

## **P7\_TA(2013)0402**

### **Comprehensive EU fishery strategy in the Pacific region**

#### **European Parliament resolution of 8 October 2013 For a comprehensive EU fishery strategy in the Pacific Region (2012/2235(INI))**

*The European Parliament,*

- 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 resolutions of the UN General Assembly on fisheries, and in particular to paragraph 157 of Resolution 66/68 regarding the obligations of developed states towards least developed states and small island developing states,
- having regard to the 1995 Agreement for the Implementation of the Provisions of the UN 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 FAO International Plan of Action for the Management of Fishing Capacity, endorsed by the FAO Council in November 2000 (IPOA-Capacity),
- 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 fishing (IUU fishing)<sup>1</sup>,
- having regard to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing approved by the FAO Conference at its Thirty-sixth Session on 22 November 2009,
- having regard to its resolution of 22 November 2012 on the external dimension of the Common Fisheries Policy<sup>2</sup>,
- having regard to the Commission's Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 21 March 2012 entitled 'Towards a renewed EU-Pacific development partnership'<sup>3</sup>,
- having regard to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, to which the EU has been a contracting party since 25 January 2005 by virtue of Council Decision 2005/75/EC<sup>4</sup>,
- having regard to Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community, of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission (IATTC) established by the 1949 Convention between the United States of America and the Republic of Costa Rica<sup>5</sup>,

---

<sup>1</sup> OJ L 286, 29.10.2008, p.1.

<sup>2</sup> Texts adopted, P7\_TA(2012)0461,

<sup>3</sup> JOIN(2012)0006.

<sup>4</sup> OJ L 32, 4.2.2005, p. 1.

<sup>5</sup> OJ L 224, 16.8.2006, p. 22.

- having regard to the Convention on the Conservation and Management of High Seas Fisheries Resources in the South Pacific Ocean<sup>1</sup>, approved on behalf of the European Union by virtue of Council Decision 2012/130/EU<sup>2</sup> and creating the South Pacific Regional Fisheries Management Organisation (SPRFMO),
  - having regard to Council Decision 2011/144/EU of 15 February 2011 on the conclusion of the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part<sup>3</sup>,
  - having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific (ACP) Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000<sup>4</sup> (the Cotonou Agreement),
  - having regard to Council Regulation (EC) No 215/2008 of 18 February 2008 on the Financial Regulation applicable to the 10th European Development Fund<sup>5</sup>,
  - having regard to the Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia<sup>6</sup>,
  - having regard to the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other<sup>7</sup>,
  - having regard to the Fisheries Partnership Agreement between the EU and Solomon Islands<sup>8</sup>,
  - having regard to the Commission Decision of 15 November 2012 on notifying the third countries that the Commission considers as possible of being identified as non-cooperating third countries pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing,<sup>9</sup>
  - 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 Development (A7-0297/2013),
- A. whereas in order to implement policy coherence for development, EU policies which have an impact on fisheries in Pacific ACP (PACP) countries – i.e. fisheries, trade and development policies – should be implemented in a way that ensures that they contribute to the sustainable fisheries development objectives established by PACP countries; whereas such an approach should be incorporated in the forthcoming renewal of the Cotonou Agreement or the instruments successive to that Agreement;
- B. whereas the EU has to seek policy coherence for development on the basis of Article 208(1) 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';

---

<sup>1</sup> OJ L 67, 6.3.2012, p. 3.

<sup>2</sup> OJ L 67, 6.3.2012, p. 1.

<sup>3</sup> OJ L 60, 5.3.2011, p. 2.

<sup>4</sup> OJ L 317, 15.12.2000, p. 3.

<sup>5</sup> OJ L 78, 19.3.2008, p. 1.

<sup>6</sup> OJ L 151, 6.6.2006, p.3.

<sup>7</sup> OJ L 205, 7.8.2007, p. 3.

<sup>8</sup> OJ L 190, 22.7.2010, p. 3.

<sup>9</sup> OJ C 354, 17.11.2012, p. 1.

