



**COUNCIL OF  
THE EUROPEAN UNION**

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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	1 April 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2014) 190 final
Subject:	Proposal for a COUNCIL DECISION on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe

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Delegations will find attached document **COM(2014) 190 final**.

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Encl.: **COM(2014) 190 final**



EUROPEAN  
COMMISSION

Brussels, 1.4.2014  
COM(2014) 190 final

2014/0115 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe**

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE PROPOSAL**

The Council authorised the European Commission to negotiate, on behalf of the European Union, the renewal of the Protocol to the Fisheries Partnership Agreement with the Democratic Republic of São Tomé and Príncipe. At the end of the negotiations a new draft protocol was initialled by the negotiators on 19 December 2013. The new Protocol covers a period of four 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 São Toméan 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 based itself in part on the results of an ex-post evaluation of the previous Protocol carried out by external experts.

The aim is also to strengthen cooperation between the European Union and the Democratic Republic of São Tomé and Príncipe with a view to establishing a sustainable fisheries policy and sound exploitation of fisheries resources in the São Toméan fishing zone, in the interests of both parties.

The Protocol provides for fishing opportunities in the following categories:

- 28 tuna seiners
- 6 surface longliners

The Commission proposes, on this basis, that the Council, with the consent of the Parliament, adopt by Decision the conclusion of this new Protocol.

### **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

The interested parties were consulted during the evaluation of the Protocol for the period 2011-14. 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 Democratic Republic of São Tomé and Príncipe.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

This procedure is being initiated in parallel with the procedures relating to the Council Decision authorising the signature and provisional application of the Protocol itself, as well as with the Council Regulation concerning allocation of the fishing opportunities between the Member States of the EU.

#### **4. BUDGETARY IMPLICATION**

The annual financial contribution is EUR 710 000 for the first three years and EUR 675 000 for the fourth year, based on a) a reference tonnage of 7 000 tonnes, for which an amount linked to access has been set at EUR 385 000 the first three years and EUR 350 000 the fourth year, and b) support for the development of the sectoral fisheries policy of the Democratic Republic of São Tomé and Príncipe, amounting to EUR 325 000. This support meets the objectives of the national fisheries policy and particularly the needs of the Democratic Republic of São Tomé and Príncipe in terms of providing support for small-scale fishing and fighting illegal fishing.

Proposal for a

## COUNCIL DECISION

### **on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), in conjunction with Article 218(6)(a) and the seventh subparagraph of Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>1</sup>,

Whereas:

- (1) On 23 July 2007, the Council adopted Regulation (EC) No 894/2007<sup>2</sup> on the conclusion of a Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community (the ‘Agreement’).
- (2) On 12 July 2011, the Council adopted Decision 2011/420/EU<sup>3</sup> on the conclusion of the Protocol<sup>4</sup> setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Democratic Republic of São Tomé and Príncipe. That Protocol covers a period of three years and expires on 12 May 2014.
- (3) The Union negotiated a new Protocol with São Tomé and Príncipe for a period of four years, providing European Union vessels with fishing opportunities in the waters over which the Democratic Republic of São Tomé and Príncipe has sovereignty or jurisdiction in respect of fisheries.
- (4) That new Protocol was signed in accordance with Decision 2014/ /EU<sup>5</sup> and will apply on a provisional basis from the date of its signature.
- (5) The new Protocol should be approved on behalf of the Union.
- (6) The agreement establishes a Joint Committee responsible for monitoring the implementation of the agreement. Furthermore, in accordance with the Protocol, the Joint Committee may

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ L 205, 7.8.2007, p. 35.

<sup>3</sup> OJ L 188, 19.7.2011, p. 1.

<sup>4</sup> OJ L 136, 24.5.2011, p. 5.

<sup>5</sup> OJ C , , p. .

approve certain modifications to the Protocol. In order to facilitate the approval of such modifications, it is appropriate to empower the Commission, subject to specific conditions, to approve them under a simplified procedure,

HAS ADOPTED THIS DECISION:

*Article 1*

The Protocol between the European Union and the Democratic Republic of São Tomé and Príncipe setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe is hereby approved on behalf of the Union.

The text of the Protocol is annexed in Annex I to this Decision.

*Article 2*

The President of the Council shall give, on behalf of the Union, the notification provided for in Article 15 of the Protocol.

*Article 3*

In accordance with the provisions and conditions laid down in Annex II to this Decision, the European Commission is authorised to approve, on behalf of the Union, the amendments made to the Protocol as adopted by the Joint Committee.

*Article 4*

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council*  
*The President*