Procedure file

Basic information

NLE - Non-legislative enactments Decision	2014/0115(NLE)	Procedure completed

EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 23 May 2014 to 22 May 2018. Protocol

See also 2007/0034(CNS)

Subject
3.15.15.02 Fisheries agreements with African countries

Geographical area
Sao Tome and Principe

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries	Shadow rapporteur	
		epp MILLÁN MON Francisco José	
		S&D SERRÃO SANTOS Ricardo	
		ECR VAN DALEN Peter	
		MARINHO E PINTO António	
	Former committee responsible		
	PECH Fisheries		
	Committee for opinion	Rapporteur for opinion	Appointed
	DEVE Development	The committee decided not to give an opinion.	
	BUDG Budgets		24/09/2014
		epp FERNANDES José Manuel	
	Former committee for opinion		
	DEVE Development		
	BUDG Budgets		
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3368	10/02/2015

European Commission	Commission DG	Commissioner
	Maritime Affairs and Fisheries	VELLA Karmenu

Key events

01/04/2014	Preparatory document	COM(2014)0190	Summary
13/05/2014	Legislative proposal published	08585/2014	Summary
03/07/2014	Committee referral announced in Parliament		
03/12/2014	Vote in committee		
11/12/2014	Committee report tabled for plenary, 1st reading/single reading	A8-0061/2014	Summary
13/01/2015	Results of vote in Parliament		
13/01/2015	Decision by Parliament	T8-0001/2015	Summary
10/02/2015	Act adopted by Council after consultation of Parliament		
10/02/2015	End of procedure in Parliament		
16/02/2015	Final act published in Official Journal		

Technical information

Procedure reference	2014/0115(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
	See also 2007/0034(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2; Treaty on the Functioning of the EU TFEU 218-p7; Treaty on the Functioning of the EU TFEU 218-p6a
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	PECH/8/00421

Documentation gateway

Document attached to the procedure		COM(2014)0189	01/04/2014	EC	
Document attached to the procedure		COM(2014)0191	01/04/2014	EC	
Preparatory document		COM(2014)0190	01/04/2014	EC	Summary
Legislative proposal		08585/2014	13/05/2014	CSL	Summary
Document attached to the procedure		08554/2014	13/05/2014	CSL	
Committee draft report		PE537.394	16/10/2014	EP	
Committee opinion	BUDG	PE539.522	20/11/2014	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0061/2014	11/12/2014	EP	Summary

Text adopted by Parliament, 1st reading/single reading		T8-0001/2015	13/01/2015	EP	Summary

Additional information

European Commission	EUR-Lex

Final act

Decision 2015/239
OJ L 040 16.02.2015, p. 0004 Summary

EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 23 May 2014 to 22 May 2018. Protocol

PURPOSE: the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent.

BACKGROUND: on the basis of a mandate given by the Council, the Commission negotiated the renewal of the Protocol to the Fisheries Partnership Agreement between the Union and São Tomé and Príncipe.

At the end of the negotiations a new draft protocol was initialled by the negotiators on 19 December 2013.

LEGAL BASIS: Article 43(2) of the Treaty on the Functioning of the European Union, in conjunction with Article 218(6)(a) and the seventh subparagraph of Article 218(7) thereof.

CONTENT: under this proposal, the Council is called upon to approve on behalf of the European Union the Protocol to the Fisheries Partnership Agreement with the Democratic Republic of São Tomé and Príncipe.

Objectives: the main purpose of the Protocol to the Agreement is to grant fishing opportunities to European Union vessels in São Toméan waters, in compliance with the best scientific opinions available and the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), within the limits of the available surplus. The Commission based itself in part on the results of an ex-post evaluation of the previous Protocol carried out by external experts.

The aim is also to strengthen cooperation between the European Union and the Democratic Republic of São Tomé and Príncipe with a view to establishing a sustainable fisheries policy and sound exploitation of fisheries resources in the São Toméan fishing zone, in the interests of both parties.

