

Expanding the network of EU tuna fisheries agreements

SUMMARY

Since 1980, the EU has set up a network of bilateral fisheries agreements, providing fishing opportunities for the EU fleet in the waters of third countries. These agreements were concluded with countries in West Africa (1980-1998), in the western Indian Ocean (1984-1989), and in the western-central Pacific (2003-2007).

Over the past few years, the European Commission has considered the possibility of expanding EU fleet access to new partner countries' waters in the three regions. These fishing opportunities would slot in the current network of tuna fisheries agreements, allowing EU vessels to pursue tuna migration within the waters of the new partner countries. Several procedures are now at different stages of progress, with the first of them – the agreement with Liberia – being adopted recently.

To put these new opportunities into perspective, this briefing provides an overview of the EU tuna fisheries in the three regions, outlining the activities of the different types of EU tuna fishing vessels within and outside the framework of EU agreements, and the importance of their catches to the EU market. The potential agreements with Ghana and Sierra Leone (in West Africa); with Tanzania and Kenya (in the western Indian Ocean); and with the Cook Islands (in the western-central Pacific) are presented against this backdrop.



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Background

Tropical tuna are highly migratory species, and fishing vessels targeting them endeavour to follow their migration through the waters of different coastal countries and on the high seas. While on the high seas access to tuna stocks is free, within the framework of Regional Fisheries Management Organisations (RFMOs) cooperation, access for foreign fleets to the waters of coastal countries comes under national jurisdiction, and has to be established through different types of agreements with the countries in question.

Since 1980, the EU has concluded bilateral fisheries agreements with countries located along the major tuna migration paths, providing fishing opportunities for the EU fleet in exchange for a financial contribution. These agreements, significantly reshaped over time, are currently known as 'Sustainable Fisheries Partnership Agreements' (SFPAs).¹ Most SFPAs concern tuna and other highly migratory species, either as dedicated 'tuna agreements', or as part of multispecies (or 'mixed') agreements with a tuna component (the only exception is the SFPA with [Greenland](#), which is not located in tropical waters). For EU vessels to fish in the framework of an agreement, an associated protocol has to be in place, defining fishing opportunities for EU vessels and the financial contribution to be paid by the EU in return.

The activities of the EU tuna fleet, however, are not limited to the SFPA framework, and a significant part of them take place in the high seas or in the waters of coastal countries outside EU agreements. For countries with which the EU does not have an SFPA, EU vessel operators have recourse to other means of gaining access, through private licences, joint ventures, and charters.² Alternatively, they may reflag to a third country, in which case they are no longer included in the EU fleet. These various aspects of fishing outside SFPAs are currently discussed in the wake of the European Commission [proposal](#) on sustainable management of the external fishing fleets.

In recent years, the European Commission has explored the possibility of expanding EU fleet access to the waters of new partner countries. These new fishing opportunities would slot in the current network of SFPAs, allowing EU vessels to pursue tuna migration within partner country waters. With several new and potential agreements now at different stages of progress, this overview of the EU tuna fisheries is an attempt to put the new opportunities into perspective.

Characteristics of the EU tuna fleet

The EU tuna fleet mainly consists of vessels from Spain, France and Portugal, out of which 145 vessels were active in SFPAs in 2013.³ It is split into three vessel types:

- Purse seiners, which surround a shoal of fish with a large net, fitted with a cable which closes the bottom of the net. They fish either traditionally, on free schools of tuna, or with Fish Aggregating Devices (FADs), which use the natural tendency of tunas to cluster under floating objects. They provide the largest part of the volume of catches, mainly destined for the canning industry.
- Longliners, using longlines sometimes several kilometres long, fitted with baited hooks. Their catches have a significant value on the high quality tuna markets.
- Pole and line vessels, with several fishermen fishing from the back deck with long poles attached to a short line with a single barbless hook on it. Small fish are scattered on the sea surface as live bait. These vessels operate relatively close to the port, landing fish fresh, and their catches, though much lower in volume than for the other categories, have a high quality and value.

The main tuna species targeted by the EU fleet are skipjack (*Katsuwonus pelamis*), yellowfin (*Thunnus albacares*), and bigeye (*Thunnus obesus*). Other large pelagic species are also systematically targeted by part of the longliner fleet, such as swordfish (*Xiphias gladius*) and certain sharks, in particular blue shark (*Prionace glauca*) and shortfin mako (*Isurus oxyrinchus*).

