effectiveness of the measures currently applied in the sector or envisaged as part of the reform; further notes that compliance by non-EU countries with EU requirements will help create more equal competition between production in the EU and production in non-EU countries as a result of the higher costs involved for non-EU countries in producing fish in accordance with EU standards;
24. Is concerned that the massive influx of fishery and aquaculture products onto the Community market from third countries could influence consumers' buying habits;
25. Considers that EU efforts to conserve fish stocks and make fishing sustainable, pursued through the CFP, are incompatible with importing fishery and aquaculture products from countries which are stepping up their fishing efforts without concern for sustainability and are only interested in short-term profitability;
26. Stresses that, via the recovery and management plans in particular, Community policy on conserving resources is helping to encourage imports of fishery and aquaculture products from third countries and to make it possible for them to supplant Community production in what is in many instances an irreversible process; calls on the Commission to take that risk duly into account when drawing up those plans;
27. Fears that – in the absence of an established policy in that regard – the powerful attraction of a very largely open and fast-growing EU market for fishery and aquaculture products constitutes a permanent incentive to over-fishing on the part of the countries concerned;
28. Welcomes the recent entry into force of rules to combat illegal, unreported and unregulated fishing by requiring that all products placed on the EU market carry certification; encourages rigorous and effective application of those rules, while acknowledging the need of many developing countries for help with implementing the rules properly and combating illegal fishing; points out, however, that they constitute the bare minimum necessary and are insufficient to guarantee the sustainability of the fisheries from which the products in question come;
29. Believes that, in addition to applying the Community rules on IUU fishing, it is necessary to exercise stricter downstream controls on the marketing of such fish, notably by means of more rigorous audits of the Member States and of enterprises suspected of supplying products originating in illegal fishing;
30. Asks the Commission to use all the tools available to it to ensure that the main countries exporting fishery and aquaculture products to the EU fulfil the undertakings given in Johannesburg and apply rigorous policies to conserve stocks; encourages it to cooperate with these countries in all appropriate forums and especially in regional fisheries management organisations (RFMOs);

31. Takes the view that the Union must also enforce those undertakings in order to ensure that all products exported to the European Union, without exception, are from countries that have ratified the main international agreements in the field of maritime law, in particular the United Nations Convention on the Law of the Sea and the Convention on Straddling and Highly Migratory Fish Stocks, and, where exports are from waters managed by an RFMO, that they are contracting parties to the relevant RFMO agreement;
32. Highlights the serious disadvantages suffered by EU fishermen, fish farmers and fish processors in competing with certain non-EU countries, as a result of the much lower labour costs in those countries and the less stringent social standards applied there;
33. Believes that the problem of social dumping, although not confined to the fishery and aquaculture sector, is particularly acute there and especially in processing activities, which are highly labour-intensive;
34. Asks the Commission to use all the tools available to it to ensure, at least, that the main countries exporting fishery and aquaculture products to the EU comply with the eight ILO conventions on basic workers' rights;
35. Demands that all the trade preferences granted by the EU in respect of fishery and aquaculture products be made strictly conditional upon the fulfilment of stringent environmental and social requirements; further demands that provisions to this effect in agreements concluded should include credible mechanisms for monitoring compliance with the undertakings given and for suspending the preferences, or simply withdrawing them, if the undertakings are breached; calls, in the case of developing countries, for the implementation of programmes specifically designed to grant technical support, and financial support if necessary, in order to help the affected States to respect their social and environmental commitments;
36. Emphasises the importance of rigorously applying all aspects of EU law in relation to health standards and inspections (including food safety, traceability and prevention), which are crucial aspects for consumer protection, to fishery and aquaculture imports, including feedstuffs and feed materials; urges the Commission, in this respect, to enhance its programme of third country inspections by fine-tuning Food and Veterinary Office missions, primarily by increasing the number of establishments inspected on each mission, in order to obtain results that better reflect the real situation in third countries;
37. Urges the utmost caution with regard to recognising the requirements in force in certain non-EU countries as equivalent to those of the EU for the purposes of applying the above-mentioned legislation and in relation to approving lists of countries and establishments authorised to export fishery and aquaculture products to the EU; considers that DG SANCO should be able to remove individual vessels or processing plants from such approved lists where they fail to meet minimum standards;
38. Advocates an extremely vigilant approach to products from new, particularly intensive, types of aquaculture practised in certain regions of the world and calls for a critical study of the productivity-boosting techniques and procedures used in the plants in question and of their possible health implications as well as their local social and environmental impact;
39. Demands that the checks carried out at all levels – and especially in the context of effectively harmonised and transparent border controls – should be of a thoroughness and

regularity commensurate with the risks inherent in the products concerned, particularly with regard to their nature and provenance; asks the Member States to make available all the financial and human resources required for that purpose;

Revision of the COM

40. Draws attention to the various resolutions that it adopted during the 6thth parliamentary term asking the Commission, as a matter of urgency, to carry out a far-reaching revision of the COM in fishery products to enable it to contribute better to guaranteeing earnings in the sector, ensuring market stability, improving the marketing of fishery products and increasing the added value generated; deplors the fact that this work has been delayed; points to the resolutions as a reference for determining the main aims of such revision;
41. Emphasises that it is absolutely essential for the new mechanisms introduced under the revision to address the reality of fierce competition from low-cost imports resulting from practices that are damaging to the environment or equivalent to a form of social dumping, and to endeavour, nonetheless, to ensure that EU production can be marketed normally and sufficiently profitably;

Consumer information

42. Expresses its conviction that European consumers would often make different choices if they were better informed about the true nature of products on sale, their geographical origins, the conditions under which they were produced or caught and their quality;
43. Emphasises the urgent need to introduce stringent and transparent criteria for certifying and labelling in respect of the quality and traceability of European fishery and aquaculture products and to promote the introduction, as soon as possible, of specific EU ecolabelling for such products in order to put an end to the uncontrolled proliferation of private certification systems;
44. Believes that the ecocertification and ecolabelling of fishery and aquaculture products should be a process that is transparent and easily understandable by the consumer, and should be available to the whole sector without exception, subject to strict compliance with the basic award criteria;

Aquaculture

45. Highlights the fact that aquaculture products account for a growing proportion of fishery and aquaculture imports into the EU;
46. Attributes this phenomenon to the marked expansion of fish farming in certain regions of the world over the past 10 years – a period of stagnation for EU aquaculture, which accounts for just 2% of the sector's global output;
47. Notes the existence of significant substitution effects, in terms of consumer habits and demand on the part of distributors in the EU, as between fresh products of Community origin and certain types of imported aquaculture products;
48. Sees a determined policy of supporting and developing sustainable aquaculture, with a reduced environmental impact, in the EU as one of the key aspects of a strategy to reduce

dependence on fishery and aquaculture imports, stimulate economic activity in the EU and offer a more plentiful and varied supply in response to the rapidly rising demand; stresses, in this connection, the need to aggressively pursue R&D concerning European aquaculture products;

49. Points, in this regard, to its resolution of 17 June 2010 on a new impetus for the Strategy for the Sustainable Development of European Aquaculture;

50. Calls on the Commission and the Member States to take due account of the main recommendations contained in this report in their proposals and decisions related to the reform of the Common Fisheries Policy;

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51. Instructs its President to forward this resolution to the Council and the Commission.