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29 November 2001

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## **REPORT**

on the proposal for a Council regulation on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006  
(COM(2001) 590 – C5-0555/2001 – 2001/0246(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)

### ***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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## PROCEDURAL PAGE

By letter of 8 November 2001 the Council consulted Parliament, pursuant to Article 37 in conjunction with Article 300(2) and 300(3), first subparagraph of the EC Treaty, on the proposal for a Council regulation on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 (COM(2001) 590 – 2001/0246(CNS)).

At the sitting of 12 November 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 (C5-0555/2001).

The Committee on Fisheries appointed Pat the Cope Gallagher rapporteur at its meeting of 13 September 2001.

It considered the Commission proposal and the draft report at its meetings of 12 September, 12 November and 27 November 2001..

At the last meeting it adopted the draft legislative resolution by 15 votes to 1, with 1 abstention.

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

The opinions of the Committee on Budgets and the Committee on Development and Cooperation are attached.

The report was tabled on 29 November 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 setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 (COM(2001) 590 – C5-0555/2001 – 2001/0246(CNS))**

The proposal is amended as follows:

Text proposed by the Commission<sup>1</sup>

Amendments by Parliament

Amendment 1  
Recital 2 a (new)

*Whereas it is important to improve the information supplied to the European Parliament and whereas the Commission should draw up a yearly report on the state of implementation of the Agreement;*

### *Justification*

*Although the Commission has recently begun to draw evaluation reports on the implementation of fisheries agreements the European Parliament would like to receive more frequent debriefings in order to be able to closely follow the application of the protocol in question.*

Amendment 2  
Article 2

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission **may** take into consideration licence applications from any other Member State.

If licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission **shall on a non-discriminatory basis** take into consideration licence applications from any other Member State.

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

*Justification*

*The Treaty guarantees non-discrimination on the grounds of nationality.*

Amendment 3  
Article 3 a (new)

***During the final year of the Protocol's validity and before any agreement on the renewal thereof is concluded, the Commission shall submit to Parliament and the Council a report on the application of the Agreement and the conditions under which it was implemented. This report also includes a cost benefit analysis.***

*Justification*

*The Commission recently started to present evaluation reports to the Parliament. These reports contain valuable information but unfortunately do not include a cost-benefit analysis. In order to get a complete picture of the implementation of protocols this kind of information is absolutely necessary.*

Amendment 4  
Article 3 b (new)

***On the basis of such a report and following consultation of the European Parliament the Council shall grant, where appropriate, the Commission a negotiating mandate with a view to the adoption of a new protocol.***

*Justification*

*Only on the basis of the evaluation report on the implementation of the fisheries agreement*

*the European Parliament and the Council are able to carry out their respective duties.*

Amendment 5  
Article 3 c (new)

***The Commission shall forward to the Council and the Parliament a copy of the report on the targeted measures which the authorities of the Islamic Republic of Mauritania will provide on the basis of article 6 of the protocol.***

*Justification*

*Targeted measures are becoming increasingly important from both the financial and social point of view. Therefore the information as laid down in the Protocol and given to the Commission should be forwarded to the Parliament and the Council.*

## DRAFT LEGISLATIVE RESOLUTION

**European Parliament legislative resolution on the proposal for a Council regulation on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 (COM(2001) 590 – C5-0555/2001 – 2001/0246(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2001) 590<sup>1</sup>),
  - having been consulted by the Council pursuant to Article 37 in conjunction with Article 300(2) and 300(3), first subparagraph of the EC Treaty, (C5-0555/2001),
  - having regard to Rule 67 and Rule 97(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 and Cooperation (A5-0426/2001),
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.

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



## **EXPLANATORY STATEMENT**

### **INTRODUCTION**

The purpose of the current Commission proposal is to transcribe into Community law, by means of a Council Regulation, a new protocol to replace the Protocol to the Fisheries Agreement between the European Community and the Islamic Republic of Mauritania which expired on 31 July 2001.

This new Protocol was initialled by both parties on 31 July 2001 fixing, for five years, the technical and financial conditions governing the fishing activities of Community vessels in the waters of the Islamic Republic of Mauritania during the period 1 August 2001 to 31 July 2006.

The financial contribution for the first year shall be paid no later than 31 December 2001.