- C. whereas the EU is the second leading donor in this region after Australia, channelling its assistance through the European Development Fund (EDF), and whereas despite fisheries resources being the main source of wealth of the Pacific ACP countries and the only resource common to them all, and although the countries of the Western and Central Pacific have repeatedly expressed their intention to make tuna fishing the driver for the social and economic development of the region, only 2,3 % of assistance under the 10th EDF is devoted to fisheries-related activities;
- D. whereas bilateral and multilateral trade agreements negotiated by the EU should be preceded by impact assessments, in particular with respect to the conservation of marine living resources and the consequences of the agreements for the local populations; whereas such bilateral and multilateral agreements should be guided by the conclusions of such impact assessments;
- E. whereas, in the current negotiations on the Economic Partnership Agreement (EPA) between the EU and the ACP countries aimed at adapting the generalised system of preferences arising from the Cotonou Agreement to WTO rules, fisheries products have a crucial role as regards access both to European markets and to resources and good fisheries governance with the aim of achieving sustainable development;
- F. mindful of the danger posed by the derogation on rules of origin provided for in Article 6(6) of Protocol II on rules of origin annexed to the interim partnership agreement between the European Community and the Pacific States and the resulting risks of unfair competition in the European market for fishery products;
- G. whereas it is in the EU's interest to develop relations with the Pacific region and to cooperate in order to achieve the goal of development, taking as a basis the conservation of fishery resources, the promotion of sustainable fisheries development and the fostering of transparent fisheries management;
- H. whereas around half the tuna caught in the world are taken in the waters of the Western and Central Pacific, of which 80 % are in the Exclusive Economic Zones (EEZs) of island states and only 20 % in international waters;
- I. whereas the most recent stock assessments conducted by the WCPFC Scientific Committee in 2012 indicate no overfishing of either skipjack tuna (*Katsuwonus pelamis*) or yellowfin tuna (*Thunnus albacares*) in its regulatory area, but indicate overfishing of big-eye tuna (*Thunnus obesus*); whereas mortality among juvenile big-eye tuna in purse seine fisheries, particularly where related to fish aggregating devices, is of great concern;
- J. whereas despite slightly improved fisheries monitoring, control and surveyance in the Pacific, the sustainability of the region's resources is being threatened by a major rise in the number of purse-seiners (mainly from Asia and the island states), the increase in the fishing effort, and illegal fishing;
- K. whereas the EU's approach in the field of fisheries in the Pacific should be to actively support the current regional efforts to address overcapacity and improve fisheries management;
- L. whereas the Pacific has a tradition of regional agencies and structures for the management of tuna fisheries, such as the Pacific Islands Forum Fisheries Agency (FFA) and the subregional body Parties to the Nauru Agreement (PNA);
- M. whereas the vessel day scheme (VDS) was introduced by the Parties to the Nauru Agreement in 2008 in an attempt to manage access to PNA waters, limit fishing effort in those waters and maximise the benefits derived from the fishery by Pacific small island developing states;

