



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Fisheries

2013/0315(NLE)

11.10.2013

DRAFT RECOMMENDATION

on the proposal for a Council decision on the conclusion of the protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement in force between the two Parties (COM(2013)0648 – C7-0000/2013 – 2013/0315(NLE))

Committee on Fisheries

Rapporteur: Carmen Fraga Estévez

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision on the conclusion of the protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement in force between the two Parties
(COM(2013)0648 – C7-0000/2013 – 2013/0315(NLE))**

(Consent)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2013)0648),
 - having regard to the draft protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement in force between the two Parties (00000/20xx),
 - having regard to the request for consent submitted by the Council in accordance with Article 43(2) and Article 218(6), second subparagraph, point (a) and (7) of the Treaty on the Functioning of the European Union (C7-0000/2013),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the European Parliament legislative resolution of 14 December 2011 on the draft Council decision on the conclusion of a Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco¹,
 - having regard to the European Parliament resolution of 14 December 2011 on the future Protocol setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco²,
 - having regard to the recommendation of the Committee on Fisheries and the opinions of the Committee on Development and the Committee on Budgets (A7-0000/2013),
1. Consents to conclusion of the protocol;
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Kingdom of Morocco.

¹ OJ C 168 E, 14.6.2013, p. 155.

² OJ C 168 E, 14.6.2013, p. 8.

EXPLANATORY STATEMENT

After the European Parliament declined to grant its consent to a one-year extension of the fisheries protocol with Morocco, which expired on 27 February 2012, the Commission opened negotiations on the conclusion of a new protocol which has now been submitted for consent. Both parties bore Parliament's concerns very much in mind during the negotiations and agreed that the new text should seek to respond to the criticisms and guidelines contained in the **report** of the Committee on Fisheries and the **resolution** adopted at the same time, which **called for guarantees that it would be mutually beneficial and evidence that it would be based on economic, social and environmental sustainability**.

The report of the Committee on Fisheries which prompted the refusal of consent was **particularly critical with regard to three aspects**: the **economic** aspect, pointing to the very poor cost-benefit ratio due to low utilisation of fishing opportunities; the **environmental** aspect; and what the rapporteur considered to be the **scant impact that the financial contribution had had on the Moroccan fisheries sector**. The rapporteur had based his report on the **ex post evaluation** carried out for the Commission, **whose methodology had already been questioned** by the fishing industry, the Member States affected and the Commission itself. **The Moroccan authorities were particularly critical**, contesting it on **the following grounds**:

- **the evaluation report took account only of the first two and a half years of the period covered by the protocol**, and the utilisation figures could therefore not be considered valid;
- **the conclusions regarding the state of fishery resources were not accurate**, since the only sources used were assessments carried out by CECAF in 2007, which were in fact based on **data from 2005**, which meant that the progress made in stock recovery had not been registered. **Neither had account been taken of the work of the EU-Morocco joint scientific committee**;
- **investment in the fisheries sector and coastal areas had proceeded apace, even though** Morocco acknowledged that there had been **delays** in the utilisation of Community funds in the **first two years of the period covered by the protocol**, since the first years were essentially used for adapting and planning to meet **Community requirements**, which were **not very flexible**. Morocco argued that this lack of flexibility held up investment from the financial contribution, but that Morocco had **subsequently addressed this problem by linking the sectoral component to its internal *Halieutis* strategy**, and the minutes of the **Joint Committee from the end of 2011** already **reflected a level of commitments amounting to 90% of existing appropriations, with payment forecasts of 81% for the end of the year**, information which was not included in the evaluation report.

In addition, **previous debates had raised legal questions concerning Western Sahara**. In this connection, your rapporteur can only **endorse the decision not to address this issue taken by the rapporteur for the previous report, Carl Haglund, since this issue does not affect the terms of the fisheries protocol**, just as it does not affect the recently approved agreement between the EU and Morocco on liberalising the trade in agricultural and fishery

products¹. It might also be pointed out that Parliament has asked the Legal Service for its opinion on this issue at the request of various committees in recent years, and the Legal Service has confirmed the legality of these agreements.