### **FISHERIES RELATIONS WITH MAURITANIA**

Fisheries relations between the European Union and Mauritania date back to 1987, with the conclusion of the fisheries agreement contained in Council Regulation (EEC) No 4143/87 of 14 December 1987.( )

The provisions of this agreement were updated on a number of occasions through a series of protocols, the final of which covered the period 1993-1996.

Additionally, in 1995, following the unilateral termination by Morocco of the fisheries agreement concluded in May 1992 for a period of four years (1 May 1992 to 30 April 1996) and in view of the likely problems of negotiating a new agreement with Morocco, the Commission, with commendable foresight, initiated negotiations with third countries so that vessels prevented from fishing as a result of any loss of fishing opportunities off Morocco could, if necessary, be moved elsewhere.

A Supplement to the 1993-96 Protocol was thus adopted for the period 15 November 1995 to 31 July 1996 which aimed to offset the loss of fishing opportunities for the Community cephalopod fleet in Moroccan waters by allowing for 18 Spanish vessels to transfer to the waters of Mauritania, a geographical area close to where they operated previously.

On 20 June 1996 a new fisheries agreement with Mauritania, for a period of five years, was initialled, allowing continuity in the presence of the Community fleet from 31 July, when the agreements concluded with Mauritania came to an end following that country's termination of the 1987 agreement.

In remarkably similar circumstances, the failure to renew the last agreement with Morocco, which expired on 30 November 1999, has again led to the need to seek increased fishing opportunities elsewhere in order to offset the hardship caused by the loss of access to Moroccan waters.

The protocol now before Parliament reflects this need in that it allows for increased fishing opportunities for EU vessels, while at the same time providing for greatly improved financial compensation for Mauritania ( a 61% increase). Thus this replaces the previous EU agreement

with Morocco as currently the Union's most important with a third country.

## CONTENTS OF THE PROTOCOL

Overall, the new protocol with Mauritania offers allocated fishing rights for various species or category of vessel to Spain, Italy Portugal and France, although if licence applications from these Member States do not cover all the fishing opportunities fixed by the Protocol, the Commission may take into consideration licence applications from any other Member State.

The total Community financial contribution is EUR 430 million broken down into EUR 86 million per year for the period of application of the Protocol. This later figure comprises EUR 82 million financial compensation and EUR 4 million for the financial contributions to fund the various fisheries related assistance set out in Article 5 of the Protocol.

The Government of the Republic of Mauritania has full discretion regarding the use to which the financial compensation element is put.

The following table compares the fishing possibilities offered by the protocol under review compared to those available under previous agreements:

### Fishing possibilities under the 2001-2006 Fisheries Protocol with Mauritania

<b>Fishing categories</b>	<b>1993-1996</b>	<b>1996-2001</b>	<b>2001-2006</b>
Cephalopods (vessels)	18 (Sup. Prot)	aver. 42	55
Crustaceans other than crawfish (GRT)	4,500	5,500	6,000
Pelagic freezer-trawlers (vessels)		22	15
Pole-and-line tuna vessels and surface long-liners (vessels)	45	57	67
Black hake (GRT)	12,000	8,500	8,500
Demersal species other than black hake (trawl) (GRT)	4,200	5,500	4,000
Demersal species other than black hake (fishing gear other than trawl) (GRT)	2,600	4,200	3,300
Crawfish (GRT)	300	300	200

With regard to the fishing opportunities presented, it may be seen that while there has been an overall increase over previous protocols, there has also been a reduction for a number of stocks.

There will be a 30% increase in the number of cephalopod vessels (which averaged 42 under the previous protocol) to 55. According to the Commission, this measure was possible because opportunities have been created on cephalopods by the departure of a number of Far East vessels which used to target these species.

There will also be a 17% increase in the number of tuna vessels from 57 to 67. The tonnage for vessels targeting black hake will remain the same at 8,500 Gross Registered Tonnes (GRT). For those targeting crustaceans other than crawfish (shrimps and crabs), the tonnage will go up by 9% from 5,500GRT to 6,000 GRT.

However, there has been a reduction in the number of pelagic vessels permitted from 22 to 15.

