



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 16 October 2012
(OR. fr)**

14151/12

**Interinstitutional File:
2012/0248 (NLE)**

**PECHE 363
OC 517**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

COMMON GUIDELINES

Consultation deadline for Croatia: 22.10.2012

COUNCIL REGULATION (EU) No.../2012

of

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

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 15 November 2007, the Council adopted Regulation (EC) No 31/2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar¹ ("the Partnership Agreement").
- (2) A new Protocol to the Partnership Agreement was initialled on 10 May 2012 ("the new Protocol"). The new Protocol grants EU vessels fishing opportunities in waters in which Madagascar exercises its sovereignty or jurisdiction as regards fishing.
- (3) On [...]^{*}, the Council adopted Decision No .../2012/EU^{**2} on the signing and provisional application of the new Protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined for the period in which the new Protocol applies.

¹ OJ L 15, 18.1.2008, p. 1.

^{*} OJ: please insert the date of adoption of decision in document st14158/12.

^{**} OJ: please insert the number and the OJ references of decision in document st 14158/12.

² OJ C ...^{*}

- (5) 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 provides that if it appears that the fishing opportunities allocated to the Union under the new Protocol are not fully utilised, the Commission will inform the Member States concerned. The absence of a reply within a time limit 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 in the given period. That time limit should be set.
- (6) Given that the Protocol in force will expire on 31 December 2012, this Regulation should apply as from the date the new Protocol is signed,

HAS ADOPTED THIS REGULATION:

¹ OJ L 286, 29.10.2008, p. 33.

Article 1

1. The fishing opportunities fixed under the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force ("the Protocol") shall be allocated among the Member States as follows:

Type of Vessel	Member State	Fishing opportunities
Tuna seiners	Spain	21
	France	18
	Italy	1
Surface longliners over 100 GT	Spain	17
	France	9
	Portugal	5
	United Kingdom	3
Surface longliners of 100 GT or below	France	22

2. Regulation (EC) No 1006/2008 shall apply without prejudice to the Partnership Agreement.
3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not exhaust the fishing opportunities set out in 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 making full use of the fishing opportunities granted to them under the Partnership 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 informs them that the fishing opportunities are not fully utilised.

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 the date of the signature of the new Protocol and at the earliest from 1 January 2013.

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

Done at,

For the Council

The President
