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REPORT

on the proposal for a Council regulation on the conclusion of the Protocol establishing for the period 1 July 2000 to 30 June 2001 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea
(COM(2000) 690 – C5-0712/2000 – 2000/0287(CNS))

Committee on Fisheries

Rapporteur: Pat the Cope Gallagher

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)

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PROCEDURAL PAGE

By letter of 12 December 2000 the Council consulted Parliament, pursuant to Article 37 in conjunction with Article 300(3), first subparagraph of the EC Treaty on the proposal for a Council regulation on the conclusion of the Protocol establishing for the period 1 July 2000 to 30 June 2001 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea (COM(2000) 690 - 2000/0287 (CNS)).

At the sitting of 15 January 2001 the President of Parliament announced that she had referred this proposal to the Committee on Fisheries as the committee responsible and the Committee on Budgets and the Committee on Development and Cooperation for their opinions (C5-0712/2000).

The Committee on Fisheries appointed Pat the Cope Gallagher rapporteur at its meeting of 7 November 2000.

The committee considered the Commission proposal and draft report at its meetings of 6 November 2000 and 22 January and 6 February 2001.

At the last meeting it adopted the draft legislative resolution by 9 votes to 1, with 1 abstention.

The following were present for the vote: Daniel Varela Suanzes-Carpegna, chairman; Hugues Martin, vice-chairman; Pat the Cope Gallagher, rapporteur; Elspeth Attwooll, Carmen Fraga Estévez, Ian Stewart Hudghton, Salvador Jové Peres (for Mihail Papayannakis), Heinz Kindermann, John Joseph McCartin (for Brigitte Langenhagen), Patricia McKenna, Fernando Pérez Royo (for Rosa Miguélez Ramos), Struan Stevenson (for Arlindo Cunha) and Catherine Stihler.

The opinion of the Committee on Budgets is attached, the Committee on Development and Cooperation decided on 22 November 2000 not to deliver an opinion.

The report was tabled on 6 February 2001.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

LEGISLATIVE PROPOSAL

Proposal for a Council regulation on the conclusion of the Protocol establishing for the period 1 July 2000 to 30 June 2001 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea (COM(2000) 690 – C5-0712/2000 – 2000/0287(CNS))

The proposal is amended as follows:

Text proposed by the Commission¹

Amendments by Parliament

(Amendment 1)
Article 2 a (new)

The Commission shall forward to the Council and European Parliament a copy of the annual report on the implementation of targeted measures which the Equatorial Guinean authorities are to send to it on the basis of Article 3 of the Protocol.

Justification:

The Commission should require the authorities of the State with which it is entering into negotiations to supply such a report. Targeted measures are becoming increasingly significant from both the financial and social point of view.

(Amendment 2)
Article 2 b (new)

1. In the course of the Protocol's application, and before the start of negotiations on its possible renewal, the Commission shall submit to the Council and European Parliament a general assessment report including a cost benefit analysis.

Justification:

¹ Not yet published in OJ.

Before the previous fisheries protocol between the EC and the Equatorial Guinea expired on 30 June 2000, the European Commission presented on 7 April 2000 a note on the implementation of the protocol. The note had the standard format being superficial and could not replace a serious assessment. The Committee on Budgets reiterates its demand for a general assessment report to be presented by the Commission before the beginning of negotiations in order to allow an evaluation of the costs and the benefits of the protocol.

(Amendment 3)
Article 2 c (new)

2. The Council shall, on the basis of that report and taking account of the European Parliament's opinion thereon, authorise the Commission, where appropriate, to start negotiations with a view to the adoption of a new Protocol.

Justification:

The Council shall only give authorisation to the Commission to start negotiations on the basis of the assessment report and the opinion of the European Parliament. The position reflected by the two amendments is in line with conclusion N° D of the Working Document on European Community Fisheries Agreements (PE 289.538) approved by the Committee on Budgets on 23 May 2000. It is also in line with the position taken by the Parliament on several other fisheries agreements.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation on the conclusion of the Protocol establishing for the period 1 July 2000 to 30 June 2001 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea (COM(2000) 690 – C5-0712/2000 – 2000/0287(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal to the Council (COM(2000) 690¹),
 - having regard to Article 300(2) of the EC Treaty,
 - having been consulted by the Council pursuant to Article 37 in conjunction with Article 300(3), first subparagraph of the EC Treaty (C5-0712/2000),
 - having regard to Rule 67 and 97(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Budgets (A5-0044/2001),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

¹ Not yet published in OJ.