The EU tuna fleet concentrates activities in three regions: along the coast of West Africa, in the western Indian ocean, and in the western-central Pacific. These regions cover the world's major tropical tuna fishing grounds. They correspond to areas of high primary productivity, due to deep nutrient-rich water moving upwards to the surface in a phenomenon known as upwelling. In addition, they are located in areas where the thermocline, which separates the upper mixed layer of water from the deeper colder water, is relatively shallow – between 50-100 metres. As a result, tuna, which concentrate in the upper layer, with a sea surface temperature around 25°C, are closer to the surface, and within easier reach of fishing gear.³ The tuna SFPAs cluster around these three regions.

EU tuna fisheries in West Africa

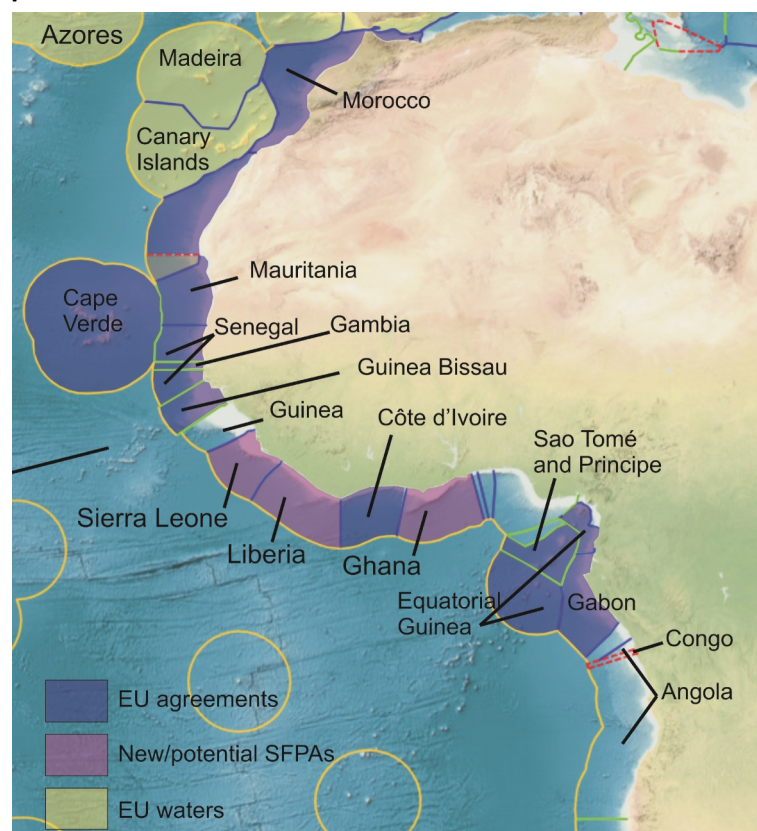
EU tuna agreements

By far the most SFPAs are with West African countries. Between 1980 and 1998, fisheries agreements have been concluded with 12 countries: Senegal, Guinea Bissau, Guinea, Equatorial Guinea, São Tomé and Príncipe, Gambia, Angola, Morocco, Mauritania, Côte d'Ivoire, Cape Verde and Gabon (Figure 1). Recently, a new agreement with Liberia joined the group. Tacitly renewed or renegotiated, the agreements with these countries remain in force, with the exception of those with Angola (terminated in 2006) and Guinea (suspended in 2009). There is no protocol in place for Gambia and Equatorial Guinea, since 1996 and 2001 respectively. The Gabon protocol will expire on 27 July 2016.

EU tuna fishing activities outside EU agreements

Private licences in 2012-2013 were taken up by EU tuna purse seiners in Liberia, Sierra Leone, Ghana, Congo, Angola, Guinea and Equatorial Guinea, and by EU longliners in Ghana. The main joint ventures were set up in Senegal by Spanish and French longliner companies, and some charters were used in Liberia and Ghana.⁴

Figure 1 – EU agreements in West Africa, including new and potential SFPAs



Data source: MarineRegions.org, accessed on 27 June 2016. Different types of boundaries are indicated for the waters of coastal states: in yellow the 200 nautical mile line, in green boundaries established by treaties, in blue the median lines and in red disputed boundaries (also in figures 2 and 3).

Regional management of tuna fisheries: ICCAT

The International Commission for the Conservation of Atlantic Tunas ([ICCAT](#)), is the RFMO covering tuna fisheries in West Africa. ICCAT, based in Madrid (Spain), was established through a Convention signed in 1966 and entered into force in 1969. Currently there are 50 [contracting parties](#). The EU has been a member since 1997.

