INTERNATIONAL FISHERIES RELATIONS

The European Union (EU) plays a key role in terms of international fisheries cooperation. Through the external dimension of its Common Fisheries Policy (CFP), the Union is seeking to safeguard the circumstance of its legal framework extending beyond EU vessels operating in international waters. On the basis of the CFP’s objectives and good governance principles, the EU engages in numerous multilateral agreements and regional fisheries management organisations (RFMOs), as well as 30 bilateral fisheries agreements.

LEGAL BASIS

Articles 38 to 43 of the Treaty on the Functioning of the European Union (TFEU). The Lisbon Treaty provides that international fisheries agreements are to be ratified by the Council after obtaining the consent of Parliament (Article 218(6)(a) TFEU).

BACKGROUND

Bilateral and multilateral fishing agreements became necessary after the establishment of exclusive economic zones (EEZs) in the mid-1970s. In 1982 the United Nations adopted the Convention on the Law of the Sea (UNCLOS), which entered into force in 1994. It can be considered as the constitution for the oceans, recognising coastal states’ rights to control fish harvests in adjacent waters. Although EEZs cover only 35% of the total area of the seas, they contain 90% of the world’s fish stocks. UNCLOS governs not just EEZs but also the high seas. It encourages states to cooperate with each other in the conservation and management of living marine resources in the high seas through the establishment of Regional Fisheries Management Organisations (RFMOs). As a result, countries with distant-water fishing fleets have had to enter into international agreements and/or other arrangements in order to gain access to fisheries resources in either third countries’ EEZs or high seas covered by an RFMO. However, it was only in 2013 that the CFP incorporated the external dimension of fisheries as one of the pillars of the EU fisheries policy through the adoption of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy. The 2013 CFP reform was a breakthrough which prioritised the principles of sustainable and responsible fisheries over the previous objectives of maintaining the presence of Union fleets in external waters and guaranteeing market supply. The EU has become a key player in international fisheries governance, as it is the world’s biggest market for seafood, covering half of its consumption through imports.
and more than a fifth through EU fishing fleet catches outside Union territories, as well as being an important fishing power.

OBJECTIVES

The CFP’s external dimension establishes a legal framework for the activity of European fishing vessels beyond EU waters. The objectives of the external dimension of the CFP, and thus of international fisheries relations, are:

— Actively support and contribute to the development of scientific knowledge and advice;

— Improve policy coherence of Union initiatives, with particular regard to environmental, trade and development activities and strengthen consistency of actions taken in the context of development cooperation and scientific, technical and economic cooperation;

— Contribute to sustainable fishing activities that are economically viable and promote employment within the Union;

— Ensure that Union fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law in the area of the CFP, while promoting a level playing field for Union operators vis-à-vis third-country operators;

— Promote and support, in all international spheres, action necessary to eradicate illegal, unreported and unregulated (IUU) fishing;

— Promote the establishment and the strengthening of compliance committees of RFMOs, periodical independent performance reviews and appropriate remedial actions, including effective and dissuasive penalties, which are to be applied in a transparent and non-discriminatory manner.

ACHIEVEMENTS

A. Bilateral fisheries agreements

1. Sustainable fisheries partnership agreements

Sustainable fisheries partnership agreements (SFPAs) are international agreements concluded by the EU with a number of non-EU countries to obtain access to the country’s exclusive economic zone (EEZ) in order to sustainably catch surplus stocks of the allowable catch in a legally regulated environment. The determination of such surplus stocks must be based on the best available scientific advice, relevant information exchange and transparency, in order to ensure the sustainable exploitation of marine biological resources (3.3.2). The agreements should be of mutual benefit to the EU and to the third country concerned. Therefore, in exchange for fishing rights, the EU provides financial contributions to its SFPA partners, including payments for access rights and sectoral support. Financial compensation under these agreements is intended to contribute to the development of a high-quality governance framework in those non-EU countries. The aim is to ensure, in particular, efficient data collection and monitoring, control and surveillance measures. Last but not least, the Union’s
assistance aims at developing and supporting partner countries’ scientific and research institutions, contributing to capacity-building initiatives for monitoring, control and surveillance, and to the development of more sustainable fisheries policies on the part of the respective states.

