

CAPE

*Coalition pour des Accords
de Pêche Équitables*

CFFA

*Coalition for Fair Fisheries
Arrangements*

**The reform of the external dimension
of the EU Common Fisheries Policy (CFP)**

Good governance, a central feature for sustainable fisheries

Report of a workshop organised by CFFA
In the European Parliament (Brussels, 5 October 2011)

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1. The workshop

The workshop was attended by about 60 participants, including representatives from the European Commission, members of the European Parliament (MEPs) and staff, members of the African parliamentary network APPEL, representatives from EU and ACP Member States, from EU and African fishing organisations platforms, trade unions, fish traders, and NGOs (*see list of participants in Annex II*).

2. Presentations and highlights of the debate

Mr **Stefaan Depypere**, Director of International Affairs from DG Mare, started by detailing some measures proposed by the EC, particularly in its communication on the external dimension of the CFP, to regulate EU fleets' access to third countries waters. He particularly highlighted the following issues:

- The need to limit reflagging;
- The importance of decoupling access agreements from development programmes (which should be better focussed and regularly assessed)
- The complementarity with other EU financial instruments such as the European Development Fund (EDF)
- Larger financial contribution of the sector
- Improvement of Monitoring, Control and Surveillance (MCS) and reporting capacity in developing countries
- Improvement of sustainability standards through the ratification of relevant international agreements
- Respect of human rights, as a condition for future agreements

The other main presentation was by **Dr Andre Standing**, from the NGO TransparentSea, on the theme of *‘Improving transparency in the reform of the external dimension of the CFP’*.

He noted that the lack of information sharing and confidentiality is a characteristic of global fisheries management, and the need to improve transparency is emerging as a goal of international fisheries reform. The FAO, for example, stressed the need for improved transparency in its latest State of World Fisheries and Aquaculture Report. He also noted that earlier this year (February 2011), CFFA organised a multi-stakeholder meeting on transparency in the EU Parliament, which showed a strong commitment from NGOs, international development agencies, representatives of ACP governments and the fishing sector to improve transparency, however so far concrete actions remain elusive.

He noted that the draft regulation on the CFP makes reference to the need to improve transparency in the external dimension of the CFP. However, the current text is too vague and it lacks specific commitments and detail.

The lack of transparency in ACP countries is particularly problematic. As a general observation, there is limited information made available to the public on a range of core aspects of fisheries governance, including licensing, access agreements, information on fisheries revenue and expenditures and information of foreign aid for fisheries development. Many ACP countries also fail to publish annual reports on fishing management or have functioning websites. This lack of transparency contributes to various problems in fisheries management. It undermines effective decision making in fisheries, creates an environment where forms of corruption can exist with impunity and it undermines national and international efforts to address illegal fishing. André Standing stressed that due to these reasons, improving transparency is in the commercial and developmental interests of the EU.

In putting forward recommendations on how the reform of the CFP could address the deficit of transparency, André Standing explained that there are two aspects to consider. The first is making improvements to EU fisheries agreements in third countries. The EU has already made improvements in this regard but there are still many ways in which information sharing and public participation could be strengthened. This includes measures to improve information sharing and public participation throughout the process of negotiating, implementing and evaluating agreements. The second aspect is the role of the EU in promoting transparency in fisheries more broadly, which needs to be recognised as a core component of global fisheries reform. The EU should mainstream transparency in its financial and technical assistance to ACP countries.

In making these recommendations, André Standing noted that there are various objections that key stakeholders tend to make against improving transparency. This includes the fear that improving transparency by the EU could mean that ACP countries will favour agreements with other distant water fishing nations (particularly from Asia), and that increasing accountability in the spending of EU funds may highlight instances of corruption which will force the EU to end agreements with third countries. However, he argued that such fears lack validity and can be countered through careful planning and implementation. Moreover, he stressed that the EU is signatory to several binding international agreements (such as the Aarhus Convention) that mandates transparency and access to information.

Andre Standing ended his presentation by urging the EU parliament to consider transparency as a critical component of the new CFP, and that without improved transparency sustainable and equitable fisheries management in ACP countries will remain elusive.

The participants then discussed how the EU could, through the reform of the external dimension of the CFP (*see decision procedure in Annex I*), take the lead to improve transparency and good governance in global fisheries and how it should establish a framework to ensure that **all EU fleets** fishing outside EU waters can operate sustainably. It was recalled that, currently, only around 300 vessels fish under FPAs, another 300 under private licensing arrangements and about 400 vessels of EU origin fish under joint ventures.

