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COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

**COUNCIL REGULATION**

**on the conclusion of the Agreement in the form of an Exchange of Letters on the amendments to the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Republic of Seychelles**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

The purpose of this proposal is to amend the existing Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles.

Following the meeting of the EC/Seychelles Joint Committee in January 2007, it was decided that the two Parties would organise a meeting of the Joint Committee in accordance with Article 11 of the Protocol and Article 9 of the Agreement in order to submit proposals for amendments to the Protocol. These were discussed at the meeting of the Joint Committee held on 20-21 March in Brussels. The amendments which have been negotiated increase the reference tonnage from 55 000 tonnes to 63 000 tonnes, taking account of the average level of catches over the past three years, introduce financial support for the partnership and increase the share paid by shipowners from EUR 25 to EUR 35 per tonne to bring the Protocol into line with other tuna agreements. The Community contribution is therefore reduced from EUR 75 to EUR 65 per tonne. The total financial contribution therefore increases from EUR 4 125 000 to EUR 5 355 000 and the estimated fee payable by shipowners from EUR 1 375 000 to EUR 2 205 000.

This amended Protocol is to be applied provisionally from 18 January 2008 pending its entry into force in accordance with Article 13 thereof.

The Commission proposes, on this basis, that the Council adopt this Agreement in the form of an Exchange of Letters on the amendments to the Protocol.

A proposal for a Council Decision on the provisional application of the Agreement in the form of an Exchange of Letters on the amendments to the Protocol is the subject of a separate procedure.

Proposal for a

## **COUNCIL REGULATION**

**on the conclusion of the Agreement in the form of an Exchange of Letters on the amendments to the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Republic of Seychelles**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Parliament<sup>2</sup>,

Whereas:

- (1) The Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles was adopted by Council Regulation (EC) No 115/2006 on 23 January 2006.
- (2) Under Article 9 of the Agreement, the European Community and Seychelles have held a meeting of the Joint Committee.
- (3) Following this meeting of the Joint Committee, amendments have been made to the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement initialled on 23 September 2004 and adopted by Regulation (EC) No 115/2006 on 23 January 2006.
- (4) It is in the Community's interest to approve these amendments to the Protocol,

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<sup>1</sup> OJ C [...].

<sup>2</sup> OJ C [...].

HAS ADOPTED THIS REGULATION:

*Article 1*

The Agreement in the form of an Exchange of Letters amending the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the maritime Fisheries Partnership Agreement between the European Community and the Republic of Seychelles is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Regulation.

*Article 2*

The fishing opportunities set out in the Protocol and laid down in Regulation (EC) No 115/2006 shall not be amended and are confirmed as follows:

<b>Types of fishing</b>	<b>Member State</b>	<b>Fishing opportunities</b>
Tuna seiners	France	17 vessels
	Spain	22 vessels
	Italy	1 vessel
Surface longliners	Spain	2 vessels
	France	5 vessels
	Portugal	5 vessels.

If licence applications from the Member States do not cover all the fishing opportunities laid down by the Protocol, the Commission may take into consideration licence applications from any other Member State.

*Article 3*

The Member States whose vessels fish under this Agreement shall notify the Commission of the quantities of each stock caught within the Seychelles fishing zone in accordance with Commission Regulation (EC) No 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country waters and on the high seas<sup>3</sup>.

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<sup>3</sup> OJ L 73, 15.3.2001, p. 8.

*Article 4*

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

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

Done at Brussels,

*For the Council  
The President*

**Agreement in the form of an Exchange of Letters on the provisional application of the amendments to the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles on fishing in Seychelles fishing zones**

A. Letter from the Government of the Republic of Seychelles:

Sir,

I am delighted that the Republic of Seychelles and European Community negotiators have been able to reach a consensus on amendments to the Protocol setting out the fishing opportunities and the financial contribution and its Annexes.

