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EU Common Fisheries Policy and Fisheries Partnership Agreements: Challenges for ACP countries

1. Background and key issues

The Common Fisheries Policy (CFP) governs the activities of EU national fishing fleets including many aspects of their distant-water activities. It consists of four main policy pillars: conservation policy; structural policy; market policy; and the external dimension (including fisheries partnership agreements (FPAs) and engagement in international and regional fisheries management organisations – RFMOs) (for more details see *Agritrade 'EU Common Fisheries Policy and Fisheries Partnership Agreements: Challenges for ACP countries', Executive brief: Update, 2011*).

The CFP is financed through the European Fisheries Fund (EFF) with a specific instrument for FPAs and participation in RFMOs. In ACP countries FPA financing

can be complemented by EDF funding, particularly for monitoring, control and surveillance (MCS) programmes.

The CFP is reviewed every 10 years. Since July 2009 a public consultation has been under way for reform of the CFP by the end of 2012. The European Parliament now has co-decision making power over the CFP and this is expected to delay the conclusion of reforms beyond the end of 2012.

Within the CFP, FPAs and EU initiatives in RFMOs provide the main framework for ACP–EU fisheries relations. Currently the EU has 14 FPAs in force, 11 are tuna FPAs and 3 are multi-species FPAs (Mauritania, Guinea-Bissau, and one non-ACP state, Greenland). There are

a few dormant agreements, where no protocol is in force (for example with Gabon, Guinea and a non-ACP state, Morocco).

About half of the EU's 700-vessel external fleet are involved in FPAs, while around 400 vessels operate under joint ventures established in third countries. Fish caught under FPAs accounts for

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approximately 3% of total supplies of fish to the EU market, which represents 400,000–450,000 tonnes/year. Some €160 million is budgeted for FPAs, with €40 million targeted at supporting the implementation of the fisheries policy in the third country.

EC proposals for reform of the FPAs are focused on fostering: transparency, accountability, sustainability of fishing activities and the promotion of respect for human rights and good governance.

2. Latest developments

Fisheries partnership agreements

A new approach

The orientations of the reform of FPAs are based on:

- following the best scientific advice available;
- strict respect for management measures adopted, including reinforced

controls in the fight against illegal, unregulated and unreported (IUU) fishing;

- supporting national fisheries policy, in coordination with EU development policy;
- contributing to local economic development;
- promoting greater transparency in the global fishing effort;
- promoting increased contributions by ship-owners to the costs of access to third-country waters;
- respecting human rights and the democratic principles clause.

The EU has also proposed to decouple sector support from payments for access rights, with stronger conditionalities on the payment of sector support to strengthen good governance in the fisheries sector. Discussions on the CFP are ongoing with concerns over particular targeted fisheries resources.

ACP fish resources targeted under FPAs

The economic performance of EU fisheries shows that in 2009 the EU fleet would have incurred a 4.6% loss without direct income subsidies. Even with these subsidies the fleet was operating at a 1.5% loss. For the fuel-intensive, mobile gear vessels, i.e. the trawler fleet segments, the loss was even larger. On the other hand, quality of data submitted by EU member states can be an issue, including from those with important fleets fishing outside EU waters (see [Agritrade article 'Seminar on fish stocks shows the poor economic performance of EU trawler fleets'](#), 28 October 2011).

Tuna

The tuna fleet has an interest in maintaining its EU flagging to secure access under FPAs and to benefit from the

"The current network of bilateral agreements is not sufficient to secure access for the EU tuna fleet – more tuna access agreements are needed"

rules of origin applied to tuna imports. However, the current network of bilateral agreements is not sufficient to secure access for the EU tuna fleet to the migratory tuna stock and more tuna access agreements are needed.

Small pelagics

According to the NGO Greenpeace the activities of EU fleets targeting small pelagic species is putting both the socio-economic development of local fleets and the food security of local populations at risk. Particular concerns exist over stocks of small pelagics in the southern Pacific which have been decimated in the last two decades (See [Agritrade article 'In the spotlight: activities of EU fleets fishing for small pelagics in third-country waters'](#), 18 March 2012).