- N. whereas the excessive effort of the parties is a reality, and discussions are taking place within the WCPFC on a new Conservation and Management Measure for the following years, where the limits on effort are being addressed;
- O. whereas the United States signed a multilateral agreement with the Pacific States in 1988, and that agreement, which is currently being renegotiated, guarantees access to around 20 % of the fishing days in the region;
- P. whereas the vessel day scheme (VDS) needs to be fully transparent and its provisions need to be improved and implemented by all its members, to enable it to fulfil its objectives and ensure full compatibility of measures taken both in the EEZs and on the high seas;
- Q. whereas the access costs for long-distance fleets are expected to continue to increase significantly in coming years, given that they are an important source of income for countries in the area; whereas the cost of a fishing day as decided at the annual meeting of the PNA was set at a minimum of USD 6 000 for 2014;
- R. whereas the fisheries partnership agreements signed by the EU, including those with the countries of the Pacific Region, have traditionally been based on a limitation of vessel numbers with an indicative reference tonnage, and this has led to disparities owing to the introduction of the VDS by the PNA and their desire to apply the VDS to partnership agreements with the EU;
- S. whereas a well-designed and properly enforced vessel day scheme has the potential to provide the means to prevent further increases in effort in the region;
- T. whereas, in its relations with third countries, the EU has established cooperation and compliance in the field of IUU fishing as a prerequisite for the conclusion of fisheries partnership agreements; whereas Article 38(9) of Regulation (EC) No 1005/2008 on the combating of IUU fishing states that the Commission shall not enter into negotiations to conclude such partnership agreements with countries that do not cooperate in this respect;
- U. whereas EPAs should include a specific reference to the implementation of the IUU regulation, rather than simply general wording on the need to combat IUU fishing, and should not be concluded with third countries identified as ‘non-cooperating’;
- V. whereas the Commission, in its decision of 15 November 2012, notified Fiji and Vanuatu, among others, as possible non-cooperating countries in terms of the IUU Regulation, owing to their lack of deterrent measures and penalties against IUU vessels flagged in those countries and to their not having implemented the recommendations of the regional fisheries organisations;
- W. whereas historically, the fishing operations of Europe’s purse-seiner fleet have mainly been conducted in the Central Pacific, both in international waters and in the EEZ of Kiribati, as well as those of Tuvalu, Tokelau and Nauru, on the basis of private-sector agreements;
- X. whereas, however, besides the Fisheries Partnership Agreement with Kiribati, the EU has also negotiated such agreements with certain countries of the Western Pacific, but these have not entered into effect, as the Agreement with the Federated States of Micronesia was not ratified by that country’s parliament and the negotiations to renew the Agreement with the Solomon Islands have been at a standstill since 2012;
- Y. whereas the Commission has completed prior assessments with the Cook Islands and Tuvalu with a view to launching negotiations on fisheries agreements with those countries, and whereas the corresponding memoranda of understanding have been signed as a prerequisite for requesting negotiating mandates from the Council;

Z. whereas the European External Action Service has to date lacked fisheries staff in its delegation in Fiji;

### ***Overall Strategy***

1. Urges the Commission to ensure coherence among all the Union policies affecting the Pacific region, as required by Article 208 TFEU, and specifically those on fisheries, trade and development, and to enhance potential synergies with a view to achieving a multiplier effect that maximises the benefits both for the states of the Pacific region and for the EU Member States, while also promoting the international dimension, boosting the EU's strategic presence, raising the profile of the EU in the Western and Central Pacific, and contributing to the sustainable exploitation of Pacific resources;
2. Believes that within the framework of future, post-Cotonou relations with the Pacific ACP countries, the fisheries strategy should have a regional focus that bolsters the position and role of the EU in the Western and Central Pacific region;
3. Calls on the Commission to ensure that the 11th EDF takes this strategy into account and also reflects the possibility of increasing the percentage of sector-specific assistance for addressing fishing communities' needs (including enhancing their contribution to local food security) and developing fishery infrastructure for landing and processing catches locally, since fishing is one of the region's main economic resources;
4. Welcomes the recent addition to the EU Delegation in Fiji of staff specifically responsible for fisheries matters, and hopes that this will help establish a permanent specialist link in the field of fisheries with the countries of the region;
5. Calls, also, for greater coordination and complementarity with other actors in the region in relation to development assistance, in keeping with the Cairns Compact of August 2009; welcomes the holding on 12 June 2012 of the second EU-PIF ministerial meeting, which has strengthened the EU-Pacific political dialogue, in particular in the fields of fisheries and development, thereby ensuring that actions taken in these areas by the EU and countries in the region will be more effective;
6. Stresses the need for distant water fleets to contribute, in cooperation with Pacific countries, to reducing fishing pressure on tropical tuna stocks, including by substantially reducing mortality levels for juvenile big-eye tuna, a stock of great economic importance to the region and one which is currently overfished;