The negotiations held in Brussels on 20-21 March 2007 have enabled adjustments to be made to the fishing opportunities provided for in the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Economic Community and the Republic of Seychelles on fishing in Seychelles fishing zones. The amendments made to this Protocol are attached hereto. The amended Protocol having been initialled by the two Parties on 21 March 2007, I would propose continuing in parallel the procedures for approval and/or ratification of the texts of the amended Protocol and its Annex and Appendices in accordance with the procedures in force in the Republic of Seychelles and in the European Community and necessary to their entry into force.

In order to avoid interrupting fishing activities by Community vessels in Seychelles waters, and referring to the Protocol amended on 21 March 2007 and setting out, for the period from 18 January 2008 to 17 January 2011, the fishing opportunities and the financial contribution, I have the honour to inform you that the Government of the Republic of Seychelles is willing to apply this amended Protocol provisionally from 18 January 2008 pending its entry into force in accordance with Article 13 of the Protocol, provided that the European Community is prepared to do likewise.

This is on the understanding that the amended financial contribution laid down by Article 2 of the amended Protocol shall be paid when the two Parties notify each other that they have completed the procedures necessary to the entry into force of the Protocol and its amended Annexes.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of Seychelles

B. Letter from the European Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

“Sir,

I am delighted that the Republic of Seychelles and European Community negotiators have been able to reach a consensus on amendments to the Protocol setting out the fishing opportunities and the financial contribution and its Annexes.

The negotiations held in Brussels on 20-21 March 2007 have enabled adjustments to be made to the fishing opportunities provided for in the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Economic Community and the Republic of Seychelles on fishing in Seychelles fishing zones. The amendments made to this Protocol are attached hereto. The amended Protocol having been initialled by the two Parties on 21 March 2007, I would propose continuing in parallel the procedures for approval and/or ratification of the texts of the amended Protocol and its Annex and Appendices in accordance with the procedures in force in the Republic of Seychelles and in the European Community and necessary to their entry into force.

In order to avoid interrupting fishing activities by Community vessels in Seychelles waters, and referring to the Protocol amended on 21 March 2007 and setting out, for the period from 18 January 2008 to 17 January 2011, the fishing opportunities and the financial contribution, I have the honour to inform you that the Government of the Republic of Seychelles is willing to apply this amended Protocol provisionally from 18 January 2008 pending its entry into force in accordance with Article 13 of the Protocol, provided that the European Community is prepared to do likewise.

This is on the understanding that the amended financial contribution laid down by Article 2 of the amended Protocol shall be paid when the two Parties notify each other that they have completed the procedures necessary to the entry into force of the Protocol and its amended Annexes.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of Seychelles”.

I am pleased to confirm the agreement of the European Community to a provisional application.



Please accept, Sir, the assurance of my highest consideration.

For the Council of the European Union

## **Annex to the Exchange of Letters**

### ***Amendments to the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles on fishing off Seychelles***

*Article 2 of the Protocol is replaced by the following:*

#### *Article 2*

##### *Financial contribution — Methods of payment*

1. For the period referred to in Article 1, the financial contribution referred to in Article 7 of the Agreement shall be EUR 24 750 000. From 18 January 2008, the financial contribution shall be amended and shall be EUR 28 440 000 for the duration of the Protocol.
2. Paragraph 1 shall apply subject to Articles 4, 5, 6, 7 and 8 of this Protocol.
3. The financial contribution referred to in paragraph 1 shall be paid by the Community at a rate of EUR 4 125 000 per year during the first three years of the Protocol. From 18 January 2008, the financial contribution referred to in paragraph 1 shall be paid by the Community at a rate of EUR 5 355 000 per year. The financial contribution applicable from 18 January 2008 shall comprise an annual amount of EUR 4 095 000 equivalent to a reference tonnage of 63 000 tonnes per year and a specific amount of EUR 1 260 000 per year for the support and implementation of Seychelles' sectoral fisheries policy. This specific amount shall be an integral part of the single financial contribution defined in Article 7 of the Agreement.
4. If the overall quantity of catches of tuna by Community vessels in Seychelles waters exceeds 63 000 tonnes per year, the amount of the annual financial contribution shall be increased by EUR 65 for each additional tonne caught. However, the total annual amount paid by the Community shall not be more than twice the amount indicated in paragraph 3 (EUR 10 710 000). Where the quantities caught by Community vessels exceed the quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid the following year.
5. Payment shall be made no later than 30 September 2005 for the first year, 30 September 2008 for the fourth year and no later than the anniversary date of the Protocol for the following years.
6. Subject to Article 7, Seychelles shall have full discretion regarding the use to which this financial contribution is put.
7. The financial contribution shall be paid into a Seychelles Public Treasury account opened with the Central Bank of Seychelles. The account number shall be specified by the Seychelles authorities.

