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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 on the
conclusion of the Protocol establishing, for the period from
1 June 1990 to 31 May 1993, the fishing rights and financial
compensation provided for in the Agreement between the
European Economic Community and the Government of the
Democratic Republic of Sao Tome e Principe on fishing off
Sao Tome e Principe

(COM(90) 429 final - C3-0333/90)

Rapporteur: Mr José VAZQUEZ FOUZ

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

Or. FR

*	= Consultation procedure requiring a single reading
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**II	= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment
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**I	= Cooperation procedure (first reading)
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***	= Parliamentary assent which requires the votes of a majority of the current Members of Parliament
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C O N T E N T S

	<u>Page</u>
Procedural page	3
A. Amendment to the Commission proposal	4
DRAFT LEGISLATIVE RESOLUTION	5
B. EXPLANATORY STATEMENT	6
Opinion of the Committee on Budgets	8
Opinion of the Committee on Development and Cooperation	10

By letter of 15 October 1990, the Council consulted the European Parliament, pursuant to Article 43 of the EEC Treaty, on the Commission proposal for a Council regulation on the conclusion of the Protocol establishing, for the period from 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of Sao Tome e Principe on fishing off Sao Tome e Principe.

At the sitting of 22 October 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 to the Committee on Budgets and the Committee on Development and Cooperation for their opinions.

At its meeting of 30 October 1990, the Committee on Agriculture appointed Mr Vazquez Fouz rapporteur.

At its meeting of 19 and 20 March 1991, it considered the Commission proposal and draft report. On a recommendation from its Subcommittee on Fisheries, it adopted the draft legislative resolution by 20 votes to 1.

The following took part in the vote: Colino Salamanca, chairman; Ainardi, Blaney, Dessylas, Domingo Segarra, Fernex (for Graefe zu Baringdorf), Funk, Görlach, Guillaume, Howell, Lataillade (for Lane), McCartin, Maher (for Kofoed), Marck, Partsch (for Verbeek) Plumb, Saridakis, Sierra Bardaji, Sonneveld, Stevenson and Vohrer.

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

The report was tabled on 20 March 1991.

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

A

Proposal for a Council regulation
on the conclusion of the Protocol establishing,
for the period from 1 June 1990 to 31 May 1993,
the fishing rights and financial compensation
provided for in the Agreement between the
European Economic Community and the Government of
the Democratic Republic of Sao Tome e Principe
on fishing off Sao Tome e Principe

Commission text¹

Amendment

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

In the year before expiry of the
period of validity of the Protocol,
and before any new Agreement is
concluded, the Commission shall
submit to the Council and to the
European Parliament a report on the
utilization and implementation of
the agreement.

¹ Full text: COM(90) 0429 final - OJ No. C

DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament
on the Commission proposal for a Council regulation on
the conclusion of the Protocol establishing,
for the period from 1 June 1990 to 31 May 1993,
the fishing rights and financial compensation provided
for in the Agreement between the European Economic Community
and the Government of the Democratic Republic of Sao Tome e Principe
on fishing off Sao Tome e Principe

The European Parliament,

- having regard to the Commission proposal to the Council (COM(90) 0429 final)¹,
 - having been consulted by the Council pursuant to Article 43 of the EEC Treaty (C3-0333/90),
 - 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 (A3-0061/90)
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

EXPLANATORY STATEMENTINTRODUCTION

1. The Commission has recently submitted to the European Parliament a proposal for a regulation on the conclusion of the Protocol establishing, for the period from 1 June 1990 to 31 May 1993, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Democratic Republic of Sao Tome e Principe on fishing off Sao Tome e Principe.

2. It is fundamentally a renewal of the Protocol of the fisheries Agreement of 1 January 1984, which expired on 31 May 1990. The text submitted also contains some slight changes to the annex concerning fishing activity by Community vessels in Sao Tome e Principe waters.

3. At its meeting of 30 October 1990, the Subcommittee on Fisheries decided to draw up a report on this proposal on behalf of the Committee on Agriculture, Fisheries and Rural Development.

SUBSTANCE OF THE AGREEMENT

4. The Protocol defines the fishing opportunities as follows:

- 46 freezer tuna seiners
- 5 pole-and-line wet tuna vessels
- financial compensation of ECU 2 175 000, of which ECU 1 650 000 are for fishing rights, ECU 150 000 the financing of scientific programmes and ECU 375 000 for study or other similar training awards.

5. The fishing opportunities are somewhat reduced in terms of numbers of vessels by comparison with the previous protocol. On the other hand, catch volumes are no longer limited and the level of financial compensation, which has been increased by 11.8%, is no longer subject to revision, as it was before.

6. The fees payable by shipowners are identical to those which are generally applied to thunnidae fishing and are unchanged since the last protocol.

CRITICAL APPRAISAL

7. The fact that the take-up rate of the fishing rights under the previous agreement was only about 30% confirms that this is an agreement concerning relatively minor fishing possibilities, the main object of which is to allow vessels operating in the Gulf of Guinea to follow shoals of migratory fish species.

