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R E P O R T

of the Committee on Agriculture, Fisheries and Rural Development

on the Commission proposal for a Council regulation (EEC) on the conclusion of the Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal for the period from 1 May 1990 to 30 April 1992 (COM(90) 0312 final - C3-0240/90)

Rapporteur: Mrs Solange FERNEX

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

* = Consultation procedure requiring a single reading

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**I = Cooperation procedure (first reading)

**II = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

*** = Parliamentary assent which requires the votes of a majority of the current Members of Parliament

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Or. FR

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By letter of 8 August 1990 the Council consulted the European Parliament pursuant to Article 43 of the EEC Treaty on the Commission proposal for a Council regulation (EEC) on the conclusion of the Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal for the period from 1 May 1990 to 30 April 1992.

At the sitting of 10 September 1990 the President of Parliament announced that he had referred this proposal to the Committee on Agriculture, Fisheries and Rural Development as the committee responsible and the Committee on Budgets and the Committee on Development and Cooperation for their opinions.

At its meeting of 18-19 September 1990 the Committee on Agriculture appointed Mrs Fernex rapporteur.

At its meetings of 25-26 September and 28-29 November 1990 it considered the Commission proposal and the draft report.

At the latter meeting it adopted the draft legislative resolution nem. con. with three abstentions, on the recommendation of its Subcommittee on Fisheries.

The following were present for the vote: Colino Salamanca, chairman; Borgo, Graefe zu Baringdorf and Killilea, vice-chairmen; Fernex, rapporteur; Bocklet, Dalsass, Funk, Garcia, Görlach, Happart, Hory (for McCubbin), Lane, McCartin, Maher (for Vohrer), Marck, Mottoia, Navarro, Ortiz Climent, Partsch (for Falqui), Rothe, Santos López, Scott-Hopkins (for Howell), Sierra Bardaji, Simmonds, Sonneveld, Stevenson, Thareau, Vazquez Fouz and Verbeek.

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

The report was tabled on 4 December 1990.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A

Commission proposal for a Council regulation (EEC) on the conclusion of the Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal for the period from 1 May 1990 to 30 April 1992

Commission text¹

Amendments

(Amendment No. 1)
Article 2a (new)

Article 2a

Before the periods of validity of the Agreement or the Protocol expire, and before concluding any agreement renewing the Agreement, the Commission shall submit to the Council and the European Parliament a report on the use being made of the Agreement and the conditions for its implementation, as regards both the fisheries and the scientific aspects.

¹ For full text see COM(90) 0312 final - OJ No. C 209, 22.8.1990, p. 6.

DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament on the proposal for a Council regulation (EEC) on the conclusion of the Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal for the period from 1 May 1990 to 30 April 1992

The European Parliament,

- having regard to the Commission proposal to the Council (COM(90) 0312 final)¹,
 - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (C3-0240/90),
 - having regard to the report of the Committee on Agriculture, Fisheries and Rural Development and the opinions of the Committee on Budgets and the Committee on Development and Cooperation (A3-0349/90),
1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;
 2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal.
 4. Instructs its President to forward this opinion to the Council and Commission.

¹ OJ No. C 209, 22.8.1990, p. 6

B

EXPLANATORY STATEMENT

THE COMMISSION PROPOSAL

1. The proposed agreement updates the Protocol to the EEC-Senegal fisheries agreement of 15 June 1979 which expired on 28 February 1990.

2. The new Protocol runs for two years from 1 May 1990 to 30 April 1992 and provides for the following fishing opportunities (previous Protocol in brackets):

- inshore demersal fishing	:	7 000 GRT	(18 500)
- deep sea demersal fishing	:	23 600 GRT	(16 000)
- wet tuna boats	:	20 vessels	(18)
- tuna seiners	:	48 vessels	(same)
- surface longliners	:	35 vessels	(same).

3. The Community is to pay financial compensation of 14 375 000 ECU per year (previously 11 450 000 = + 26%); the cost of financing Senegal's scientific programmes amounts to 800 000 ECU (previously 550 000 = + 45%) and the contribution to training and study awards is 450 000 ECU (previously 550 000 = - 19%).

New levels of fees to be paid by shipowners have also been set, increasing by between 25 and 10% depending on the category concerned.