In terms of the EU financial contribution the three periods compare as follows:

#### **EU Financial Contribution under the 2001-2006 Fisheries Protocol with Mauritania**

	<b>1993-1996</b>	<b>1996-2001</b>	<b>2001-2006</b>
Overall financial contribution (ECUm/EURom)	26+7.3(Sup. Prot.)= 33.3	266.8	430

Under the 1996-2001 agreement a total financial envelope of some EUR 266 million was allocated as follows:

- Financial Compensation: 261 million
- Scientific and Technical Co-operation: 3 million
- Improvements in Health Control, fisheries research, and implementation of the fish stock development policy in Mauritania; training schemes and infrastructure development; and expenses related to participation in international meetings and seminars; 1.25 million
- Maritime Industry Training: 1 million

Licence fees paid by Community owners for the right to fish in the Mauritanian EEZ varied between the different fishing categories according to the commercial value of the species targeted, but in total amounted to some EUR10 million.

Under the new protocol, apart from the 61% increase in the total financial envelope to EUR 430 million, EUR 20 will now be spent on the fisheries targeted measures, as opposed to the some 5.25 million shown above for the previous agreement. This EUR 20m will be broken down (per year) as follows:

- EUR 800 000 per year for assistance for research
- EUR 1.5 million per year for support for fisheries surveillance;
- EUR 300 000 per year for support to maritime training;
- EUR 50 000 per year for developing fisheries statistics;
- EUR 50 000 per year for rescue services at sea;
- EUR 50 000 per year for managing fishing licences;
- EUR 50 000 per year for institutional support for managing seamen;
- EUR 400 000 per year for attending international seminars and meetings;
- EUR 800 000 per year for support to develop small-scale fishing.

In addition, the financial contributions paid by the owners of vessels by 25 per cent over the next five years for pelagic and tuna vessels and at between 8 and 18 per cent for other vessels. The number of Mauritanian seamen who must be employed onboard EU vessels has also been increased.

## COMMENTS ON THE PROTOCOL

Following the non-renewal of the fisheries agreement with Morocco, this new protocol with Mauritania is obviously of key significance. However, in this regard, it must be stressed that its principal importance does not lie in the scale of the fishing possibilities that it offers or indeed in its cost.

From a Community fisheries and socio-economic point of view, its real interest is the hope which it holds out to the people of the fisheries dependent regions of Spain and Portugal, such as Andalucia, the Canary Islands, Galicia and the Portuguese south. These regions which had so much invested in the Morocco agreement, must, as quickly as possible, be offered real alternatives.

In terms of the provisions of the protocol itself, certain aspects do nevertheless cause surprise. In its press release on the conclusion of the accord<sup>1</sup> the Commission correctly stresses the increased importance which the new agreement places upon the protection of resources and the monitoring of fish stocks. However, in the same document, with regard to the reduction in the number of pelagic vessels from 22 to 15, it states that *the Commission asked for a reduction in this number in order to reflect better the number involved in pelagic fisheries*. If this was not a stock protection measure, why was it asked for by the Commission?

Under the provisions governing the application of the protocol which are attached to it (Fishing Datasheet 9) the possibility is allowed that "During the first year of application of this protocol, the Contracting Parties shall examine the possibility of including under this Agreement fishing by vessels of more than 9 500 GT which have already fished in the Mauritanian EEZ before 31 July 2001.

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<sup>1</sup> Fisheries Press Info 01/48, 01.08.2001

The decision will be taken on the basis of the situation of stocks, their rational exploitation, the technical characteristics of the vessels, the history of those vessels in Mauritania's EEZ and taking account of the benefits for Mauritania of allowing these vessels into its zone."

This surely is of small comfort to the shipowners and crews concerned, given that it was the Commission itself which asked for the reduction in vessel numbers.

## **CONCLUSIONS**

Given the importance of this protocol for the fisheries dependent regions of Spain and Portugal and given that its provisional application will depend on the first payment being made before 31 December 2001, it would seem vital that Parliament delivers a favourable opinion as rapidly as possible.

21 November 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 setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 (COM(2001) 590 – C5-0555/2001 – 2001/0246 (CNS))

Draftsman: Bárbara Dührkop Dührkop

### **PROCEDURE**

The Committee on Budgets appointed Bárbara Dührkop Dührkop draftsman at its meeting of 22 September 1999.

It considered the draft opinion at its meeting of 21 November 2001.

