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2014/0330 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Republic of Cape Verde

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Council authorised the European Commission to negotiate, on behalf of the European Union, the renewal of the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde. At the end of the negotiations a new draft protocol was initialled by the negotiators on 28 August 2014. The new Protocol covers a period of four years from the date of provisional application laid down in Article 15, that being the date on which it is signed.

The main purpose of the Protocol to the Agreement is to grant fishing opportunities to Union vessels in the fishing zone of the Republic of Cape Verde, in accordance with the best scientific opinions available and the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), where applicable within the limits of the available surplus. The Commission's negotiating position was based in part on the results of an ex-post evaluation of the previous Protocol carried out by external experts.

The general aim is to enhance cooperation between the European Union and the Republic of Cape Verde, thereby creating a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fishery resources in the fishing zone of the Republic of Cape Verde, in the interests of both parties.

The Protocol provides for fishing opportunities in the following categories:

- 28 tuna seiners
- 30 surface longliners
- 13 pole-and-line tuna vessels.

The method for allocating fishing opportunities among the Member States should be defined. The Commission proposes, on this basis, that the Council adopt the Regulation.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The interested parties were consulted during the evaluation of the Protocol for the period 2011-14. Experts from the Member States were also consulted in technical meetings. These consultations led to the conclusion that it would be beneficial to maintain a fishing protocol with the Republic of Cape Verde.

3. LEGAL ELEMENTS OF THE PROPOSAL

This procedure is being initiated in parallel with the procedures relating to the Council Decision on 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 Republic of Cape Verde, and to the Council Decision authorising the signature and provisional application of the Protocol itself.

4. BUDGETARY IMPLICATIONS

The annual financial contribution is EUR 550 000 the first two years and EUR 500 000 the last two years, based on (a) a reference tonnage of 5 000 tonnes, for which an amount linked to access has been set at EUR 275 000 the first two years and EUR 250 000 the last two years, and (b) support for development of the sectoral fisheries policy of the Republic of Cape

Verde, amounting to EUR 275 000 per year the first two years and EUR 250 000 per year the last two years. This support meets the objectives of the national fisheries policy and in particular the needs of the Republic of Cape Verde in its fight against illegal fishing.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 19 December 2006, the Council adopted Regulation (EC) No 2027/2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde¹.
- (2) A new Protocol to the Partnership Agreement was initialled on 28 August 2014. The new Protocol grants European Union vessels fishing opportunities in the fishing zone in which the Republic of Cape Verde exercises its jurisdiction.
- (3) On [...] the Council adopted Decision .../2014/EU² on the signing and provisional application of the new Protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined, both for the period of provisional application and for the duration of the Protocol.
- (5) Article 10(1) of Council Regulation (EC) No 1006/2008³ provides that the Commission will inform the Member States concerned if it appears that the fishing opportunities allocated to the Union under the new Protocol are not fully exhausted. If no reply is received within a time limit to be set by the Council, this will be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the period in question. This time limit should be set by the Council.
- (6) To ensure Union vessels can continue their fishing activities, Article 15 of the new Protocol provides for it to apply on a provisional basis from the date of its signature. It should therefore be established that this Regulation is to apply as from the same date,

¹ OJ L 414, 19.12.2006, p. 1.

² OJ L [...], [...], p. [...].

³ Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, p. 33).

HAS ADOPTED THIS REGULATION:

Article 1

- (1) The fishing opportunities established under the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde shall be allocated among the Member States as follows:
- (a) tuna seiners:
- | | |
|--------|------------|
| Spain | 16 vessels |
| France | 12 vessels |
- (b) surface longliners:
- | | |
|----------|------------|
| Spain | 23 vessels |
| Portugal | 7 vessels |
- (c) pole-and-line tuna vessels:
- | | |
|----------|-----------|
| Spain | 7 vessels |
| France | 4 vessels |
| Portugal | 2 vessels |
- (2) Regulation (EC) No 1006/2008 shall apply without prejudice to the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde.
- (3) If applications for fishing licences from the Member States referred to in paragraph 1 do not cover all the fishing opportunities set by the Protocol, the Commission shall consider applications for fishing licences from any other Member State pursuant to Article 10 of Regulation (EC) No 1006/2008.
- (4) The time limit within which the Member States must confirm that they are not making full use of the fishing opportunities granted to them, as provided by Article 10(1) of Regulation (EC) No 1006/2008, is set at ten working days from the date on which the Commission informs them that the fishing opportunities are not fully exhausted.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply from the date of signature of the Protocol.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*