Basic information

2017/0241(NLE) NLE - Non-legislative enactments	Procedure completed
EC/Comoros Fisheries Partnership Agreement: denunciation See also 2006/0032(CNS) See also 2017/2266(INI) **Subject** 3.15.15.03 Fisheries agreements with Indian Ocean countries **Geographical area** Comoros	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	FERREIRA João (GUE/NGL)	13/10/2017
	Shadow rapporteur LOPE FONTAGNÉ Verónica (PPE) SERRÃO SANTOS Ricardo (S&D)	

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	NEUSER Norbert (S&D)	11/12/2017
BUDG Budgets	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3615	2018-05-14

European Commission

Commission DG	Commissioner
Maritime Affairs and Fisheries	VELLA Karmenu

Key events

Date	Event	Reference	Summary
29/09/2017	Preparatory document	COM(2017)0556	Summary
05/12/2017	Legislative proposal published	14423/2017	Summary
15/01/2018	Committee referral announced in Parliament		
27/02/2018	Vote in committee		
06/03/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0058/2018	Summary
14/03/2018	Debate in Parliament		
15/03/2018	Decision by Parliament	T8-0082/2018	Summary
15/03/2018	Results of vote in Parliament		
14/05/2018	Act adopted by Council after consultation of Parliament		
14/05/2018	End of procedure in Parliament		
24/05/2018	Final act published in Official Journal		

Technical information

Procedure reference	2017/0241(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Amendments and repeals	See also 2006/0032(CNS) See also 2017/2266(INI)
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2 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/8/11185

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE612.309	20/12/2017	
Committee opinion	DEVE	PE615.384	20/02/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0058/2018	06/03/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0082/2018	15/03/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	14423/2017	05/12/2017	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2017)0556	29/09/2017	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Decision 2018/0757 OJ L 128 24.05.2018, p. 0013	Summary

EC/Comoros Fisheries Partnership Agreement: denunciation

2017/0241(NLE) - 15/03/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 644 votes to 3, with 25 abstentions, a legislative resolution on the draft Council decision denouncing the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros.

The European Parliament **gave its consent to the denunciation of the agreement**.

Parliament also adopted a non-legislative resolution on the draft decision on 15 March 2018.

EC/Comoros Fisheries Partnership Agreement: denunciation

2017/0241(NLE) - 29/09/2017 - Preparatory document

PURPOSE: to denounce the Fisheries Partnership Agreement between the European Community and the Union of the Comoros.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Fisheries Partnership Agreement (FPA) between the European Community and the Union of the Comoros, which entered into force on 6 March 2008, shall apply for seven years from the date of its entry into force and is renewable for additional periods of seven years, unless notice of termination is given by either Party.

One of the objectives of the EU-Comoros FPA is to ensure that the measures for the conservation and management of fish stocks are effective, and that **illegal, undeclared or unregulated** ('IUU') fishing is prevented. It may be terminated by either Party in the event of serious circumstances such as the failure to comply with undertakings made with regard to combating IUU fishing.

Pursuant to Council Regulation (EC) No 1005/2008 (the IUU Regulation), the Commission is to identify third countries that it considers as non-cooperating countries in fighting IUU fishing. In accordance with the IUU Regulation, the Comoros was notified on 1 October 2015 by Commission Decision of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing.

The Commission opened a dialogue with the Comoros based on an action plan proposed by the Commission to the Comoros to rectify the shortcomings, such as:

- the Comorian authorities' flag of convenience policy;
- evidence of illegal fishing activities by the Comorian fleet;
- the national authorities' poor or non-existent monitoring and control capacities;
- the Comoros' outdated legal framework for fisheries.

Since the Comoros did not take the necessary remedial actions to solve the problems identified, they were identified as **non-cooperating third countries** by Commission Implementing Decision 2017/889. Following this identification the Comoros still failed take the necessary remedial action.

In accordance with the IUU Regulation, **the Comoros has since been added**, by Council Implementing Decision (EU) 2017/1332, **to the list of non-cooperating third countries** established by Implementing Decision 2014/170/EU on 11 July 2017.

