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2013/0373 (NLE)

Proposal for a

COUNCIL REGULATION

concerning the allocation of fishing opportunities under the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles

EXPLANATORY MEMORANDUM

On the basis of relevant Council mandate¹, the Commission on behalf of the European Union negotiated with the Republic of Seychelles in view of renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles. Following these negotiations, a new Protocol was initialled on the 10th of May 2013, which covers a period of six years starting from the adoption of the Council decision on the Protocol's signing and provisional application and after expiry of the current Protocol, on 17 January 2014.

This procedure concerning the allocation among the Member States of the fishing opportunities under this Protocol is started in parallel with the procedures regarding the Council decision, with the consent of the European Parliament, on the conclusion of the new Protocol, and the Council decision on the signing on behalf of the Union and the provisional application of the said Protocol.

The new Protocol provides EU fishermen with fishing opportunities in Seychelles' fishing zone for 40 purse seiners and 6 long liners. In accordance with the Treaty, the method for allocating the fishing opportunities among the Member States should be defined.

The Commission proposes, on this basis, that the Council adopt this Regulation.

¹ Council Decision n° 6497/2013 of 15 February 2013.

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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, paragraph 3 thereof,

Having regard to the proposal from the Commission²,

Whereas:

- (1) A new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles was initialled on 10 May 2013.
- (2) Council has adopted on ...Decision No.../2013/EU³ on the signing and provisional application of the new Protocol to the Fisheries Partnership Agreement.
- (3) The method for allocating the fishing opportunities among the Member States should be defined for the period of application of the new Protocol.
- (4) In accordance with Article 10(1) of Council Regulation (EC) No 1006/2008⁴, if it appears that the fishing opportunities allocated to the Union under the Protocol are not fully utilised, the Commission is to inform the Member States concerned. The absence of a reply within a deadline to be set by the Council is to be considered as confirmation that the vessels of the Member States concerned are not making full use of their fishing opportunities in the given period. It is necessary to set such deadline.
- (5) This Regulation should apply from the beginning of the provisional application of the Protocol,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities set out in the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles ('the Protocol') shall be allocated among the Member States as follows:

² OJ C , , p. .

³ OJ L....

⁴ 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).

a) Tuna purse seiners

Spain	16 vessels
France	22 vessels
Italy	2 vessels

b) Surface long liners

Spain	2 vessels
France	2 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 Seychelles ('the Agreement') and the Protocol.
3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all the fishing opportunities fixed by the Protocol, the Commission shall consider applications for fishing authorisations from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.
4. The deadline by which Member States are to confirm that they do not fully utilise the fishing opportunities allocated under the Agreement, as referred to in Article 10(1) of Regulation (EC) No 1006/2008, shall be set at 10 working days from the day on which Commission informs the Member States that the fishing opportunities have not been exhausted.

Article 2

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

It shall apply from 18 January 2014.

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

Done at Brussels,

*For the Council
The President*