Basic information

2010/0355(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 13 May 2011 to 12 May 2014. Protocol See also 2007/0034(CNS) **Subject** 3.15.15.02 Fisheries agreements with African countries **Geographical area** Sao Tome and Principe	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	CAPOULAS SANTOS Luis Manuel (S&D)	26/01/2011

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	LÖVIN Isabella (Verts/ALE)	21/02/2011
BUDG Budgets	ALFONSI François (Verts/ALE)	07/02/2011

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	3105	2011-07-12
Justice and Home Affairs (JHA)	3071	2011-02-24

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	DAMANAKI Maria

Key events

Date	Event	Reference	Summary
		COM(2010)0735	Summary

13/12/2010	Preparatory document		
04/02/2011	Legislative proposal published	05371/2011	Summary
24/05/2011	Vote in committee		Summary
26/05/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0194/2011	
07/06/2011	Committee referral announced in Parliament		
23/06/2011	Decision by Parliament	T7-0280/2011	Summary
23/06/2011	Results of vote in Parliament		
12/07/2011	Act adopted by Council after consultation of Parliament		
12/07/2011	End of procedure in Parliament		
19/07/2011	Final act published in Official Journal		

Technical information

Procedure reference	2010/0355(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	See also 2007/0034(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 043 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/04875

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE458.638	24/03/2011	
Committee opinion	BUDG	PE458.615	02/05/2011	
Committee opinion	DEVE	PE458.740	12/05/2011	
Committee report tabled for plenary, 1st reading/single reading		A7-0194/2011	26/05/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0280/2011	23/06/2011	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	05370/2011	04/02/2011	
Legislative proposal	05371/2011	04/02/2011	Summary

European Commission			
Document type	**Reference**	**Date**	**Summary**
Preparatory document	COM(2010)0735	13/12/2010	Summary

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2011/0420 OJ L 188 19.07.2011, p. 0001	Summary

EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 13 May 2011 to 12 May 2014. Protocol

2010/0355(NLE) - 04/02/2011 - Legislative proposal

PURPOSE: the conclusion of a new Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Democratic Republic of São Tomé and Príncipe.

PROPOSED ACT: Council Decision.

BACKGROUND: the Union therefore negotiated a new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement with the Democratic Republic of São Tomé and Príncipe, providing Union vessels with fishing opportunities in the waters over which the Democratic Republic of São Tomé and Príncipe has sovereignty or jurisdiction in respect of fisheries.

As a result of those negotiations, the new Protocol was initialled on 15 July 2010. The Protocol was signed and has been applied provisionally.

It is now necessary to conclude the Protocol on behalf of the European Union, after the European Parliament’s consent.

LEGAL BASIS: Article 43 in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: by this Decision, the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community and the Democratic Republic of São Tomé and Príncipe is hereby approved on behalf of the Union.

The text of the Protocol is attached to the proposal.

For further details of the content of the Protocol, please refer to the summary of the previous initial legislative document dated 13/12/2010.

BUDGETARY IMPLICATION: theoverall financial contribution under the Protocol of **EUR 2 047 500 from 2011 to 2013,** that is EUR 682.500/year (administrative expenditure excluded).

EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 13 May 2011 to 12 May 2014. Protocol

2010/0355(NLE) - 12/07/2011 - Final act

PURPOSE: to conclude a new Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and São Tomé and Príncipe.

NON-LEGISLATIVE ACT: Council Decision 2011/420/EU on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Democratic Republic of São Tomé and Príncipe.

BACKGROUND: the EU negotiated a new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement with São Tomé and Príncipe, providing Union vessels with fishing opportunities in the waters over which São Tomé and Príncipe has sovereignty or jurisdiction in respect of fisheries.

As a result of those negotiations, the new Protocol was initialled on 15 July 2010.

In accordance with Council Decision 2011/296/EU, the Protocol was signed and has been applied provisionally.

It is now necessary to conclude the Protocol on behalf of the Union.

CONTENT: under this Decision, the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community and the Democratic Republic of São Tomé and Príncipe is hereby approved on behalf of the Union.

The main provisions of the Protocol may be summarised as follows:

Financial contribution: the overall financial contribution under the Protocol of **EUR 2 047 500** over the whole period is based on:

(a) an annual reference tonnage set at 7 000 tonnes for 40 vessels, corresponding to EUR 455 000 per year, and

(b) support for the development of the sectoral fisheries policy of the Democratic Republic of São Tomé and Príncipe, amounting to EUR 227 500 per year. This support meets the objectives of the national fisheries policy.

If the overall quantity of catches by European Union vessels in São Toméan waters exceeds 7 000 tonnes per year, the total amount of the annual financial contribution shall be increased by EUR 65 for each additional tonne caught. However, the total annual amount paid by the European Union shall not be more than twice the amount indicated in the protocol (EUR 910 000).

Fishing authorisation: fishing authorisations shall be valid for a period of one year. The fee for tuna seiners and surface longliners shall be set at EUR 35 per tonne caught within São Tomé and Príncipe's fishing zone.

Fishing opportunities: **28 tuna seiners and 12 surface longliners** will be authorised to fish, with an annual reference tonnage of 7 000 tonnes. The fishing opportunities granted to European Union vessels under Article 5 of the Fisheries Partnership Agreement shall be as follows: Highly migratory species (species listed in Annex 1 to the 1982 United Nations Convention on the Law of the Sea).The fishing opportunities may be adjusted by mutual agreement insofar as the recommendations and resolutions adopted by ICCAT confirm that this adjustment guarantees the sustainable management of the fishery resources covered by this Protocol.