The landing obligation on tuna seiners remains 12 500 tonnes of tuna per year and for wet tuna boats 3500 tonnes of tuna per year.

4. Neither the fishing zones nor the various fishing arrangements laid down in the annex have been modified.

CRITICAL ASSESSMENT

5. The Committee on Agriculture, Fisheries and Rural Development, realizing the economic and social importance of one of the oldest and largest fisheries agreements with an ACP country, is generally in favour of this Protocol.

6. It is however concerned at the lack of information on the utilization of the funds earmarked for scientific research and for the search for new resources.

7. Approval is therefore made subject to an amendment to improve the supply of such information.

MINORITY OPINION

8. Since the Guermeur report¹ Parliament has insisted on laying down essential guidelines for the Community to follow in negotiating fishing agreements with developing countries.

9. Moreover, successive rapporteurs on fishing agreements, irrespective of their political allegiance, have said, and repeated ad nauseam, that the practice of submitting for Parliament's opinion an agreement that was already initialled following the completion of negotiations was unsatisfactory and a misunderstanding of the role of democratic representation.

10. The Commission might have been expected to bear in mind the need to inform Parliament in time for it to express its view as soon as the negotiating mandate was defined.

11. Not only was this not the case, but essential information for the assessment of the agreements is missing from the documents provided by the Commission: there is no indication of the flag states concerned, the extent of utilization of the agreements or the results of the scientific programmes previously financed and intended to improve information on fish stocks in the EEZ. Moreover, the details of tonnages fished or landing prices granted to local canning industries are guarded as if they were state secrets.

12. Finally, the favourable or adverse impact of fisheries on the development of the countries concerned is only apparent implicitly, in agreements which the Commission reminds us are only trade agreements, as though an entire title of the Lomé Convention was not dedicated to the development of fisheries.

13. In the rapporteur's view it is time this naked disdain for Parliament's recommendations came to an end. She therefore proposed without, however, being followed by a majority of the committee, that Parliament's concern should be voiced in a more resolute manner than by the traditional expression of regret, especially as this fishing agreement with Senegal is a perfect illustration of the absurd results to which the present approach can lead, by rejecting the proposed agreement on the grounds of the following shortcomings:

CRITICAL ASSESSMENT

14. The rapporteur notes that this new Protocol only superficially updates an agreement that is more than ten years old and ignores the realities of Senegal's non-industrial fishing industry in whose interest the arrangements for fishing by Community vessels are supposed to be laid down. This is particularly striking as regards the following aspects of the Protocol:

Landing of catches

15. The rapporteur is concerned about the difficulty of monitoring by-catches made by trawlers which do not land their catches in Senegal and by seiners and some trawlers which only land part of their catches.

¹ Report by Mr Guermeur (A2-0204/86), OJ No. C 76, 23.3.1987

16. Moreover, some Community vessels which are only interested in a few species for export are rejecting large quantities of fish which they do not need, thus wasting a particularly valuable resource, as these fish form part of the customary diet of the coastal population.

17. It would thus be necessary to add to the agreements clauses

- providing for the landing of by-catches in Senegalese fishing ports and their sale by agreement with the Senegalese non-industrial fishermen's organizations;
- defining the concept of the 'local market price' based on the annual average prices set for local species, and on the current average international price for tuna, in order to prevent the large-scale localized intervention of Community vessels from disrupting a fragile market.

Fishing zones

18. Senegal has an extended continental shelf: the 200 m isobath is 25 miles from the coast at the frontier with Mauritania and after its curtailment in the area of Cape Verde extends for more than 35 miles off Casamance.

19. While it is partly taken into account in the case of surface long-liners, which are not major competitors with non-industrial fisheries, this geographical datum is ignored for the other categories, and particularly for in-shore demersal fishing, despite the fact that the state of the fishing grounds is alarming.

20. The rapporteur deeply regrets that the agreements signed have not taken account of the reservations expressed by various scientists as regards demersal fishing and grant Community vessels the right to fish for demersal species, when a concern to preserve resources should have led the Community to freeze fishing of this kind to prevent serious risks to these greatly depleted species.

21. There is thus a need to extend to all fishing techniques the limits laid down for surface longliners, with a minimum of 20 miles - except perhaps in the immediate vicinity of Dakar and Cape Verde - to protect both local fisheries and fish stocks, and this should include fishing for bait, as bait may be used as food by the Senegal population.

