EC/Cape Verde Fisheries Partnership Agreement

2006/0122(CNS) - 19/12/2006 - Final act

PURPOSE: to conclude a Fisheries partnership agreement between the EC and Cape Verde.

LEGISLATIVE ACT: Council Regulation (EC) No 2027/2006 on the conclusion of the Fisheries partnership agreement between the European Community and the Republic of Cape Verde.

CONTENT: this Regulation aims to conclude a new partnership agreement in the fisheries sector between the EC and Cape Verde in order to replace the fisheries agreement which entered into force on 24 July 1990. (For a summary of the previous Protocol please refer to CNS/2004/0058).

The main points of this agreement are as follows:

Main objectives :

- economic, financial, technical and scientific co-operation in the fisheries sectors, in order to promote responsible fishing in Cape Verde waters. The conservation and sustainable exploitation of fisheries resources and the development of the Cape Verde fishing sector;
- to establish the conditions allowing Community fishing vessels access to Cape Verde waters;
- to co-operate on fishing policies, and ensure that the rules and conditions in the agreement are complied with, and to ensure that conservation and management measures are effective in order to help prevent illegal, undeclared and unregulated fishing in Cape Verde waters;
- to facilitate the establishment of partnerships between companies working in the fishing sector.

The principles and objectives underlying the implementation of the agreement are as follows: both Parties agree to promote responsible fishing in the waters off Cape Verde based on principles laid down in the FAO Code of Conduct for Responsible Fisheries and the principle of non-discrimination between the different fleets fishing in those waters. Further, they agree that the Agreement be implemented in accordance with the principles of good economic and social governance. Employment of Mauritanian and /or ACP seamen on board Community vessels shall be governed by the ILO Declaration on Fundamental Principles and Rights at work.

Licences and financial contribution: Community vessels may fish in Cape Verde fishing zone on condition that they are in possession of a fishing licence issued under the Agreement. The procedure for obtaining a fishing licence for a vessel, the taxes applicable and the method of payment to be used by ship-owners are set out in the Annex attached to the Protocol.

As far as the financial contribution is concerned the Community has agreed to grant Cape Verde a financial contribution totalling **EUR 385 000 per year**. Of this amount, 80% will be set aside for promoting and developing Cape Verde's fishing policies. Financial support will be based on an annual and multi-annual programme. In addition to receiving the Community contribution, the Gabonese government can expect to receive **an additional EUR 243 450 per year in ship fees**. The fishing opportunities will be allocated through Member State applications and a Member State's historical rate of utilisation. The amount of tonnage fixed by the Protocol stands at 5 000 tonnes of tuna per year.

The fishing opportunities are as follows:

- 25 freezer tuna seiners;
- 11 pole-and-line tuna vessels;
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- 48 surface longliners (a reduction of 28% compared to the previous Protocol).

Promoting co-operation: the Protocol specifies that both parties will seek economic, scientific and technical co-operation in the fisheries and related sectors. Co-operation will take the form of exchanging information on fishing techniques and gear, preservation methods and the industrial processing of fisheries products. The parties must also endeavour to create conditions favourable to the promotion of relations between enterprises in the technical, economic and commercial spheres, by encouraging the establishment of an environment favourable to the development of business and investment. They must implement an action plan between Cape Verde and Community operators, with the aim of developing local landings of Community vessels. Lastly, the parties must encourage, in particular, the setting-up of joint enterprises in their mutual interest which shall systematically comply with Cape Verde and Community legislation.

Institutional aspects and duration of the agreement: a Joint Committee has been set up to monitor the implementation of the agreement. The Joint Committee will be responsible for monitoring the annual and multi-annual programming of the Agreement. It will meet at least once a year but can be convened upon the request of either of the parties. The agreement will apply for five years from the date of its entry into force, and will be renewable for additional periods of five years, unless notice of termination is given in accordance with the terms of the agreement. It may be terminated by either party in the event of unusual circumstances such as the degradation of the stocks concerned, the discovery of a reduced level of exploitation of the fishing opportunities granted to Community vessels, or failure to comply with undertakings made by the parties with regard to combating illegal, unreported and unregulated fishing. It may also be suspended.

Repeal/replacement: the agreement, on the date of its entry into force, repeals and replaces the Agreement between the EEC and Cape Verde which entered into force on 24 July 1990.

Division of the fishing opportunities: the fishing opportunities set out in the Protocol have been allocated amongst the Member States as follows:

Tuna fishing: Surface long liners: Spain 41 and Portugal 7.

Tuna fishing: Freezer tuna seiners: Spain 12 and France 13.

Tuna fishing: Pole and line tuna vessels: Spain 7 and France 4.

If licence applications from these Member States do not cover all the fishing opportunities laid down by the Protocol the Commission may take other Member State licence applications into account.

ENTRY INTO FORCE: 06/01/2007. The agreement will enter into force when the necessary formalities to give effect to it have been completed. The protocol and its annex are concluded for a period of 5 years from 1 September 2006 (until 31 August 2011). They will enter into force at the same time as the partnership agreement (in any event not before 1 September 2006).

For details of the financial implications of this measure, please refer to the financial statement.