Basic information

2012/0229(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EC/Kiribati Fisheries Partnership Agreement: fishing opportunities and financial contribution; EU/Kiribati Protocol from 16 September 2012 to 15 September 2015 See also 2007/0062(CNS) See also 2023/0147(NLE) **Subject** 3.15.15.06 Fisheries agreements with Pacific countries **Geographical area** Kiribati	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	LÖVIN Isabella (Verts/ALE)	26/09/2012
	Shadow rapporteur PATRÃO NEVES Maria do Céu (PPE) SÁNCHEZ PRESEDO Antolín (S&D) GALLAGHER Pat the Cope (ALDE) FERREIRA João (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	NEUSER Norbert (S&D)	04/02/2013
BUDG Budgets	ALFONSI François (Verts/ALE)	03/10/2012

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	3189	2012-10-09
Economic and Financial Affairs ECOFIN	3290	2014-01-28

European Commission	Commission DG	Commissioner
	Maritime Affairs and Fisheries	DAMANAKI Maria

Key events

Date	Event	Reference	Summary
27/08/2012	Preparatory document	COM(2012)0468	Summary
28/09/2012	Legislative proposal published	13331/2012	Summary
12/03/2013	Committee referral announced in Parliament		
17/10/2013	Vote in committee		
22/10/2013	Committee report tabled for plenary, 1st reading/single reading	A7-0345/2013	Summary
20/11/2013	Decision by Parliament	T7-0497/2013	Summary
20/11/2013	Results of vote in Parliament		
28/01/2014	Act adopted by Council after consultation of Parliament		
28/01/2014	End of procedure in Parliament		
07/02/2014	Final act published in Official Journal		

Technical information

Procedure reference	2012/0229(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	See also 2007/0062(CNS) See also 2023/0147(NLE)
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 043-p2
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/10265

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	BUDG	PE500.769	23/01/2013	
Committee opinion	DEVE	PE510.580	25/06/2013	

Committee draft report		PE516.816	14/08/2013	
Amendments tabled in committee		PE519.464	11/09/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0345/2013	22/10/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0497/2013	20/11/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	13331/2012	28/09/2012	Summary
Document attached to the procedure	13333/2012	28/09/2012	

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2012)0468	27/08/2012	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act

Decision 2014/0060
OJ L 038 07.02.2014, p. 0001 Summary

EC/Kiribati Fisheries Partnership Agreement: fishing opportunities and financial contribution; EU/Kiribati Protocol from 16 September 2012 to 15 September 2015

2012/0229(NLE) - 27/08/2012

PURPOSE: the conclusion of a new Fishery Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Kiribati.

PROPOSED ACT: Council Decision.

BACKGROUND: on the basis of the relevant Council mandate, the Commission negotiated with the Republic of Kiribati the renewal of the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Kiribati.

Following these negotiations, a new Protocol was initialled on 3 June 2012 which should now be concluded on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 43 paragraph 2, of the Treaty on the Functioning of the European Union (TFEU), in conjunction with Article 218, paragraph 6 a) thereof.

CONTENT: this proposal for a decision relates to the conclusion of a new Protocol to the Partnership Agreement in the fisheries sector concluded with Kiribati.

The new Protocol is in line with the objectives of the EC/Kiribati Fisheries Partnership Agreement aiming at:

- strengthening the cooperation between the European Union and the Republic of Kiribati and
- promoting a partnership framework in which to develop a sustainable fisheries policy and responsible exploitation of fishery resources in the Kiribati´s Exclusive Economic Zone (EEZ) in the interests of both Parties.

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

Financial contribution: EU vessels may only exercise their fishing activities in the Kiribati fishing area if they hold a fishing licence granted in accordance with the Agreement and having paid the registration fee, the conditions of which are defined in the attached Fishery Protocol. A financial contribution shall be paid to Kiribati in return for the exploitation of its fishery resources by EU vessels. This contribution is fixed at **EUR 1 325 000** per year for the total period of validity of the Protocol.

The annual contribution is broken down as follows:

- the annual financial contribution for access to the Kiribati EEZ: EUR 975 000.
- the amount allocated annually under the new protocol for the EU to assist the Kiribati fishing sector is EUR 350 000.