Analysis of the new proposal

The new protocol does not provide for provisional application, and fishing activities can therefore not be resumed until the protocol has been approved by Parliament and the Council. Given that the detailed terms of the protocol can be consulted in the text itself and the datasheets corresponding to each category annexed to the protocol, the rapporteur will confine herself here to a brief analysis and assessment. The table that follows sums up the main aspects for each category.

1. Fishing opportunities: the **fishing categories are the same as in the previous protocol**, and even though **the number of vessels has been reduced from 137 to 126, fishing opportunities have been increased by 33%**, essentially as a result of the increase for the industrial pelagic fishing category (from 60 000 to 80 000 tonnes). The biggest reduction has been made in categories 3 (from 20 to 10 vessels) and 4, the most underutilised category, where the 22 vessels previously authorised have been cut to 16. **The rapporteur takes a positive view of these adjustments, which tally more closely with actual utilisation rates.**

2. Technical measures: the **fishing zones have been altered to match the needs of the fleets and make it possible to comply with certain requirements imposed by Morocco**. Thus the expansion of the zones for categories 1 and 2 reflects the sector's request to include the port of Mohamedia, which is not only an important port of refuge but also has infrastructure for landing catches.

With regard to **limits on capacity**, while the number of large-capacity **pelagic trawlers** has been increased by four, a **limit of 7 765 GT** has been set (which has been sharply criticised by the fleet). **In category 4, the previous limit of 275 GT was one of the reasons for underutilisation**, since it made it difficult to operate beyond the 200 meter isobath. **Different limits have now been set for the two types of vessels using this category, longliners and trawlers, the number of which has been cut from 11 to 5.** The rapporteur believes that, combined with the reduction in compulsory landings, the **majority of problems that had arisen in this category should now be resolved.**

With regard to the **embarkation of seamen**, the main new feature (which has given rise to some criticism) is the **obligation to choose from a closed list proposed by Morocco**, comprising graduates of maritime training schools. The general trend is for an **increase in embarkation requirements** with the peak being reached in **large-capacity vessels in category 6**, where the number of Moroccan seamen has doubled from **8 to 16.**

¹ OJ L 241, 7.9.2012 p.4

Fishing categories	COM(2013) 648	Protocol 2007-2011
Category 1 Small-scale pelagic fishing in the north Seiners	Vessels authorised: 20 Mandatory landing: 30% of catches Embarkation of seamen: 3/vessel	Vessels authorised: 20 Mandatory landing: Phased in. From 25% to 50% in the fourth and last year. Embarkation of seamen: 2/vessel
Category 2 Small-scale fishing in the north Bottom longliners	Vessels authorised: 35 Voluntary landing. Embarkation of seamen: < 100 GT: voluntary ≥100 GT: 1 per vessel	Vessels authorised: 30 Voluntary landing. Embarkation: Voluntary
Category 3 Small-scale fishing in the south	Vessels authorised: 10 Voluntary landing. Embarkation of seamen: 2/vessel	Vessels authorised: 20 Voluntary landing. Embarkation of seamen: 2/vessel
Category 4 Demersal fishing Trawlers and longliners	Vessels authorised: 16 Landing: 30% Embarkation of seamen: between 4 and 7 a) trawlers: 7 per vessel b) longliners: 4 per vessel.	Vessels authorised: 22 (Maximum 11 trawlers/year). Landing: 50% Embarkation of Moroccan seamen: 8 per vessel.
Category 5 Tuna fishing Pole-and-line	Vessels authorised: 27 Landing: 25% of catches Embarkation of seamen: 3/vessel	Vessels authorised: 27 Landing: Unspecified proportion Embarkation of seamen: 3/vessel
Category 6 Industrial pelagic fishing	Vessels authorised: 18 Landing: 25% Embarkation of seamen: between 2 and 16.	Vessels authorised: 18 Landing: 25% Embarkation of seamen: Maximum 8.