*Article 7 of the Protocol is replaced by the following:*

*Article 7*

*Promotion of responsible fishing and sustainable fisheries in Seychelles waters*

1. Not less than 56% of the financial contribution paid each year from 18 January 2008 and referred to in Article 2(3) shall be allocated to the drawing up and implementation of a sectoral fisheries policy in Seychelles with a view to promoting responsible and sustainable fishing in Seychelles waters. This contribution shall be managed in the light of objectives identified by mutual agreement between the two Parties, and the annual and multiannual programming to attain them.

Paragraphs 2, 3, 4 and 5: no change.

*Amendments to the Annex to the Protocol*

**CONDITIONS FOR THE PURSUIT OF FISHING ACTIVITIES BY COMMUNITY  
VESSELS IN SEYCHELLES WATERS**

**CHAPTER I - APPLICATION FOR AND ISSUE OF LICENCES IS HEREBY REPLACED AS FOLLOWS:**

**Chapter I - Application for and issue of licences**

*Section 1  
Issue of licences*

*1 to 10: No change.*

11. However, at the request of the European Community and where *force majeure* is proven, a vessel's licence shall be replaced, for the remaining period of its validity, by a new licence for another vessel with similar characteristics to those of the first vessel, with no further fee due. However, if the gross tonnage (GT) of the replacement vessel is above that of the vessel to be replaced, the difference in fee shall be paid *pro rata temporis*.

12 to 14: No change.

*Section 2  
Licence conditions - fees and advance payments*

1. Licences shall be valid for one year and are renewable.
2. From 18 January 2008 the fee shall be EUR 35 per tonne caught within Seychelles waters.
3. Licences shall be issued once the following standard amounts have been paid to the competent national authorities:
  - EUR 21 000 for tuna seiners, equivalent to the fees due for 600 tonnes of tuna and tuna-like species caught within Seychelles waters per year,
  - EUR 4 200 for surface longliners of more than 250 GT, equivalent to the fees due for 120 tonnes of tuna and tuna-like species caught within Seychelles waters per year,
  - EUR 3 150 for surface longliners of 250 GT or less, equivalent to the fees due for 90 tonnes of tuna and tuna-like species caught within Seychelles waters per year.
4. *No change.*
5. *No change.*
6. Where the shipowners do not agree with the statement submitted by the SFA, they may consult the scientific institutes competent for verifying catch statistics such as

the IRD (*Institut de Recherche pour le Développement*), the IEO (*Instituto Español de Oceanografía*) and IPIMAR (*Instituto de Investigação das Pescas e do Mar*), and thereafter discuss together with the Seychelles authorities, who shall inform the Commission thereof, to establish the final statement before 31 May of the current year. In the absence of observations by the shipowners at that date, the statement submitted by the SFA is considered as the final one.

7. *No change.*

8. *No change.*

9. *No change.*

**CHAPTER VI – OBSERVERS is hereby replaced as follows:**

## **Chapter VI - Observers**

1. Vessels authorised to fish in Seychelles waters under the Agreement shall take on board observers appointed by the competent regional fisheries organisation, following agreement between the Parties, or failing this by the Seychelles authorities on the terms set out below.

