

# EUROPEAN PARLIAMENT

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*Committee on Fisheries*

PROVISIONAL  
**2005/0168(CNS)**

17.10.2005

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## **DRAFT REPORT**

on the proposal for a Council regulation concerning the conclusion of the Partnership Agreement between the European Community and Solomon Islands on fishing off Solomon Islands  
(COM(2005)0404 – C6-0320/2005 – 2005/0168(CNS))

Committee on Fisheries

Rapporteur: Carmen Fraga Estévez

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council regulation concerning the conclusion of the Partnership Agreement between the European Community and Solomon Islands on fishing off Solomon Islands  
(COM(2005)0404 – C6-0320/2005 – 2005/0168(CNS))**

**(Consultation procedure)**

*The European Parliament,*

- having regard to the proposal for a Council regulation (COM(2005)0404)<sup>1</sup>,
  - having regard to Article 37 and Article 300(2) of the EC Treaty,
  - having regard to Article 300(3), first subparagraph of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0320/2005),
  - having regard to Rule 51 and paragraph 7 of Article 83 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Development (A6-0000/2005),
1. Approves the proposal for a Council regulation as amended and approves conclusion of the agreement;
  2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and Solomon Islands.

Text proposed by the Commission

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Amendments by Parliament

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Amendment 1  
Recital 2a (new)

***(2a) It is important to improve the information provided to the European Parliament; to this end, the Commission should draw up an annual report on the implementation of the agreement.***

*Justification*

*Parliament needs to be supplied with proper information so that it can evaluate the agreement and assess the operation of the new partnership agreements.*

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<sup>1</sup> OJ C ... / Not yet published in OJ.

Amendment 2  
Article 2a (new)

*Article 2a*

***During the final year of the Protocol's validity and before another agreement is concluded on its renewal, the Commission shall submit to Parliament and the Council a report on the application of the agreement.***

*Justification*

*Before any new agreement is concluded, the Commission should ask the authorities of the country with which it is opening negotiations to provide it with information on the basis of which it will submit a general assessment report to Parliament and the Council.*

Amendment 3  
Article 2b (new)

*Article 2b*

***On the basis of the report referred to in Article 2a and after consulting the European Parliament, the Council shall, where appropriate, grant the Commission a negotiating mandate with a view to the adoption of a new protocol.***

*Justification*

*Parliament and the Council will be able to discharge their respective duties only on the basis of the evaluation report on the application of the fisheries agreement.*

Amendment 4  
Article 2c (new)

*Article 2c*

***The Commission shall forward to***

***Parliament and the Council a copy of the multiannual sectoral programme and its implementing rules referred to in Article 5 of the Protocol.***

*Justification*

*Targeted measures are becoming increasingly important in both financial and social terms. Consequently, the multiannual sectoral programme which is to be drawn up jointly by the authorities of the Solomon Islands and the European Union should be forwarded to Parliament and the Council.*

Amendment 5  
Article 2d (new)

***Article 2d***

***When the first meeting of the Joint Committee provided for in Article 9 of the Agreement is held, the Commission shall inform the Solomon Islands authorities of the attendance of shipowners' representatives at subsequent meetings of the Joint Committee.***

*Justification*

*Shipowners are meeting a significant part of the costs of an agreement on which they have had no opportunity to express their views or to negotiate. They should be given a say and a minimum degree of legal certainty so that they can continue to properly protect the interests of their businesses.*

## EXPLANATORY STATEMENT

### I. BACKGROUND

The Western Pacific is considered to be one of the richest tuna fisheries in the world and scientific studies show that the general state of stocks is satisfactory, specifically with regard to stocks of skipjack and yellowfin, the two main species present in Solomon Islands waters.

It should be pointed out that Solomon Islands form part of a network of multilateral fisheries management agreements in the area, the most important of which is the South Pacific forum, which in turn has given rise to a further series of agreements on specific aspects aimed at improving fisheries management by its members, including the Palau Agreement for the management of the purse seine fishery.

Solomon Islands opened their waters to other fleets some time ago, and 80 vessels currently fish there flying the flag of Japan, Korea, Taiwan, United States and Vanuatu. 70% of these vessels are seiners.

In this context, in 2001 the Council instructed the Commission to negotiate the fisheries agreements with countries in the area, the aim being to create a network of agreements for the Community tuna fleet similar to that which already existed in the Indian Ocean. As a result of these negotiations, the agreement with Kiribati entered into force in 2003, followed by the present Protocol with Solomon Islands. Talks are also in progress with the Federated States of Micronesia, Papua New Guinea and Cook Islands.

### II. DESCRIPTION OF THE PROPOSAL

The **Agreement**, with an initial duration of **three years**, grants **fishing opportunities** for four Community purse seine vessels and ten longliners with reference catches of 6 000 tonnes. Spain will be granted 75% of the licences for seiners and France will be granted 25%. Spain may also opt for six of the licences for longliners, and Portugal for four of those licences. If applications do not use up all the licences available, any other Member State may apply for a licence.

Fishing opportunities may be increased from the second year, but only **following an assessment of the state of the stock in accordance with the Palau Agreement**. If such an increase is approved, the financial contribution may also be increased by up to EUR 65 000 for each additional seiner licence.

The single **financial contribution** has been set at EUR 400 000 per year for fishing possibilities and by way of support for the Solomon Islands sectoral plan for responsible fishing. Solomon Islands voluntarily decided to devote 30% of the financial contribution to this sectoral plan. The first payment will be made by 1 May 2006 for the first year, and on the anniversary of the entry into force of the agreement for the following years.

Shipowners will pay a **fee of EUR 35/tonne** and will be required to pay an advance of EUR 13 000 per seiner and 3000 per longliner.



