



Brussels, 9.4.2013
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2013/0101 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Republic of Côte d'Ivoire setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On the basis of powers conferred on it by the Council¹, the European Commission has conducted negotiations with the Republic of Côte d'Ivoire with a view to renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Côte d'Ivoire. At the end of those negotiations, a new draft Protocol was initialled by the negotiators on 9 January 2013. The new Protocol covers a period of five years from 1 July 2013, the date of provisional application laid down in Article 13.

The main aim of the Protocol to the Agreement is to provide fishing opportunities for EU vessels in the waters of the Republic of Côte d'Ivoire within the limits of the available surplus. The Commission's negotiating position was based in part on the results of an ex-post evaluation carried out by external experts.

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

More particularly, the Protocol provides for fishing opportunities in the following categories:

- 28 freezer tuna seiners:
- 10 surface longliners

The method for allocating these fishing opportunities among the Member States should be defined.

The Commission proposes, on this basis, that the Council adopt this 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 2007-13. Experts from the Member States were also consulted in technical meetings. These consultations concluded that it would be beneficial to maintain a fishing protocol with the Republic of Côte d'Ivoire.

3. LEGAL ELEMENTS OF THE PROPOSAL

This procedure is being initiated in parallel with the procedures relating to the Council Decision adopting the provisional application of the Protocol itself, as well as the Council Decision for the conclusion of the Protocol itself.

¹ Adopted by the Agriculture and Fisheries Council on 24 September 2012.

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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),

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 12 February 2008 the Council adopted Decision 2008/151/EC concerning the conclusion of the Agreement in the form of an Exchange of Letters on the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Côte d'Ivoire on fishing in Ivorian fishing zones for the period from 1 July 2007 to 30 June 2013².
- (2) The European Community and the Government of the Republic of Côte d'Ivoire notified each other on 18 April 2008 of the completion of the procedures necessary for the entry into force of the Partnership Agreement between the European Union and the Republic of Côte d'Ivoire³.
- (3) A new Protocol to the Partnership Agreement was initialled on 9 January 2013 ('the new Protocol'). The new Protocol grants EU vessels fishing opportunities in waters in which the Republic of Côte d'Ivoire exercises its jurisdiction as regards fishing.
- (4) On [...] the Council adopted Decision No .../2013/EU⁴ on the signing and provisional application of the new Protocol.
- (5) The method for allocating the fishing opportunities among the Member States should be defined for the period when the new Protocol applies.
- (6) Under Article 10(1) of Council Regulation No (EC)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 waters⁵ if it appears that the number of fishing authorisations or the amount of fishing opportunities allocated to the Community under an agreement are not fully utilised, the Commission shall inform the Member States concerned and shall request them to confirm not making use of those fishing opportunities. The absence of a reply within

² OJ L 48, 22.2.2008.

³ OJ L 118, 6.5.2008.

⁴ OJ C ...*

⁵ OJ L 286, 29.10.2008, p. 33.

the deadlines, to be set by the Council upon the conclusion of the Fisheries Partnership Agreement, shall be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities in the given period. The deadline should be set by the Council.

- (7) To ensure EU vessels can continue their fishing activities, Article 13 of the new Protocol provides for its application by the parties on a provisional basis as from 1 July 2013.
- (8) This Regulation should apply from the provisional application of the new Protocol,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities fixed under the Protocol agreed between the European Union and the Republic of Côte d'Ivoire setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force (hereinafter referred to as the 'Protocol') shall be allocated between the Member States as follows:
 - 28 freezer tuna seiners:
 - France: 12 vessels
 - Spain: 16 vessels
 - 10 surface longliners:
 - Spain: 7 vessels
 - Portugal: 3 vessels
2. Regulation (EC) No 1006/2008 shall apply without prejudice to the Fisheries Partnership Agreement between the European Community and the Republic of Côte d'Ivoire.
3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all fishing opportunities set by the Protocol, the Commission shall consider applications for fishing authorisations 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 fully exhausting the fishing opportunities granted to them under the Agreement, as provided by Article 10(1) of Regulation (EC) No 1006/2008, is set at ten working days as from the date on which the Commission communicates this information to them.

Article 2

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

They shall apply with effect from 1 July 2013.

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

Done at Brussels,

For the Council
The President