At this meeting it adopted the following amendments unanimously.

The following were present for the vote: Terence Wynn, chairman; Ioannis Averoff, Paulo Casaca, Joan Colom i Naval, Carlos Costa Neves, Den Dover, Göran Färm, Salvador Garriga Polledo, Wilfried Kuckelkorn, John Joseph McCartin, Giovanni Pittella, Bartho Pronk (for Jean-Louis Bourlanges), Heide Rühle, Francesco Turchi, Kyösti Tapio Virrankoski and Ralf Walter.

## BACKGROUND/GENERAL COMMENTS

1. The previous Protocol to the Fisheries Agreement between the European Economic Community and the Islamic Republic of Mauritania setting out the fishing opportunities and financial contribution expired on 31 July 2001. The same day, the two parties initialled a protocol for a period of five years (1 August 2001 to 31 July 2006). A draft Council Decision concerning the provisional application of the new protocol pending its final entry into force is subject to a separate procedure (without consultation of the Parliament).
2. The Commission informed the Parliament's Committee on Fisheries immediately about the new protocol as initialled and transmitted the text of the protocol, but no draft financial statement. On 17 October 2001, Commission adopted the Proposal for a Council Regulation on the Conclusion of the Protocol.
3. The protocol foresees the following financial contributions through the EU budget:

in €

	2001	2002	2003	2004	2005	Total
Commitment appropriations						
Financial compensation	82 000 000	82 000 000	82 000 000	82 000 000	82 000 000	410 000 000
Assistance for research	800 000	800 000	800 000	800 000	800 000	4 000 000
Fisheries surveillance	1 500 000	1 500 000	1 500 000	1 500 000	1 500 000	7 500 000
Institutional support to maritime training	300 000	300 000	300 000	300 000	300 000	1 500 000
Institutional support for developing fisheries statistics	50 000	50 000	50 000	50 000	50 000	250 000
Institutional support for rescue services at sea	50 000	50 000	50 000	50 000	50 000	250 000
Institutional support for managing fishing licences	50 000	50 000	50 000	50 000	50 000	250 000
Institutional support for managing seamen	50 000	50 000	50 000	50 000	50 000	250 000
International seminars and meetings	400 000	400 000	400 000	400 000	400 000	2 000 000
Support to develop small-scale fishing	800 000	800 000	800 000	800 000	800 000	4 000 000
<b>Total Commitments</b>	<b>86 000 000</b>	<b>86 000 000</b>	<b>86 000 000</b>	<b>86 000 000</b>	<b>86 000 000</b>	<b>430 000 000</b>
<b>Payment appropriations</b>	<b>86 000 000</b>	<b>86 000 000</b>	<b>86 000 000</b>	<b>86 000 000</b>	<b>86 000 000</b>	<b>430 000 000</b>

4. The fishing opportunities agreed in the present protocol are divided in 9 categories. For three of these categories, which are of particular interest to the Community fleet, the new protocol provides for increased fishing possibilities (crustaceans, cephalopods, pole-and-line tuna vessels and longliners). For other categories the fishing opportunities are reduced or maintained at the main level as in the previous protocol. The Commission expects that the actual fishing activities can increase significantly under the new protocol.