According to the text of the agreement, the setting-up of **joint enterprises** will be 'encouraged'.

As regards the Solomon Islands **sectoral fisheries plan**, the agreement lays down that this plan will be **drawn up by the two parties** within a Joint Committee which is to meet no later than three months after the entry into force of the agreement. The results will be assessed annually.

The Community fleet is to embark at least **one Solomon Islands seaman per vessel**. Otherwise, shipowners must pay a sum equivalent to two salaries. When applying for a licence, shipowners must **pay EUR 400 for the observers' programme**. However, the number or percentage of vessels which are required to take an observer on board will be determined by the Palau arrangement according to the number of vessels and the state of stocks.

### **III. ANALYSIS OF THE PROPOSAL**

Even though it might first appear that the agreement affects few vessels, it is extremely important for the supply of tuna to the European Union. The 6000 tonne reference catch is far from negligible, and the agreement will also vouch for the presence of the Community fleet in the area under strict criteria to guarantee responsible fishing.

With regard to the financial contribution, even though it does not represent an enormous outlay for the Community purse, it represents a welcome financial injection for the Solomon Islands' fisheries budget, particularly bearing in mind that 30% will be set aside for the development of a fisheries plan to guarantee responsible fishing. To this must be added the various amounts paid by shipowners, which will also provide a significant contribution.

In these circumstances, your rapporteur cannot but recommend that the present proposal be approved and hope that the two sides will complete the procedures allowing its entry into force as soon as possible.

Nevertheless, despite the fact that this is an agreement which has been negotiated under the new model of association agreements, and even though it offered an opportunity to correct the mistakes of the past, it is regrettable that certain bad habits have reappeared and others have been newly acquired. This is doubly incomprehensible in an agreement drawn up from scratch. Consequently, the rapporteur would make the following remarks:

**Financial contribution:** Once again, the Council's instruction that a clear distinction must be drawn between the amount paid for fishing opportunities and the amount for cooperation with the third country has not been complied with. Parliament still does not know why the Commission complies with this principle on some occasions and not on others.

**Fees paid by shipowners:** Once again, the increase has been applied at one stroke rather than gradually, as the Council agreed. There is also no satisfactory explanation as to why fees are raised in some cases (Comoros, Solomon Islands) but not in others (Seychelles, Morocco). The fact that some third countries have even explicitly asked the Commission not to raise

fees, and that this increase continues to be decided behind the backs of those who will have to pay, further adds to the indignation. It might be asked whether the Commission's intention with these 'à la carte' increases, coming on top of the many 'extras' to be paid by shipowners which accumulate in the various agreements, is in fact to discourage the Community fleet from operating in some areas; one might also ask who might benefit from this.

**Joint enterprises:** The rapporteur supports the interest shown by both sides in strengthening this cooperation instrument, but regrets once again that it is not accompanied by a series of guarantees as regards Community investment in third countries. Creating a fishing business in a third country involves a series of costs, which are extremely high in the case of tuna firms owing to the high price of vessels. If there are no guarantees as to the profitability and stability of this investment, shipowners will eventually abandon an instrument which has been extraordinarily beneficial in boosting the creation of fishing industries in third countries, so that it will be the third country itself which will suffer most.

**Penalties linked to the embarkation of seamen:** This is an unfortunate innovation. In many cases, no seamen are embarked because workers from the third country are not considered suitable for the tasks to be carried out, or because they are not willing to be taken on board for a trip which may last for more than six weeks. Shipowners are not responsible for this situation, but they are hit with a fine amounting to twice the wages of the assumed candidate. It is not known what part the Solomon Islands played in this initiative, but the Commission should have been able to defend its fleet from an unfair clause of this type.

**Observers:** The Community fleet is the first to seek greater contact with scientists and has never objected to taking observers on board. Indeed, the fleet bears the travel, accommodation and subsistence expenses, and as far as your rapporteur knows, no observer has ever gone without food on a Community vessel. Given that the number of observers will be decided by the Palau arrangement, what is the reason for this lack of trust, unless to 'squeeze' European firms still more with this non-repayable fee?

**Agents:** Shipowners apply for their licences through the Commission, which passes them on to the third country. In an age of satellite communications, it is far from clear what role agents can possibly play in the context of a fisheries agreement, apart from the obligation to have yet another intermediary whose cost often exceeds the cost of the licence and whose attitude and know-how often leaves much to be desired. The Commission itself has recognised that the need for agents is more than debatable, and this provision should therefore be revised within the framework of the first joint committee rather than through a fresh protocol.

#### **IV. CONCLUSIONS**

1. The Committee on Fisheries approves the signing of this new fisheries partnership agreement with Solomon Islands, which improves the prospects for the Community tuna fleet.
2. The Committee on Fisheries urges the Commission to start work as soon as possible with a view to reaching a regional agreement, particularly bearing in mind that, in the context of the negotiations, the South Pacific Forum, which includes the main countries in the area, explicitly declared its interest in signing a regional agreement

with the EU.

3. The committee regrets that, once again, no clear distinction has been drawn between sections of the financial contribution earmarked for fishing opportunities and for development cooperation, and considers this unacceptable from the point of view of budgetary transparency.
4. The committee calls on the Commission to provide Parliament with both the fisheries sectoral programme drawn up by the two sides and the annual assessments. It also considers it essential that shipowners should be properly informed in good time of what is being negotiated for their firms.
5. The committee calls on the Council finally to explain exactly why it is impossible to allow a Member of the European Parliament to attend the negotiations as an observer.
6. The committee is disappointed that the signature of a new agreement has not been seen as an opportunity to correct errors which have repeatedly been highlighted by both the industry and Parliament, and that in many cases it contributes to a worsening of the situation, and considers that in the majority of cases this can be attributed to the Commission itself.