In Mauritania, concerns are also expressed about the current lack of alternatives for the small-pelagic fishing fleet in West Africa. This led first to the closure of the Mauritanian small pelagic fishery, following exhaustion of the EU annual catch quota and, subsequently, a questioning of the renewal of the fisheries access protocol on the grounds of unfair competition between EU FPA vessels and local fishermen (see [Agritrade article 'EU fleet fishing in West Africa answers Greenpeace criticisms'](#), 30 April 2012). A lack of reliable data on fishing effort and catches seriously hampers efforts to promote sustainable fishing where vessels with large fishing

capacities are deployed. Non-renewal of the protocol would be of particular concern to the Polish small pelagic fishing fleet (see *Agritrade* article '[Concerns about the closure of small pelagic fishing in Mauritanian waters](#)', 9 July 2012).

Developments in West and Central Africa

An FPA between the EU and Cape Verde came into force on 1 September 2011, providing €325,000 in compensation for access to 5,000 tonnes of tuna per annum. A further €110,000 is to be provided in support of implementation of the fisheries policy in Cape Verde. An *ex post* evaluation published in July 2011 highlighted concerns over the high level of undeclared tuna catches by vessels operating in the West African region. The evaluation noted the progress made in the area of quality control and the development of artisanal fisheries, but called for greater efforts to be made to strengthen stock assessments, and MCS. The importance of the government of Cape Verde adopting a sustainable fisheries policy, including measures aimed at IUU fishing was emphasised (see *Agritrade* article '[Opportunities and challenges for the new FPA with Cape Verde](#)', 28 October 2011).

In September 2011 the EU and Guinea-Bissau signed a 1-year protocol extending current access arrangements, but allowing for the suspension of the protocol if breaches of human rights and democratic principles occurred. The EC has requested assurances that the implementation of the sector support will improve and be subject to regular monitoring. The EC also stressed the importance of carefully monitoring the sustainability of the stock, using all scientific advice available for this purpose (see *Agritrade* article '[Renewal of the fisheries agreement protocol EU–Guinea-Bissau](#)', 7 September 2011). Subse-

quently a multi-annual protocol was concluded (2012-15), which provisionally entered into force in June 2012.

Fisheries relations between the EU and Mauritania are at a critical point. Member states are concerned over the impact of non-renewal of the protocol. Spanish fishing industry stakeholders are insisting that the EC improves its technical and financial provisions so as to allow 'the viability and profitability of the activities of the Spanish fleet' to be assured (see *Agritrade* article '[Stakeholders of the Mauritania FPA voice their demands](#)', 9 July 2012).

The Long-distance Fleet Regional Advisory Council (LDRAC) supports the principle that EU fleets should access only the surplus fishery resources that cannot be caught by local fleets. But, the LDRAC is concerned about the growing competition for the EU fleet

"The LDRAC is concerned about the growing competition for the EU fleet from other distant-water fleets"

from other distant-water fleets, for access to this surplus, particularly distant water fleets from South-East Asia and the return of the Russian fleet (see *Agritrade* article '[EU stakeholders take a position on the negotiations for an EU–Mauritania agreement](#)', 3 March 2012). Solid scientific data are therefore required to define the cumulative fishing efforts being deployed by all fleets and the surplus potentially available for allocation to EU vessels.

The negotiations with Gabon are currently blocked over the inclusion of a human rights clause and conditions governing the payment of sector support. The EU seeks to make payments conditional on the effective implementation of actions by the Gabonese gov-

ernment in pursuit of jointly agreed objectives (see *Agritrade* article '[Human rights clause and conditionality for payment block the renewal of the EU–Gabon FPA](#)', 3 March 2012).

In September 2011, it was confirmed that no FPA was currently in force between the EU and Guinea (the EU denounced the protocol in December 2009) and no negotiations would be initiated until the conclusion of the CFP reform process (see *Agritrade* article '[EC re-establishing contacts with Guinean fisheries authorities](#)', 7 September 2011).