ICCAT issues recommendations (mandatory) and resolutions (non-mandatory), addressing two types of management measures. The first type concerns conservation measures through Total Allowable Catches (TACs) for certain species, effort and capacity restrictions, and technical measures such as minimum sizes or spatial and temporal closures. The second consists of measures for control and fight against illegal, unregulated and unreported (IUU) fishing, e.g. publication of a list of IUU vessels; monitoring of fishing operations through regional observer programmes and satellite-based vessel monitoring systems (VMS); and development of catch documentation schemes. ICCAT also coordinates stock evaluation and research, based on data provided by the flag states.

EU tuna fleet*Pole-and-liners (catches under SFPAs:⁵ 50%)*

Pole and line vessels from Spain and France have operated along the coast of West Africa since the 19th century. Their activity peaked in 1960-1970, with more than 60 vessels operating from Dakar (Senegal), but has significantly diminished since then (eight vessels in 2010, plus six Senegalese-flagged vessels under EU economic interest). They operate mainly along the coast of Senegal and Mauritania. In addition, approximately 20 Spanish vessels fish around the Canary Islands, and a similar Portuguese fleet operates around Madeira and the Azores. The main species targeted are skipjack (which formed most of the catches in recent years), yellowfin and bigeye tuna.

Purse seiners (catches under SFPAs: 26%)

The purse seine tuna fisheries off West Africa developed in the 1960s, and rapidly increased until the early 1980s. At the beginning of the 1990s, their efficiency improved spectacularly due to massive introduction of FADs. In 2013 the EU fleet consisted of 23 vessels (14 from Spain and nine from France), whereas around 17 vessels were part of EU companies under non-EU flags. More than 60% of the catches were taken in the high seas, with the remainder originating in the waters of coastal countries. Among these countries, the biggest average catches over the past decade came from Gabon, with significant amounts from Côte d'Ivoire, Liberia, Ghana, Angola, Mauritania and Sierra Leone. In terms of fishing strategy, the Spanish vessels make higher use of FADs than the French vessels. Accordingly, the Spanish catches included mainly skipjack tuna, associated with FAD fishing, whereas the French catches mainly consisted of yellowfin and bigeye tuna, from free-swimming fish schools.

Longliners (catches under SFPAs: 20%)

The EU longline fisheries off West Africa developed in the 1980s. The fleet consists of around 150 Spanish and Portuguese vessels, and targets swordfish and certain shark species (blue shark, shortfin mako shark). It operates across wide areas of the tropical Atlantic, mainly in the high seas, and as such have developed a system of transshipment of catches in the Canaries, the Azores, Cape Verde and Uruguay. As regards their limited activities in the waters of coastal countries, they mainly target sharks. In general, fishing opportunities provided by EU agreements in this category have been under-utilised.

Destination of the EU tuna catches

Most of the EU tuna fleet catches are channelled through one of the major landing points of the region: Abidjan (Côte d'Ivoire), Tema (Ghana) and Dakar (Senegal), where the major tuna processing facilities are concentrated. In addition, the port of Mindelo (Cape Verde) has become an important point of transshipment of EU longliner catches, for processing in Europe and Asia. The EU market is the destination of more than 80% of the tunas caught by the EU fleet in West Africa. Around 10% of the catches supply the African market, with most of the remainder going to Asia, and marginally to the USA.

New and potential agreements: Liberia, Ghana, Sierra Leone

Several further SFPAs in West Africa have been considered over the past few years: Liberia, Ghana and Sierra Leone (Figure 1). Fishing in the tuna-rich waters of these countries, located on the migration path of tunas in the Gulf of Guinea, has long been part of the EU fleet activities in the region, outside the framework of EU agreements.

Liberia

The first EU fisheries agreement with [Liberia](#) and its implementation protocol were signed and entered into provisional application in December 2015. Following European Parliament consent, they were [adopted](#) in May 2016. The five-year protocol provides fishing opportunities for 28 purse seiners and six longliners from Spain and France, based on a reference tonnage of 6 500 tonnes per year.⁶ In return, the EU will pay an average annual contribution of €650 000, half of which represents sectoral support for Liberia's fisheries policy. With a view to increasing transparency, Liberia undertakes to make all agreements authorising foreign fleets to fish in its waters public.

Ghana

Ghana is the only country in West Africa which has an important tuna fleet of longliners and pole and line vessels. It is also one of the main tuna producers in the region, with the port of Tema acting as a major hub for tuna landings. In November 2013, the European Commission issued a formal [warning](#) (known as a 'yellow card') to Ghana, considering that it failed to meet its international obligations to fight IUU fishing. The Commission identified deficiencies in monitoring, control and surveillance of both vessels of Ghanaian flag fishing beyond its waters, and of third country vessels operating in its waters. Two years later, in October 2015, the Commission [lifted](#) Ghana's yellow card. According to the Commission, Ghana successfully addressed the shortcomings and reformed the governance of its fisheries, strengthening its sanctioning system and improving fisheries control. In the wake of this clearance, a potential first agreement with Ghana is now under evaluation.

