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Committee on Fisheries

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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 the Federated States of Micronesia on fishing in the Federated States of Micronesia (COM(2005)0502 – C6-0353/2005 – 2005/0206(CNS))

Committee on Fisheries

Rapporteur: Rosa Miguélez Ramos

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 the Federated States of Micronesia on fishing in the Federated States of Micronesia
(COM(2005)0502 – C6-0353/2005 – 2005/0206(CNS))**

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council regulation (COM(2005)0502)¹,
 - having regard to Articles 37 and 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 (C6-0353/2005),
 - having regard to Rules 51 and 83(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinions of the Committee on Budgets and the Committee on Development (A6-0000/2006),
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 the Federated States of Micronesia.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital 2 a (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.

¹ Not yet published in OJ.

Amendment 2
Article 2 a (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 the European 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 2 b (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 2 c (new)

Article 2c

The Commission shall report to the European Parliament and the Council on the application of the multiannual sectoral programme and its implementing rules referred to in Article 5(2) of the Protocol.

Justification

Targeted measures are becoming increasingly important in both financial and social terms. Consequently, the sectoral programme should be forwarded to Parliament and the Council.

EXPLANATORY STATEMENT

I. DESCRIPTION OF THE PROPOSAL

The Western Pacific is one of the richest tuna fisheries in the world and scientific studies show that the general state of stocks is satisfactory. In recent years this region has been among the main areas of operation for the European Union tuna fleet. In the South Pacific a boost has been given to regional agreements aimed at improved fisheries management, including the Palau Arrangement for the management of the purse-seine fishery.

At present, eight countries are party to this agreement: the Federated States of Micronesia, Marshall Islands, Kiribati, Papua-New Guinea, Solomon Islands, Palau, Nauru and Tuvalu. Under the Palau Arrangement, access is restricted for purse-seine vessels which are not from the region. The number of purse-seine vessels which may be licensed to fish stands at 205.

The European Union has concluded significant multilateral fisheries management agreements in this region of the Western Pacific. In 2001 the Council instructed the Commission to negotiate 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 exists in the Indian Ocean. As a result of these negotiations, the agreement with Kiribati entered into force in 2003, followed by the agreement with Solomon Islands, and it is hoped that negotiations will be held shortly with Papua-New Guinea and Cook Islands.

Access for Community tuna vessels to the fishing grounds of the Central Western Pacific is considered an essential opportunity for the long-term development of the Community industrial tuna fishery.

Negotiations with the Federated States of Micronesia (FSM) took place between the end of 2003 and the beginning of 2004. The text of the EC/FSM fisheries partnership agreement was initialled in Pohnpei (FSM) on 13 May 2004. It establishes the conditions of access for European tuna vessels to FSM waters and a framework for EC contributions to the implementation of a sustainable fisheries policy by FSM.

The protocol to the fisheries partnership agreement, which establishes the fishing possibilities and the financial contribution, has been concluded for an initial period of three years. The protocol also lays down that the concession of fishing possibilities by the Federated States of Micronesia to Community vessels must be compatible with the regional management decisions adopted by the Central Western Pacific nations in the context of the *Palau Arrangement for the management of the Western Pacific purse-seine fishery*. The EC fishing effort in the exclusive economic zone (EEZ) of the Federated States of Micronesia must be in line with the findings of relevant tuna stock assessments based on scientific criteria, including the annual scientific reports by the Secretariat of the Pacific Community.

As regards EC fishing possibilities, 6 purse-seine vessels and 12 surface longliners are permitted to fish. Starting from the second year, fishing possibilities may be increased at the request of the Community and depending on the management decisions of the parties to the

Palau Arrangement and other competent regional fisheries bodies. Alternatively, fishing possibilities may be reduced if, based on scientific advice, competent management bodies and institutions so require.

The global financial contribution has been fixed at EUR 559 000 per year. Starting from the second year, for each additional purse-seine vessel licence obtained the financial contribution may be increased by EUR 65 000/year. FSM decided to allocate 18% of the annual financial contribution to the definition and implementation of a sectoral fisheries policy with a view to enhancing responsible fishing in its waters. This contribution will be managed in the light of the objectives identified by mutual agreement between the EC and FSM.

As regards the monitoring and control of fishing activities, the annex to the protocol establishes that EC vessels must comply fully with all regional provisions (including a vessel monitoring system - VMS) established in accordance with and under the supervision of the South Pacific Forum Fishery Agency (FFA).

EC shipowners are to pay fishing fees of EUR 15 000 per purse-seine vessel and EUR 4200 per longliner. Furthermore, EC shipowners are required to embark at least one FSM seaman per vessel and contribute towards a national observers' scheme.

II. ANALYSIS OF THE PROPOSAL

The rapporteur recommends that the present proposal be approved and hopes that the two sides will complete the procedures allowing its entry into force as soon as possible. However, she cannot avoid raising two matters which harm the interests of shipowners and which should be reviewed in the future, when the fisheries agreement is renewed:

Fees for longliner licences: The figure of EUR 4200 is extremely high and represents an enormous burden for shipowners. The amount to be paid for these licences should be reduced to the same level as in other agreements such as those with the Solomon Islands and the Seychelles, which lay down fees of around EUR 3000.

Embarkation of seamen: 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. In such cases, 'embarkation' amounts to an increase in operating costs for shipowners, without any real bearing on training for local seamen. This situation must be brought to an end. If there are able and willing third-country seamen available, they should be embarked; otherwise, shipowners should not have to pay for seamen who are only embarked on paper.

Finally, 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 - declared its interest in signing a regional agreement with the EU.