The **Commission is to propose the denunciation** of any standing bilateral agreement with a non-cooperating third country which provides for termination of the agreement in case of failure to comply with undertakings made by that country with regard to combating IUU fishing.

CONTENT: the Commission proposes that the Council adopt a decision **denouncing the Fisheries Partnership Agreement** between the European Community and the Union of the Comoros, which entered into force on 6 March 2008.

This implies that it is incumbent on the Commission, on behalf of the EU, to **notify the Comoros of the Council and the Union's decision** to terminate the Partnership Agreement with six months notice and a consultation between the Parties before the agreement is terminated.

EC/Comoros Fisheries Partnership Agreement: denunciation

2017/0241(NLE) - 05/12/2017 - Legislative proposal

PURPOSE: to denounce the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Fisheries Partnership Agreement (FPA) between the European Community and the Union of the Comoros, which entered into force on 6 March 2008, shall apply for seven years from the date of its entry into force and is renewable for additional periods of seven years, unless notice of termination is given by either Party.

One of the objectives of the EU-Comoros FPA is to ensure that the measures for the conservation and management of fish stocks are effective, and that **illegal, undeclared or unregulated** ('IUU') fishing is prevented. It may be terminated by either Party in the event of serious circumstances such as the failure to comply with undertakings made with regard to combating IUU fishing.

Pursuant to Council Regulation (EC) No 1005/2008 (the IUU Regulation), the Commission is to identify third countries that it considers as non-cooperating countries in fighting IUU fishing. In accordance with the IUU Regulation, the Comoros was notified on 1 October 2015 by Commission Decision of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing.

By that decision, the Commission opened a dialogue process with the Union of the Comoros. The Union of the Comoros failed to take the necessary remedial action within reasonable time.

In view of the Union of the Comoros' persistent **failures to discharge its duties** under international law as a flag, port, coastal or market State and to take action to prevent, deter and eliminate IUU fishing, the Union of the Comoros has been identified as a **non-cooperating third country** in fighting IUU fishing.

Even after that identification, the Union of the Comoros still failed to take the necessary remedial action.

By an implementing decision, Comoros was added to the list of non-cooperating third countries.

Under the IUU Regulation, the Commission is to propose the denunciation of any standing bilateral fisheries agreement or fisheries partnership agreement with a non-cooperating third country, where that agreement provides for termination where that country failed to comply with undertakings with regard to combating IUU fishing.

It is therefore appropriate to denounce the EU-Comoros FPA.

CONTENT: with this proposed Decision, the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros, which entered into force on 6 March 2008, shall be denounced.

The Commission, on behalf of the European Union, should notify the Union of the Comoros of the denunciation.

The denunciation should take effect six months after that notification.

However, if the Union of the Comoros is withdrawn from the list of non-cooperating third countries before the denunciation takes effect, the denunciation should be withdrawn and the Commission should immediately notify this withdrawal to the Union of the Comoros.

EC/Comoros Fisheries Partnership Agreement: denunciation

2017/0241(NLE) - 06/03/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by João FERREIRA (GUE/NGL, PT) on the draft Council decision denouncing the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros.

The committee recommended that the European Parliament **give its consent** to the denunciation of the agreement.

As a reminder, the draft Council decision aims to denounce the Fisheries Partnership Agreement between the European Community and the Union of the Comoros, which entered into force on 6 March 2008.

As recalled by the explanatory statement accompanying the recommendation, the Agreement under review in this report involved a total financial contribution of EUR 1 845 750, around 49% of which was earmarked for sectoral support. The Agreement allowed 45 licences to be granted for tuna seiners and 25 for surface longliners (shared between Spain, France and Portugal).

Notwithstanding the conditions laid down in the agreement and the associated protocol, its implementation was affected by various constraints – particularly relating to piracy – that meant that these fishing licences were not used.