Financial contribution: the overall financial contribution under the Protocol is EUR 2 805 000 over 4 years It comprises:

- an annual amount for access to the EEZ of São Tomé and Príncipe of EUR 385 000 for the first three years and EUR 350 000 for the fourth year, equivalent to a reference tonnage of 7 000 tonnes per year, and
- a specific amount of EUR 325 000 per year for four years to support the implementation of the sectoral fisheries policy of São Tomé and Príncipe (small-scale fishing and the monitoring, control and combating of illegal, unreported and unregulated (IUU) fishing).

If the overall annual quantity of catches by European Union vessels in São Toméan waters exceeds the annual reference tonnage, the total amount of the annual financial contribution shall be increased by EUR 55 for the first three years and EUR 50 for the fourth year for each additional tonne caught.

However, the total annual amount paid by the European Union shall not be more than twice the amount indicated in the protocol. Where the quantities caught by European Union vessels exceed quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid the following year.

Fishing opportunities: the protocol provides for fishing opportunities in the following categories:

- 28 tuna seiners
- 6 surface longliners for fishing highly-migratory species listed in Annex 1 to the United Nations Convention on the Law of the Sea (1982) to be caught, with the exception of species protected or prohibited by ICCAT.

New fishing possibilities: as regards the operation of fisheries not covered by this Protocol, the authorities of São Tomé and Príncipe may call on the European Union to consider the possibility of such fisheries, on the basis of the results of a scientific campaign taking account of best scientific advice endorsed by scientific experts representing both parties. The parties shall then agree on the conditions applicable to these new fishing opportunities, if necessary.

Duration of the agreement: the protocol will last four years from the date of its signature.

BUDGETARY IMPACT: the annual financial contribution is EUR 710 000 for the first three years and EUR 675 000 for the fourth year, based on the reference tonnage indicated in the protocol.

EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 23 May 2014 to 22 May 2018. Protocol

PURPOSE: to conclude the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and São Tomé and Príncipe.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Union has negotiated with São Tomé and Príncipe a new Protocol, for a period of four years, granting Union vessels fishing opportunities in the waters over which São Tomé and Príncipe has sovereignty or jurisdiction in respect of fisheries.

That new Protocol was signed in accordance with a Council Decision and will apply on a provisional basis from the date of its signature.

It is in the interest of the EU to implement the Partnership Agreement through the application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement. It is now appropriate to conclude the Protocol on behalf of the EU.

CONTENT: the proposal calls on the Council to conclude the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement with São Tomé and Príncipe, on behalf of the EU.

The Protocol sets out the conditions under which ships flying an EU flag may fish in the waters of Sao tome e Principe.

For details of the fishing opportunities and financial implications of the Agreement on the EU budget, please refer to the Commissions initial legislative proposal dated 01/04/2014.

Simplified procedure setting the EUs position in the Joint Committee: the Partnership Agreement establishes a Joint Committee responsible for monitoring the implementation of the Agreement. In accordance with the Protocol, the Joint Committee may approve certain modifications to the Protocol. In order to facilitate the approval of such modifications, the draft decision empowers the Commission, subject to specific conditions, to approve them under a simplified procedure.

Annex: the draft decision sets out the extent of the powers conferred on the Commission as well as the procedure for establishing the EUs position in the Joint committee.

Accordingly, the Commission shall be authorised to negotiate with São Tomé and Príncipe and agree on modifications to the Protocol in respect of the following issues:

- decision on the modalities of the sectoral support;
- adaptation of the provisions on the pursuit of fishing activities and the rules for implementing the Protocol and its annexes.

In the Joint Committee set up under the Fisheries Partnership Agreement, the Union shall act in accordance with the objectives pursued within the framework of the Common Fisheries Policy, as well as promote positions that are consistent with the relevant rules adopted by Regional Fisheries Management Organisations. The Joint Committee should also take account of the latest statistical, biological and other relevant information transmitted to the Commission.

Technical provisions set out the modalities and framework for approval of modifications to the Protocol.

EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 23 May 2014 to 22 May 2018. Protocol

The Committee on Fisheries adopted the report by João FERREIRA (GUE/NGL, PT) on the proposal for a Council decision on the conclusion, on behalf of the European Union, of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe.

The committee recommended that the European Parliament gave its approval to the conclusion of the Protocol.