All SFPAs consist of a fisheries agreement, which establishes the legal framework, and a protocol, which defines the conditions of the agreement. Lately, a clause concerning respect for democratic principles and human rights has been included in all protocols as an essential element of such agreements. There are two types of SFPAs: ‘tuna agreements’, which allow the fishing of highly migratory fish stocks such as tuna and associated species, and ‘mixed agreements’, which grant access to a wide range of fish stocks. Twelve SFPAs are currently in force: the eight ‘tuna agreements’, with Cape Verde, Côte d’Ivoire, the Gambia, Liberia, Sao Tome and Principe, the Cook Islands, Mauritius and Senegal, and the four ‘mixed agreements’, with Greenland, Guinea-Bissau, Morocco and Mauritania. Another seven SFPAs are so-called ‘dormant agreements’: the tuna agreements with Equatorial Guinea, Gabon, Kiribati, Madagascar, Micronesia, Mozambique, Senegal and Seychelles, countries that have adopted an SFPA but with no protocol in force. As a result, EU vessels are not allowed to fish in the jurisdictional waters of those countries.

2. Reciprocal agreements

The reciprocal agreements are also known as ‘Northern agreements’. They are linked to the North Sea and the North-East Atlantic and involve an exchange of fishing opportunities between EU fleets and three third countries (Norway, Iceland and the Faroe Islands), resulting in many of the shared stocks being jointly managed. The reference used to guarantee an equal exchange is the ‘cod equivalent’ (one tonne of cod represents x tonnes of another species in exchange). The agreements mainly affect ‘industrial’ species (used for the manufacture of fishmeal), which make up more than 70% of catch landings; the main species in terms of value is cod. Denmark, with 82% of the catch, is the largest producer. The agreement with Norway represents more than 70% of the quotas granted to the EU. The agreement with Iceland is now a ‘dormant agreement’.

3. The EU-UK Trade and Cooperation Agreement

The United Kingdom and the EU have agreed to a Trade and Cooperation Agreement (TCA), applicable on a provisional basis from 1 January 2021. Cooperation under the TCA also includes fisheries (TCA Heading Five: Fisheries). Both Parties will exercise coastal state rights for the purposes of exploring, exploiting, conserving and managing the living marine resources in their waters. As part of the TCA, and during a transition period until 30 June 2026, each of the Parties have agreed to grant full access to its waters to vessels of the other Party to fish specified TAC and non-quota stocks in their respective EEZs (12-200 nautical miles).

4. Budgetary allocations

The budget allocated to fisheries agreements increased from EUR 5 million in 1981 to almost EUR 300 million in 1997 (nearly 30% of the resources allocated to the fisheries sector). In 2020, EUR 142.6 million have been assigned to SFPAs, representing 12% of the CFP budget. The most important agreement in terms of financial compensation
and access rights is currently the one with Mauritania, with an EU budgetary allocation of EUR 61.63 million, granting access to about 98 EU vessels.

B. Regional fisheries management organisations

Regional fisheries management organisations (RFMOs) are international organisations composed by countries that have fishing interests in high sea areas. The EU is an active player in many RFMOs, where it advocates conservation and management measures, and provides financial support for research and other supporting measures. The aim of these agreements is to strengthen regional cooperation in order to guarantee conservation and the sustainable exploitation of fish resources on the high seas and of straddling stocks. Importantly, they are also aimed at deterring IUU fishing (3.3.3). RFMOs come in various forms; some were set up under the auspices of the UN Food and Agriculture Organisation (FAO) and others independently; some manage biological resources in a certain zone, while others focus on a stock or groups of stocks. Some apply only to the high seas, or to EEZs, or to both. When the Commission enters into negotiations with RFMOs, its actions are twofold: seeking either membership of the organisation as a contracting party or observer status; and establishing regulations to transfer into EU law the conservation and management measures adopted by the organisations.