The participants noted that the reform of the external dimension of the CFP takes place in a difficult context for the fisheries sector both in the EU and ACP countries, with the decrease of fisheries resources, the increasingly important presence of other distant water fishing nations in ACP waters, - the case of Chinese activities in West Africa was highlighted-, as well as the impact of climate change.

Participants were reminded by ACP respondents that the CFP reform should be coherent with strategies for poverty reduction and food security in ACP countries. Also at the centre of the discussions was the importance of artisanal fisheries in most countries where EU fishing fleets operate, particularly in terms of employment and contribution to food security.

3. Main points of agreement emerging from the debate

The main points of agreement emerging from the debate included:

- The EU's objectives must be to ensure all its fleets fishing outside EU waters, whether under access agreements, private licensing schemes or joint ventures, operate sustainably, from an environmental, social and economic point of view.
- The EU should also promote the establishment of a level playing field for all fishing operators from distant water fishing nations and coastal countries, whilst recognising the rights of developing countries and their coastal fishing communities to have priority access to their resources.
- It was generally accepted that the EU needs to develop stronger measures to promote transparency in the CFP, although there was some reservations expressed on the potential for the EU 'to achieve perfection'. There is a need to ensure that transparency is achieved throughout the process of negotiating, implementing and evaluating fisheries agreements. In this respect the EU needs to ensure that information and key documents are shared with all stakeholders and mechanisms are in place to allow for meaningful public debate and comment.
- The EU should also take a leading role in mainstreaming transparency in fisheries, which requires supporting other governments and fisheries organisations to implement transparency measures.
- EU fisheries agreements should be reformed so that they provide a framework to control all EU fisheries-related activities in developing countries fisheries, whilst providing the necessary support to ensure all private investments made in these fisheries are transparent, and environmentally, socially and economically sustainable. The reform of

the CFP external dimension must ensure that the means and mechanisms to achieve those objectives are developed and implemented.

- The consequences of Transferable Fishing Concessions (TFCs) beyond EU waters were also discussed. As it currently stands, the Commission proposal on TFCs could have devastating consequences for fishing communities in developing countries. The proposal only excludes "*fishing opportunities obtained under sustainable fisheries agreements*". That means that fishing opportunities in international waters would have to be allocated by EU Member States to their fishing vessels under that system. The system could also apply in waters of countries with which the EU has no agreement, depending on the third country legislation or even in the context of a regional management organisation.

4. Next steps

The European Parliament has designated the political groups and MEPs who will be the rapporteurs for the various components of the CFP reform package including:

- A legislative proposal for a new Regulation setting out the main rules of the CFP: Proposal for a regulation of the European Parliament and of the Council on the Common Fisheries Policy- "Basic Regulation" – Socialist and Democrats/*Mrs Ulrike Rodust (Germany)*
- A Communication on the external dimension of the CFP: Greens – *Mrs Isabella Lövin (Sweden)*
- A legislative proposal for a new Market Policy: Proposal for a regulation on the common organisation of the markets in fishery and aquaculture products – European Conservatives and Reformists – *Mr Struan Stevenson (UK)*
- A legislative proposal for a new funding mechanism for the fisheries and maritime policy: Proposal for a regulation on the European Maritime and Fisheries Fund – European People's Party – *Mr Alain Cadec (France)*
- Report On Reporting Obligations under Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy- "access to waters" – Alliance of Liberals and Democrats for Europe – *Mr Jorgo Chatzimarikakis (Germany)*
- Communication on the Reform of the Common Fisheries Policy- "Overarching communication" ("Reform Philosophy") – European of Freedom and democracy – *Mr Nikolaos Salavrakos (Greece)*

Annex 1: The EU co-decision procedure

- The European Commission is the only EU institution that can make a legislative proposal, though both the Council of ministers and the Parliament may request a proposal
- When the Commission issues a legislative proposal, it goes to the Parliament and the Council
- Each of these two institutions adopts, independently from the other, amendments to the proposal (first reading)
- The two amended versions are then compared and if the two institutions can find compromises in order to achieve a common text, the resulting amended version is adopted as law
- If they cannot find a compromise, the Parliament and Council repeat the exercise in order to confirm their text (second reading)
- A second attempt is then made to find common ground between the two versions
- The final stage, if Council does not accept the Parliament's amendments, is a formal conciliation procedure
- If the two institutions cannot reach agreement, then the Commission's proposal is rejected

Annex II – List of participants

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