Duration of the Agreement: this Protocol shall apply for a period of three years.

ENTRY INTO FORCE: the Decision shall enter into force on 28 July 2011. The date of entry into force of the Protocol will be published in the Official Journal of the European Union.

EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 13 May 2011 to 12 May 2014. Protocol

2010/0355(NLE) - 23/06/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution on the draft Council decision on the conclusion of the protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the EU and São Tomé and Príncipe.

In the interests of transparency, Parliament asks to be better informed about the work carried out by the Joint Committee. In this regard, it calls on the Commission to facilitate the participation of representatives of Parliament as observers in the meetings of the Joint Committee. The Commission is

called upon to submit to Parliament and the Council, during the final year of application of the Protocol and before the opening of negotiations for its renewal, a full report on its implementation, without unnecessary restrictions on access to this document.

Lastly, Parliament calls on the Commission and Council, in the context of their respective powers, to keep it immediately and fully informed at all stages of the procedures relating to the Protocol and to renewal thereof.

EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 13 May 2011 to 12 May 2014. Protocol

2010/0355(NLE) - 13/12/2010 - Preparatory document

PURPOSE: the conclusion of a new Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Democratic Republic of São Tomé and Príncipe.

PROPOSED ACT: Council Decision.

BACKGROUND: on the basis of a mandate from the Council, the Commission has negotiated with São Tomé and Príncipe to renew the Protocol to the Fisheries Partnership Agreement which dates from 23 July 2007 and expired on 31 May 2010 (see CNS/2007/0034).

On conclusion of these negotiations, a new Protocol was initialled on 15 July 2010 covering a period of three years from the time of the adoption of the Council Decision on the signing, on behalf of the Union, and provisional application of the said Protocol.

IMPACT ASSESSMENT: the Commission's negotiating position was based in part on the results of an ex-post evaluation carried out by external experts. The evaluation stated that:

- **as regards EU's interests**: the Protocol is deemed to be capable of contributing to the viability of European industries by offering European Union vessels and the industries which depend on them a stable legal environment and medium-term visibility;
- **as regards the interests of São Tomé and Príncipe**: the Agreement: (i) may help strengthen institutional capacities in the fisheries sector by improving research, and monitoring, control and surveillance (MCS) activities, as well as training and the viability of the small-scale fishing sector; (ii) will also have a major impact on the country's budgetary and political stability. In addition to the direct commercial value of the catches for the vessels involved, the agreement could yield the following manifest benefits: (i) guaranteed jobs on board fishing vessels; (ii) multiplier effect on employment in ports, auction markets, processing factories, shipyards, service enterprises, etc.; (iii) location of these jobs in regions where there are no other employment possibilities; (iv) contribution to the supply of fish to the EU.

LEGAL BASE: Article 43 in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: this proposal for a Decision relates to the conclusion of a new Protocol to the Fisheries Partnership Agreement between the EU and São Tomé and Príncipe. It main purpose is to define the fishing opportunities offered to European Union vessels on the basis of the surplus available, as well as the financial contribution due separately for access rights and sectoral support.

Financial contribution: the overall financial contribution under the Protocol of **EUR 2 047 500** over the whole period is based on:

(a) an annual reference tonnage set at 7 000 tonnes for 40 vessels, corresponding to EUR 455 000 per year, and

(b) support for the development of the sectoral fisheries policy of the Democratic Republic of São Tomé and Príncipe, amounting to EUR 227 500 per year. This support meets the objectives of the national fisheries policy.

If the overall quantity of catches by European Union vessels in São Toméan waters exceeds 7 000 tonnes per year, the total amount of the annual financial contribution shall be increased by EUR 65 for each additional tonne caught. However, the total annual amount paid by the European Union shall not be more than twice the amount indicated in the protocol (EUR 910 000).

Fishing authorisation: fishing authorisations shall be valid for a period of one year. The fee for tuna seiners and surface longliners shall be set at EUR 35 per tonne caught within São Tomé and Príncipe's fishing zone.

Fishing opportunities: **28 tuna seiners and 12 surface longliners** will be authorised to fish, with an annual reference tonnage of 7 000 tonnes.

The fishing opportunities may be adjusted by mutual agreement insofar as the recommendations and resolutions adopted by ICCAT confirm that this adjustment guarantees the sustainable management of the fishery resources covered by this Protocol. In this case, the financial contribution shall be adjusted proportionately and *pro rata temporis*. However, the total annual amount of the financial contribution paid by the European Union shall not be more than twice the amount referred to in the Protocol.

Advances and fees payable by shipowners: EUR 35 per tonne of tuna caught in the São Toméan fishing zone. The annual advances are fixed at EUR 6 625 per tuna seiner and EUR 2 275 per longliner.

Period of application: for a period of **three years**, the fishing opportunities granted to European Union vessels under Article 5 of the Fisheries Partnership Agreement shall be as follows: Highly migratory species (species listed in Annex 1 to the 1982 United Nations Convention on the Law of the Sea).

BUDGETARY IMPLICATION:theoverall financial contribution under the Protocol of **EUR 2 047 500 from 2011 to 2013,** that is EUR 682.500/year (administrative expenditure excluded).

The financial envelope of EUR 206 000 from 2011 to 2013 is provided for administrative expenditure.

It should be noted that the advances and fees have no impact on the EU's budget.