

Commentary

Debate on Fisheries Partnership Agreements Budget: Issues at Stake

September 2005

Introduction

In April 2005, the European Commission issued a proposal for a Council regulation 'establishing Community financial measures for the implementation of the Common Fisheries Policy and in the area of the Law of the Sea'.

The proposal will provide the necessary legal base for Community financing in the above mentioned areas of the CFP and the law of the sea, in the context of the new financial perspectives for the period 2007-2013. It will constitute the second pillar of the legal framework for the financing of the CFP alongside the proposal establishing the European Fisheries Fund (EFF).

This Regulation shall apply, from 1 January 2007 until 31 December 2013, to Community financing measures in the following areas:

- (a) control and enforcement of the CFP rules;*
- (b) conservation measures, data collection and improvement of scientific advice*
- (c) governance of the CFP;*
- (d) international relations, including fisheries partnership agreements and EU's participation to RFMOs.*

60% of the planned budget for the FPAs

The operational objective 4 refers to 'international relations' and focuses mainly on financing measures for the negotiation and signature of FPAs (95% of the budget planned for 'international relations') and, to a lesser extent, the participation of the EU to Regional Fisheries Management Organisations - RFMOs (less than 2% of the budget planned).

In the area of FPAs, Community financing measures shall contribute to the following objectives:

- (a) developing, through partnership, the fisheries resource management and control capacities of third countries to ensure sustainable fishing and promoting the economic development of the fisheries sector in those countries by improving the scientific and technical evaluation of the fisheries concerned, monitoring and control of fishing activities, health conditions and the business environment in the sector;
- (b) safeguarding employment in the regions of the Community dependent on fishing;
- (c) securing the continued existence and competitiveness of the Community's fisheries sector;

(d) ensuring adequate supply for the Community market.

The budget planned to achieve the 'international relations' objectives for the considered period (2007-2013) is as follows:

International relations	2007	2008	2009	2010	2011	2012 & 2013	Total
Fisheries agreements	200	210	222,5	222,5	222,5	445	1522,5
International organisations	5	5	5	5	5	10	35
Reserve	22,5	12,5	0	0	0	0	35
Sub-total objective 4	227,5	227,5	227,5	227,5	227,5	455	1592,5

Overall, the budget planned for the negotiation and signature of FPAs represents 59% of the total budget planned.

Only Ad hoc Council decisions for financing FPAs

In an annex to the proposal, which consists of an extended impact assessment, it is remarked that: *“Procedures need to become more transparent and streamlined to the benefit of both the Commission and of the various beneficiaries of Community financial interventions.”*

For what concerns the negotiation and signature of FPAs, it is acknowledged that: *'At present, Community financial support to the CFP other than structural policy actions, takes place on the basis of ad hoc Council Decisions and Regulations such as the individual Council decisions concluding for the first time or renewing an existing fisheries protocol with a third country.'*

However, at this stage, *'The present proposal does not envisage changing the status quo. The same procedure will be followed during the 2007-2013 period.'* For what concerns negotiations and conclusions of FPAs, the changes will be the responsibility solely of the European Commission, that *'is now assuring that fisheries partnership principles are embedded in all new fisheries agreements'*.

.... Is that an appropriate legal basis for promoting sustainable development?

This future Council regulation is central to ACP-EU fisheries relations, as it will be the legal base for the payment of the Fisheries Partnership Agreements financial contribution.

It is however remarkable that the Commission, having acknowledged that '*Procedures need to become more transparent and streamlined to the benefit of both the Commission and of the various beneficiaries of Community financial interventions*', it then says that there will be no changes for what concerns FPAs, accruing for almost 60% of the budget planned for these financial measures.

The lack of transparency of the negotiation, signature and implementation of fisheries agreements was something pointed out in the 2001 EU Court of Auditors report on 'International Fisheries Agreements'¹.

The reformed CFP puts the emphasis on sustainable development principles. Council conclusions on Fisheries Partnership Agreements have reflected such concerns.

Such ad hoc Council decisions as the only legal basis for signing FPAs is not enough if the EU wants to achieve more transparency and accountability.

CFFA would like the following measures to be taken:

- the publication and wide dissemination, to the EU and the third country stakeholders concerned, of Impact Assessment Studies, prior to the negotiations. This should be accompanied by mechanisms to reinforce and support the participation of stakeholders, in particular ACP fishing communities, in the negotiation process.
- the publication of the tuna model agreement and protocol that has been finalised by the EU Commission and the EU operators mid-2005. This model agreement would help to translate, in concrete terms, with the necessary degree of flexibility to accommodate particular situations, the principles spelled out in the Council's conclusions on FPAs. To achieve transparency, such a model agreement for tuna fisheries partnership agreement should be made available to the public, in order to promote the participation of all concerned stakeholders, including tax payers and consumers. This model agreement could be a starting point for discussing a transparent legal framework for the signing of FPAs.

Sources

Proposal for a Council regulation 'establishing Community financial measures for the implementation of the Common Fisheries Policy and in the area of the Law of the Sea', European Commission, COM(2005) 117 final, April 6th 2005

http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/com/2005/com2005_0117en01.pdf

Commission Staff Working Paper, Annex to the Proposal for a Council Regulation establishing Community financial measures for the implementation of the Common

• ¹ http://www.eca.eu.int/audit_reports/special_reports/docs/2001/rs03_01en.pdf

Fisheries Policy and in the area of the Law of the Sea, Extended Impact Assessment, SEC(2005) 426 (see page 4 in particular)

[http://www2.europarl.eu.int/registre/docs_autres_institutions/commission_europeenne/sec/2005/0426/COM_SEC\(2005\)0426_EN.pdf](http://www2.europarl.eu.int/registre/docs_autres_institutions/commission_europeenne/sec/2005/0426/COM_SEC(2005)0426_EN.pdf)