The annual financial contribution has been based on an increased reference tonnage level, which has been set at a level that meets current fishing levels and capacity, and at a level that should avoid future additional catches. If the total quantity of catches per year by European Union vessels in the Kiribati EEZ exceeds **15 000 tonnes**, the annual financial contribution shall be increased by EUR 250 per tonne for the first additional 2 500 tonnes and by EUR 300 per tonne for any further tonne above these additional 2 500 tonnes.

These additional costs shall be borne by the EU with the amount of EUR 65 per additional tonne and the remaining part shall be paid by shipowners.

The fishing opportunities may be adapted by common agreement as long as the recommendations of the Western and Central Pacific Fisheries Commission (WCPFC) confirm that this adjustment will guarantee the sustainable management of Kiribati's fishing resources. In this case, the financial contribution shall be adjusted proportionately and *pro rata temporis*. Likewise, if the fishing opportunities will be reduced due to the new closure of a substantial part of the Kiribati EEZ, the financial contribution of this Protocol may be adjusted proportionately and *pro rata temporis* after consultation between both the Parties.

New fishing opportunities not covered by the Agreement could also be envisaged following consultation and agreement between the Parties.

Towards responsible fishing: the Protocol also provides for the overall compatibility of fishing activities undertaken by EU vessels with the principles of responsible fishing. Thus, as of the entry into force of the Protocol, the Kiribati authorities shall present a detailed annual and multiannual programme to the Joint Committee of the Agreement which addresses a number of requirements in regard to responsible and sustainable fishing.

Duration of the Protocol: the Fishing Protocol and its annex are concluded for a period of **three years from 16 September 2012** (the date of the provisional application of the Protocol) unless it is terminated by one or other of the Parties.

BUDGETARY IMPLICATION: the financial allocation for this Fishing Protocol shall be **EUR 3.975 million from 2013 to 2015**, to which administrative expenses, the costs of the Protocol's management and human resources, giving an amount in the region of EUR 453 000, need to be added for the duration of the Protocol.

EC/Kiribati Fisheries Partnership Agreement: fishing opportunities and financial contribution; EU/Kiribati Protocol from 16 September 2012 to 15 September 2015

2012/0229(NLE) - 27/08/2012 - Preparatory document

PURPOSE: the conclusion of a new Fishery Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Kiribati.

PROPOSED ACT: Council Decision.

BACKGROUND: on the basis of the relevant Council mandate, the Commission negotiated with the Republic of Kiribati the renewal of the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Kiribati.

Following these negotiations, a new Protocol was initialled on 3 June 2012 which should now be concluded on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 43 paragraph 2, of the Treaty on the Functioning of the European Union (TFEU), in conjunction with Article 218, paragraph 6 a) thereof.

CONTENT: this proposal for a decision relates to the conclusion of a new Protocol to the Partnership Agreement in the fisheries sector concluded with Kiribati.

The new Protocol is in line with the objectives of the EC/Kiribati Fisheries Partnership Agreement aiming at:

- strengthening the cooperation between the European Union and the Republic of Kiribati and
- promoting a partnership framework in which to develop a sustainable fisheries policy and responsible exploitation of fishery resources in the Kiribati´s Exclusive Economic Zone (EEZ) in the interests of both Parties.

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

Financial contribution: EU vessels may only exercise their fishing activities in the Kiribati fishing area if they hold a fishing licence granted in accordance with the Agreement and having paid the registration fee, the conditions of which are defined in the attached Fishery Protocol. A financial contribution shall be paid to Kiribati in return for the exploitation of its fishery resources by EU vessels. This contribution is fixed at **EUR 1 325 000** per year for the total period of validity of the Protocol.

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- the amount allocated annually under the new protocol for the EU to assist the Kiribati fishing sector is EUR 350 000.

The annual financial contribution has been based on an increased reference tonnage level, which has been set at a level that meets current fishing levels and capacity, and at a level that should avoid future additional catches. If the total quantity of catches per year by European Union vessels in the Kiribati EEZ exceeds **15 000 tonnes**, the annual financial contribution shall be increased by EUR 250 per tonne for the first additional 2 500 tonnes and by EUR 300 per tonne for any further tonne above these additional 2 500 tonnes.