8. The agreement itself should not be judged solely on its financial significance or on the number of vessels and licences, but on the extent to which it and other international agreements cover all the areas through which migratory species (ocean pelagic species and thunnidae) pass. This agreement does so.

9. The policy of securing international fisheries agreements should be pursued with particular reference to countries and regions with which agreements have not yet been concluded. Of particular interest are the Latin American countries, in respect of which negotiating mandates already exist.

10. Fisheries agreements with third countries are one of the mainstays of the common fisheries policy and serve the dual purpose of making fishing waters available to the Community fishing fleet and acting as an excellent vehicle for political and technological cooperation and development.

11. Your rapporteur takes the view that the Committee on Agriculture, Fisheries and Rural Development can approve this Protocol as it stands. He nevertheless feels bound to reiterate the determination so frequently expressed by Parliament to be involved in the drawing up of fisheries agreements before such agreements are concluded.

12. He thus proposes to amend the regulation submitted for Parliament's approval in the exact terms adopted in the case of previous agreements.

OPINON 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: Opinion of the Committee on Budgets on the fisheries agreement with Sao Tome e Principe (COM(90) 429 - C3-333/90)

Dear Mr Chairman,

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

As regards the charge on the budget, the Committee on Budgets would point out that, at this stage of the budgetary procedure, a specific line has been created with regard to fisheries agreements to finance the scientific programmes and the awarding of study grants at line B7-5022. If that decision is subsequently confirmed, the Commission will have to enter some of the appropriations against that line.

The Committee on Budgets deplores the fact that, as a general rule, the information on fisheries agreements is not sufficient for Parliament to play a greater role in their conclusion. Accordingly, the Committee on Budgets proposes the tabling of an amendment seeking to ensure that the budgetary authority is notified annually as to the utilization of the Agreement.

Subject to the adoption of that amendment, the Committee on Budgets approved the proposal concerned.

Yours faithfully,

pp Miguel ARIAS CANETE

(sgd) Thomas von der VRING

AMENDMENT

Add the following new recital:

Whereas it is important to increase the amount of information supplied to the budgetary authority, the Commission shall submit to it each year a report on the application of this Agreement with a view to facilitating decisions taken during the annual budgetary procedure;

After Article 2

Insert the following new article:

The Commission shall supply the budgetary authority each year with a detailed report on the application of this 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.

O P I N I O N

(Rule 120 of the Rules of Procedure)

of the Committee on Development and Cooperation
for the Committee on Agriculture, Fisheries and Rural Development

Draftsman: Mrs Winifred EWING

At its meeting of 7 November 1990 the Committee on Development and Cooperation appointed Mrs Ewing draftsman.

At its meeting of 10 January 1991 the committee considered the draft opinion and adopted the conclusions thereof on 30 January 1991.

The following took part in the vote: Saby, chairman; Bindi, Aulas and Belo, vice-chairmen; Sandbaek (acting draftsman, for Ewing); Lagakos, Fernandez Albor, Pons Grau, Schmidbauer, Van Hemeldonck, Arbeloa (for Rubert de Ventos), Verhagen, Langer (for Melandri), Tsimas (for Simons), Ruiz Gimenez, Mendes Bota, Daly, Christopher Jackson and Andrews.

I. INTRODUCTION

1. The Committee on Development and Cooperation has always stressed the need to conclude fishing agreements with the ACP countries which would be to their advantage as well as that of the EC.
2. The committee considers that the resolution adopted by Parliament on 19 February 1987 and contained in the GUERMEUR report on fishing agreements with developing countries² should serve as the basic reference document for all such agreements.
3. Furthermore, on 21 September 1984 in Luxembourg, the ACP-EEC Consultative Assembly adopted a report on ACP-EEC cooperation for the development of fisheries in the ACP States, a report which first drew up the directives for future ACP-EEC cooperation in this field.³
4. Legally speaking, fishing agreements are of a commercial nature since compensation and other forms of aid are paid in exchange for fishery products, but, at the same time, the committee stresses that such agreements should include a development aspect.
5. In recent years, the Committee on Development and Cooperation has repeatedly stressed the need to strengthen the development aspect of such agreements so as to compensate for the minimal impact which previous agreements have had on development. The committee recognizes the importance of financing scientific and technical programmes in fishing and fish resources, of providing funds for awards, of landing a certain percentage of catches in the country of origin, and of employing local seamen as part of the crew of Community fishing boats. It is also clear that all fishing agreements should include other provisions which are missing from those concluded so far, such as the transfer of fishing technology, joint ventures, retrospective assessment, and so on. The right to carry out maritime surveillance and the regional nature of fishing should also be recognized.

II. SUBSTANCE OF THE FISHING AGREEMENT WITH SAO TOME E PRINCIPE

In the absence of a Commission report analyzing the results of earlier agreements with the country in question and the future prospects for fishing in its waters, the following points should be made:

1. The financial compensation in this agreement (1 650 000 ECU) is greater than that in the previous agreement (1 425 000 ECU). The sum earmarked for the scientific and technical programme has been considerably reduced, from 450 000 ECU in the previous agreement to 150 000 ECU in the current one. However, to compensate for this, 375 000 ECU are earmarked for the awarding of grants, an item which did not appear in the previous agreement.