RFMOs are also active in establishing measures for the control and monitoring of fishing activities, such as the adoption of joint inspection schemes in the North East Atlantic Fisheries Commission (NEAFC), the Northwest Atlantic Fisheries Commission (NAFO) and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), which is a conservation organisation. The EU currently plays an active role in six tuna RFMOs and 11 non-tuna RFMOs. It also takes part in two RFMOs which are only advisory bodies and have no competence in fishing management – WECAFC (Western Central Atlantic Fishery Commission) and CECAF (Fishery Committee for the Eastern Central Atlantic).

C. International fisheries governance

International conventions are used to create a legal order for the seas and oceans and promote their peaceful use, the equitable and effective utilisation of their resources, the conservation of their living resources, and the protection and preservation of the marine environment.

The EU and its Member States are party to UNCLOS, and have also collaborated in the development of other instruments to further implement sustainable fisheries. An important step towards joint international governance in the field of fisheries was the UN Fish Stocks Agreement (UNFSA). It was established under UNCLOS in 1995 and entered into force in 2001. UNFSA aims at ensuring the long-term conservation and sustainable use of straddling and highly migratory fish stocks.

The EU is also a cooperating partner to the FAO. Under FAO auspices, the Agreement on compliance with conservation and management measures of 1993, and also the Code of Conduct for Responsible Fisheries of 1995, were adopted. In more recent years, the FAO has been setting up international action plans with a view to tackling important deficiencies of international ocean conservation, in particular the fight against
IUU fishing, the action plan tackling incidental catches of seabirds in long-line fisheries, and the conservation and management of sharks.

**ROLE OF THE EUROPEAN PARLIAMENT**

Parliament’s consent is required for the adoption of international fisheries agreements. In addition, it must be immediately and fully informed of any decision concerning the provisional application or the suspension of agreements. Parliament has on several occasions stressed the importance of international fisheries agreements for EU fish supplies, for the EU regions most dependent on fishing and for employment in the sector. It has also addressed the question of these agreements being consistent with other EU external policies (environment and development cooperation). It has declared its support for the eradication of vessels flying flags of convenience and has condemned the growing use of private agreements outside the control of the EU authorities.

On 12 April 2016, Parliament adopted a resolution on common rules in respect of application of the external dimension of the CFP, including fisheries agreements[1]. It emphasised the importance of ensuring consistency between fisheries, environmental and trade policies and development cooperation, and stressed that SFPAs should ensure the complete traceability of marine fisheries products.

On 16 March 2017, Parliament adopted a resolution on an integrated European Union policy for the Arctic[2], supporting the development of a network of Arctic conservation areas and the protection of the international sea area around the North Pole beyond the EEZs of the coastal states.

On 12 February 2019, Parliament adopted a resolution giving its consent to the Council decision on the conclusion, on behalf of the European Union, of the Agreement to prevent Unregulated High Seas Fisheries in the Central Arctic Ocean[3].

On 25 March 2019, Parliament and the Council adopted Regulation (EU) 2019/498 amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters[4]. This Regulation was part of the contingency measures adopted during the negotiations between the EU and the UK. Based on this Regulation, fishing authorisations were issued up to the end of 2019. On 24 October 2019, Parliament and the Council adopted Regulation (EU) 2019/1797 amending Regulation (EU) 2017/2403 as regards fishing authorisations for Union fishing vessels in United Kingdom waters and fishing operations of United Kingdom fishing vessels in Union waters[5]. Through the adoption of this Regulation, the application period of all measures concerning fishing operations was extended until 31 December 2020.

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On 12 February 2020, Parliament adopted a resolution on the proposed mandate for negotiations for a new partnership with the United Kingdom of Great Britain and Northern Ireland[7]. It addresses issues relating to fisheries, emphasising the inseparability of the issue of free access to waters and ports from that of free trade and access of UK fisheries products to the EU market.

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