These additional costs shall be borne by the EU with the amount of EUR 65 per additional tonne and the remaining part shall be paid by shipowners.

The fishing opportunities may be adapted by common agreement as long as the recommendations of the Western and Central Pacific Fisheries Commission (WCPFC) confirm that this adjustment will guarantee the sustainable management of Kiribati's fishing resources. In this case, the financial contribution shall be adjusted proportionately and *pro rata temporis*. Likewise, if the fishing opportunities will be reduced due to the new closure of a substantial part of the Kiribati EEZ, the financial contribution of this Protocol may be adjusted proportionately and *pro rata temporis* after consultation between both the Parties.

New fishing opportunities not covered by the Agreement could also be envisaged following consultation and agreement between the Parties.

Towards responsible fishing: the Protocol also provides for the overall compatibility of fishing activities undertaken by EU vessels with the principles of responsible fishing. Thus, as of the entry into force of the Protocol, the Kiribati authorities shall present a detailed annual and multiannual programme to the Joint Committee of the Agreement which addresses a number of requirements in regard to responsible and sustainable fishing.

Duration of the Protocol: the Fishing Protocol and its annex are concluded for a period of **three years from 16 September 2012** (the date of the provisional application of the Protocol) unless it is terminated by one or other of the Parties.

BUDGETARY IMPLICATION: the financial allocation for this Fishing Protocol shall be **EUR 3.975 million from 2013 to 2015**, to which administrative expenses, the costs of the Protocol's management and human resources, giving an amount in the region of EUR 453 000, need to be added for the duration of the Protocol.

EC/Kiribati Fisheries Partnership Agreement: fishing opportunities and financial contribution; EU/Kiribati Protocol from 16 September 2012 to 15 September 2015

2012/0229(NLE) - 28/09/2012 - Legislative proposal

PURPOSE: to conclude a new Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Parliament’s consent is required for the Council to conclude the Protocol.

BACKGROUND: on 23 July 2007 the Council adopted Regulation (EC) No 893/2007 on the conclusion of a Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other. A Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement expired on 15 September 2012.

The Union has negotiated a new Protocol with the Republic of Kiribati granting EU vessels fishing opportunities in the waters over which the Republic of Kiribati exercises its sovereignty or jurisdiction. The Protocol was signed in accordance with a Council Decision and has been applied provisionally since 16 September 2012.

The Protocol should be now be approved on behalf of the European Union.

LEGAL BASIS: Article 43(2), in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: **this proposal for a Council Decision** aims to conclude a new Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other.

The fishing opportunities and financial contribution to be made to this country to allow EU vessels access to its fishery resources are as follows:

- **fishing opportunities**: the fishing opportunities granted shall be for 15 000 tonnes of highly migratory species as listed in Annex 1 to the 1982 United Nations Convention on the Law of the Sea, within the Kiribati EEZ, for 4 (four) purse seine vessels and 6 (six) long-line vessels (measures are provided to increase the quota from the second year of implementation of the protocol);
- **financial contribution**: EUR 1 325 000 per year for the whole period.

For details of the principles, rules and procedures concerning the draft Protocol on the EU budget, please refer to the summary of the **Commission's initial legislative proposal dated 27/08/2012**.

Duration of the Protocol: this Protocol and its Annex shall apply for a period of three years from 16 September 2012 (date of the provisional application), unless notice of termination is given by one or the other parties.

EC/Kiribati Fisheries Partnership Agreement: fishing opportunities and financial contribution; EU/Kiribati Protocol from 16 September 2012 to 15 September 2015

2012/0229(NLE) - 22/10/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Isabella LÖVIN (Greens/EFA, SE) 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 European Community, on the one hand, and the Republic of Kiribati, on the other.

It recommended the European Parliament to give its consent to the conclusion of the Protocol.

