



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 10 July 2012
(OR. en)**

11115/12

**Interinstitutional File:
2012/0129 (NLE)**

**PECHE 213
OC 380**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION establishing the deadline in the event of underutilisation of fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand

COMMON GUIDELINES

Consultation deadline for Croatia: 11.7.2012

COUNCIL REGULATION (EU) No .../2012

of

**establishing the deadline in the event of underutilisation of fishing opportunities
under the Protocol setting out the fishing opportunities and financial contribution
provided for in the Fisheries Partnership Agreement
between the European Community on the one hand,
and the Government of Denmark
and the Home Rule Government of Greenland, on the other hand**

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 28 June 2007, the Council adopted Regulation (EC) No 753/2007 on the conclusion of the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand.
- (2) Since the current Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand¹ ('the current Protocol') will expire on 31 December 2012, a new Protocol was initialled on 3 February 2012. The new Protocol provides EU fishing vessels with fishing opportunities in Greenlandic waters.
- (3) On ...*, the Council adopted Decision No*/2012*² on the signing and the provisional application of the new Protocol.

¹ OJ L 172, 30.6.2007, p. 9.

* OJ: Please insert the date, the number and the OJ reference for the Decision in st 11116/12.

² OJ L, ..., p.

- (4) 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 waters and the access of third country vessels to Community waters¹, if it appears that the number of fishing authorisations or the amount of fishing opportunities allocated to the Union under the current Protocol are not fully utilised, the Commission is to inform the Member States concerned. The absence of a reply within the deadline to be set by the Council is to be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the given period. That deadline should therefore be set by the Council.
- (5) Given that the current Protocol will expire on 31 December 2012 and that the new Protocol is to be provisionally applied from 1 January 2013, this Regulation should apply from 1 January 2013,

HAS ADOPTED THIS REGULATION:

¹ OJ L 286, 29.10.2008, p. 33.

Article 1

1. If, by the relevant date set out in the Annex to this Regulation, applications for fishing authorisations from the Member States under the Protocol to the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand, do not cover all the annually allocated fishing opportunities set by that Protocol, the Commission shall consider applications for fishing authorisations from any other Member State pursuant to Article 10 of Regulation (EC) No 1006/2008.
2. The deadline referred to in Article 10(1) of Regulation (EC) No 1006/2008 shall be set at 10 working days.
3. For each stock referred to in the Annex, the Commission shall inform the Member States of the level of utilisation of the fishing opportunities based on licence applications received at the latest:
 - (a) one month before the date set out in the Annex; and
 - (b) by the date set out in the Annex.

Article 2

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

It shall apply from 1 January 2013.

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

Done at Brussels,

For the Council

The President

ANNEX

Date referred to in Article 1(1) and (3):

Stock	Date
Northern Prawn in ICES Subareas XIV & V	1 August
Greenland halibut in ICES Subareas XIV & V	15 September
Atlantic halibut in ICES Subareas XIV & V and NAFO Subarea 1	1 September
Greenland halibut in NAFO Subarea 1 – South of 68° North	15 October
Northern Prawn in NAFO Subarea 1	1 October
Pelagic Redfish in ICES Subareas XIV & V and in NAFO Subarea 1F	1 September
Demersal Redfish in ICES Subareas XIV & V and in NAFO Subarea 1F	1 September
Snowcrab in NAFO Subarea 1	1 October
Cod in ICES Subarea XIV and in NAFO Subarea 1	31 October