*1.1 to 14: No change.*

## LEGISLATIVE FINANCIAL STATEMENT

### 1. TITLE OF THE PROPOSAL:

Proposal for a Council Regulation on the conclusion of the Agreement in the form of an Exchange of Letters on the amendments to the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Community and the Republic of Seychelles

### 2. ABM / ABB FRAMEWORK (ACTIVITY-BASED MANAGEMENT/ESTABLISHMENT OF THE BUDGET)

11. Fisheries

1103. International Fisheries Agreements

### 3. BUDGET LINES

#### 3.1 Budget lines:

110301: International fisheries agreements

11010404: International fisheries agreements — Expenditure on administrative management

#### 3.2 Duration of the action and of the financial impact:

In accordance with Article 11 of the Protocol and Article 9 of the Agreement, a meeting of the Joint Committee was held in order to amend the provisions of the Protocol setting out, for the period from 18 January 2005 to 17 January 2011, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Republic of Seychelles.

This amended Protocol will enter into force provisionally from 18 January 2008, for the final three years of the Protocol, pending its entry into force in accordance with Article 13 thereof.

The Protocol sets out the financial contribution, the fishing categories and the conditions governing the fishing activities of Community vessels in Seychelles fishing zones.

#### 3.3 Budgetary characteristics (*add rows if necessary*):

Budget line	Type of expenditure	New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
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11.0301	Comp.	Diff. <sup>4</sup>	NO	NO	NO	<b>No 2</b>
11.010404	Comp.	Non-diff. <sup>5</sup>	NO	NO	NO	<b>No 2</b>

#### 4. SUMMARY OF RESOURCES

##### 4.1 Financial resources

##### 4.1.1 Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to four decimal places)

Type of expenditure	Section No			2008	2009	2010				Total
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##### Operational expenditure<sup>6</sup>

Commitment appropriations (CA)	8.1	a	<sup>7</sup>	5.3550	5.3550	5.3550				16.0650
Payment appropriations (PA)		b	See foot note 7.	5.3550	5.3550	5.3550				16.0650

##### Other administrative expenditure included in reference amount<sup>8</sup>

Technical and administrative assistance (non-diff.)	8.2.4	c		0.0351	0.0351	0.0751				0.1453
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##### TOTAL REFERENCE AMOUNT

<sup>4</sup> Differentiated appropriations.

<sup>5</sup> Non-differentiated appropriations.

<sup>6</sup> Expenditure that does not fall under Chapter 11 01 of the Title 11 concerned

<sup>7</sup> Under the Protocol, the fishing opportunities may be increased by mutual agreement provided that the conclusions of the joint meeting of experts confirm that such an increase will not compromise the sustainable management of Seychelles' resources. In this case the financial contribution referred to in Article 2(1) of the Protocol shall be increased proportionately and *pro rata temporis*. However, the total amount of the financial contribution paid by the European Community shall not be more than twice the amount indicated in Article 2(3) (EUR 10 710 000). Where the quantities caught by Community vessels exceed the quantities corresponding to twice the total amount of the financial contribution, the Parties shall consult each other as quickly as possible in order to fix the amount due for the quantity exceeding that limit (subject to budget availability).

<sup>8</sup> Expenditure within Chapter 11 01 04 of Title 11.

<b>Commitment appropriations</b>		a +	See foot note 7.	5.3901	5.3901	5.4301				16.2103
<b>Payment appropriations</b>		b +	See foot note 7.	5.3901	5.3901	5.4301				16.2103

**Other administrative expenditure not included in reference amount<sup>9</sup>**

Human resources and associated expenditure (non-diff.)	8.2.5	d		0.0644	0.0644	0.0644				0.1932
Administrative costs other than human resources and associated expenditure, not included in reference amount	8.2.6	e		0.0120	0.0120	0.0120				0.0360

**Total indicative cost of action**

<b>Total CA including cost of human resources</b>		a +	See foot note 7.	5.4665	5.4665	5.5065				16.4395
<b>Total PA including cost of human resources</b>		b +	See foot note 7.	5.4665	5.4665	5.5065				16.4395

**Part-financing details: no part-financing**

*EUR million (to three decimal places)*

<sup>9</sup> Expenditure within Chapter 11 01 other than Article 11 01 04.



