EC/Guinea agreement: Fisheries Partnership Agreement

2009/0038(CNS) - 12/03/2009 - Legislative proposal

PURPOSE: to propose a new Fisheries Partnership Agreement between the European Community and the Republic of Guinea instead of the Fisheries Agreement currently in force.

PROPOSED ACT: Council Regulation.

BACKGROUND: the Community and the Republic of Guinea negotiated and initialled, on 20 December 2008, a Fisheries Partnership Agreement which will replace the existing Fisheries Agreement (1983 Fisheries Agreement, the protocol of which expired on 31 December 2008, see CNS/2003/0290). This new Partnership Agreement, accompanied by a Protocol and the annexes thereto, aims to develop a sustainable fisheries policy and responsible exploitation of fishery resources in Guinea's fishing zone, in the interests of both Parties.

IMPACT ASSESSMENT: not subject to an impact assessment.

CONTENT: the new Fisheries Partnership Agreement signed for a period of **four years** from the date of its entry into force (and is renewable) provides for the following main elements:

Main objectives of the Fisheries Partnership Agreement: the main objective of the new Partnership Agreement is to strengthen cooperation between the European Community and the Republic of Guinea, thereby creating a partnership framework in which to develop a sustainable fisheries policy and responsible exploitation of fishery resources in Guinea's fishing zone, in the interests of both Parties. This Agreement establishes the principles, rules and procedures governing:

- economic, financial, technical and scientific cooperation in the fisheries sector with a view to promoting responsible fishing in Guinea's fishing zones to guarantee the conservation and sustainable exploitation of fishery resources and develop Guinea's fisheries sector;
- the conditions governing access by Community fishing vessels to Guinea's fishing zones;
- cooperation on the arrangements for policing fisheries in Guinea's fishing zones with a view to ensuring that the measures for the conservation and management of fishery resources are effective and that illegal, undeclared and unregulated fishing is prevented;
- partnerships between companies aimed at developing economic activities in the fisheries sector and related activities, in the common interest.

In line with the aforementioned objectives (and with the other Fisheries Partnership Agreements currently being adopted), the other main issues tackled by the Agreement are as follows:

Principles underlying its implementation: under the new Partnership Agreement, the two Parties have agreed to take part in a political dialogue on topics of mutual interest in the fisheries sector. They also undertake to ensure the sustainable exploitation of resources and the control and surveillance of Guinean fishing zones, and to work towards building up institutional capacities in the Republic of Guinea so that the latter carries out a genuine sectoral fisheries policy. Moreover, in relation to the implementation of the Agreement, shipowners shall undertake to employ seamen of ACP origin. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by Community vessels.

Furthermore, the Agreement specifies that during the duration of the Agreement, the Community and Guinea shall undertake to promote cooperation among economic operators and civil society.

Conditions governing fishing activities and financial contribution: Community vessels may fish in Guinea's fishing zone only if they are in possession of a valid fishing authorisation issued by Guinea under this Agreement and after paying a fee, the terms of which are set out in the Protocol annexed to the Agreement. The Protocol and its annex laying down the technical and financial conditions governing the fishing activities of Community ships have been concluded for a period of **four years, from 1 January 2009 to 31 December 2012**.

The financial contribution under the Protocol is set at **EUR 450 000 per year**, corresponding to fishing opportunities in the highly migratory species category. The entire amount of this financial contribution is earmarked for introducing a national fisheries policy based on responsible fishing and on the sustainable exploitation of fishery resources in Guinean waters.

This contribution may be increased by mutual agreement. In this case the financial contribution shall be increased proportionately and *pro rata temporis*. However, the total annual amount paid by the Community may not be more than twice the amount indicated in the Protocol (EUR 450 000). The financial contribution may, however, only be increased subject to budgetary possibilities.

An additional specific contribution of **EUR 600 000 for the first year, EUR 400 000 for the second year and EUR 300 000 for the following years** will also be granted in order to strengthen the monitoring, control and surveillance system in Guinea's fishing zones and enable Guinea to acquire a satellite surveillance system by 30 June 2010. Finally, the Community will support the efforts made by Guinea to mobilise and use all the resources available in the country to ensure optimum application of the surveillance policy.

The Protocol also lays down that, if the state of shrimp stocks and of Guinean fisheries management in this category so permits, fishing opportunities for shrimp trawlers, at a rate of 800 GRT per quarter (**EUR 300 000 per year from 2010**), may be granted on an annual basis, subject to the conditions specified in the Protocol, which are aimed at ensuring sustainable fisheries in this category.

In terms of fishing opportunities, 28 seiners and 12 pole-and-line vessels will be authorised to fish. However, at the request of the Community, exploratory fishing surveys may be carried out under the Agreement. If they are conclusive, the Parties may decide to grant Community vessels new fishing opportunities.

The Partnership Agreement also provides for encouraging economic, scientific and technical cooperation in the fisheries and related sectors.

Method for allocating the fishing opportunities among the Member States: the proposal for a Regulation proposes a method for allocating fishing opportunities among Member States, which is as follows.

- **Tuna seiners**: Spain: 15 vessels; France: 11 vessels; Italy: 2 vessels;
- **Pole-and-line vessels**: Spain: 8 vessels; France: 4 vessels.

If applications for fishing authorisations from those Member States do not cover all the fishing opportunities set by the Protocol, the Commission may consider applications for fishing authorisations from any other Member State .

Note that on the date of its entry into force, this Agreement repeals and replaces the Agreement between the European Economic Community and the Government of the Revolutionary People's Republic of Guinea on fishing off the Guinean Coast, which entered into force on 27 April 1983.

BUDGETARY IMPLICATIONS: the financial statement annexed to the Agreement provides for an overall financial envelope of EUR 4.457 million in commitment and payment appropriations from 2009 to 2012 (including administrative expenditure for the management of the Agreement). The financial envelope for the net financial contribution amounts to EUR 4.3 million, equal to EUR 1.05 million per year.