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**NOTE**

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From: Working Party on Internal and External Fisheries Policy  
To: Permanent Representatives Committee (Part 1)/ Council

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Subject: Draft Council Conclusions on Special Report No. 11/2015 from the European Court of Auditors entitled: " Are the Fisheries Partnership Agreements well managed by the Commission?"  
*- Adoption*

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1. On 23 October 2015, the European Court of Auditors submitted its Special Report No. 11/2015 entitled: "Are the Fisheries Partnership Agreements well managed by the Commission"<sup>1</sup>.
2. On 4 November 2015, the Permanent Representatives Committee instructed the Working Party on Internal and External Fisheries Policy to examine the special report in accordance with the Council conclusions of 8 May 2000 on improving the examination of special reports drawn up by the Court of Auditors <sup>2</sup>.
3. The Working Party on Internal and External Fisheries Policy examined the report on 10 December 2015, 21 January and 11 February 2016.

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<sup>1</sup> This special report is available on the Court's website: <http://eca.europa.eu>.

<sup>2</sup> Doc. 7515/00 FIN 127 + COR 1.

In the light of the examination, the Presidency drew up draft conclusions.<sup>3</sup> At its meeting of 11 February 2016, the Working Party reached an agreement on a text of draft conclusions, as set out in the Annex to this note.

4. In view of the above, the Permanent Representatives Committee is invited to confirm the consensus reached by the Working Party and to recommend to the Council to adopt the conclusions set out in the Annex to this note.

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<sup>3</sup> Doc. 5296/16 PECHE 13.

**DRAFT COUNCIL CONCLUSIONS**

**on Special Report No 11/2015 from the European Court of Auditors entitled:  
"Are the Fisheries Partnership Agreements well managed by the Commission?"**

THE COUNCIL OF THE EUROPEAN UNION

- (1) WELCOMES Special Report No. 11/2015 from the European Court of Auditors entitled: "Are the Fisheries Partnership Agreements well managed by the Commission?";
- (2) RECALLS its conclusions on a Communication from the Commission on the External dimension of the Common Fisheries Policy adopted on 19 March 2012<sup>4</sup>;
- (3) SHARES the Court's assessment that the negotiation processes and the implementation of Fisheries Partnership Agreements are generally well managed, while leaving room for further improvement, and ENCOURAGES the Commission to continue the implementation of the Court's recommendations;
- (4) NOTES that some of the agreements in the scope of the Court's study had been agreed before the 2013 CFP reform;
- (5) ACKNOWLEDGES the progress made in the management of these agreements in accordance with the reform, in particular as regards the analysis of surplus resources, the respect of democratic principles and human rights, the alleviation of the EU budget, and the decoupling and closer monitoring of the sectoral support component of the financial contribution;
- (6) EMPHASISES the importance of these agreements for the sustainable management of living marine resources in the partner countries, underlined and supported by the need for a scientific basis, an assessment of the overall fishing activities, appropriate technical conditions, and financial assistance for the control and monitoring of fishing activities;

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<sup>4</sup> Cf. doc. 7086/12 PECHE 66.

- (7) EMPHASISES likewise the importance of these agreements for the economic activity of the EU's long distance fleets and for the EU and partner countries in securing a future for coastal communities, for employment and for food security;
- (8) CONSIDERS that the sectoral support is of vital importance for the development of the fisheries sector, for local populations and for fisheries governance in the partner countries, and WELCOMES in general the Court's recommendations concerning the consistency and coordination with other budget support payments. NOTES that the planning and monitoring framework that the Commission is developing since the reform has shown positive first results and CALLS on the Commission to apply such a framework, including eligibility, traceability and monitoring provisions, to future protocols, taking into account the need for consistency between the EU development and fisheries policies;
- (9) AGREES with the Court that a coherent and relevant regional network of agreements is important in terms of legal certainty for the operators, enhances a consistent negotiation position of the Union, and renders a positive impact on the partner countries' governance, including their cooperation at the regional level, NOTES that the issue of dormant agreements deserves attention, and ENCOURAGES the further development of regional strategies, reinforcing the efforts to combat illegal, unreported and unregulated fishing;
- (10) NOTES that the concept of surplus is difficult to apply in practice, in particular when highly migratory species are involved, but STRESSES that the practical application of this concept can be improved through better collaboration at the scientific level, in particular within Regional Fisheries Management Organisations, through financial support at the bilateral level for data collection and research, and through increased transparency as regards overall fishing effort; therefore SUPPORTS the Commission's ongoing efforts to apply the surplus concept, for the purpose of developing and promoting a common understanding of this concept and its application at a regional as well as bilateral level;

- (11) HIGHLIGHTS in this context the unique transparency that the Union provides in the implementation of all agreements with partner countries, and the need to insist on a level playing field in relation to other distant water fishing nations in order to help maintain the access and competitiveness of the EU's long distance fleets;
- (12) RECALLS its view that the terms of the agreements should provide adequate economic returns for the Union, and WELCOMES in this context the Court's call for independent expert evaluations using a harmonised approach to obtain a consistent and comparable analysis of the benefits of each possible protocol;
- (13) AGREES that the prior use levels of fishing opportunities are one important factor in determining the appropriate fishing capacity and financial contribution, UNDERLINES in this context that feasible and adapted technical conditions for the fleets' operations are a pivotal factor for the level of future use and resulting economic benefits, and NOTES as well the special nature of agreements related to tuna fisheries which cover highly migratory species, making the uptake of fishing opportunities dependent on the availability and variability of the stocks;
- (14) CONSIDERS that when renewing an agreement, not only should the level of the uptake of fishing opportunities be taken into account, but also the importance of the agreement in promoting the objectives and principles of the CFP in the partner country;
- (15) NOTES the Court's recommendations and observations related to the avoidance of time gaps between two protocols, and related to the optimisation of the use of available fishing opportunities, CONSIDERS that these are important elements of the effectiveness and the economic return of the agreements, WELCOMES the Commission's efforts in this regard and STRESSES the continued importance of having an exclusivity clause in Fisheries Partnership Agreements;
- (16) WELCOMES the Court's practical recommendations regarding the management of catch data and monitoring of licence procedures, ACKNOWLEDGES the Commission's efforts in this regard, and POINTS TO the opportunity for improvement through a new Regulation on Sustainable Management of External Fishing Fleets.