EXPLANATORY STATEMENT

Introduction

The Protocol to the Fisheries Agreement between the European Community and Equatorial Guinea expired on 30.6.2000. It was decided to extend the Protocol by one year and a new Protocol was initialled by both Parties on 16.6.2000 which fixes the technical and financial conditions governing the fishing activities of Community vessels in the waters of Equatorial Guinea during the period 1.7.2000 to 30.6.2001.

The protocol concerns tuna only and is important in order to ensure the continuity of Community tuna fishing activities in the Gulf of Guinea. There has been an uptake of licences by French, Spanish, Portuguese and one Italian vessel.

Brief background and some data on the implementation of the previous protocol

The fisheries agreement with Equatorial Guinea dates back to 1984. The second and third protocols, in force 1986-92, provided large fishing possibilities not only for tuna vessels, but also for trawlers. In 1992, when negotiations on a new protocol were to take place, the Community wanted to radically cut down the cost of the agreement, due to low utilisation of the fishing possibilities previously purchased. Equatorial Guinea did not endorse such a change until 1994, when the fourth protocol to the agreement was signed. In this protocol, the fishing possibilities for trawlers were all but removed and those for tuna vessels reduced from 70 to 53 vessels.

From the protocol that Equatorial Guinea finally got, it received in total 220,000 ECU per year, as compared with 2,388,333 ECU per year from the preceding protocol.

Despite this reduction, the utilisation of the 1994-97 protocol was only average at 51 %. Thus, there were licences bought by shipowners for only half as many vessels as the protocol allowed. Nevertheless, according to the Commission the reference catch value of 2,750 tonnes per year was reached and even slightly exceeded.

The 1994-97 protocol included a 120,000 ECU contribution to scientific research. There is however no effective research centre in Equatorial Guinea. The sum is reported to have been used for some kind of scientific project in collaboration with a Spanish partner.

The 1997-2000 protocol reverted essentially to a first generation protocol in that it does not contain much more than fishing possibilities in return for financial compensation.

The number of tuna vessels allowed to buy licences and to fish in Equatorial Guinean waters was increased from 53 to 68 vessels, with the result that there was an upturn in utilisation. Accordingly, the reference value for the catches, above which the Community must pay extra financial compensation, was also raised to 4,000 tonnes per year.

The annual cost of the agreement rose from 220,000 to 320,000 ECU. Licence fees remained the same, but the obligatory advances were slightly increased for freezer tuna seiners and surface longliners.

The funding for scientific and technical programmes was substantially reduced, but a small increase was made in the contribution towards study grants. For the first time, Equatorial Guinea received some aid for fisheries surveillance bodies and for non-industrial fishing.

However, the provisions on inspection and control laid out in the agreement, are very brief and weak and indeed, it would appear that no Equatorial Guinean authority have carried out any inspection or control activities.

It would appear that the general utilisation of the agreement, in terms of catches made during the period, were good. Specific utilisation per vessel category was: 77% for freezer tuna seiners, 43% for surface longliners and low for pole and line tuna vessels.

Main contents of the new protocol

The current proposal simply extends the provisions of the 1997-2000 protocol for one more year.

Comments

The current proposal is the result of problems which transpired during the negotiations for the conclusion of a new protocol, when the delegation from Equatorial Guinea encountered several difficulties in attending meetings with the Commission.

Although these problems have now been resolved, there did not remain sufficient time for substantial negotiations to be undertaken. The current proposal will thus ensure continuity, while negotiations for a new protocol are carried out in the New Year.

The current agreement provides little in the way of serious targeted measures and contains no provisions to ensure their transparent implementation or any assessment of the results. A project aimed at setting up a proper system for fisheries management in Equatorial Guinea must be embarked upon so as to ensure that Atlantic yellowfin tuna and big-eye tuna stocks are not increasingly over-exploited. An explicit reference to the application of ICCAT rules should be included in the text of the next protocol.

The rapporteur notes and supports the Commission's approach that in future negotiations with third countries, a high percentage of special measures should be aimed at. This must also be the case with Equatorial Guinea.