Sierra Leone

The Commission [planned](#) to propose a Recommendation for a Council Decision which would authorise it to open negotiations for an SFPAs with Sierra Leone. However, in April 2016, Sierra Leone received a yellow card [warning](#) and risks being identified as non-cooperating in the fight against IUU fishing. The Commission considers that Sierra Leone has a limited ability to monitor and control vessels flying its flag, and to prevent them from fishing illegally beyond its waters. It argues that the number of licensed vessels in Sierra Leonean waters exceeds the available resources, as well as the control capacity of the fisheries authorities. In addition, the Commission considers that the legal texts governing Sierra Leone's fisheries are outdated, and its sanctioning system is neither deterrent nor proportionate. Following these developments, exploratory talks for a SFPAs have been suspended.⁷

EU tuna fisheries in the western Indian Ocean

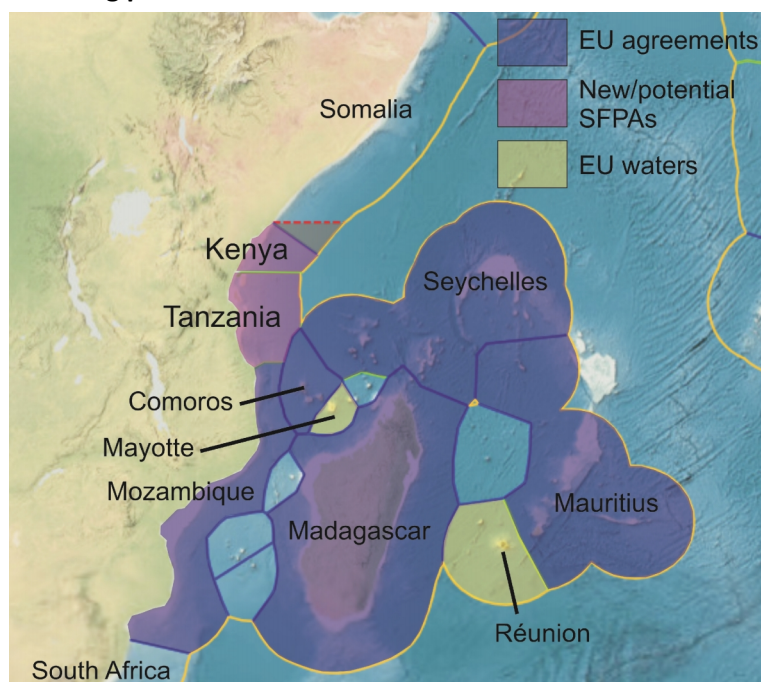
EU tuna agreements

The EU concluded tuna agreements with five countries in the western Indian Ocean, between 1984 and 1989: Seychelles, Madagascar, Mozambique, Comoros and Mauritius (Figure 2). Four of these agreements currently have a protocol in force, whereas the one with Mozambique expired in January 2015 and was not replaced.

EU tuna fishing activities outside EU agreements

EU tuna purse seiners have long been involved in private agreements in Kenya and Tanzania. Private agreements or authorisations for EU vessels were also reported in Madagascar and Mauritius. Purse seiners from Mayotte had private agreements in Seychelles, prior to Mayotte's change of status in January 2014, when these vessels became part of the EU fleet. Seven purse seiners owned by Spanish tuna companies reflagged to the Seychelles, and have also been active in the Comoros through a private agreement.

Figure 2 – EU agreements in the western Indian Ocean, including potential SFPAs



Data source: MarineRegions.org, accessed on 27 June 2016.

Regional management of tuna fisheries: IOTC

The Indian Ocean Tuna Commission (IOTC), based in Victoria (Seychelles), is the RFMO mandated to manage tunas in the Indian Ocean and adjacent seas. It was established in 1993, under the framework of the Food and Agriculture Organization (FAO), and entered into force in 1996. Current membership includes 32 [parties](#), with the EU a member since 1995.

The IOTC adopts Conservation and Management Measures in the form of resolutions and recommendations. Resolutions are binding on IOTC members, unless they specifically object, whereas recommendations are not binding and rely on voluntary implementation. IOTC measures mainly relate to conservation aspects (limitation of fishing capacity, time-area closures), compliance (use of VMS, port state controls, trade documentation and observer schemes), scientific aspects (e.g. data collection) and implementation of an ecosystem approach (by-catch mitigation measures, protection of vulnerable species). The IOTC maintains a list of vessels authorised to operate in the IOTC area, as well as a list of IUU vessels, and coordinates stock assessment for species under IOTC mandate.

