INTERNATIONAL FISHERIES RELATIONS

With the aim of promoting legal, environmental, economic and social governance frameworks for sustainable fisheries, of gaining access to key fishing areas of the world or of promoting monitoring, control and surveillance schemes to combat illegal fishing, the European Union has concluded more than 20 international fisheries agreements. The European Union concludes bilateral agreements such as sustainable fisheries partnerships, or multilateral agreements such as agreements with regional fisheries management organisations and international conventions.

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).

OBJECTIVES

— To ensure appropriate European Union access to the world’s main fishing zones and resources;
— To enhance bilateral and regional cooperation;
— To supply fish to European markets and provide employment;
— To contribute to the sustainable development of world fisheries;
— To tackle destructive fishing practices;
— To improve scientific research and data collection;
— To combat illegal, unregulated and unreported (IUU) fishing;
— To strengthen control and inspections under the regional fisheries management organisations (RFMOs).

ACHIEVEMENTS

A. Role and importance
   1. Raison d’être

   Bilateral and multilateral fishing agreements became necessary after the establishment of exclusive economic zones (EEZs) of 200 nautical miles in the mid-1970s. The United Nations then adopted the Convention on the Law of the Sea (UNCLOS) in 1982, which
was meant to be a 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 of this, countries with distant-water fishing fleets (DWFFs) have had to enter into international agreements and/or other arrangements to gain access to fisheries resources in either third countries’ EEZs or high seas covered by an RFMO.

2. Financial investment and benefits for the European fleet

The budget allocated to international fishing agreements increased from EUR 5 million in 1981 to almost EUR 300 million in 1997 (0.31% of the total Community budget and nearly 30% of the resources allocated to the fisheries sector). In recent years about EUR 150 million have been assigned to fisheries agreements. The budget for 2013 was EUR 144.23 million. International agreements provide direct employment for around 30 000 people and generate considerable economic activity in sectors and regions heavily dependent on fishing. At the moment, the most important agreement in terms of financial compensation and access rights is the one to be signed with Mauritania for EUR 70 million a year, giving access to about 175 EU vessels.

3. Geographical extension

In 2011, 24 fisheries agreements were in force with coastal states in Africa (14), the Pacific (6) and with northern countries (Norway, Iceland, the Faroe Islands and Greenland). Some of these agreements remain in force, others are under new protocol negotiations and others are ‘dormant agreements’. As regards high-seas fishing, the EU fleet operates in the Atlantic, the Mediterranean, the Indian Ocean, the Pacific Ocean and the Antarctic, through arrangements with RFMOs covering these areas.

B. Types of fishing agreement

1. Bilateral fisheries agreements

a. From fisheries partnership agreements (FPAs) to sustainable fisheries partnership agreements (SFPAs)

FPAs are an outcome of the 2002 reform of the Common Fisheries Policy (CFP) and the Johannesburg Summit on Sustainable Development. Adopted in Council Conclusions 11485/1/2004 on the Commission Communication on an integrated framework for fisheries partnership agreements with third countries, these agreements provide a mechanism allowing the EU to give financial and technical support to, in particular, developing southern partner countries in exchange for fishing rights. The agreements are of mutual benefit. The underlying idea is to become a partner with the third country in order to develop sustainable and responsible fisheries and enhance the value of fisheries products. The FPAs are also meant to underpin coherence with other policies such as development cooperation, environment, trade and health. All FPAs consist of a fisheries agreement and a protocol (e.g. defining the conditions of the agreement). Under these agreements, the EU fleet is given access rights to the fisheries surplus in an EEZ, for the most part in African, Caribbean and Pacific
(ACP) countries, and also in Greenland. The financial terms are based on a lump sum paid by the EU and fees from ship owners. The EU’s financial contribution is justified by it being in the mutual interest of the two parties to invest in sustainable fisheries policy; it is not just a payment for access rights. Under the current rules of the World Trade Organisation (WTO), these arrangements are not considered to be subsidies. The contributions mainly cover expenses linked to management costs, scientific assessment of fish stocks, fisheries management, control and monitoring of fishing activities and expenses for the follow-up and evaluation of a sustainable fishing policy. Unilateral trade preferences granted by the EU under the Cotonou Agreement to ACP countries (and authorised by the WTO) expired at the end of 2007. A new scheme called Economic Partnership Agreements (EPAs), focusing mainly on commercial aspects (e.g. rules of origin, market access and sanitary and phytosanitary standards), was introduced on 1 January 2008. FPAs are particularly important for tuna fisheries (Cape Verde, Comoros, Côte d’Ivoire, Gabon, Kiribati, Madagascar, Mauritius, Mozambique, São Tomé and Príncipe, Seychelles and the Solomon Islands). Other agreements for mixed fisheries are in force with Greenland, Morocco and Mauritania. The length of the protocols varies from two to six years, depending on the country.

In 2013, the revised CFP introduced the sustainable fisheries partnership agreements (SFPA)S with third countries. These agreements provide for access to resources in a regulated environment commensurate with the interests of the Union fleet, in exchange for a financial contribution and technical support, which should contribute to efficient data collection, monitoring, control and surveillance.

The EU currently has eight SFPA protocols in force with third countries, and seven ‘dormant’ agreements with African countries. The ‘dormant agreements’ pertain to countries which adopted an FPA without a protocol in force. EU vessels are not allowed to fish in the jurisdictional waters of such countries as a result.

b. Reciprocal agreements

These agreements 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. Germany, the United Kingdom and Sweden share 15% of the volume. The agreement with Norway represents more than 70% of the quotas granted to the EU. The agreement with Iceland is now a ‘dormant agreement’.

At present, the EU has an FPA in place with Greenland, which sustains almost 40% of the EU’s fishing in Norway and the Faroe Islands through an annual balanced exchange of quotas derived from the FPA.
2. Multilateral agreements

a. RFMOs

The aim of these agreements is to strengthen regional cooperation in order to guarantee conservation and sustainable exploitation of fish resources on the high seas and of straddling stocks. Importantly, they are also aimed at deterring IUU fishing. 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 membership of the organisation (either as a contracting party or observer) and establishing regulations to transfer into EU law the conservation and management measures adopted by the organisations. RFMOs generally set up commissions responsible for scientific research, publication of results and recommendations for managing stocks. These may remain as recommendations or become mandatory if no objections are made within a certain period.

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), Northwest Atlantic Fisheries Commission (NAFO) and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), which is a conservation organisation. The EU is a contracting party in: NAFO, NEAFC, NASCO (North Atlantic Salmon Conservation Organisation), ICCAT (International Commission for the Conservation of Atlantic Tunas), CECAF (Fishery Committee for the Eastern Central Atlantic), WECAFC (Western Central Atlantic Fishery Commission), SEAFO (South East Atlantic Fisheries Organisation), IOTC (Indian Ocean Tuna Commission), IATTC (Inter-American Tropical Tuna Commission), SIOFA (South Indian Ocean Fisheries Agreement), GFCM (General Fisheries Commission for the Mediterranean), WCPFC (Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean) and CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources). The EU only has observer status in conventions agreed by individual Member States. The two regional fisheries organisations linked to the FAO — WECAFC and CECAF — are only advisory bodies and have no competence in fishing management. The EU currently plays an active role in six tuna RFMOs and 11 non-tuna RFMOs.

b. International conventions

Conventions and other agreements 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 according to the UN General Assembly Resolutions, in the framework of the FAO.
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 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. It emphasises the importance of ensuring consistency between fishery, environmental and trade policies and development cooperation and 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, 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[1].


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