At the same time, the Comoros' involvement in operations in breach of the Regulation on illegal, unreported and unregulated fishing (IUU), in particular by allowing the reflagging of vessels involved in IUU fishing, led the EU to notify the Comoros in October 2015 of the possibility of its being identified as a non-cooperating country – which indeed happened in May and June 2017 (when it received a 'red card').

In the absence of any reaction by the Comorian authorities throughout this process, the Commission and Council are proposing that the agreement be denounced.

Although the rapporteur sees no reason to disagree with this denunciation of the agreement, he called for progress to made as regards promoting transfers that will enable the Comoros, among other things, to:

- improve its system for fisheries administration and governance in legal terms and with regard to the institutional structure, capacity building for human resources (fishermen, scientists, inspectors, etc.), and the commercial and cultural value of the Comoros' traditional gear and fish;
- develop its capacities with regard to monitoring and scientific assessment, coastal protection, inspection, surveillance and quality control;
- create or renovate facilities for refrigerating, distributing and processing fish;
- construct and upgrade landing and security infrastructure at ports and harbours;
- promote the renewal of the small-scale fleet to improve safety, ability to remain at sea and fishing capacity.

The rapporteur took the view that sustainable fisheries agreements signed by the EU with third countries must be mutually beneficial and prioritise action to strengthen third countries' sovereignty over their fisheries, the development of related economic activities and protection for maritime resources, fishing communities and fishery workers.

EC/Comoros Fisheries Partnership Agreement: denunciation

2017/0241(NLE) - 14/05/2018 - Final act

PURPOSE: to denounce the Fisheries Partnership Agreement between the European Community and the Union of the Comoros.

NON-LEGISLATIVE ACT: Council Decision (EU) 2018/757 denouncing the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros.

CONTENT: the Council adopted a Decision **denouncing the Fisheries Partnership Agreement between the European Community and the Union of the Comoros**.

One of the objectives of the EU-Comoros FPA is to ensure that the measures for the conservation and management of fish stocks are effective, and that illegal, undeclared or unregulated ('IUU') fishing is prevented. It may be terminated by either Party in the event of serious circumstances such as the failure to comply with undertakings made with regard to combating IUU fishing.

In view of the repeated non-compliance by the Comoros with its commitments to combat IUU fishing, the Council decided to denounce the existing FPA.

The Commission, on behalf of the European Union, shall notify the Union of the Comoros of the denunciation. The denunciation shall take effect six months after that notification.

However, if the Union of the Comoros is withdrawn from the list of non-cooperating third countries under Article 33 of Council Regulation (EC) No 1005/2008 (IUU Regulation) before the denunciation takes effect, the denunciation should be withdrawn and the Commission shall immediately notify this withdrawal to the Union of the Comoros.

ENTRY INTO FORCE: 25.5.2018.

EC/Comoros Fisheries Partnership Agreement: denunciation

2017/0241(NLE) - 29/09/2017

PURPOSE: to denounce the Fisheries Partnership Agreement between the European Community and the Union of the Comoros.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Fisheries Partnership Agreement (FPA) between the European Community and the Union of the Comoros, which entered into force on 6 March 2008, shall apply for seven years from the date of its entry into force and is renewable for additional periods of seven years, unless notice of termination is given by either Party.

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In accordance with the IUU Regulation, **the Comoros has since been added**, by Council Implementing Decision (EU) 2017/1332, **to the list of non-cooperating third countries** established by Implementing Decision 2014/170/EU on 11 July 2017.

The **Commission is to propose the denunciation** of any standing bilateral agreement with a non-cooperating third country which provides for termination of the agreement in case of failure to comply with undertakings made by that country with regard to combating IUU fishing.

CONTENT: the Commission proposes that the Council adopt a decision **denouncing the Fisheries Partnership Agreement** between the European Community and the Union of the Comoros, which entered into force on 6 March 2008.

This implies that it is incumbent on the Commission, on behalf of the EU, to **notify the Comoros of the Council and the Union's decision** to terminate the Partnership Agreement with six months notice and a consultation between the Parties before the agreement is terminated.