In contrast to other protocols, where the **human rights clause** appears in the articles laying down conditions for suspension, here it already appears in **Article 1**, with a reference to Article 2 of the Association Agreement on respect for democratic principles and fundamental human rights. **Any violation by Morocco could lead to the suspension of the protocol in accordance with Article 8, which is in line with what had also been demanded by the European Parliament.**

Financial aspects

The tables below give an outline of the most significant figures, including the reduction in the **financial contribution** from € 36.1 million to **€ 30 million per year, a drop of 17% for the EU budget**. The most striking feature is the **contribution to be paid by shipowners**, which has been **increased by almost 200%**, with a **hike** that could be considered excessive for the **pelagic freezer trawler segment**, the fee for which has **risen by 400%**.

Support for sectoral policy (Article 6) is another **chapter** that has been **strengthened significantly in line with Parliament's demands**. The measures financed by the protocol will now be formally incorporated into the *Halieutis* strategy. **Morocco will also have to justify its selection of projects from the point of view of their economic, social and employment repercussions**, together with the impact of their **geographical distribution**. **No payments** will be made by the EU if Morocco's justifications regarding the **implementation of projects are not fully satisfactory**.

	Protocol 2007-2011	COM (2013) 648	Variation
1. Financial contribution for access to resources	22.600.000 €	16.000.000 €	-29%
2. Sectoral policy	13.500.000 €	14.000.000 €	4%
3. Shipowners' contribution (fees)	3.400.000 €	10.000.000 €	194%
4. Total cost of the Protocol/year	39.500.000 €	40.000.000 €	1%
5. Cost to the Community budget	36.100.000 €	30.000.000 €	- 17%
6. Cost of trade agreement (1+3)	26.000.000 €	26.000.000 €	0%
7. EU/shipowners' share in the total cost of the Protocol (%)	91/9	75/25	
8. EU/shipowners' share for access to resources (%)	87/13	62/38	

FEEES	Protocol 2007-2011	COM(2013)0648		Variation
Small-scale seiners north	65€/GT	75€/GT		+15%
Small-scale fishing north	60€/GT	67€/GT		+12%
Small-scale fishing south	60€/GT	67€/GT		+12%
Demersal fishing	53€/GT	60€/GT		+13%
Tuna fishing	25€/ton	35€/ton.		+40%
Pelagic trawling	20€/t	Frozen	100€/t/month	+400%
		Fresh	35€/t/month	+75%

Sustainability and monitoring: the *Halieutis* strategy

This was one of the main concerns expressed by Parliament, and both parties have been very much aware that surpluses and fishing opportunities needed to be set in line with strict sustainability criteria. All those consulted have described the Moroccan response as excellent. The Moroccan authorities have provided the rapporteur with fleet and catch data and a summary outlining the *Halieutis* strategy and the involvement of the **Institut National de Recherche Halieutique** (National Institute of Fisheries Research – INRH) in decisions on fisheries management.

Scientists from both the EU and the INRH took part in the negotiations, and the INRH was **systematically consulted on each of the proposals** put forward by the Commission. As a result, **Morocco rejected a higher quota for pelagic species** along with fishing opportunities for **shellfish and cephalopods, on the grounds that there were no surpluses**. There are still no fishing opportunities in the Mediterranean. **For the first time** in such an agreement, **this**

protocol lays the foundations for **more intense scientific cooperation** and gives a commitment to set up an electronic system for exchanging information, including catch data and VMS positions.

Conclusions

Even though there are still some aspects that the sector hopes to modify in the joint committees, the rapporteur recognises that the new protocol contains huge **improvements** and highlights the **efforts made to respond to Parliament's concerns**.

Consequently, the rapporteur takes the view that the committee should **recommend that Parliament consent** to conclusion of the protocol, since it will allow fishery relations with Morocco to resume on **a fresh basis, much more in keeping with Parliament's demands both from the economic and financial point of view and in terms of social and environmental sustainability**.