



European Economic and Social Committee

NAT/176
Fisheries/Partnership agreements
with third countries

Brussels, 14 May 2003

OPINION

of the European Economic and Social Committee

on the

Communication from the Commission on an integrated framework
for fisheries partnership agreements with third countries

COM(2002) 637 final

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On 23 December 2002 the Commission decided to consult the European Economic and Social Committee, under Article 262 of the Treaty establishing the European Community, on the

Communication from the Commission on an integrated framework for fisheries partnership agreements with third countries
(COM(2002) 637 final).

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 1 April 2003. The rapporteur was **Mr Sarró Iparraguirre**.

At its 399th plenary session of 14 and 15 May 2003 (meeting of 14 May), the European Economic and Social Committee adopted the following opinion by 110 votes for, none against and 10 abstentions.

1. Introduction

1.1 The Community began to conclude fisheries agreements with third countries following a Council resolution of 3 November 1976 in which the Member States agreed to transfer their competence in this domain to the EC.

1.2 The Commission believes it essential to reform fisheries agreements policy¹ jointly with the public and private sectors, in order to reconfirm the commitment of the Community to contribute to the sustainable development of fishing activities at international level.

1.3 At the World Summit on Sustainable Development (WSSD) in Johannesburg, the Community subscribed to the specific objective to "maintain or restore stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015".

1.4 The Commission intends to achieve this objective through:

1.4.1 **Multilateral actions** with coastal states covering distant waters fisheries, straddling stocks and highly migratory species, to defend the legitimate objectives of its fishing industry, based on international and regional cooperation for the sustainable exploitation of resources in keeping with sound scientific advice and better control and enforcement systems.

1.4.2 **Continuity agreements**, particularly with coastal states neighbouring on the EU with whom there are traditionally shared fishing interests and balanced relations.

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COM(2002) 181 final of 28.5.2002.

1.4.3 **Fisheries partnership agreements** (FPAs) with coastal states where bilateral relations are characterised by economic, social or institutional differences.

1.5 The present communication focuses on the fisheries agreements concluded with third countries that involve the payment of a financial contribution, in line with the Council Conclusions of 30 October 1997.

1.6 Since these agreements are mainly with developing countries, and in particular ACP states, it is necessary to:

1.6.1 examine the political objectives of the Community commitments to promote policy dialogue in fisheries matters; and

1.6.2 identify and define the measures which should be adopted to achieve the political objectives jointly identified by the EC and the third countries.

2. **General comments**

The Commission's communication basically focuses on:

- technical and policy ties between distant water fisheries and the European Union;
- European Union objectives and commitments;
- Community commitments and the need for fisheries agreements;
- how FPAs are to be implemented.

2.1 **Technical and policy ties between distant water fisheries and the European Union**

2.1.1 The Commission states that the fisheries agreements have allowed stable relationships to be established with 15 developing coastal states, generating in both the European Union and the coastal states important, often vital, economic activities, not only through the exploitation of fishing resources but also through associated activities.

2.1.2 The communication acknowledges the difficulty experienced by the distant water fishing fleet, since it is operating in a global context of scarcity and overexploitation of some fish stocks, caused principally by flag of convenience fleets carrying out illegal and unregulated fishery operations at lower costs. This leads to increasing distortion of competition and the growth of practices which offer fewer guarantees for the maintenance of sustainable fisheries activity.

2.1.3 The Commission points out that the EC has also committed itself to:

- increasing its contribution to sustainable development in its environmental, economic and social aspects;
- improving global good governance at political and financial levels;
- contributing to the eradication of poverty, and to the gradual integration of the ACP states into the world economy.

2.1.4 The EESC recognises the present and future mutual benefits flowing from FPAs. At the same time it expresses concern at the global resource situation, and urges the Commission to pursue a sustainable fisheries policy, in keeping with the conclusions of the Council of 30 October 1997 and the European Community's WSSD commitments.

2.2 EU objectives and commitments

2.2.1 The European Union has repeatedly agreed that it will contribute to sustainable fisheries both within and beyond Community waters.

2.2.2 The communication sets out the Commission's specific fisheries objectives under the various different European policies:

- within the Common Fisheries Policy, to maintain the European presence in distant water fisheries and protect the interests of the European fisheries sector; and
- within the European development policy, to foster the capacity of developing countries to exploit their marine resources by boosting local added value.

2.2.3 In order to meet these short- and long-term objectives, the various European policies must be concerted in accordance with the principles of coherence and complementarity enshrined in the Treaty and focus, in conjunction with the Member States' development policies, on concluding FPAs with third coastal countries.

2.2.4 The communication argues that in the medium term, without policy initiatives of this kind on the part of the EU, the Community distant water fishing fleet will not be scrapped, but will change to flags of convenience. If the EU is to retain its international leadership role of promoting the principles of responsible fisheries and sustainable development, the Community fleet must be kept as a vehicle for the implementation of these principles.

2.2.5 The Committee believes that the Commission's proposed objective of ensuring consistency between all European policies is essential, and must be achieved as soon as possible.

2.2.6 The EESC favours maintaining the EU's distant water fleet so that it can serve as a channel for applying a sustainable policy for exploiting third country fishery resources, while at the same time the EC's commitments to environmentally, economically and socially sustainable development, and to contribute to good governance and the eradication of poverty, can be upheld.

2.3 Community commitments and the need for fisheries partnership agreements

2.3.1 The communication restates the Community's commitments, considering that the Community must work through FPAs in order to promote implementation of the Code of Conduct for Responsible Fisheries (FAO, 1995) and the Compliance Agreement with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO, 1993).

