



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 15 July 2004**

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REV 1**

**PECHE 254**

**"A" ITEM NOTE <sup>1</sup>**

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from : Permanent Representatives Committee

to : Council

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No. Cion prop. : 15243/02 PECHE 224 – COM(2002) 637 final

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Subject : Adoption of Council conclusions on a Communication from the Commission on an integrated framework for fisheries partnership agreements with third countries

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1. On 27 December 2002, the Commission submitted to the Council and the European Parliament a Communication on an integrated framework for fisheries partnership agreements with third countries (doc. 15243/02 PECHE 224).
2. The Commission presented the Communication to Council during the Agriculture and Fisheries Council on 27-28 January 2003, and soon after the Working Party on External Fisheries Policy began to work on a set of draft Council conclusions on the Communication. Due to the complex nature of the many issues involved, this process has taken a certain amount of time.

The Danish delegation entered a parliamentary scrutiny reservation. This reservation is expected to be lifted on 16 July 2004.

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<sup>1</sup> This revision is required for formal reasons in order to split the former multilingual annex.

3. The European Parliament gave its Opinion on 23 October 2003, broadly supporting the approach of the Commission.
  4. At its meeting on 14 July 2004, the Permanent Representatives Committee finalized the draft Council conclusions with a small textual addition to paragraph 7 at the request of the German delegation.
  5. In view of the above, the Permanent Representatives Committee invites the Council to adopt the text of the Council conclusions as set out in the Annex to this document as an "A" item at one of its forthcoming meetings.
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## COUNCIL CONCLUSIONS

1. Following the exchanges of views and taking note of the Communication from the Commission <sup>1</sup>, and recalling its Resolution of 3 November 1976, its Resolution of 10 November 2001 <sup>2</sup> and its Conclusions of 30 October 1997 <sup>3</sup> as well as all of the Community's international undertakings and especially at the World Summit on Sustainable Development (Johannesburg 2002), the Council held a discussion on the future of the bilateral fisheries relations between the Community and certain third coastal States which involve financial compensation from the Community.
  
2. Recalling the political, economic, ecological and social importance of this part of the Common Fisheries Policy (CFP) at both Community and international level, THE COUNCIL REAFFIRMS ITS WILLINGNESS :
  - to maintain fisheries agreements as a means of protecting this activity and the employment linked to the fleets operating within these agreements because of their special nature and their connection to regions which are highly dependant on fisheries;
  
  - to guarantee and step up its action to establish sustainable fisheries outside Community waters, in accordance with the general principles as defined for the conservation and sustainable management of fisheries resources under the CFP <sup>4</sup>;

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<sup>1</sup> Communication from the Commission on an integrated framework for fisheries partnership agreements with third countries (15243/02 PECHE 224).

<sup>2</sup> Council conclusions of 10 November 2001 on fisheries and poverty reduction (13076/01 DEVGEN 156 PECHE 212).

<sup>3</sup> Council conclusions of 4 November 1997 on European Community Fisheries Agreements with Third Countries (11784/97).

<sup>4</sup> Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

AGAINST THIS BACKGROUND and in the present situation, THE COUNCIL CONSIDERS that public agreements encompassing all fishing activities by Community fishermen operating in waters under the sovereignty and/or jurisdiction of third coastal States provide the best means of ensuring the sustainable exploitation of surpluses and a greater coherence between the political initiatives of the Community, notably with the cooperation and development policy.

3. Considering that the policy to promote European distant-water fishing in waters under the sovereignty and/or jurisdiction of third coastal States must respect the various commitments entered into by the European Community under its external policy and the principles which must govern its common fisheries policy, notably the precautionary principle, such as those laid down in Council Regulation no. (EC) 2371/2002, the Council recalls that the Community must:
- contribute towards rational and sustainable exploitation of the surplus of coastal States' marine resources, in particular by preventing the overfishing of stocks which are of interest for local people; in this context due account will be taken of the coastal State's priorities in favour of its private national sector;
  - improve scientific and technical knowledge of the fisheries in question, taking into account the existing and necessary work in the field carried out at the appropriate regional level and taking into consideration the likely impact of fishing on the environment;
  - contribute towards combating illegal, unregulated and unreported fishing, in particular by stepping up in a non-discriminatory fashion the management, control and follow-up measures for fishing operations;
  - contribute towards strategies for the sustainable management of fisheries as defined by the coastal State, in particular by taking account of the development programmes elaborated at national and/or regional level with Community assistance in accordance with cooperation or association agreements;

- facilitate the integration of developing coastal States into the global economy, inter alia by promoting fair conditions of employment between the employees of the sector and by encouraging the creation of an environment that is favourable to private investment and to the development of a dynamic, viable and competitive private sector, notably by a framework supporting European investments and the transfer of technology and vessels;
- foster better global governance of fisheries at financial and political level, in particular by strengthening the capacity building of coastal States and by the fight against corruption.