For reasons of legal transparency, it also called on the Commission to:

- forward to Parliament the minutes and the conclusions of the meetings of the Joint Committee, as well as the multiannual sectoral programme and the corresponding annual evaluations;
- facilitate the participation of representatives of Parliament as observers in the meetings of the Joint Committee and to submit to Parliament and the Council, within the last year of application of the Protocol and before the opening of negotiations for its renewal, a full evaluation report on its implementation, without imposing unnecessary restrictions on access to this document.

Lastly, Members called on the Council and the Commission, acting within the limits of their respective powers, to keep Parliament immediately and fully informed at all stages of the procedures related to the new Protocol and its renewal, pursuant to the Articles of the TEU and the TFEU.

EC/Kiribati Fisheries Partnership Agreement: fishing opportunities and financial contribution; EU/Kiribati Protocol from 16 September 2012 to 15 September 2015

2012/0229(NLE) - 20/11/2013 - 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 European Community, on the one hand, and the Republic of Kiribati, on the other.

Parliament gave its consent to the conclusion of the Protocol.

In the interests of transparency, it called on the Commission to:

- forward to Parliament the minutes and the conclusions of the meetings of the Joint Committee as well as the multiannual sectoral programme and the corresponding annual evaluations;

- facilitate the participation of representatives of Parliament as observers in the meetings of the Joint Committee and submit to Parliament and the Council, within the last year of application of the Protocol and before the opening of negotiations for its renewal, a full evaluation report on its implementation, without imposing unnecessary restrictions on access to this document.

Lastly, Parliament called on the Council and the Commission, acting within the limits of their respective powers, to keep Parliament immediately and fully informed at all stages of the procedures related to the new Protocol and its renewal, pursuant to the provisions in the Treaty.

EC/Kiribati Fisheries Partnership Agreement: fishing opportunities and financial contribution; EU/Kiribati Protocol from 16 September 2012 to 15 September 2015

2012/0229(NLE) - 28/01/2014 - Final act

PURPOSE: to conclude a new Fishery Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Kiribati.

NON LEGISLATIVE ACT: Council Decision 2014/60/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, on the one hand, and the Republic of Kiribati, on the other

BACKGROUND: on 23 July 2007 the Council adopted Regulation (EC) No 893/2007 on the conclusion of a Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other. A Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement expired on 15 September 2012.

Accordingly, the Union negotiated a new Protocol with the Republic of Kiribati granting EU vessels fishing opportunities in the waters over which the Republic of Kiribati exercises its sovereignty or jurisdiction. The Protocol was signed in accordance with Council Decision 2012/669/EU and has been applied provisionally since 16 September 2012.

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

CONTENT: with this Decision, the Council concluded, with Parliament’s approval, a new Fishery Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Kiribati.

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

Financial contribution: EU vessels may only exercise their fishing activities in the Kiribati fishing area if they hold a fishing licence granted in accordance with the Agreement and having paid the registration fee, the conditions of which are defined in the Fishery Protocol. A financial contribution shall be paid to Kiribati in return for the exploitation of its fishery resources by EU vessels. This contribution is fixed at **EUR 1 325 000 per year for the total period** of validity of the Protocol.

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If the total quantity of catches per year by European Union vessels in the Kiribati EEZ **exceeds 15 000 tonnes**, the annual financial contribution shall be increased by EUR 250 per tonne for the first additional 2 500 tonnes and by EUR 300 per tonne for any further tonne above these additional 2 500 tonnes.

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New fishing opportunities not covered by the Agreement could also be envisaged following consultation and agreement between the Parties.

Towards responsible fishing: the Protocol also provides for the overall compatibility of fishing activities undertaken by EU vessels with the principles of responsible fishing. Thus, as of the entry into force of the Protocol, the Kiribati authorities shall present a detailed annual and multiannual programme to the Joint Committee of the Agreement which addresses a number of requirements in regard to responsible and sustainable fishing.

Duration of the Protocol: the Fishing Protocol and its annex are concluded for a period of **three years from 16 September 2012** (the date of the provisional application of the Protocol) unless it is terminated by one or other of the Parties.

ENTRY INTO FORCE: the Decision enters into force on 08.02.2014. The date of entry into force of the Protocol will be published in the Official Journal by the General Secretariat of the Council.