22. The need to reserve the 20 mile zone for local non-industrial fishing is crucial, and indeed vital, as regards the waters of Senegal.

23. Pressure from industrial fishing fleets is already excessive and is destroying a resource that is undervalued and already seriously depleted.

24. Moreover, since the events between Mauritania and Senegal and the limitation of fishing rights in the waters of Guinea and Mauritania, fishing activities have been dangerously concentrated on the Casamanca shelf at the expense of local non-industrial fishing.

25. In addition, there has been no exhaustive research into resources as a whole and particularly in this southern area of the continental shelf, although the situation has deteriorated significantly over the last five years.

26. Finally, the need to reserve 20 miles for non-industrial fisheries is fully justified in the case of Senegalese fishermen who are in the process of converting to a different type of small-scale fishing, particularly by selecting bigger boats which are better equipped for fishing (of the Doris type) enabling them to fish 20 and 30 miles from the coast.

27. The Community must therefore take account of these new prospects for Senegalese non-industrial fishing, for which the 20 mile limit must be reserved.

Controls

28. The rapporteur must also draw attention to the following disturbing points. Despite the fact that the zone reserved for industrial vessels has been delimited, some trawlers are operating illegally in the non-industrial zone, particularly at night without lights. This practice incurs a human as well as economic cost from the fishermen's point of view:

- the fishing gear used by Senegalese non-industrial fishermen is destroyed by the passage of large vessels in their fishing zone;
- there are collisions between large vessels and traditional fishing boats, sometimes causing fatal accidents.

The rapporteur therefore proposes demanding:

- an end to all illegal fishing,
- observance of the delimitation of fishing zones by EEC vessels,
- strict retaliatory measures for those contravening the rules, by definitively excluding them from the fishing agreements (through withdrawal and non-renewal of licences) and immediate settlement of compensation for the victims of damage and injury by EEC vessels, to boats belonging to the Senegalese non-industrial fishing industry.

To facilitate and improve the detection and identification of vessels contravening the rules, Senegalese fishing boats should be fitted with sophisticated (but lightweight) surveillance and detection equipment making it possible for accurate information to be obtained.

In view of the proliferating number of infringements it is essential that an official patrol team should be set up, recognized by the non-industrial fishermen's organizations, with assistance from the Community.

DEVELOPMENT OF THE SENEGALESE INDUSTRY

29. The rapporteur is most surprised by the Commission's practice of totally dissociating fishing agreements from development aid. Contrary to what is regularly affirmed, these are not solely commercial operations and it ought to be possible to integrate the practice of industrial fishing in the waters of developing countries with the measures laid down by the Lomé Convention for the development of local fisheries.

30. The Commission should therefore ensure that fishing agreements take these into consideration, and in the particular case of Senegal it should propose action to:

- develop storage infrastructures,
- deal to a greater extent with the autonomous or institutional bodies which are most representative of the Senegalese fishermen, particularly with the professional organizations of non-industrial fishermen, and
- release appropriations for NGOs which have projects for supporting and developing non-industrial fishing.

31. Only then will it be possible to regard these agreements as having genuine value for all the parties concerned. Until then the rapporteur asks Parliament not to sanction a practice which, in effect, devotes Community funds to subsidizing major industrial fishing companies without any benefit to the local fishing industry or the local population.

OPINION OF THE COMMITTEE ON BUDGETS

Letter from the chairman to Mr Colino Salamanca, chairman of the Committee on Agriculture, Fisheries and Rural Development

Luxembourg, 14 November 1990

Subject: Fishing agreement with Senegal (COM(90) 0312 - C3-0240/90)

Dear Mr Colino Salamanca,

At its meeting of 7 November 1990 the Committee on Budgets considered the above proposal.

As regards the budgetary implications the committee would point out that at this stage of the 1991 budget procedure a specific heading has been created for fishing agreements to finance scientific programmes and study grants under Item B7-5022. If this decision is confirmed the Commission should enter part of the appropriations in the heading concerned.

In general the Committee on Budgets deplores the fact that information on fishing agreements is insufficient to enable Parliament to play an increased role in this area. The committee accordingly proposes introducing an amendment to enable the budgetary authority to be provided with annual information on the use being made of the Agreement.