Part-financing body		2008	2009	2010				Total
	f							
TOTAL including part-financing	CA part-f	a + c + d + e + f	5.4665	5.4665	5.5065			16.4395

#### 4.1.2 Compatibility with financial programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Interinstitutional Agreement<sup>10</sup> (i.e. flexibility instrument or revision of the financial perspective).

#### 4.1.3 Financial impact on revenue

- Proposal has no financial impact on revenue
- Proposal has financial impact – the effect on revenue is as follows:

***N.B.: All details and observations relating to the method of calculating the effect on revenue should be shown in a separate annex.***

EUR million (to one decimal place)

Budget line	Revenue	Prior action [Year 1]	to n - 1	Situation following action				
				[Year n]	[n + 1]	[n + 2]	[n + 3]	[n + 4]
	a) Revenue in absolute terms							
	b) Change in $\Delta$ revenue							

***(Please specify each budget line involved, adding the appropriate number of rows to the table if there is an effect on more than one budget line.)***

<sup>10</sup> See points 19 and 24 of the Interinstitutional Agreement.

**4.2 Human Resources, FTE** (including officials, temporary and external staff) – see details under point 8.2.1.

<b>Annual requirements</b>	2008	2009	2010			
Total number of human resources	0.85	0.85	0.85			

**5. CHARACTERISTICS AND OBJECTIVES**

**5.1 Need to be met in the short or long term**

The main objective of the amendments made to the Protocol is to:

- increase the reference tonnage from 55 000 tonnes to 63 000 tonnes to take account of the average level of catches over the past three years;
- introduce the financial support for the partnership which was not introduced in the previous negotiations (prior to the Council Conclusions of July 2004 on Fisheries Partnership Agreements);
- increase the share paid by shipowners from EUR 25 to EUR 35 per tonne to bring the Protocol into line with other tuna agreements, hence reducing the Community contribution from EUR 75 to EUR 65 per tonne;
- fishing opportunities remain unchanged: 40 tuna seiners and 12 surface longliners;
- the annual financial contribution increases from EUR 4 125 000 in the current Protocol to EUR 5 355 000 in the amended Protocol;
- advances and fees payable by shipowners: EUR 35 (compared with EUR 25 previously) per tonne of tuna. The advances are fixed at EUR 21 000 per year per tuna seiner, EUR 4 200 per year per surface longliner over 250 GT and EUR 3 150 per year per surface longliner of 250 GT or less.

**5.2 Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy**

These amendments help bring this FPA into line with other FPAs in the Indian Ocean subregion. If the Community does not act, then private agreements will spring up which would not guarantee sustainable fisheries.

**5.3 Objectives, expected results and related indicators of the proposal in the context of the ABM framework**

Fisheries agreements with third countries meets the general objective of maintaining and safeguarding the traditional fishing activities of the Community fleet, including the distant-water fleet, and developing relations in a spirit of partnership with a view to strengthening the sustainable exploitation of fishery resources outside Community waters, taking account of environmental, social and economic concerns.

The following indicators will be used in the context of the ABM for the purposes of monitoring implementation of the Agreement:

- monitoring the utilisation rate of the fishing opportunities;
- gathering and analysing data on catches and the commercial value of the Agreement;
- contribution to employment and value-added in the Community;
- contribution to stabilising the Community market;
- contribution to the general objectives of economic development and reducing poverty in Seychelles, including the contribution to employment, development of infrastructure and support for the State budget;
- number of technical meetings and meetings of the Joint Committee.

#### **5.4 Method of implementation (indicative)**

Indicate below the method(s)<sup>11</sup> of implementation chosen.