EU tuna fleet

Purse seiners (catches under SFPAs: 24%)

The EU fleet dominates the purse seine fisheries in the western Indian Ocean, accounting for two thirds of the total catches. Developed in the mid-1980s, it expanded rapidly following the introduction of drifting FADs in the early 1990s. In 2014, this fleet consisted of 27 vessels over 60 metres in length, with 14 vessels from Spain and 13 from

France (including five vessels based in Mayotte).⁸ Historically, vessel numbers were higher, but declined after 2008, largely as a result of a surge in piracy across the region, with five French vessels leaving the Indian Ocean to fish in the Atlantic.

The purse seiner catch is dominated by skipjack and yellowfin tuna. EU fleet movements are determined by the annual tuna migration, so that it can be found in the Mozambique Channel (March-April), in the waters of Kenya and Tanzania (May-July), off Somali waters (August-October/November), and in the waters of Seychelles and Mauritius (until February). Nevertheless, most of the EU purse seine catches are typically made in the high seas off Somalia and in the waters of Seychelles. The Spanish fleet made higher use of FADs than the French fleet (80% of the catch versus 65% for the French vessels). Correspondingly, the Spanish fleet had more catches of skipjack (though significant amounts of juvenile yellowfin and bigeye tuna are also caught under the floating objects).

Longliners (catches under SFPAs: 39%)

The EU longline fleet is far less important in its category than the purse seine fleet (around 10% of the total longline catches in the area in 2007-2011). Two types of vessels can be distinguished.

The first group targets swordfish, which represent more than half of the catches, and sharks. This fleet began fishing in the region in 1993, peaking at 50 vessels in 2008, but plummeted one year later, mainly due to piracy. In 2014 it comprised 30 vessels: 22 from Spain and six from Portugal, as well as two vessels registered in the United Kingdom and beneficially owned in Spain. All of them are between 24 and 60 metres long. Their activities are concentrated in the southern high seas, where they take most of their catches, with the remainder in the waters of Mozambique and Madagascar.

The second group consists of French longliners based in Réunion and fishing around the island. This fishery, targeting tuna (more than 50% of the catches) and swordfish (more than 40%), began in 1991. In 2014 it consisted of 32 relatively small vessels, two thirds of which are below 15 metres long, with the remainder between 15 and 24 metres.

Destination of the EU tuna catches

The EU tuna catches in the western Indian Ocean are, to a large extent, processed in the region. Seychelles' Port Victoria is the main regional hub for purse seine tuna landings (around 80% of the frozen catches). Part of the catches are landed in the Seychelles for processing (around 30%), while the remaining 70% are transhipped for processing elsewhere in the region – mainly to Port Louis (Mauritius), but also Mombasa (Kenya) and Diego Suarez (Madagascar). At some times of the year, depending on their location, the EU vessels land product direct to processing plants in these countries. More than 90% of the purse seine catches end up on the EU market.

The EU longline vessels targeting swordfish and shark mainly offload their frozen catches in Durban (South Africa), and, when fishing in more northerly waters, in Diego Suarez (Madagascar) and Port Louis (Mauritius). Shark fins are traded to Asia (either directly from the port of landing, or through Spain), while swordfish and shark carcasses are transhipped to the EU. Catches of tuna and swordfish from the Réunion-based longline fleet are mostly sold fresh on the domestic market, or to France.

Potential agreements: Tanzania, Kenya

EU purse seiners have long had access to the waters of Tanzania and Kenya, based on private agreements (Figure 2). However, there have been no private agreements for EU

longline vessels to fish in these countries' waters, and the use of longline opportunities in other SFPAs in the region has generally been low, in particular during the 2008-2012 surge of piracy. Following expression of interest from both the EU stakeholders and the countries concerned, possible tuna SFPAs with these countries are being considered.

Tanzania

In June 2015, the Council adopted a [decision](#) to authorise the Commission to begin negotiations on behalf of the EU for the conclusion of an SFPA and protocol with Tanzania. This decision was based on the [ex-ante evaluation](#) which is now mandatory for all new agreements. Previous attempts by the EU and Tanzania to sign an agreement in 1990 and 2004 were not successful. According to the ex-ante evaluation, these failures were primarily related to internal political problems between mainland Tanzania and the semi-autonomous region of Zanzibar, which at the time exercised concurrent authority over fisheries in Tanzanian waters.