Furthermore, in order to strengthen the consistency of Community action and to ensure that Community action complements action by its Member States, the Council recalls the need to take account of the various Community instruments and policies and Member States' initiatives, in particular in the context of development cooperation and scientific and technical cooperation, which are likely to contribute to the sustainable development of the fisheries policies of the coastal States concerned.

4. Convinced that the Community should contribute to responsible fishing on a rational, fair, balanced and sustainable basis, the Council sees a need for progressive development of a policy dialogue at national and/or regional level with coastal States, offering Community vessels access to the surplus fishing stocks in the waters under their sovereignty and/or their jurisdiction.

Considering that this dialogue should apply to all agreements involving Community financial compensation THE COUNCIL CONSIDERS accordingly that this dialogue must be consolidated by a binding instrument which lays down the rights and obligations of the Parties and of stakeholders on both sides in the form of a Fisheries Partnership Agreement hereinafter referred to as « FPA » notably by defining:

- the fishing possibilities accessible to European operators, inter alia by establishing:
  - (a) conditions related to fishing activities applicable to all Community vessels;
  - (b) terms and detailed arrangements for the granting of fishing licences, notably by ensuring that the level of fees payable by Community shipowners for their fishing activities is fair, balanced and non-discriminatory;
  - (c) detailed arrangements governing the control and monitoring of fishing activities;
  - (d) other arrangements for activities linked to processing and marketing of fishery products;
- action to ensure that an adequate contribution is made to the funding, equipping and scientific, technical, financial and institutional development of fisheries in the coastal State in question, including regular supervision and follow-up;
- the business environment which the authorities of the coastal State(s) in question intend to develop for the fisheries sector and related activities as a whole, including the measures and instruments to promote the transfer of capital, technology and know-how;
- procedures for implementing, monitoring and reviewing the FPA.

5. Anxious to ensure that the Community financial contribution under the CFP effectively and adequately supports the establishment of responsible and sustainable fishing in the interests of the Parties, the Council considers that it should be determined by:

- all fishing opportunities accessible to Community fishing vessels in the light of the best scientific opinion available and better knowledge of the state of the fisheries and of the fishing effort deployed by both national and foreign fleets;
- pinpointing action to promote the sustainable development of fisheries, in particular action to improve the scientific and technical evaluation of the fisheries concerned, monitoring and supervision of fishing activities, hygiene requirements and the business environment of the sector;
- the impact of the partnership agreement as well as the participation of European interests on the partner coastal State's fisheries sector as a whole, with regard to its aspirations towards development under rational and sustainable economic and social conditions and to its commitment to implementing a sustainable fisheries policy in the interest of both Parties.

This single financial contribution will be deployed according to the budgetary procedures of the partner State and according to the results of the negotiations.

6. In order to establish the regulatory and financial framework which will govern fisheries relations between the Community and one or more coastal States and to ensure that it is properly implemented, the Council asks the Commission, for each agreement, to:

- carry out ex-ante and ex-post evaluation so that an assessment can take place not only of the environmental, economic and social impact of a partnership agreement, but also the opportunities which sustainable development of the fisheries sector provides and of the requirements of establishing responsible fishing for the concerned coastal state, for the concerned European distant-water fishing fleets and for Community employment;
- propose to its partners the setting up of a bilateral scientific committee to advise on sustainable fishing possibilities prior to the conclusion or renewal of partnership agreements;
- implement initiatives that will promote responsible fishing, in particular in order to improve the scientific and technical evaluation of fishing <sup>1</sup>, to step up action to combat illegal, unregulated and unreported fishing and to carry out exploratory fishing voyages;
- ensure that the FPA is permanently monitored and report periodically on its implementation in the light of predefined performance indicators;
- to commit, in cooperation with Member States, to promoting the optimal use of fishing possibilities in the context of Article 274 of the Treaty.

7. In line with the foregoing, the Council feels that this approach should be promoted and progressively implemented and asks the Commission to ensure that, as of 2004, impact assessments, the essentials of which shall be made available to the Member States in good time, are carried out in preparation for the negotiation of fisheries partnership agreements, both in respect of the fisheries agreements and protocols in force and for the coastal States with which opportunities are identified.

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<sup>1</sup> The Communication on the reform of the Common Fisheries Policy (“Roadmap”, doc. 9371/02 COM(2002) 181 final of 28 May 2002) stated that the Commission will at a later stage present an Action Plan to improve stock evaluation in non-community waters.