- Centralised management
  - directly by the Commission
  - indirectly
- Shared or decentralised management*
- Joint management with international organisations (please specify)*

## **6. MONITORING AND EVALUATION**

### **6.1 Monitoring system**

The Commission (DG FISH, in collaboration with the Delegation of the European Commission to Mauritius, Seychelles and Comoros) will ensure regular monitoring of the implementation of this Agreement, particularly in terms of its use by operators and catch data.

### **6.2 Assessment**

An evaluation was carried out on the Protocol, ending in September 2004, with the assistance of a consortium of independent consultants, with a view to the launch of negotiations on the current Protocol. Since then two complementary studies have been carried out to analyse Seychelles national fisheries policy (July 2006) and the Seychelles fisheries control and surveillance system (July 2006).

#### *6.2.1 Ex-ante evaluation*

The key elements of the evaluation continue to apply, in particular the very satisfactory use of the fishing opportunities and of the level of the reference tonnage.

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<sup>11</sup> If more than one method is indicated, please give details in the “Comments” section under this point.

According to the *ex-ante* evaluation, the conclusion of the new Agreement was beneficial for both sides. The amendments further consolidate this Agreement, which is the Community's biggest tuna agreement with a third country in terms of both reference tonnage and financial contribution and a key element ensuring the consistency and viability of other tuna agreements between the Community and other countries in the Indian Ocean (Madagascar, Comoros, Mauritius, Mozambique).

- Added value of Community involvement:

The Community's return on its investment is extremely positive, as it is estimated that each euro invested by the Community budget allows the sector to generate at least EUR 4.80 in value-added. The economic rewards for Seychelles are considerable, and the presence of European fleets makes a very significant contribution to a Seychelles economy which is currently in difficulty. Fishing activities by European seiners ensures 95% of tuna supplies to the local cannery, which is the country's leading private employer with around 2 500 jobs. The Seychelles fisheries sector represents 15% of GDP (just behind tourism at 20%) and ensures direct and indirect employment for 6 000 people, or 17% of the formal employment market.

- Risks and alternative options:

There is some risk in setting up a fisheries protocol, for example the amounts intended to finance the sectoral fisheries policy and shipowners' fees might not be allocated as agreed (fraud), foreign fleets might ignore licences and other controls. To avoid these risks, extensive dialogue is guaranteed on the programming and implementation of the sectoral policy, in particular in the field of control and monitoring. Moreover, the undertaking made by States in the region in January 2007 and the implementation of a regional fisheries surveillance plan in the southwest Indian Ocean will allow surveillance resources to be pooled so as to combat illegal, unreported and unregulated fishing more effectively. Exploitation of tuna resources by Community vessels does not appear to compromise the sustainability of Indian Ocean stocks.

6.2.2 *Ex-ante estimate of the economic value of the Agreement and the Community's financial contribution*

The Agreement meets a need of Community shipping by procuring fishing opportunities for a resource which is spread randomly through migration across international waters and coastal states' EEZ. The Seychelles fishing zone is the largest in the southwest Indian Ocean.

The financial contribution granted by the Community under this amended Protocol is a single allocation established on the basis of an annual financial envelope of EUR 5 355 000 for the 2008-11 Protocol period.

6.2.3 *Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)*

The reference tonnage has been increased to bring it more into line with average catch over the past three years. The share paid by shipowners has been reassessed,

while the Community budget share has been reduced to bring it into line with the reform of all other tuna agreements. Financial support has been introduced for the implementation of the sectoral fisheries policy in order to strengthen the already wide dialogue on that policy, in particular the joint annual review of the results of scientific research and of conservation of resources, upgrading health and hygiene and improving the quality of fishery products, management of the small-scale fleet, of surveillance and control and of development, training and institutional consolidation.

#### 6.2.4 *Terms and frequency of future evaluation*

Following on from the study finalised in September 2004 (cf. point 6.2), in order to ensure sustainable fishing in the region, an evaluation of the economic, social and environmental impact will be carried out before each future renewal of the Protocol. The indicators listed in point 5.3 will be used to carry out an *ex-post* evaluation.

### **7. ANTI-FRAUD MEASURES**

The use to which the financial contribution paid by the Community under the Agreement is put is entirely at the discretion of the sovereign third country concerned.