The ex-ante evaluation supports the option of having an SFPA/protocol, and argues that the overall objectives of sustainable exploitation of fisheries resources and human rights and democratic principles are more likely to be achieved under an SFPA. The evaluation shows that an SFPA would increase the security of fishing opportunities for EU vessels, as currently they negotiate yearly authorisations under private agreements. In addition, Tanzania's fishing sector has a clear and considerable need for the sectoral support which the SFPA would provide. The evaluation considers that the EU vessels would not be competing for catches with Tanzanian fishing vessels, which are mostly artisanal and operate close to shore in territorial waters. According to the evaluation, the potential SFPA should provide fishing opportunities for 22-40 purse seiners and, on a trial basis (given that the previous opportunities of this type were not used), for around five longliners.

Kenya

The negotiation mandate for an SFPA with Kenya is expected to be adopted by the Council in July 2016. Attempts in the mid-2000s to sign an agreement were unsuccessful, due to the perceived low commitment of the Kenyan administration.⁹

The [ex-ante evaluation](#) of this potential SFPA develops its arguments in a logic largely similar to the one concerning Tanzania (outlined above). The option of concluding an SFPA is preferred, which would provide fishing opportunities for 22-40 purse seiners, and around five trial fishing authorisations for longliners (the same vessels which would potentially operate in the Tanzania SFPA). In addition, the evaluation points out that Kenya has already provided an alternative for landing and preliminary processing for EU purse seine tuna catches in the region. The evaluation also notes Kenya's current dispute with Somalia over its northern maritime boundary, which would need to be taken into account in a potential SFPA, as it creates administrative and operational uncertainty regarding the actual fishing areas.¹⁰

EU tuna fisheries in the western-central Pacific Ocean

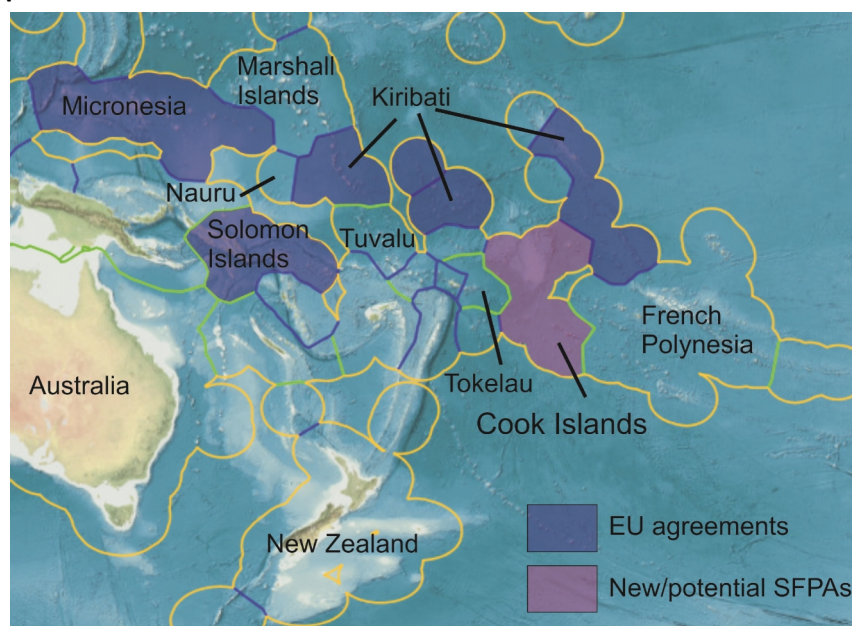
EU tuna agreements

The EU is a relative newcomer in the western Pacific, a region which provides around half of the global tuna catches. The EU concluded tuna agreements with three countries between 2003 and 2007: Kiribati, Solomon Islands and Micronesia (Figure 3). Currently none of these agreements is being used, as they have no protocol in force (since September 2015, October 2012 and February 2010 respectively).

EU tuna fishing activities outside EU agreements

Spanish purse seiners were reported to have access to the waters of several countries and territories in the area based on private agreements: with Tokelau since 2011,¹¹ with Tuvalu between 2009 and 2012, and with Nauru in 2010. Purse seiners beneficially owned in Spain and flagged in Ecuador and El Salvador were also reported to be active in this area. In addition, Spanish interests are part of joint ventures controlling two purse seiners and one pole and liner, all flagged to Kiribati.¹²

Figure 3 – EU agreements in the western-central Pacific, including potential SFPAs



Data source: MarineRegions.org, accessed on 27 June 2016.

Regional management of tuna fisheries: WCPFC, PNA

There is a high degree of regionalism in western-central Pacific tuna fisheries management, with a number of regional organisations involved.

