

***Proposal for a Joint NGO position on the 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' –***

***International relations aspects***

The operational objective 4 of the Commission 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). Overall, the budget planned for the negotiation and signature of FPAs represents about 60% of the total budget planned.

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.'*

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. We would like to ask for various measures to be taken:

- the publication and wide dissemination, to the EU and the third country stakeholders concerned, of Impact Assessment Studies (not the commercial information or negotiation positions they may contain, but aggregated data and potential scenarios).
- the publication of the tuna model agreement and protocol that has been finalised by the EU Commission and the EU operators mid-2005. This should serve as a basis for a stakeholders debate about what should be the common legal basis for signing tuna agreement. The reflection should also start about what could be a model agreement/protocol for mixed fisheries (partnership) agreements
- etc

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’<sup>1</sup>.

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

It would seem appropriate that the mandates given by the Council to the Commission for the negotiation of bilateral agreements is adapted in order to reflect, in a coherent manner, such sustainable development objectives into the negotiating process of FPAs. This is not the case in this proposal.

### **The need to develop a transparent model agreement and protocol**

The Commission recognises there is a need to ensure more transparency and efficiency in the procedures. In the case of FPAs, a first step to achieve such objectives would be to set up, in a transparent and participative way, a model agreement which would serve to define a common legal basis for negotiating fisheries partnership agreements with developing countries.

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.

Early 2005, the European Commission announced in the Advisory Committee on Fisheries and Aquaculture that such model agreement (and protocol) was being discussed with the European tuna sector for tuna Fisheries Partnership Agreements. This tuna model agreement was due to be finalised mid 2005, and shared with the various EU institutions and consultative bodies (Parliament, Member States, Advisory Committee on fisheries and Aquaculture). This is a positive step to be welcomed.

However, as recognised by the Commission, procedures need also to be “*transparent and streamlined to the benefit of the various beneficiaries of Community financial interventions*”. In the case of FPAs, beneficiaries include not only the European fisheries sector, but also ACP interests, which, to date, haven’t been widely consulted or informed.

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• <sup>1</sup> [http://www.eca.eu.int/audit\\_reports/special\\_reports/docs/2001/rs03\\_01en.pdf](http://www.eca.eu.int/audit_reports/special_reports/docs/2001/rs03_01en.pdf)

To achieve transparency, such a model agreement for tuna partnership 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 for tuna fisheries partnership 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](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 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)

Minutes, «Groupe Sectoriel Thons, réunion de Bilbao 11-12 April 2005»

Not available on internet – see annex