5. Under the previous agreement, in particular, the utilisation of fishing opportunities was already very good for some categories (cephalopods, crustaceans and demersal species near 100%), and for tuna fishing (between 85% and 74%). The utilisation of the other categories was also above 50%, except lobster (only 4%). The utilisation of the previous protocol is, therewith, better than those of most other agreements. Commission hopes to improve utilisation further as some of the Spanish vessels which currently not fishing, because of the discontinuation of the fisheries agreement with Morocco, will be reconverted so that they can be used for the fishing on demersal species.
6. The total annual costs for the EU budget are increasing significantly from € 53.2 million for the previous protocol to € 86 million for the protocol now initialled (increase of 62%). Also the contribution to be paid by the ship-owners has been increased in some categories by 25%. The increase can only be explained through the particular circumstances following the non-renewal of the fisheries agreement with Morocco, which brought Mauritania into a good negotiation position. The Mauritania will now be by far the biggest single fisheries agreement of the EU with a third country and in 2002 (taking into account the Letter of Amendment 2/2002) represent 45% of the total appropriations for fisheries agreements (€ 86 million out of € 193 million).
7. The financing for targeted actions constitute € 4 million compared to the annual financial compensation of € 82 million, i.e. the targeted actions represent 5% of the total EU financing, which is much lower than most of the fisheries agreements with ACP countries. But it is higher than under the previous protocol, which had for a 5-year period a financial compensation of € 261 million and only targeted measures for € 5.25 million, i.e. 2% of the total EU contribution. The main part of the targeted measures is foreseen for surveillance measures (€ 1.5 million annually), for research, improved information and monitoring of the maritime researches (€ 0.8 million) and for the support to develop small-scale fishing (€ 0.8 million).
8. The Commission proposal contains an article to take account of Commission Regulation (EC) No 500/2001 of 14 March 2001<sup>1</sup> stating that the Member States are obliged to notify the Commission of the quantities of the catches taken in the fishing zone off Mauritania. This provision can help to achieve a more realistic picture of the actual catches of the EU shipping fleet. It will be useful in both directions, to identify more exactly the under-utilisation of fishing opportunities, and to discover if catches are not declared properly.

## CONCLUSIONS

1. The European Commission has presented its proposal for a Council regulation on the conclusion of the present protocol less than 3 months after initialling the protocol, which is a progress compared to other fisheries agreements. The Commission should continue to improve its administrative procedures, so that this improvement is not restricted to one, politically important, agreement. The committee criticises the fact that the protocol provides for the financial compensation for the first year to be paid before 31 December 2001, which

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<sup>1</sup> OJ L 73, 15.3.2001, p. 8.



leaves less than 3 month for the whole legislative procedure after the presentation of the proposal by the Commission. On the other hand, the rapporteur can accept the time constraints, because of the small margin of manoeuvre in heading 4 of the financial perspective, which does barely allow financing 2 annual instalments of this fisheries agreement under the 2002 budget.

2. The Committee on Budgets welcomes the inclusion of an article to take account of Commission Regulation (EC) No 500/2001 of 14 March 2001<sup>1</sup> stating that the Member States are obliged to notify the Commission of the quantities of the catches taken in the fishing zone off Mauritania.
3. The agreement includes a suspension clause in the protocol, which gives the possibility to suspend the fishing agreement either in the case that the Community fails to make the payments provide for in the protocol (Article 7). The Committee on Budgets is surprised that no suspension clause is included for circumstances that prevent fishing activities in the fishing zone of Mauritania. The committee is pleading for some time for the inclusion of such a clause in all fisheries agreements and protocols. This will help to avoid the difficulties which occurred in the context of other fisheries agreements when the fishing could not be carried through as provided for in the respective protocols and agreements (for example in the case of Guinea-Bissau or Greenland). The Commission has managed to include such a suspension clause in recent protocols with a number of countries (e.g. Madagascar and Guinea-Bissau).
4. The high increase in the EU financial contribution (€ 53.2 million to € 86 million annually) is obviously not really justified by a similar high increase in fishing possibilities. The Committee on Budgets can take account of the particular circumstances of the conclusion of the protocol, but, however, criticises that the increase is higher than probably necessary.

## 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 Commission<sup>2</sup>

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Amendments by Parliament

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Amendment 1  
Article 3b (1) (new)

***1. In the course of the Protocol's application, and before the start of***

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<sup>1</sup> OJ L 73, 15.3.2001, p. 8.

<sup>2</sup> OJ C (not yet published).

***negotiations on its possible renewal, the Commission shall submit to the Council and European Parliament a new general assessment report including a cost benefit analysis as soon as possible.***

*Justification*

*Before the expiry of the previous protocol, the European Commission presented to Parliament an evaluation report on the previous protocol after initialling the new protocol. The Commission did not provide the European Parliament with information allowing a serious assessment and the presentation of an opinion by the Parliament before the start of negotiations.*

Amendment 2  
Article 3b (2) (new)

***2. The Council shall, on the basis of this 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 Committee on Budgets reiterates the demand for the general assessment report to be presented by the Commission before the beginning of negotiations on a new or renewed agreement or protocol. The Council shall only give the authorisation to the Commission to start negotiations on the basis of the assessment report and the opinion of the European Parliament. This position is in line with the 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 other fisheries agreements.*

21 november 2001

## **OPINION OF THE COMMITTEE ON DEVELOPMENT AND COOPERATION**

for the Committee on Fisheries

on the proposal for a Council Regulation on the conclusion of the protocol setting out the fishing opportunities and financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 (COM(2001) 590 – C5-0555/2001 – 2001/0246 (CNS))

Draftsman: Joaquim Miranda

### **PROCEDURE**

The Committee on Development and Cooperation appointed Joaquim Miranda draftsman at its meeting of 13 September 2001.