The Western and Central Pacific Fisheries Commission (WCPFC), based in Kolonia (Micronesia), is one of the newest RFMOs, established by a Convention concluded in 2000 which entered into force in 2004. It has 26 [members](#) (the EU has been a member since 2005), and several cooperating non-members. The WCPFC adopts binding Commission Management Measures, as well as non-binding resolutions, addressed to the members of the Commission and to the cooperating non-members. These measures concern issues such as effort and catch limitation for specific species, juvenile tuna catch mitigation, management of by-catches, catch retention, and development of FAD management plans. The WCPFC also maintains a register of vessels authorised to fish tunas in the WCPFC area, and manages a Vessel Monitoring System, as well as a Regional Observer Programme. Formal stock assessment is conducted by the Oceanic Fisheries Programme of the Secretariat of the Pacific Community.

The Parties to the Nauru Agreement (PNA), based in Majuro (Marshall Islands) is a sub-regional fisheries management organisation, grouping eight Pacific island states, whose waters collectively account for a significant proportion of the region's tuna catch.¹³ The management instruments implemented by the PNA include the Palau Arrangement, which, through a mechanism known as the Vessel Days Scheme (VDS), sets a binding limit on the number of purse seine vessels allowed to operate in PNA waters. A limited number of fishing days is agreed among PNA members for the year, based on scientific advice, and then allocated by country and sold to the highest bidder. A similar longline VDS was introduced in January 2015. In addition, the Implementing Arrangements of the Nauru Agreement define management measures that the Parties agreed to implement in their EEZs, such as monitoring measures and licensing conditions, including prohibition for licensed vessels of fishing in certain high seas areas.

EU tuna fleet*Purse seiners (catches under SFPAs: 43%)*

The EU purse seine tuna fleet has been active in the western-central Pacific since 1999. It is a minor operator compared to other fleets in the region, consisting of four Spanish vessels (two of them 84 metres long and the other two over 100 metres in length). Based in Ecuador, they operate in the central Pacific, with a strong dependency on high seas catches (52% on average over 2008-2013) and the Kiribati waters (42%). Small volumes of catches have occurred in the past in the waters of Tuvalu and Solomon Islands. Most EU catches consist of skipjack tuna. The EU fleet has the highest use of drifting FADs of the main fleets in the region, and as a result, EU bigeye tuna catches, often associated with FADs, are proportionally higher than for the other fleets.¹⁴

Longliners (catches under SFPAs: 0%)

The EU longliner fleet represents a small part of the overall longline fleet in the region. It began its activities in 2003, when around 15 surface longliners expanded their fishing grounds towards the central Pacific, as an alternative to their traditional areas of activity in the eastern Pacific off Peru and Chile. Their interest subsequently faded, and the number of vessels declined to four in 2011. The four vessels are Spanish-flagged, based in Peru, though they may make port calls and tranship catch in French Polynesia and occasionally in New Zealand. They have been reported to target swordfish and shark (44% and 49% of the catches respectively). In 2011/2012 a Portuguese longliner began operating, targeting blue marlin and sharks. The EU longliners operate in the high seas of the southern central Pacific, south of French Polynesia. Fishing opportunities provided to longliners from Spain and Portugal under the Kiribati agreement were not used.

Destination of the EU tuna catches

The contribution of the EU catches in the western-central Pacific to processing and consumption in the EU has been relatively limited, compared to the overall EU tuna market. In addition, unlike West Africa and the western Indian Ocean, most of the catches do not supply fish to processing plants in the region, especially given their higher costs compared with competitors in other regions.

Around 90% of EU purse seiners' catches are landed in Ecuador, with half entirely processed in that country, and the other half prepared (loining) for subsequent canning in Spain. The remainder is shipped to Thai canneries. EU longliners' catches, partially processed onboard, are either landed in the region (French Polynesia, New Zealand) or in Peru, or otherwise transhipped to Spain.

Potential agreements: Cook Islands

In 2012 the EU signed Memorandums of Understanding with Tuvalu and the Cook Islands on possible SFPAs and protocols, and in 2013 an ex-ante evaluation was completed for each of them. Both countries' waters border those of Kiribati, which was the main focus of EU purse seine activity in the region (Figure 3).

EU purse seiners had already operated in Tuvalu waters in the framework of a private agreement. This private agreement ended in mid-2012, when Tuvalu (a member of the PNA) decided to fully comply with the PNA Implementing Arrangement preventing the allocation of Vessel Days to vessels fishing in the high seas. The ex-ante evaluation of a potential SFA with Tuvalu argued that, given the importance of high seas fishing for the EU fleet, there was a high risk of EU vessels not taking up fishing authorisations which would require them to stop fishing in the high seas, and recommended that an

SFPA should not be signed. In addition, in December 2014, the Commission [warned](#) Tuvalu with a yellow card, notifying it of the risk of being identified as a non-cooperating country in fighting IUU fishing. The possibility of an SFPA with Tuvalu was dropped for the time being.

