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Proposal for a

COUNCIL REGULATION

on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Gabonese Republic setting out the fishing opportunities and 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 the powers conferred on it by the Council, the European Commission has conducted negotiations with the Gabonese Republic with a view to renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Gabonese Republic. At the end of the negotiations a new draft protocol was initialled by the negotiators on 24 April 2013. The new Protocol covers a period of three years from the date of provisional application laid down in Article 14, that being the date on which this new Protocol was signed.

The main purpose of the Protocol to the Agreement is to grant fishing opportunities to European Union vessels in Gabonese waters, in compliance with the best scientific opinions available and the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), 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 Gabonese Republic, thereby creating a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fishery resources in the Gabonese fishing zone, in the interests of both Parties.

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

27 freezer tuna seiners:

8 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 as part of the evaluation of the Protocol for the period 2007-13. 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 Gabonese Republic.

3. LEGAL ELEMENTS OF THE PROPOSAL

This procedure is being initiated in parallel with the procedures relating to the Council decision on provisional application of the Protocol as well as the Council decision concluding the Protocol as such.

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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) The Fisheries Partnership Agreement between the Gabonese Republic and the European Community was approved by Council Regulation (EC) No 450/2007¹.
- (2) On 7 November 2006 the Council adopted Decision No 2006/788/EC on 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 Agreement between the European Community and the Gabonese Republic on fishing off the coast of Gabon for the period from 3 December 2005 to 2 December 2011².
- (3) The Union has negotiated a new protocol to the Partnership Agreement with the Gabonese Republic granting EU vessels fishing opportunities in waters in which the Gabonese Republic exercises jurisdiction with respect to fishing. At the end of those negotiations, a new draft protocol was initialled on 24 April 2013.
- (4) On [...] the Council adopted Decision No .../2013/EU [*please complete*] 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) If it appears that the fishing opportunities allocated to the Union by virtue of the new Protocol are not fully exhausted, the Commission will inform the Member States thereof in accordance with Article 10(1) of Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters³. 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. That time limit should be set.

¹ OJ L 109, 26.4.2007, p. 1.

² OJ L 319, 18.11.2006, p. 15.

³ OJ L 286, 29.10.2008, p. 33.

- (7) To ensure that EU vessels can continue their fishing activities, Article 14 of the new Protocol provides for its application by the Parties on a provisional basis from the date of its signature. This Regulation should therefore apply from the date of signature of the new Protocol,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing opportunities established under the Protocol agreed between the European Union and the Gabonese Republic setting out the fishing opportunities and 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 among the Member States as follows:

(a) freezer tuna seiners:

France 12 vessels

Spain 15 vessels

(b) pole-and-line tuna vessels:

Spain 7 vessels

France 1 vessel

Regulation (EC) No 1006/2008 shall apply without prejudice to the Fisheries Partnership Agreement between the European Community and the Gabonese Republic.

If the applications for fishing authorisations from the Member States referred to in the first paragraph do not cover all the fishing opportunities set by the Protocol, the Commission may take into consideration applications for fishing authorisations from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.

The time limit within which the Member States must confirm that they are not making full use of 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 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*.

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