Subject to adoption of the above amendment the Committee on Budgets approves the agreement in question.

Yours sincerely,

(sgd) Miguel ARIAS CANETE

Thomas von der VRING

AMENDMENT

Add the following :

Whereas, since it is important to improve the provision of information to the Budgetary Authority, the Commission should provide details every year on the implementation of this agreement in order to facilitate decision-making during the annual budget procedure;

Article 2a (new)

The Commission shall every year provide the Budgetary Authority with a detailed report on the implementation of the Agreement.

The following were present for the vote: von der Vring (chairman); Arias Canete (draftsman); Goedmakers, Langes, Lo Giudice, Kellett-Bowman, Marques Mendes, Miranda da Silva, Theato and Wynn.

OPINION

of the Committee on Development and Cooperation

Letter from the Chairman of the Committee on Development and Cooperation to Mr COLINO SALAMANCA, Chairman of the Committee on Agriculture, Fisheries and Rural Development

Strasbourg, 21 October 1990

Subject: Proposal for a Council regulation (EEC) on the conclusion of the Protocol setting out the fishing rights and financial compensation provided for in the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal for the period from 1 May 1990 to 30 April 1992 (COM(90) 312 final)

Dear Mr Colino Salamanca,

At the meeting of 17 October 1990, the Committee on Development and Cooperation considered the above proposal and adopted the following opinion in the form of a letter.

The Committee on Development would draw the attention of the Committee on Agriculture, Fisheries and Rural Development to its previous reports and opinions on other fisheries agreements concluded with various countries of the ACP area, in particular the GUERMEUR report on fisheries agreements with the developing countries, adopted by the European Parliament on 19 February 1987¹. The committee believes that the report by Mr GUERMEUR must constitute the basic frame of reference for all agreements of this nature.

The Committee on Development has always stressed the need for fisheries agreements to be concluded with the ACP countries which are of benefit both to the countries of the ACP area and to the countries of the EEC. Legally, the fisheries agreements are commercial agreements, but this committee has insisted that they should have a development component, in the sense that they should cover matters such as the financing of scientific and technological programmes in the fisheries sector, awards, the landing of a percentage of catches in the country of origin, the employment of local crews, as well as other matters not yet covered by fisheries agreements: the transfer of fisheries technology, joint ventures, ex post assessment, regional aspects, etc.

18 October 1990

¹Doc. A 2-204/86; OJ C 76, 23.2.1987

The Committee on Development and Cooperation,

taking account of the above factors and drawing attention to the absence of a Commission report assessing the results of the previous fisheries agreement with Senegal,

1. Welcomes the fact that the financial compensation and the Community's contribution towards the financing of scientific programmes in Senegal have been increased under the present agreement.
2. Regrets that the present agreement has not set a limit for catches and that it was concluded without prior knowledge of the country's fish stocks.
3. Regrets that no provision has been made in the present fisheries agreement with Senegal for the following:
 - a. The possibility of creating joint ventures in connection with local processing, marketing and boat-building; points out once again that joint ventures are an excellent vehicle for technology transfers and the flow of capital.
 - b. regional measures, including regional research and exploitation of resources, the financing of regional training centres for the fishing sector, a regional awards policy, etc.
4. Calls once again on the Commission to study the possibility of concluding regional fisheries agreements with the countries of this area.
5. Requests the Commission to submit in due course a report assessing the present fisheries agreement with a view to adapting it satisfactorily to the interests of the Republic of Senegal and of the Community's vessels.
6. Calls on the Commission to see to it that vessels flying the flags of the Community Member States comply with each and every contractual clause of the present agreements.
7. Requests that the EP be involved in the fisheries agreement negotiation process by means of a procedure that enables it to be informed of the proposals put forward, so that it can then make its position clear before the Commission receives its negotiating brief from the Council.
8. Requests that the EP committee responsible be informed of the progress of the negotiations so that it can make its views known to the Commission.

Requests the Committee on Agriculture:

- . To take account of this opinion of the Committee on Development and Cooperation when drawing up its report.
- . To approve the proposal.

(sgd) Henri SABY

The following were present at the time of the vote: Saby, chairman; Belo and Bindi, vice-chairmen; Arbeloa, Hermans, Magnani Noya, Mendes Bota, Morris, Perschau, Pons, Schmidbauer, Simons and Telkämper