2.3.2 This position is embedded in the Council Resolution of 8 November 2001, which acknowledges the potential role of fisheries agreements in helping to reduce poverty when they are designed and implemented in compliance with the sustainability principles.

2.3.3 The Commission clearly states its view that the EC's commitments to sustainable development, good governance and the eradication of poverty can be carried forward within the binding framework of FPAs between the European Union and third coastal countries, usually developing and ACP countries.

2.3.4 The EESC, while in full agreement with this approach, must remind the Commission that the Council Conclusions of 30 October 1997, to which the communication twice refers, also recognises the essentially commercial nature of fisheries agreements while affirming that they should provide for actions to develop the fisheries sector of the third country.

2.3.5 Based on this approach, the communication specifies that all such commitments require a binding framework between the Community and the coastal states, and that this binding framework must be built into the FPAs, applying the principle of coherence to the various Community policies.

2.3.6 The Committee agrees fully with this view, and is convinced that the binding framework of FPAs must ensure consistency between the EU's external activities, taking on board the objectives of sustainable fisheries development, including management of resources, control, and fleet management.

2.3.7 The EESC believes that, as the communication argues, each state's ownership of its fisheries policy should be respected. This policy must be based on sound scientific and technical advice, avoid overexploitation of resources, and take account of environmental impact assessments, with a view to taking the necessary remedial measures. To this end, public funds must be forthcoming to apply the principles of good governance to responsible fisheries management.

2.3.8 Coastal states experience difficulty in implementing the control, monitoring and surveillance activities which are needed in the application of FPAs; the EESC is therefore of the view that public funds should also be brought to bear on these activities.

2.3.9 The communication envisages setting up joint enterprises under the FPA legal framework, believing that the agreements can provide the financial instruments to bring about transfer of technology, capital and know-how to the countries concerned.

2.3.10 The EESC believes that joint enterprises are an appropriate instrument for fisheries cooperation with coastal states. Under the new FPA arrangements the creation of such joint enterprises should be facilitated, making them attractive to Community investors.

2.4 How fisheries partnership agreements are to be implemented

2.4.1 The Commission points out that the overall objective of the CFP is to ensure the sustainable management of fisheries resources from an economic, social and environmental point of view, including outside Community waters, and in particular within the framework of FPAs concluded with third countries.

2.4.2 Similarly, the communication recalls that in order to ensure coherence between the external and internal dimensions of the CFP, as well as between the CFP and the Community's development cooperation policy, the instruments and procedures of each policy must contribute to the achievement of the overall objectives of long-term sustainability of fishing activities in third country waters.

2.4.3 The Committee feels that these two points represent two of the three basic pillars on which FPAs should rest. As the Council has stated, the third pillar should be their commercial aspect.

2.4.4 The Committee therefore urges the Commission to expand the scope of FPAs to boost the capacity of the Community's partner coastal states to participate in a sustainable fisheries development policy, by offering effective support for the responsible management of their fisheries resources, so that they can bring overexploitation and illegal, unreported and unregulated fisheries practices under control.

2.4.5 The communication's view is that in order to shift the scope of the FPAs, the Community's financial contribution must be increased. The Commission argues that this cannot be considered as a subsidy to European fishermen, but should rather be seen as adequate support to the development and management of sustainable fisheries policy in the countries where the Community distant waters fleet is operating. It also proposes that the private sector should progressively assume greater responsibility for the financial contribution.

2.4.6 The financial contribution, which the Commission describes as an investment for the improvement of responsible and rational fishing, is to cover (i) expenses linked to management costs, the scientific assessment of fish stocks, fisheries management, control and monitoring of fishing activities and expenses for the follow-up and evaluation of a sustainable fisheries policy, and (ii) expenses arising from fishing opportunities offered to Community vessels.

2.4.7 The communication therefore proposes that, in the new proportionality which the financial contribution will have in FPAs, the relative weight of fishing opportunities should be of secondary importance, with the main element instead being the mutual interest of the parties in establishing responsible fishing on a sustainable basis.

2.4.8 The EESC agrees with this approach regarding the financial contribution, recalling that under the proportionality which the Commission proposes to bring to the financial contribution – which the communication says will be examined on a case-by-case basis – the relative share of the Community interests in exploitation of surpluses should, as the Council declares, reflect the commercial nature of fisheries agreements.

2.4.9 The communication lays down guidelines for implementing a prior policy dialogue between the Community and the coastal state concerned in order to define a policy of sustainable development of fisheries activities by Community vessels in third country waters. The EESC judges these guidelines to be rational.

2.4.10 In view of the progressively greater responsibility of the private sector for the financial contribution, the Committee believes that the Commission must ensure that the sector is involved in implementing FPAs.

3. Conclusions

3.1 Recalling the Council Conclusions of October 1997, which furnished the Commission with guidelines for EC fisheries agreements with third countries, the present EEC opinion expresses agreement with the communication from the Commission on an integrated framework for fisheries partnership agreements with third countries in keeping with the principles laid down by the Council in October 1997:

- essentially commercial nature, including actions to develop the fisheries sector of third countries;
- promotion of sustainable development of the fisheries sector of third countries, meeting the EC's commitments to:
 - increasing its contribution to sustainable development in its environmental, economic and social aspects;

- improving global good governance at political and financial levels; and
- contributing to the eradication of poverty, and to the gradual integration of the ACP states into the world economy;
- coherence in the necessary coordination and complementarity of actions under the various European policies, and particularly between the Common Fisheries Policy and the European Development Policy.

3.2 The EESC considers that the continuity agreements referred to in the communication require further examination.

Brussels, 14 May 2003.

The President
of the
European Economic and Social Committee

The Secretary-General
of the
European Economic and Social Committee

Roger Briesch

Patrick Venturini