Conclusion

Your rapporteur can support the proposed extension of the protocol for one year, but stresses the need for greater efforts to ensure that any new protocol is subject to a proper control system and that there is adequate transparency in the operation of the agreement. He would urge the Commission to bear this in mind during the forthcoming negotiations.

Agreement between the European Community and Equatorial Guinea

Substance of the agreement	1.7.1994/30.6.1997	1.7.1997/30.6.2000	1.7.2000/30.6.2001
FISHING POSSIBILITIES			
Fishing rights	2,750 tonnes per year	4,000 tonnes per year	4,000 tonnes
Freezer tuna seiners	47 vessels - France & Spain	30 vessels	30 vessels
Pole and line tuna vessels	4 vessels-France	8 vessels	8 vessels
Surface longliners	2 vessels France & Spain	30 vessels	30 vessels
OTHER PROVISIONS			
Licence fees (annual):			
Freezer tuna seiners	20 Ecu/t (advance 1 000 Ecu)	20 Ecu/t (advance 1 300 Ecu)	20 Ecu/t (advance 1 300 Ecu)
Pole and line tuna vessels	20 Ecu/t (advance 200 Ecu)	20 Ecu/t (advance 200 Ecu)	20 Ecu/t (advance 200 Ecu)
Surface longliners	20 ecu/t(advance 200 Ecu)	20 ecu/t(advance 300 Ecu)	20 ecu/t(advance 300 Ecu)
Observers	1 observer	1 observer	1 observer
FINANCIAL CONTRIBUTION			
Financial compensation (ECUs)	412 500	600 000	200 000
Funding for scientific and technical programmes (ECUs)	120 000	50 000	16 700
Funding for study grants (ECUs)	127 500	140 000	46 700
Aid for fisheries surveillance bodies/aid for non-industrial fisheries		170 000	56 700
Total cost (ECUs)	660 000	960 000	320 100
Total annual cost (ECUs)	220 000	320 000	320 100

24 January 2001

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Fisheries

on the proposal for a Council regulation on the conclusion of the Protocol establishing for the period 1 July 2000 to 30 June 2001 the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Equatorial Guinea on fishing off the coast of Equatorial Guinea (COM(2000) 690 – C5-0712/2000 – 2000/0287(CNS))

Draftsman: Bárbara Dührkop Dührkop

PROCEDURE

The Committee on Budgets appointed Bárbara Dührkop Dührkop draftsman at its meeting of 5 December 2000.

It considered the draft opinion at its meeting of 24 January 2001.

At the last meeting it adopted the following amendments unanimously.

The following were present for the vote: Terence Wynn, chairman; Bárbara Dührkop Dührkop, vice chairman/draftsman; Paulo Casaca, Joan Colom i Naval, Den Dover, Catherine Guy-Quint, Jutta D. Haug, Brice Hortefeux, Anne Elisabet Jensen, John Joseph McCartin, Juan Andrés Naranjo Escobar, Heide Rühle, Kyösti Tapio Virrankoski, and Ralf Walter.

AMENDMENTS

The Committee on Budgets calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

(Amendment 1)
Article 2a (1) (new)

1. In the course of the Protocol's application, and before the start of negotiations on its possible renewal, the Commission shall submit to the Council and European Parliament a general assessment report including a cost benefit analysis.

Justification:

Before the previous fisheries protocol between the EC and the Equatorial Guinea expired on 30 June 2000, the European Commission presented on 7 April 2000 a note on the implementation of the protocol. The note had the standard format being superficial and could not replace a serious assessment. The Committee on Budgets reiterates its demand for a general assessment report to be presented by the Commission before the beginning of negotiations in order to allow an evaluation of the costs and the benefits of the protocol.

(Amendment 2)
Article 2a (2) (new)

2. The Council shall, on the basis of that report and taking account of the European Parliament's opinion thereon, authorise the Commission, where appropriate, to start negotiations with a view to the adoption of a new Protocol.

Justification:

The Council shall only give authorisation to the Commission to start negotiations on the basis of the assessment report and the opinion of the European Parliament. The position reflected by the two amendments is in line with conclusion N° D of the Working Document on European Community Fisheries Agreements (PE 289.538) approved by the Committee on Budgets on 23 May 2000. It is also in line with the position taken by the Parliament on several other fisheries agreements.

¹ OJ C (not yet published).

