



2018/0356M(NLE)

3.12.2019

OPINION

of the Committee on Fisheries

for the Committee on International Trade

on the draft Council decision on the conclusion of the Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam (2018/0356M(NLE))

Rapporteur for opinion: Pietro Bartolo

PA_NonLeg

SUGGESTIONS

The Committee on Fisheries calls on the Committee on International Trade, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to Article 13.9 of the EU-Vietnam Free Trade Agreement (FTA),
 - having regard to the conclusions following its fact-finding mission to Vietnam (28 October to 1 November 2018) and the Commission’s evaluation of May 2018 on the country’s progress in tackling illegal, unregulated and unreported (IUU) fishing following the notification by the Commission of a ‘yellow card’ on 23 October 2017,
 - having regard to Article 28(2)(b) of Regulation (EU) No 1380/2013 on the Common Fisheries Policy¹,
 - having regard to its resolution of 30 May 2018 on the implementation of control measures for establishing the conformity of fisheries products with access criteria to the EU market²,
 - having regard to the Commission communication of 14 October 2015 entitled ‘Trade for all: Towards a more responsible trade and investment policy’ (COM(2015)0497),
- A. whereas the EU-Vietnam FTA recognises the importance of ensuring the conservation and sustainable management of living marine resources and ecosystems together with the promotion of sustainable aquaculture and provides for cooperation in the fight against IUU fishing under Article 13.9;
- B. whereas in 2017 the European Union issued Vietnam with a ‘yellow card’, which is still applicable, as a non-cooperating country in the fight against IUU fishing, on account of the serious deficiencies in its control system;
- C. whereas some fish-based products, such as those with CN codes 1604 14 21 and 1604 14 26, are not included in the duty-free regime in the FTA owing to their sensitivity for the European Union;
- D. whereas it is acknowledged that IUU fishing constitutes an organised crime of the seas which has disastrous environmental and socio-economic impacts worldwide and creates unfair competition for the European fishing industry;
- E. whereas Vietnam is the world’s fourth biggest fish producer, followed by the European Union, and the fourth biggest producer of aquaculture products;
- F. whereas the EU is the world’s largest trader of fisheries and aquaculture products in value terms, having generated a trade volume of more than EUR 2.3 billion in 2017; whereas the EU imports more than 65 % of the fish products it consumes and is one of the largest foreign investors in Vietnam;
- G. whereas Vietnam has so far secured protection for one geographical indication (GI)

¹ OJ L 354, 28.12.2013, p. 22.

² Texts adopted, P8_TA(2018)0223.

product – Phú Quốc, a variety of fish sauce – as a protected designation of origin (PDO) within the EU quality schemes; whereas the FTA provides for the protection of 169 EU GIs for wines, spirits and food products in Vietnam and reciprocal protection for 39 Vietnamese GIs in the EU;

- H. whereas Vietnam has a market of 95 million people with long-established traditions in the consumption of fish and aquaculture products, and is the EU's second largest trading partner in the region of the Association of Southeast Asian Nations (ASEAN); underlines the potential for growth and the significant benefits that fisheries could herald for European small and medium-sized enterprises and considers this sector of vital interest for European prosperity and innovation;
1. Acknowledges and appreciates the adoption by the Vietnamese Government in 2017 of a new framework law for the fisheries sector, which takes into consideration international and regional obligations, agreements, and recommendations by the Commission, together with various sub-law documents; appreciates, moreover, the concerted efforts to inform fishermen of legal regulations and the setting up of coordinated monitoring, control and enforcement structures committed to effectively tackling and deterring IUU fishing, as well as Vietnam's commitment to present its national implementation plan for complying with the provisions of the FTA;
 2. Is concerned at the so-called 'blue boat' phenomenon of the Vietnamese fishermen, which has been pursued in recent years in the territorial waters of several neighbouring countries such as Thailand, the Philippines, Indonesia and Malaysia, in Pacific states such as Palau, Micronesia, Papua New Guinea, the Solomon Islands, Vanuatu and New Caledonia, and in Australia, and has created economic, social and security concerns for the nations affected and the region as a whole; expresses the hope that the efforts undertaken by the authorities will immediately serve the common good of both EU-Vietnam relations and the stability of the broader Southeast Asian region;
 3. Appreciates the framework for cooperation set out in the Trade and Sustainable Development Chapter of the FTA on fostering sustainable aquaculture and strengthening cooperation between the partners in the fight against IUU fishing;
 4. Underlines the importance of strengthening constructive dialogue with Vietnam in order to successfully address the global challenges posed by illegal fishing and considers that the FTA serves as a signal of encouragement to Vietnam to redouble its efforts to rapidly establish a regulatory and control framework to combat IUU fishing effectively;
 5. Stresses that the entry into force of the FTA could create the conditions for major and fruitful cooperation between the two parties with a view to implementing effectively its provisions on sustainable development; underlines the fact that the proper implementation of the FTA could advance Vietnam's compliance with EU standards on the environment, fisheries governance, labour rights and social rights, and considers that any further delay to ratification would undermine the EU's credibility and leverage over Vietnam and its overall geostrategic ambitions in the ASEAN region;
 6. Appreciates the increased region-wide cooperation on fisheries between the ASEAN Member States; acknowledges Vietnam's commitment to address IUU fishing by applying for full membership of the Western and Central Pacific Fisheries Commission