### ***Fisheries Strategy***

#### ***A. Short term:***

7. Highlights the importance of establishing a fisheries strategy for the Western and Central Pacific, given the relevance of this region from a fisheries standpoint and its value to the Union's fleet and the EU market and fish processing industry, as well as of providing legal certainty for the vessels operating there;
8. Notes that the EU's strategy for accessing resources in the EEZs of the countries in the region by way of fisheries cooperation agreements has not worked properly except in the case of Kiribati, and considers that a new framework for close and advantageous relations between the various parties involved is needed in order to revitalise and consolidate those agreements;
9. Considers that part of the problem is that the EU has held unsuccessful negotiations on

agreements with the countries of the Western Pacific, which is where the EEZs of the Solomon Islands and the Federated States of Micronesia are located, rather than directing its efforts towards the Central Pacific, where the Union's purse-seiner fleet has traditionally centred its operations;

10. Welcomes warmly the fact that the Commission has completed prior assessments with the Cook Islands and Tuvalu with a view to launching negotiations on fisheries partnership agreements, and that the corresponding memoranda of understanding have been signed as a prerequisite for requesting negotiating mandates from the Council;
11. Considers this new negotiating approach to be more in line with the regional focus repeatedly called for by Parliament, especially with reference to fisheries of highly migratory species; calls on the Commission to ensure compliance with the WCPFC provisions in the case of negotiations with parties to the PNA and other Pacific ACP countries;
12. Notes that the EU's approach to the Pacific should assist developing states, and small island developing states in particular, in their efforts to secure a greater share of the benefits from the sustainable exploitation of straddling and highly migratory fish stocks and should also help strengthen regional efforts to sustainably conserve and manage fisheries for such stocks, as called for by the UNFSA Review Conference;
13. Expresses its concern at the existence of IUU fishing in the area, and, while acknowledging that there have been some improvements in fisheries governance, considers that insufficient progress has been made, especially as regards the introduction of basic tools to combat IUU fishing;
14. Calls on the Commission to include an explicit reference to the IUU Regulation (EC) No 1005/2008 in the provisions of the EPA negotiated with the Pacific countries;
15. Calls on the ACP states to continue to play an active part within the RFMOs, and to keep their civil societies and socio-professional organisations regularly informed about decisions concerning fisheries;

*B. Medium to long term*

16. Calls on the Commission to provide for the establishing of a longer-term strategy for access for the EU fleet to the EEZs of the countries of the region, based on a regional framework agreement between the EU and the countries of the Western and Central Pacific, negotiated with the Forum Fisheries Agency (FFA) and centring on the following aspects:
  - (a) the agreement should outline the arrangements for access for the EU fleet, which would then be given concrete form in bilateral fisheries cooperation agreements with the countries concerned;
  - (b) the agreement should establish a system of transparent governance which would in particular ensure the combating of IUU fishing and specify the tools that should be used, including the Port State Measures Agreement;
  - (c) the agreement should be based on the VDS, provided that measures are adopted to ensure its transparency, improve its effectiveness and its implementation by all relevant parties, and ensure its compliance with the best available scientific advice;
  - (d) the negotiation of the agreement should explore ways of channelling EDF development assistance for the region through the FFA, since the Pacific ACP countries do not have the human and technical resources to adequately utilise that funding;

17. Stresses that the final stage in this process should be exclusively regional in its focus, i.e. it should take the form of a multilateral fisheries cooperation agreement with the EPA signatory countries that grants the Union fleet access to the EEZs of those countries;
18. Recommends that the Commission bear in mind this fisheries strategy for the Pacific region and the specific characteristics of the island states when it comes to the revision of the Cotonou Agreement;
19. Underlines the need for Parliament to be adequately involved in the preparation and negotiating process and the long-term monitoring and assessment of the functioning of bilateral agreements according to the provisions of the TFEU; insists that Parliament be immediately and fully informed, on an equal footing with the Council, at all stages of the procedure related to FPAs, pursuant to Articles 13(2) and 218(10) TFEU; recalls its conviction that Parliament should be represented by observers at the Joint Committee meetings envisaged in the fisheries agreements; insists that civil society observers, including both EU and third-country fisheries representatives, should also attend those meetings;

o

o o

20. Instructs its President to forward this report to the Council, the Commission and the European External Action Service.