It considered the draft opinion at its meeting of 11 October 2001.

At its meeting of 20 November 2001, it adopted the following conclusions by 23 votes with 1 abstention.

The following were present for the vote: Joaquim Miranda, chairman and draftsman; Margrietus J. van den Berg and Fernando Fernández Martín, vice-chairmen; Teresa Almeida Garrett (for Jürgen Zimmerling), John Bowis (for John Alexander Corrie), Giuseppe Brienza, Marie-Arlette Carlotti, Maria Carrilho, Nirj Deva, Richard Howitt, Renzo Imbeni, Glenys Kinnock, Karsten Knolle, Paul A.A.J.G. Lannoye, Miguel Angel Martínez Martínez, Hans Modrow, Didier Rod, Ulla Margrethe Sandbæk, Francisca Sauquillo Pérez del Arco, Michel Ange Scarbonchi (for Jean-Claude Fruteau), Karin Scheele (for Karin Junker), Charles Tannock (for Bashir Khanbhai), Bob van den Bos and Stavros Xarchakos.

## SHORT JUSTIFICATION

### EU-Mauritania Fisheries Agreement

The non-renewal of the Fisheries Agreement between the EU and Morocco means that the agreement linking the EU to Mauritania has now become the most important agreement both in financial terms (ECU 266.8 million for the previous protocol 1996-2001) and in terms of access, since it allows the deployment of around 150 European vessels fishing for a wide variety of species: crustaceans, demersals, cephalopods, pelagic species, tuna, etc.

The development aspects of the agreement are also considerable, particularly in terms of:

- the sustainable management of resources, some of which, such as octopus, are being over-fished;
- action to promote local processing of catches;
- jobs created locally;
- receipt of foreign currency.

In addition to the demands of conservation, rational management and sustainable development of resources, and the relevant provisions of the FAO Code of Conduct, account needs to be taken of the key role played by this sector in food security, the fight against poverty, and the country's economic development in general.

As in other ACP countries, the artisanal fishing which has developed over the past twenty years, above all for octopus, potentially represents an effective tool for sustainable development, bearing in mind the aspects set out above. Nevertheless, the competition between this local fishery and European fleets (competition for stocks and for export markets) may threaten the survival of local fishermen.

The development aspects also have a regional dimension, since the access granted to trawlers fishing for small pelagic species (sardinella) affects the activities of Senegalese artisanal fleets and thus requires a precautionary approach to the management of these stocks, which migrate between the various countries in the region.

### The fisheries sector in Mauritania and the state of stocks

The fisheries sector occupies a central position in the Mauritanian economy. On average, it contributes almost 10% of GDP, 30% of budget revenue and more than 50% of Mauritania's foreign currency revenue, and creates around 30 000 jobs.

*Fishing for octopus.* The fisheries sector is chiefly based on octopus (*Octopus vulgaris*) which accounts for more than 60% of the volume and 70% of the value of exports of fish products. This fishery mainly developed with the arrival of Japanese fishermen in the region at the end of the 1960s, rapidly eclipsing the traditional fisheries of demersal

species, then in sharp decline, probably owing to biological replacement. A similar phenomenon can be seen today in Senegalese waters.

This sector is the source of thousands of jobs and tens of millions of dollars in export revenue. Without octopus, Mauritania would have no national fleet. This applies both to trawlers and to artisanal fishing. In normal circumstances, only octopus makes it possible to generate sufficient income to make improved artisanal vessels profitable. Emphasis should be placed on the social importance of artisanal fishing for octopus, which employs between 22 and 23,000 people (of a total of 26,000 jobs provided by the fisheries sector as a whole), both on board vessels and in activities upstream and downstream: construction of canoes, manufacture and assembly of pots and tackle, transport, fuelling, processing facilities, etc.