Overall, these developments are raising concerns over the renewal of FPAs with countries such as Mauritania and Guinea-Bissau (see *Agritrade* article '[The fisheries sector is concerned about the continuity of bilateral agreements](#)', 3 March 2012).

Developments in Morocco

Beyond the ACP, following the conclusion of an interim 1-year FPA protocol with Morocco, a new multi-annual protocol was blocked in the European Parliament in December 2011. As a consequence there is no fisheries access protocol currently in force under the Morocco FPA. However, under pressure from the Spanish-Moroccan committee of fisheries associations discussions are now continuing (see *Agritrade* article '[Spanish and Moroccan fishing associations insist on the importance of the EU–Morocco agreement](#)', 28 October 2011). This has seen the Spanish fisheries ministry adopt a plan to provide more than €28 million to scrap Spanish vessels fishing in waters of third countries and in international fishing grounds. This scheme could also be applied to freezer trawlers fishing in the waters of Mauritania and Guinea-Bissau (see *Agritrade* article '[A scrapping scheme for vessels fishing outside EU waters is approved by Spain](#)', 19 January 2012).

Subsidised scrapping is seen as a better option than reflagging to third countries (including in West Africa) since this simply transfers the management burden to coastal states.

Developments in the Indian Ocean

The conclusion of an FPA with Mauritius was welcomed by EU fleets. The protocol provides the EU with fishing opportunities for tuna vessels for financial compensation of €660,000 per annum, with some €302,000 earmarked to support the fisheries policy of Mauritius. In order to avoid adverse effects on local, small-scale fishermen, EU vessels will only be allowed to fish beyond 15 miles (currently 12 miles) from the coastal baseline. A human rights clause has been introduced into the protocol, alongside conditionalities relating to the implementation of sector policy support (see *Agritrade* articles '[New FPA between the EU and Mauritius](#), 30 April 2012' and '[Mauritius and the EU identify their mutual interests in concluding a new FPA](#)', 19 January 2012).

A new EU–Mozambique protocol, signed in March 2012, delinks payments for access from sector policy support and introduces electronic logbooks. The financial contribution, totalling €2,940,000 over 3 years, is divided into payment for access rights, €520,000 per year for 8,000 tonnes for tuna purse-seiners and surface long-liners, and €460,000 per year for sector support. (see *Agritrade* article '[New protocol for the FPA between the EU and Mozambique](#)', 3 March 2012). The new protocol was approved, with a big majority, by the European Parliament at its May 2012 plenary session (see *Agritrade* article '[MEPs back EU-Mozambique FPA](#)', 16 July 2012).

In the fight against IUU fishing, the EU will use the FPA with Comoros as a

platform for dialogue to combat IUU fishing. Comoros has agreed to implement measures to prevent any further registration of IUU vessels under the

"In the fight against IUU fishing, the EU will use the FPA as a platform for dialogue to combat IUU fishing"

Comorian flag, after two vessels fishing under the flag were caught with no regular fishing authorisations in Senegalese waters (see *Agritrade* article '[Commitment of Comoros islands to fighting IUU fishing](#)', 30 January 2012).

In May 2012 Madagascar and the EU signed a new protocol which will enter into force on the 1 January 2013 for 2 years.

Developments in the Pacific

Sustainability is a major issue of concern in the Pacific, with a regional approach being seen as critical. The EU is moving towards supporting such a locally designed regional approach. The Parties to the Nauru Agreement (PNA) and the Western and Central Pacific Fisheries Commission (WCPFC) manage fisheries resources in the Pacific. The PNA operates a 'vessel day scheme' (VDS) for purse-seine vessels and each PNA member has a 'party allowable effort' (PAE) of days (see *Agritrade* article '[Solomon Islands to close its tuna fishery to foreign seiners](#)', 5 July 2011). The PNA have insisted that tuna industry participants work with the PNA, including foreign fishing nations, and respect their conservation measures, or else they risk losing access to the resources. The status of tuna stocks revealed that the skipjack catch in the Western and Central Pacific declined by 6% in 2011. Foreign fishing fleets have been called upon to support economic development in the Pacific islands, by encouraging

landings and processing of fish caught in PNA waters in the region or in plants in which the PNA has equity (see *Agritrade* article '["Shape up or ship out", PNA tells tuna industry](#)', 28 October 2011).