In contrast, a potential SFPA with the Cook Islands was judged favourably by the ex-ante evaluation, as being consistent with the needs of both parties. None of the EU vessels fishing in the western Pacific had fishing authorisations to operate in the waters of the Cook Islands, and currently this country is not a member of the PNA.

Cook Islands

In October 2015, the EU initialled its first fisheries agreement with the Cook Islands, and an associated implementation protocol. According to the Commission, the agreement would ensure continued activity of the EU fishing fleet in an important tuna fishing region, in particular after the end of the Kiribati protocol, and would reinforce EU's position in the WCPFC. The proposal concerns an eight-year tuna agreement (tacitly renewable), and a four-year protocol which would allow four EU purse seiners to fish a reference tonnage of 7 000 tonnes per year, targeting skipjack and yellowfin tuna. The annual contribution paid by the EU would amount to €735 000 annually for the first two years, and €700 000 for the following two years. Out of this total contribution, the sectoral support represents €350 000 per year, which would target in particular three aspects: increasing monitoring, control and surveillance capabilities; supporting small-scale fisheries; and improving sanitary conditions for exporting fisheries products.

While the agreement and protocol will be applied provisionally after signature by both parties, the consent of the Parliament is necessary for their conclusion. The Committee on Fisheries is now discussing the Commission proposal (rapporteur João Ferreira (GUE/NGL, Portugal)), procedure [2016/0077\(NLE\)](#).

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[Ex-ante evaluation of a possible future fisheries partnership agreement and protocol between the European Union and Kenya](#), POSEIDON, MRAG, COFREPECHE and NFDS (2014b).

[Ex-ante evaluation of a possible future fisheries partnership agreement and protocol between the European Union and the United Republic of Tanzania](#), NFDS, POSEIDON, COFREPECHE, MRAG (2014).

[Ex-ante evaluation of a possible future fisheries partnership agreement and protocol between the European Union and Cook Islands](#), POSEIDON, MRAG, COFREPECHE, NFDS (2013b).

Ex-ante evaluation of a possible future fisheries partnership agreement and protocol between the European Union and Tuvalu, POSEIDON, MRAG, COFREPECHE, NFDS (2013c).

[Beyond the European seas: The external dimension of the Common Fisheries Policy](#), Popescu I. (2015), EPRS Members' Research Service.

Endnotes

- ¹ For a review of EU fisheries agreements, see Popescu (2015).
- ² Following the 2013 reform of the Common Fisheries Policy, SFPAs include an exclusivity clause which prevents EU vessels from operating in the waters of the partner country outside its framework, even if no protocol is in force.
- ³ Source: COFREPECHE (2015).
- ⁴ Unless otherwise indicated, information on the three regions is based on COFREPECHE et al. (2013), POSEIDON et al. (2013a) and POSEIDON et al. (2014a).
- ⁵ Average catch (2008-2013) of a specific fleet from fishing in the framework of SFPAs, as a percentage of its total catch in the area. Source: COFREPECHE et al. (2015).
- ⁶ Fishing opportunities for tuna in SFPAs are expressed as 'reference tonnage'. This does not represent the allowable catch, but an indicative limit beyond which supplementary payments are due.
- ⁷ The EU requires cooperation and compliance on IUU fishing matters as a prerequisite for negotiating fisheries agreements and protocols. Council Regulation 1005/2008 (the IUU Regulation), Art. 38(9) states that the Commission shall not enter into negotiations to conclude a bilateral fisheries agreements with non-cooperating third countries.
- ⁸ Source: IOTC Statistics [database](#).
- ⁹ Source: Commission [roadmap](#).
- ¹⁰ On 28 August 2014 Somalia instituted proceedings against Kenya before the International Court of Justice (ICJ), with regard to 'a dispute concerning maritime delimitation in the Indian Ocean'. The ICJ will hold public hearings in this case on 19-23 September 2016.
- ¹¹ Poseidon et al (2013a) shows that this private agreement is based on Vessel Days, even though Tokelau is not a PNA country, and that it allows Spanish vessels to fish in both in Tokelau waters and in the high seas, with the exception of two specific high seas pockets.
- ¹² Source: [Oceanic Développement and MegaPesca Lda](#) (2014).
- ¹³ The Parties to the Nauru Agreement are: Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Palau, Papua New Guinea, Solomon Islands and Tuvalu.
- ¹⁴ Recent assessments indicate overfishing of bigeye tuna in the western-central Pacific.

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