With regard to processing, only the octopus fishery and that for other cephalopod species can guarantee a sufficient supply of high-quality products to keep the factories in Nouakchott and Nouadhibou running. Those factories required heavy investment. It might be concluded that, economically and socially, the existence of a national fisheries sector is tied to the sound state of cephalopod stocks.

However, the octopus stock is now dangerously overfished, the first signs of overfishing having been detected at the beginning of the 1990s. There is a broad consensus among researchers, the administration and fishermen regarding the diagnosis of overfishing in relation to this stock. Bearing in mind its significance for Mauritanian fisheries, the depletion of this stock has considerable economic and social repercussions. Action is needed if the fruits of several decades of development based on octopus are not to be lost.

Export statistics show that export revenue has declined by around \$ 100 million per year since the return of large numbers of foreign cephalopod vessels in 1993-94, while the sum paid for fishing licences amounts to only around \$ 55 m (including financial compensation under the fisheries agreement with the EU).

### **The new protocol**

The EU and Mauritania have signed a new protocol to the fisheries agreement for a period of five years from 1 August 2001 to 31 July 2006. The financial contribution has been increased from EUR 266.8 m to EUR 430 m over the five years. Part of this contribution will be used to finance targeted measures aimed at modernising the Mauritanian fisheries sector, including scientific and technical research aimed at improving knowledge of the state of fish stocks. Measures will also be taken to improve the control and monitoring of fishing activities in Mauritanian waters, for example through the development of the satellite vessel monitoring system.

The EU fishing fleet is currently the strongest fleet operating in Mauritanian waters in all industrial fisheries, and this demonstrates the importance of the fisheries agreement signed with the EU in 1996 for the country's economic and social development.

The number of cephalopod vessels authorised by the protocol stands at 55 (42 on average under the previous protocol). The number of tuna vessels will also increase from 57 to 67. For pelagic species, the number of vessels will fall from 22 to 15.

Exclusion zone: this protocol still does not respect the twelve-mile exclusion zone, particularly for cephalopods, which will present growing difficulties for local fishing, both artisanal and industrial.

The new protocol provides for a considerable increase (more than 30%) in fishing opportunities for the cephalopod stocks which provide the basis for the Mauritanian fishing industry. The Commission justifies this on the grounds of the 'departure of Far East vessels'. Nevertheless, as long ago as 1995 - when these Far East vessels were operating in the Mauritanian zone - the National Centre for Oceanographic and Fisheries Research (CNROP, a governmental organisation) reported an over-capacity in the octopus fishery. The fact is that the increase in the number of vessels is not linked to new fishing opportunities in Mauritania but to the loss of fishing opportunities in Morocco. Thus 60 of the Spanish vessels previously operating in Moroccan waters are to be redeployed in Mauritanian waters.

### **Regional impact**

The EU-Mauritania agreement could have an impact at subregional level if the access possibilities offered for small pelagic species affect their availability for Senegalese artisanal fishermen.

Pelagic fish stocks play a key role in sustaining the livelihoods and food security of millions of people in coastal and adjacent West African states. Developing a regional approach to management, development and research would appear to be essential if the interests of fishery dependent communities in one country are not to see the resources on which they depend undermined by developments in fisheries relations with the EU and other distant water fishing nations in a neighbouring country.

### **CONCLUSIONS**

The Committee on Development and Cooperation calls on the Committee on Fisheries, as the committee responsible, to take this opinion into account when drawing up its report:

1. Points out that, owing to the non-renewal of the fisheries agreement between the EU and Morocco, the agreement between the EU and Mauritania is currently the most important such agreement;
2. Recalls that the European Union is not the only power fishing in Mauritanian waters;
3. Notes that, for most fisheries, the data available indicate that the fishing opportunities provided for by the protocol lead to overfishing;