As an example, the renewed EU–Solomon Islands protocol promotes cooperation at sub-regional level on responsible fishing, with support from the PNA in monitoring the operation of the vessel day scheme (VDS) and extending assistance to the authorities of the Solomon Islands if required (see *Agritrade* article '[Solomon Islands to close its tuna fishery to foreign seiners](#)', 5 July 2011). The government of the Solomon Islands is seeking to link fisheries access for long-distance fleets to onshore investment in fish processing, a development closely linked to rules of origin negotiations under the Pacific–EU EPA negotiations (see *Agritrade* article '[Solomon Islands: Link access agreements to onshore investments](#)', 28 October 2011).

In June 2012 a new protocol to the Kiribati–EU FPA was finalised, with a reference tonnage of 15,000 tonnes, allocated to four purse-seiners and

"Linking access to fishery resources to onshore investments provides a mechanism for ensuring that a greater share of the value remains in ACP countries"

six long-liners from Spain, France and Portugal. This is an important development for EU tuna fleets' active in the Pacific. Joint venture arrangements are well developed in Kiribati providing employment for local crews (see *Agritrade* article '[New protocol for the Kiribati–EU FPA](#)', 16 July 2012).

Linking access to fishery resources to onshore investments provides a mecha-

nism for ensuring that a greater share of the value derived from fisheries resources remains in ACP countries.

In June 2012, at the third meeting of ACP fisheries ministers in Fiji, discussions over improving the contribution of FPAs to ACP fisheries sector development took place. Discussions also took place with the EU which is increasingly seeking to negotiate regional fisheries agreements, particularly in the Pacific.

Evolutions in the transparency of EU FPAs

There are growing calls for increased transparency in the operation of EU FPAs and the overall contribution they make to sustainable fishing. This includes calls for the public release of *ex ante* and *ex post* evaluations of FPAs (see *Agritrade* articles '[MEPs call for more onshore investment and transparency in a new EU-Mauritania FPA](#)', 20 January 2011, '[Call on MEPs to improve the EU-Solomon Islands Fisheries Agreement](#)', 30 October 2010, '[The EESC calls for greater transparency in EU-ACP fisheries agreements](#)', 23 April 2012, '[ICCAT recommends transparency in access agreements](#)', 19 January 2012). Progress was made in this area in September 2011 when the EC decided to grant full access to evaluations of 16 FPAs, following a petition from 26 European and African NGOs (see *Agritrade* article '[The European Commission grants access to FPA evaluations](#)', 7 September 2011). Subsequently, the EC announced that all reports should be non-classified and be publicly available through the internet, with all such reports and evaluations being available prior to the adoption of negotiating mandates by the EU Council (see *Agritrade* article '[The EC responds favourably to an NGO request to publish FPA evaluations](#)', 9 July 2012).

Discussions on the role of fishing joint ventures

FPAs contain provisions for supporting EU investments in ACP fisheries, particularly through joint ventures, but there have been difficulties in promoting joint-ventures through FPAs. In March 2012, the Kenya-based NGO TransparentSea published data provided by the European 'Cluster of Fishing enterprises active in third countries waters' (CEPPT), which includes a list of the vessel names, the companies under which the vessels are registered in third countries, aggregated catch data and information on how many people are employed on these boats from the EU and from third countries. These data showed that in some cases catches made by tuna vessels operating under joint ventures exceeded the reference tonnage of catches made under the FPA (for example for Kiribati: 11,500 tonnes compared to a reference level under the FPA of 6,400 tonnes; for Cape Verde, 7,200 tonnes compared to 5,000 tonnes under the FPA) (see *Agritrade* article '[New data on European fishing joint ventures in third countries](#)', 30 April 2012).

This initiative to publish catch data under joint ventures could usefully be taken up by other foreign fishing fleets active in ACP waters in order to increase the transparency of the overall fishing effort being deployed.