² A2-0204/86, OJ No. C76, 23.3.1987

³ Doc. ACP-EEC 62/84, OJ No. C282, 22.10.1984. Co-rapporteurs: Mr SIDIYA (Mauritania) and Mr MALINGUR (Somalia), in cooperation with Mrs EWING and Mr FICH

2. The number of Community fishing boats covered by the new agreement is slightly lower: fishing rights are available for 46 tuna seiners (52 in the previous agreement) and five pole-and-line tuna vessels (ten in the previous agreement). Although fewer vessels are allowed to fish in the waters of Sao Tome, fishing opportunities are greater under the new agreement than under the previous one, since the new one contains no catch limit such as existed in the previous one (9 500 metric tonnes). Under the 1987 agreement, the financial compensation increased up to a maximum of 2 000 000 ECU if catches exceeded the 9500 tonne limit.
3. Disregarding the amount of money which Sao Tome e Principe will receive from the fees charged per tonne (which have not changed since 1987), the new agreement means that the country will receive the total sum of 2 245 000 ECU, as against 1 955 000 from the previous agreement. The extra 290 000 ECU derived from the new agreement should perhaps be seen in the context of the inflation rate and the increase in the value of fish. In the absence of a retrospective assessment by the Commission, we cannot reach any firm conclusion regarding these matters.
4. To summarize, it appears that this agreement is along the same lines as the other fishing agreements with ACP countries - i.e. it is geared more to obtaining commercial advantages for EEC fishing interests than to applying a consistent development policy.
5. Furthermore, the new fishing agreement with Sao Tome e Principe leaves out other basic questions to which the Committee on Development has repeatedly drawn attention: the transfer of technology, the landing of catches, the use of local crews, joint ventures, regional aspects, etc.

III. CONCLUSIONS

The Committee on Development and Cooperation:

- having regard to the report on fishing agreements with developing countries (rapporteur: Mr Guermeur)⁴,
 - having regard to the report on cooperation between the ACP countries and the EEC for the development of fisheries in the ACP States (co-rapporteurs: Mr Sidiya and Mr Malingur)⁵,
1. Welcomes the conclusion of a fishing agreement between the EEC and the Government of the Democratic Republic of Sao Tome e Principe, but points out that there should have been greater emphasis on the aspects relating to development and cooperation with the country in question, and considers that the amounts allocated for financial cooperation, scientific and technical programmes, fees and awards are the minimum required for the country to be able to continue developing its own fishing policy;
 2. Regrets that the new agreement does not lay down a catch limit and that it has been concluded without prior knowledge of the country's fishing resources;

⁴ A2-0204/86, OJ No. C 76, 23.3.1987

⁵ ACP-EEC 62/84 - OJ No. C 282, 22.10.1984

3. Regrets that the new agreement does not include the following features:
 - regional aspects providing, in particular, for regional research into, and regional development of, available resources, the financing of regional training centres in fishery techniques, a regional policy on awards, etc;
 - agreements for the setting up of joint ventures for the design, marketing and construction of vessels, bearing in mind that joint ventures are an excellent means of transferring technology and ensuring the flow of capital;
 - the landing of catches in local ports to help increase the protein intake of the local population;
 - the practical training of local seamen by their inclusion as crew members on board Community vessels, in fisheries research and access to its results;
 - the monitoring of fishing-boats;
4. Calls on the Commission to study the possibility of regional models for countries on the West African coast; regional cooperation in this field can be of great use in preventing the constant depletion of fish resources by non-EEC countries;
5. Requests that these agreements should be included, in accordance with the provisions of Lomé IV, in the objectives of the recommended programmes, either as separate projects or as part of an integrated strategy;
6. Calls on the Commission to conduct a campaign to inform the Community fishing industry of the opportunities provided by the fishing agreements with the ACP countries, so that a reasonable balance can be struck between the costs and the benefits of such agreements;
7. Calls on the Commission to do all in its power to ensure that all vessels sailing under the flag of an EEC Member State fully comply with all the contractual clauses in the agreements;
8. Urges the Commission to draw up a report assessing the results of the various fishing agreements which have been concluded so far;
9. Calls for the European Parliament to be associated with the negotiating process for fishing agreements, by means of a procedure enabling Parliament to receive information on the content of the Commission's initial proposals, so that it can give its opinion before the Council approves the Commission's negotiating mandate;
10. Requests that future agreements should be submitted to the European Parliament and the national parliaments of the ACP countries in time to ensure that provisional agreements do not enter into force without the two supreme authorities having delivered their opinion or ratified the agreements;

11. Calls for the appropriate parliamentary committee to be kept informed of the progress of the negotiations, so that it can let the Commission have its views during the negotiating process;
12. Calls on the Committee on Agriculture to reject the Commission proposals, since the agreement does not take account of the proposals made in this opinion.