Nevertheless, the Commission undertakes to try and establish permanent political dialogue and cooperation with a view to improving the management of the Protocol and strengthening the Community's contribution to the sustainable management of resources.

In any case, any payment which the Commission makes under a Fisheries Agreement is subject to its standard rules and budgetary and financial procedures. This makes it possible, in particular, to fully identify the bank accounts of the third countries into which the financial contribution is paid.

## 8. DETAILS OF RESOURCES

### 8.1 Objectives of the proposal in terms of their financial cost

Commitments (in EUR million to four decimal places)

		2008		2009		2010		TOTAL	
	Type of output	Number of outputs	Total cost for the Community	Number of outputs	Total cost for the Community	Number of outputs	Total cost for the Community	Number of outputs	Total cost
OPERATIONAL OBJECTIVE No 1 <sup>12</sup> : To obtain fishing opportunities in exchange for a financial contribution									
<b>Action 1</b>									
Output 1	Vessels/licences Quota	52 63 000 t	4.0950	52 63 000 t	4.0950	52 63 000 t	4.0950	156 189 000 t	12.2850
OPERATIONAL OBJECTIVE No 2: specific amount per year for the support and implementation of initiatives taken in the context of Seychelles' sectoral fisheries policy									
<b>Action 2</b>									
Output 2			1.2600		1.2600		1.2600		3.7800
<b>TOTAL COST<sup>13</sup></b>			<b>5.3550</b>		<b>5.3550</b>		<b>5.3550</b>		<b>16.0650</b>

<sup>12</sup> As described in point 5.3.

<sup>13</sup> Under the Protocol, the fishing opportunities may be increased by mutual agreement provided that the conclusions of the joint meeting of experts confirm that such an increase will not compromise the sustainable management of Seychelles' resources. In this case the financial contribution referred to in Article 2(1) of the Protocol shall be increased proportionately and *pro rata temporis*. However, the total amount of the financial contribution paid by the European Community shall not be more than twice the amount indicated in Article 2(3) (EUR 10 710 000). Where the quantities caught by Community vessels exceed the quantities corresponding to twice the total amount of the financial contribution, the Parties shall consult each other as quickly as possible in order to fix the amount due for the quantity exceeding that limit (subject to budget availability).

## 8.2 ADMINISTRATIVE EXPENDITURE

### 8.2.1 Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources ( <b>number of posts/FTEs</b> )					
		2008	2009	2010			
Officials and temporary staff <sup>14</sup> (11 01 01)	A*/AD	0.25	0.25	0.25			
	B*, C*/AST	0.3	0.3	0.3			
Staff financed <sup>15</sup> by Art. 11 01 02		-	-	-			
Other staff financed <sup>16</sup> by Art. 11 01 04 04		0.3	0.3	0.3			
<b>TOTAL</b>		0.85	0.85	0.85			

### 8.2.2 Description of tasks deriving from the action

- Assisting the negotiator to prepare and conclude the negotiation of fisheries agreements:
  - taking part in negotiations with third countries to conclude fisheries agreements;
  - preparing draft evaluation reports and negotiation strategy notes for the Commissioner;
  - presenting and defending the Commission’s position in the Council’s “External Fisheries” Working Party;
  - taking part in the search for a compromise with the Member States to be included in the final text of the Agreement.
- Monitoring the implementation of agreements:
  - daily monitoring of fisheries agreements;
  - preparing and checking the commitment and payment of the financial contribution and targeted measures or financing for the development of responsible fishing;

<sup>14</sup> Cost of which is NOT covered by the reference amount.

<sup>15</sup> Cost of which is NOT covered by the reference amount.

<sup>16</sup> Cost of which is included in the reference amount.