However, although the fishing efforts deployed under joint ventures and FPAs are to be coordinated to ensure that a sustainable fishing effort is deployed, this question has not yet been fully addressed under the CFP reform proposals.

The CFP reform process: Proposals and discussions

The EC reform proposals

On 13 July 2011, the EC launched a package of proposals for the reform of the CFP. Both the general legislative proposal for the CFP and the EC communication on the external dimension of the CFP, deal with sustainable fisheries agreements (SFAs – intended to replace FPAs – and EU participation in international forums and in RFMOs) (see *Agritrade* article '[EC proposals for CFP external dimension reform launched](#)', 30 August 2011).

The CFP's external dimension is seen as having two important pillars: 'applying the principles of sustainable management globally to ensure healthy fish stocks that will build the economic basis for the European fleet, and fighting for European industries to ensure a level playing field' (see *Agritrade* article '[The external dimension of the new CFP is an "intrinsic part of the reform"](#)', 19 January 2012).

Reforming FPAs aims to ensure that fisheries access is based on the transparent and accountable deployment of fishing efforts, sound scientific advice,

"The reform of FPAs proposes to decouple financial support to sector management from fisheries access rights and link assistance to respect for democratic principles and human rights"

and accessing only the surplus available. The reform proposes to decouple financial support to sector management from fisheries access rights and link assistance to respect for democratic principles and human rights. Emphasis is also placed on policy coherence, especially with trade and development

policies (horizontal coherence) but also with international, regional and bilateral initiatives (vertical coherence).

Two aspects of this are particularly important: the fight against IUU fishing and reducing global over-capacity, both of particular concern in ACP countries. ACP governments need to engage with the EU on these issues so as to promote effective joint action in support of ACP fisheries sector development objectives (see *Agritrade* article '[EC proposals for CFP external dimension reform launched](#)', 30 August 2011). The important role of RFMOs in addressing IUU fishing has been highlighted by the EC (see *Agritrade* article '[Making RFMOs fit for the future](#)', 16 July 2012).

The EC has launched its proposal for a new financial instrument to support the EU's maritime and fisheries policies for the period 2014-2020: the European Maritime and Fisheries Fund (EMFF). The planned annual spending for FPAs and RFMOs varies between €146 million in 2014 and €136 million in 2020 (see *Agritrade* article '[New financial instrument to support the external dimension of the CFP](#)', 30 January 2012). Fishing agreements and RFMO participation are currently covered by separate financial instruments. Integrating these into a single EMFF may simplify the system, and is a step towards greater coherence between external and internal fisheries policies.

Within the discussions around the EMFF, fishing interests have emphasised the importance of maintaining public aid to the fisheries sector, including the creation of a 'crisis fund' to deal with possible breaches of fisheries agreements. However, at the Fisheries Council meeting which discussed the EMFF, the EC Commissioner maintained her position that aid for scrapping will no longer be available after 2013, and that other measures will be supported

to help the fleet adapt to the new policy, such as the development of more selective fishing techniques, and incentives for aquaculture (see *Agritrade* '[The fishing sector gives its priorities for fisheries subsidies](#)', 9 April 2012).

Fisheries subsidies for scrapping, including for those vessels fishing in ACP waters, has not to date proved effective, with simple reflagging often occurring, so increasing the fishing effort deployed. The aim in future is to avoid such undesirable outcomes.

The package is now under discussion in the EU Council and European Parliament.

Discussion in the EU Council

The March 2012 EU Fisheries Council conclusions endorsed the major EC proposals concerning future ACP-EU relations, with issues related to RFMOs and to EU-ACP bilateral fisheries agreements being highlighted. The Council conclusions confirmed the EC position that the EU should only seek access where surplus stocks are available and

"In March 2012 the Fisheries Council called for the creation of a favourable environment for EU investment in ACP fisheries, as well as an end to abusive reflagging of vessels"

called for the creation of a favourable environment for EU investment in ACP fisheries, as well as an end to abusive reflagging of vessels (see *Agritrade* article '[Fisheries Council adopts conclusions on the external dimension of the CFP](#)', 23 April 2012).