4. Regards the absence of a completely reliable system for the continuous, systematic analysis of fish stocks in Mauritanian waters, combined with a management plan on the basis of which licences would be granted to Mauritanian fishermen and those from third countries (including the European Union), as a huge obstacle to sustainable maintenance of fish stocks in Mauritania, and fears in consequence that the present situation of overfishing in Mauritania will continue;
5. Recalls that the FNP (National Fisheries Federation) in Mauritania called for exclusive fishing rights for cephalopods for the national fleet and a protection zone of at least 12 miles for other types of fish as soon as demersal fishing vessels arrived from the EU in 1996;
6. Recalls that, under the *United Nations Convention on the Law of the Sea*, a fisheries agreement may be signed with a third country only if there is a 'surplus' of resources in its waters which the state concerned is unable to harvest; if the scientific data available are not sufficient to carry out an advance assessment of the state of stocks and the total fishing effort deployed locally, the precautionary approach should be respected;
7. Considers that, by increasing the demands for fishing opportunities for overfished stocks in Mauritania, the Commission is acting in a way which contradicts the recommendation contained in the *Green Paper on the future of the common fisheries policy*<sup>1</sup> and the communication on *fisheries and poverty reduction*<sup>2</sup>: 'in third countries where there is a necessity to reduce fleet capacity it is inconceivable to ask for an increase of fishing possibilities for European vessels';
8. Fears that Mauritania is mortgaging the future of its coastal cephalopod and demersal stocks and risks sacrificing the long-term potential of the industry, reducing the income drawn from the sector to the financial compensation paid by the EU;
9. Fears that continued overfishing will lead to a reduction of food security in Mauritania, given that fish is the greatest source of animal protein for the Mauritanian population and, according to the FAO, in the period from 1997 to 1999 10% of the Mauritanian population were on record as being undernourished;
10. Considers that, if sustainably managed and more closely integrated with national economic life, the fisheries sector could provide the key to successful poverty eradication in Mauritania where more than 50% of the population live below the poverty line. Thanks to recent social reforms, those who gained employment in the fisheries sector since 1985 have been drawn mainly from the poorest segments of Mauritanian society. Ways should be explored to reconcile access for third country vessels with the maintenance (octopus fishery) or progressive development (hake fishery, etc) of a national capacity to catch and process national fisheries resources. The development of value-added fish processing activities, with very real benefits to the Mauritanian economy would be the objective, a question that should be taken into consideration in the context of the EDF programming (NIP);

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<sup>1</sup> COM(2001) 135.

<sup>2</sup> COM(2000) 724.

11. Is therefore very disappointed that in the cooperation strategy and indicative programme 2001-2007 for Mauritania and the European Union - even though the strategy recognises that the sustainability of the fisheries industry in the medium or long term will stand or fall with balanced management of the fish stocks on the basis of reliable scientific data, and that Mauritania's macroeconomic prospects are highly dependent on the development of international demand for fisheries products - is not included in the ninth EDF programming for the support and reinforcement of the fisheries industry in Mauritania;
12. Considers that EU ship owners should be barred from private bilateral agreements with third countries when EU fisheries agreements are in place;
13. Recognises the damage done to dolphins by seine nets, and to seabirds, in particular albatrosses, by long-lines; calls, consequently, on the Commission and national and international fishing organisations to undertake research and apply already existing technology whereby marine mammals and birds can be protected from such fishing practices;
14. Considers that, given the common nature of the problems of monitoring and control faced in West Africa and the common nature of the stocks, which recognise no international boundaries, a strong case exists for the adoption of a regional approach to fisheries management. Stock surveys, monitoring and control and even the negotiation of access rights for third country vessels could best be undertaken within a regional framework;
15. Points out the importance, in the interest of coherence, of the establishment of a 12-mile exclusion zone to protect artisanal fisheries;
16. Doubts seriously whether the fisheries agreement between the EU and Mauritania takes account of two major objectives of European development policy - combating poverty and coherent policy-making;
17. Wishes to point out, as Parliament already stressed in its report drawn up on the conclusion of the EU-Mauritania fisheries agreement in 1996 (A4-0397/96), that the significant financial implications of this agreement, which is the most important of those concluded by the Union with third countries, should mean that Parliament's assent is required;
18. In view of the many uncertainties surrounding the actual size of the fish stocks in Mauritania, regards the interim review clause for cephalopods on the basis of assessment by a Community scientific committee in 2003 as essential; takes the view that the review clause can only be of use if the necessary scientific data are available in 2003, which they are not at present, and expects the Commission to make active efforts to obtain them; considers, furthermore, that independence and transparency of the assessment are important conditions for transparent decision making on the subject of the review clause;