- regular reporting on the implementation of agreements;
  - evaluating agreements: scientific and technical aspects;
  - preparing the draft proposal for a Council Regulation and Decision and drafting the text of the agreement;
  - launching and monitoring adoption procedures.
- Technical assistance:
    - preparing the Commission’s position for the Joint Committee.
- Inter-institutional relations
    - representing the Commission before the Council, the European Parliament and the Member States in the negotiation process;
    - writing the replies to oral and written questions from the European Parliament.
- Interdepartmental consultation and coordination:
    - liaising with the other Directorates-General on matters relating to the negotiation and monitoring of agreements;
    - organising and responding to interdepartmental consultations.
- Evaluation:
    - taking part in updating the impact assessment;
    - analysing the achieved objectives and evaluation indicators.

### 8.2.3 Sources of human resources (statutory)

*(When more than one source is stated, please indicate the number of posts originating from each of the sources)*

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year 2006
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year n although not foreseen in the APS/PDB exercise of the year in question



#### 8.2.4 Other administrative expenditure included in reference amount

(11 01 04/05 – Expenditure on administrative management)

(EUR)

Budget line: 11010404 (number and heading)	2008	2009	2010				TOTAL
<b>1. Technical and administrative assistance (including related staff costs)</b>							
Executive agencies <sup>17</sup>							
Other technical and administrative assistance:							
- <i>intra muros</i> <sup>18</sup>	35 100	35 100	35 100				105 300
- <i>extra muros</i> <sup>19</sup>			40 000				40 000
<b>Total technical and administrative assistance</b>	<b>35 100</b>	<b>35 100</b>	<b>75 100</b>				<b>145 300</b>

#### 8.2.5 Financial cost of human resources and associated costs not included in the reference amount

(EUR)

Type of human resources	2008	2009	2010				TOTAL
Officials and temporary staff (11 01 01)	64 350	64 350	64 350				193 050
Staff financed by Art. XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)							
<b>Total cost of human resources and associated costs (NOT included in the</b>	<b>64 350</b>	<b>64 350</b>	<b>64 350</b>				<b>193 050</b>

<sup>17</sup> Reference should be made to the specific legislative statement for the Executive Agency/Agencies concerned.

<sup>18</sup> This expenditure (EUR 35 100 per year) relates to a fisheries expert post (contract staff member) based at the Delegation of the European Commission to Mauritius financed from budget line 11 01 04.

<sup>19</sup> The year 2010 includes expenditure on carrying out an impact study on the Protocol in force by an external consultant .

reference amount)							
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**Calculation – Officials and contract staff**

Reference should be made to Point 8.2.1, if applicable

-  $1A = EUR\ 117\ 000 * 0.25 = EUR\ 29\ 250$

$1B = EUR\ 117\ 000 * 0.15 = EUR\ 17\ 550$

$1C = EUR\ 117\ 000 * 0.15 = EUR\ 17\ 550$

Subtotal: EUR 64 350 (EUR 0.0644 million per year)

1 contract staff member at the Delegation to Mauritius =  $EUR\ 117\ 000 * 0.3 = EUR\ 35\ 100$

Total: EUR 99 450 per year (EUR 0.0995 million per year)

**Calculation – Staff financed under Article XX 01 02**

Reference should be made to Point 8.2.1, if applicable

**8.2.6 Other administrative expenditure not included in reference amount**

(EUR)

	2008	2009	2010				TOTAL
11 01 02 11 01 – Missions	10 000	10 000	10 000				30 000
11 01 02 11 02 – Meetings and conferences	2 000	2 000	2 000				6 000
XX 01 02 11 03 – Committees <sup>20</sup>							
XX 01 02 11 04 – Studies and consultations							
XX 01 02 11 05 – Information systems							
<b>2. Total other management expenditure (XX 01 02 11)</b>							
<b>3. Other expenditure of an administrative nature (specify including reference to budget line)</b>							

<sup>20</sup> Specify the type of committee and the group to which it belongs.

<b>Total administrative expenditure, other than human resources and associated costs (NOT included in reference amount)</b>	12 000	12 000	12 000				36 000
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Human resource and administrative needs will be covered by the managing DG's allocation under the annual allocation procedure.