In July 2012, the Danish presidency of the EU secured endorsement of a general approach to reforming the CFP, which underlined the importance of the 'exclusivity clause', meaning that

in a third country where there is an FPA, EU vessels can only fish in the framework of the FPA (see *Agritrade* article '[The Danish presidency has reached a compromise position with member states on CFP reform](#)', July 2012). This proposed compromise by the Danish presidency can be seen as part of the interaction between the Council of Ministers and the European Parliament on CFP reform.

Discussions in the European Parliament

The January 2012 European Parliament working document on CFP reform highlighted the need to address all arrangements through which EU companies and citizens are able to access ACP resources (see *Agritrade* article '[Debate on reform of the external dimension of the CFP opens in European Parliament](#)', 3 March 2012). While the EC and member state authorities have made efforts to control EU fleets operating in third-country waters, support to improved MCS operations is seen as essential, with such strengthened MCS operations embracing the activities of non-EU vessels.

The European parliament working document called on ACP governments to devise mechanisms to ensure that they can take full responsibility as flag states in combating IUU fishing. The working document proposed the establishment of a transparent legal framework to ensure that the activities of EU fleets do not contribute to overfishing, environmental destruction and competition with local fishing communities, with sector support being used to mobilise the necessary financial resources so as to ensure that coastal states' authorities can effectively manage their fisheries and maximise long-term sustainable development benefits. It was felt that such EU FPAs could provide a model for ACP relations with other distant-water fishing nations (see *Agritrade*

interview, [‘EU member states should take more responsibility for their fleets’](#), An interview with MEP Isabella Lövin, 25 February 2012).

In May 2012, the European Parliament Environment Committee called for the CFP to more fully address the environmental dimension in fisheries and ensure the sustainability of efforts to promote aquaculture (see *Agritrade* article [‘Draft report on CFP reform is published by the European Parliament’](#), 10 June 2012).

The European Parliament also adopted a resolution on combating illegal fishing, calling on third countries to sign, ratify and implement the relevant international instruments. It also called for all external aid measures to include assistance with enforcement of bans on IUU fishing in third countries’ waters, and to improve governance in the fisheries sector (see *Agritrade* article [‘The European Parliament demands more action to tackle global illegal fishing’](#), 30 January 2012).

Discussions in the EESC

The European Economic and Social Committee (EESC) has adopted an opinion which states that the future CFP and CMO must ensure ‘environmental sustainability, but also social, economic and food sustainability’. The EESC welcomed the step towards transparency in FPAs and

“A consensus is emerging that the same rules and standards should apply to EU fleets whether they fish inside or outside EU waters”

encouraged the EC to publish its *ex ante* and *ex post* evaluations (see *Agritrade* article [‘The EESC calls for greater transparency in EU–ACP fisheries agreements’](#), 23 April 2012).

Within discussions in EU institutions a consensus seems to be emerging that the same rules and standards should apply to EU fleets whether they fish inside or outside EU waters.

ACP government engagement with the CFP review

ACP stakeholders have also sought to engage in the debate on CFP reform. The ACP-EU Joint Parliamentary Assembly working group on environmental and social affairs proposed a declaration highlighting issues of concern to the ACP. These included:

- the scope for regional fisheries agreements in some ACP regions;
- the importance of ensuring that all EU components of fisheries relations with ACP countries are addressed as part of the reforms in order to ensure more sustainable fishing in ACP waters;
- the need for careful handling of any linkages between import arrangements and production standards.

This declaration was adopted at the JPA plenary, in May 2012 in Denmark (see *Agritrade* article [‘ACP–EU Joint Assembly discusses the external dimensions of CFP reform’](#), 23 April 2012).