(WCPFC) and by acceding, on 3 January 2019, to the Agreement on Port State Measures (PSMA), the first binding international agreement to specifically target IUU fishing, both of which will enable the EU and Vietnam to deepen their cooperation and develop more ambitious measures to tackle IUU fishing;

7. Underlines the huge challenges still facing the Vietnamese authorities with regard to the overcapacity of its highly fragmented fishing fleet and the overexploitation of marine resources;
8. Highlights the serious labour abuses that have been reported in the Vietnamese fishing industry; laments the fact, in this context, that Vietnam has not yet ratified the ILO Work in Fishing Convention (ILO C188) and urges the Vietnamese authorities to do so before the entry into force of the FTA;
9. Urges the Vietnamese authorities, with a view to guaranteeing a level playing field between EU and Vietnamese operators, preventing unfair competition and ensuring that no Vietnamese products originate from IUU fishing, to ensure the full traceability of fisheries products destined for export to the EU market and that those products meet the EU's general health, environmental, social and phytosanitary requirements before entering the EU market;
10. Stresses the need for further efforts to ensure that the new legal framework is implemented and enforced effectively, particularly at provincial level, and to communicate the importance of compliance to the local stakeholders in the fisheries sector;
11. Recalls that fishing and aquaculture products are conditional sectors for investment, as described in Vietnam's investment framework, which prohibit any investment deemed detrimental to the environment, among other areas;
12. Encourages the Vietnamese authorities to allocate sufficient financial and human resources to the fight against IUU fishing at both national and provincial level and to step up awareness campaigns and capacity-building initiatives to discourage the inappropriate use of antibiotics in aquaculture and prevent the insurgence of antimicrobial resistance (AMR);
13. Emphasises the importance of policy coherence between EU initiatives, particularly with regard to trade and environmental activities; highlights the need for trade agreements to be connected and aligned with the Common Fisheries Policy, including the EU's policy on IUU fishing, and for the provisions of the FTA Chapter on Trade and Sustainable Development to be respected and treated consistently; calls on the Commission, therefore, to ensure the effective mainstreaming of and policy coherence between the EU's various sustainable development policies, including sustainable fisheries and aquaculture, within future trade agreements;
14. Emphasises that trade in fisheries and aquaculture products, and preferential tariffs, should be accompanied by conditions, such as controls, monitoring, auditing and a review of the achievements of the implementation of the Vietnamese Action Plan to tackle IUU fishing and the commitments made by Vietnam under Article 13.9 of the FTA;

15. Is concerned about the inclusion of a zero-tariff quota on exports of 11 500 tonnes of tinned tuna to the EU and its impact on the competitiveness of the EU canning sector, not least in view of the yellow card issued to Vietnam for failings relating to IUU fishing; considers it necessary to make this quota conditional on the remedying of such failings, and to monitor the impact of this type of quota on the EU industry and market;
16. Expresses its disappointment at the provisions of Article 12.26(2) of the FTA, which in principle does not allow a product to be added to the list of GIs, which are to be protected on the territory of the respective party, if that product is already listed in the relevant register of either party on the date of signature of the FTA; stresses the importance, in this context, of including all EU fisheries products protected with a GI of origin in Chapter 12 of the FTA on Intellectual Property;
17. Recalls that the yellow card notification should be seen as a means to urge the Vietnamese authorities to take measures to tackle IUU fishing activities; believes that further extension of the yellow card should be accompanied by clear operational targets and timelines with a view to implementing the measures needed and giving a constructive dimension to this sanction; recalls, furthermore, that the revocation of the yellow card must be conditional on the full and effective implementation of all recommendations made by the EU in 2017;
18. Calls on the Commission to provide specific financial and technical support to Vietnam in order to facilitate the implementation of environmental sustainability standards for seafood products; calls on the Commission, moreover, to incentivise individual Vietnamese fisheries to help meet sustainability standards;
19. Underlines the importance of a responsible trade policy as an instrument for the implementation of the Sustainable Development Goals;
20. Recalls that the IUU Regulation is the most effective instrument for ensuring sustainable fisheries at a global level and expresses concerns about granting preferential trade conditions to a country subject to the yellow card procedure; calls on the Commission to continue monitoring Vietnam's efforts to ensure the country continues to make progress in combatting IUU fishing and to make full use of all the tools at its disposal, including the 'red card', should Vietnam fail to fulfil the conditions for sustainable fisheries and safe imports of fish and seafood products into the EU market; calls on the Commission to provide for safeguard measures in future agreements, such as the possibility of suspending preferential tariffs on fish products, until the yellow card has been lifted.

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

22	+
ECR	Bert-Jan Ruissen, Ruža Tomašić
NI	Rosa D'Amato
PPE	Peter van Dalen, Niclas Herbst, Jeroen Lenaers, Francisco José Millán Mon, Cláudia Monteiro de Aguiar, Maria Walsh, Theodoros Zagorakis
RENEW	Izaskun Bilbao Barandica, Chris Davies, Pierre Karleskind
S&D	Clara Aguilera, Pietro Bartolo, Richard Corbett, Nicolás González Casares, Predrag Fred Matic, Manuel Pizarro
VERTS/ALE	Christian Allard, Francisco Guerreiro, Grace O'Sullivan

2	-
GUE/NGL	João Ferreira
NI	June Alison Mummery

2	0
ID	Rosanna Conte, Maxette Pirbakas

Key to symbols:

+ : in favour

- : against

0 : abstention