Members asked that Parliament be immediately and fully informed of developments at all stages of the procedures relating to the Protocol and its renewal. They proposed that an annual report should be submitted to Parliament and the Council on the results of the multiannual sectoral programme referred to in Article 3 of the Protocol, as well as on compliance by Member States with the catch reporting requirements.

EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 23 May 2014 to 22 May 2018. Protocol

The European Parliament adopted by 566 votes to 43, with 68 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe.

The European Parliament gave its consent to the conclusion of the Protocol.

However, it called on the Commission and Council to keep it immediately and fully informed at all stages of the procedures relating to the protocol and its renewal.

The Commission is called to forward to the Parliament the following:

- a multiannual sectoral programme, the results of the corresponding annual evaluations, the minutes and the conclusions of the meetings;
- a full report on its implementation of the Protocol, without unnecessary restrictions on document access.

EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 23 May 2014 to 22 May 2018. Protocol

PURPOSE: to conclude the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and São Tomé and Príncipe.

LEGISLATIVE ACT: Council Decision (EU) 2015/239 on the conclusion, on behalf of the European Union, of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe.

BACKGROUND: the Union has negotiated with São Tomé and Príncipe a new Protocol, for a period of four years, granting Union vessels fishing opportunities in the waters over which the Democratic Republic of São Tomé and Príncipe has sovereignty or jurisdiction in respect of fisheries.

That new Protocol was signed in accordance with Decision 2014/334/EU and will apply on a provisional basis from the date of its signature. The new Protocol should now be approved.

CONTENT: under this Decision, the Council approved, on behalf of the European Union, the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe.

Period of application and fishing opportunities: the fishing opportunities granted to European Union vessels of the Fisheries Partnership Agreement shall be set out, for a period of four years from the date of provisional application, to allow the highly migratory species listed in Annex 1 to the United Nations Convention on the Law of the Sea (1982) to be caught, with the exception of species protected or prohibited by ICCAT.

The fishing opportunities are awarded to:

- 28 tuna seiners;
- 6 surface longliners.

Financial contribution: the financial contribution of the Fisheries Partnership Agreement shall be EUR 2 805 000 over four years. It comprises:

- an annual amount for access to the EEZ of São Tomé and Príncipe of EUR 385 000 for the first three years and EUR 350 000 for the fourth year, equivalent to a reference tonnage of 7 000 tonnes per year;
- a specific amount of EUR 325 000 per year for four years to support the implementation of the sectoral fisheries policy of São Tomé and Príncipe (support to small scale fishing and monitoring, control and combating of illegal, unreported and unregulated (IUU) fishing).

If the overall annual quantity of catches by European Union vessels in São Toméan waters exceeds the annual reference tonnage, the total amount of the annual financial contribution shall be increased by EUR 55 for the first three years and by EUR 50 for the fourth year for each additional tonne caught.

However, the total annual amount paid by the European Union shall not be more than twice the amount provided for the annual amount as laid down in the Protocol. Where the quantities caught by European Union vessels exceed quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid the following year.

The financial contribution may be revised or suspended if one or more of the conditions laid down in this Decision apply.

Responsible fishing: parties shall:

- agree on the objectives, both annual and multiannual, to be achieved with a view to introducing, over time, responsible and sustainable fishing, particularly with regard to small-scale fishing and the monitoring, control and combating of illegal, unreported and unregulated (IUU) fishing;
- undertake to: (i) promote responsible fishing in São Toméan waters based on the principle of non-discrimination between the different fleets operating in those waters; (ii) cooperate to monitor the state of fishery resources in the São Toméan fishing zone.

New fishing opportunities: new fishing opportunities are set out in this Decision which are not covered by the present Protocol. In this case, the authorities of São Tomé and Príncipe may call on the European Union to consider the possibility of such fisheries, on the basis of the results of a scientific campaign taking account of best scientific advice endorsed by scientific experts representing both parties. Depending on these results and where appropriate, the parties shall agree on the conditions applicable to these new fishing opportunities and, if necessary, make amendments to this Protocol and to the Annex hereto.

ENTRY INTO FORCE: this Protocol with its Annex shall enter into force on the date on which the parties notify each other of the completion of the procedures necessary for that purpose.

It shall be applied for a duration of four years from the date of its signature but no earlier than 13 May 2014.