3. Implications for the ACP

The need to make FPAs more attractive to ACP countries

As there are fewer FPAs, and some countries are unwilling to sign them, FPAs are as a consequence becoming less important for securing fish sup-

plies for the EU market and fishing possibilities for EU fleets, and EU fleets have to find other ways to access these countries’ waters. The debate on CFP reform has revealed a real motivation on the part of ACP governments to enter into or maintain a dialogue with the EC on sustainable fisheries. Indeed, if future agreements offer the possibility of better matching the financial resources made available by the EU with the actual needs of ACP coastal countries (through de-linking sector support from access), it would be a step in the right direction. An issue that still requires attention is how to gradually integrate these bilateral dialogues with a number of countries of a sub-region into a regional dynamic, focusing on issues of common concern, such as the fight against IUU fishing, the promotion of research, etc.

Particular concerns exist over exploitation of the small pelagic fishery in West Africa, where a regional approach would appear to be particularly relevant. However this would leave unresolved the issue of private access arrangements in ACP countries where no FPA is in place which would take place outside of any jointly agreed regional framework for sustainable fisheries management. Stronger intra-regional cooperation on fisheries management could help to address this issue by establishing a common framework for such private arrangements.

Furthermore, linking access to fishery resources to onshore investments may provide a mechanism that will ensure that a greater share of the value derived from fish remains in ACP countries. However priority still needs to be accorded to artisanal fishing with appropriate investment support in this area.

Putting good governance at the heart of ACP–EU fisheries relations

The EC proposals emphasise the need to place good governance at the heart of the proposed FPAs, yet EU FPAs are already the most transparent of such arrangements, with the operations of other third country fleets being far more opaque.

This highlights the importance of ACP political leadership in promoting sustainable fisheries management. On this basis the necessary human and financial capacities could then be built up, within a framework of transparent and public accountability for sustainable fisheries management. Greater transparency on fishing efforts deployed by third countries (including collective publication of catch data) could then support ACP efforts.

Equally however, if good governance is to be promoted in ACP–EU fisheries relations, then this will have to reach

“If good governance is to be promoted, then this will have to reach beyond FPAs, with other available platforms for ACP–EU dialogue being utilised”

beyond FPAs, with other available platforms for ACP–EU dialogue being utilised to ensure that governance issues are addressed in a coherent manner.

Prioritising the fight against IUU fishing

ACP countries suffer most from IUU fishing. Addressing IUU issues is thus a critical area in ACP–EU fisheries relations, and requires appropriate support to be provided to ACP countries in combating IUU fishing.

ACP countries need to assess whether the new CFP framework will ensure that EU operators are not involved in IUU fishing. The use of the Vessel Monitoring System (VMS) introduced under FPAs, partly addresses this issue but efforts still need to be made to improve ACP countries' capacities in terms of MCS.

The 'IUU Regulation', as a legal instrument provides a useful starting point for cooperation in these areas. However, serious challenges have been identified, both in the Commission and in member states, in implementing specific components of the regulations, with a number of deficiencies being noted (see [Agritrade article 'The IEEP identifies flaws in the IUU regulation'](#), 30 January 2012). ACP governments have also asked the EU to help them, technically and financially, in implementing the IUU regulation. Careful consideration needs to be given to the most cost-effective forms of support and cooperation in combating IUU fishing.

Integration of regional considerations

In the past some groups of ACP countries (in the Pacific, the Indian Ocean or West Africa) have proposed negotiating fisheries access agreements on a regional basis. The EC has traditionally favoured bilateral agreements, which remains the case in the current proposal. However, the EU seems to be taking steps towards negotiating access agreements on a regional basis in the Pacific. In African waters, it also seems the EC will support a move towards a regional approach in West Africa on the basis of the Indian Ocean Commission.

Nevertheless, in order to solidify a regional approach through ACP–EU partnerships, a strong ACP commitment is also needed, based on

stronger intra-ACP cooperation in fisheries management and fisheries sector development strategies.

Decoupling sector support from payment for access rights

Better targeting of sector support to country needs, delinked from fisheries access may help to mobilise additional support in meeting the management needs of the ACP fisheries sector. Including a human rights clause may not only enable better coherence to be achieved but may allow for temporary suspension of fishing protocols while issues of concern are addressed, rather than their termination as is currently the case. However such suspension provisions will need to be transparently applied, particularly within any moves towards regional FPAs.

Increasing access costs to ship-owners

While calls have been made for vessel owners to pay a higher share of the costs of FPAs, it is unlikely that vessel owners will be able to afford the current levels of payments made under FPAs, without undermining their commercial competitiveness. The question of subsidies for fisheries access is thus likely to remain a big issue, with a number of EU member state governments seeking to maintain fisheries subsidies (see [Agritrade articles 'New report on EU fishing subsidies'](#), 28 October 2011 and ['14 EU member states want to maintain fisheries subsidies'](#), 13 August 2011). However it is essential that such payments do not create unfair competition with ACP domestic fleets, particularly artisanal fleets.

It is also essential to ensure that EU subsidy programmes do not contribute to over-capacity in ACP fishing zones. This suggests a need for greater trans-

parency in fishing subsidies, including in the public data submitted to the WTO not only by the EU but by all fishing nations (see *Agritrade* article ‘[EU transparency rules are not applied for fisheries subsidies](#)’, 19 December 2011). To date, few WTO members have complied with their obligation to report on subsidies, and even where data are submitted, gaps identified in data collection may affect the accuracy of such notifications.

Coherence with development, environment and trade policies

There is an urgent need to bring together a number of aspects of EU fisheries relations with ACP countries, such as access to resources, trade, access to markets, SPS and development cooperation. Coherence between EU policies that have an impact on ACP countries

is one of the concerns of the reform. ACP states have asked the EU for more integration in the bilateral dialogue,

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regarding all the aspects of their relations. This is an area which requires further elaboration with ACP fisheries sector concerns being placed at the heart of efforts to promote greater EU policy coherence.

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<http://www.eesc.europa.eu/?i=portal.en.nat-opinions.22785>
7. EC Commissioner’s written answer to a Parliamentary question, 19 January 2012,
<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-010057&language=EN>
8. Recommendation by ICCAT on access agreements, adopted at the 22nd regular meeting of ICCAT, November 2011
http://www.iccat.int/Documents/Recs/RECS_ADOPTED_2011_ENG.pdf

9. Overview of EU fisheries economic performance, the EC Joint Research Centre, 'Economic performance of the EU fishing fleet', September 2011

http://ec.europa.eu/fisheries/news_and_events/events/080911/anderson_en.pdf

10. Parliamentary question by Isabella Lövin (Verts/ALE) and written answer provided by the EC, published 1 July 2011

<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-00...>

11. Report, 'Empty Nets, Empty Future', Greenpeace, August 2011

http://www.greenpeace.de/fileadmin/gpd/user_upload/themen/meere/Empty_nets_empty_future.pdf

12. ECDPM, 'Fishing in troubled waters: An analysis of the upcoming reform of the Common Fisheries Policy from the perspective of policy coherence for development', Discussion paper 120, September 2011

<http://www.ecdpm.org/dp120>

Other useful websites:

EC webpage on external fisheries relations

http://ec.europa.eu/fisheries/faq/external_relations_en.htm

EC Long-Distance Regional Advisory Committee website

<http://www.lrdac.eu/content/view/full/12/29/lang,en/>

Website on tuna RFMOs

<http://www.tuna-org.org/>

'Stop Illegal Fishing' website

<http://www.stopillegalfishing.com/>

Coalition for Fair Fisheries Arrangements website

<http://www.cape-cffa.org>

IUCN West Africa website on fisheries agreements

<http://www.accordsdepeche.com/en/index.php>

FPA's *ex ante*, *ex post* evaluations

http://ec.europa.eu/fisheries/documentation/studies/index_en.htm

EU rules to combat ILL fishing

http://ec.europa.eu/fisheries/cfp/illegal_fishing/index_en.htm

About this update

This brief was updated in September 2012 to reflect developments since July 2011. The 2011 publication was based on a fuller briefing published in September 2008, and is available on request.

Other publications in this series and additional resources on ACP–EU agriculture and fisheries trade issues can be found online at <http://agritrade.cta.int/>



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