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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
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Subject:	Proposal for a COUNCIL REGULATION on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Republic of São Tomé and Príncipe

Delegations will find attached document COM(2014) 191 final.

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EUROPEAN
COMMISSION

Brussels, 1.4.2014
COM(2014) 191 final

2014/0116 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the 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 the 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's negotiating position was based 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 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 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 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 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 as well the Council Decision authorising the signature and provisional application of the Protocol itself.

4. BUDGETARY IMPLICATIONS

The annual financial contribution is EUR 710 000 the first three years and EUR 675 000 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.

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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 European Union and the Democratic Republic of São Tomé and Príncipe have negotiated and initialled, on 19 December 2013, a new Protocol to the Fisheries Partnership Agreement 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.
- (2) The Council has adopted on [...] decision XXX/2010/EU¹ on the signing and provisional application of the new Protocol.
- (3) The method for allocating the fishing opportunities among the Member States should be defined both for the period of provisional application and for the duration of the Protocol.
- (4) In order to ensure that the fishing opportunities available to the European Union under the Protocol are used in full, the Commission should be empowered to temporarily reallocate fishing opportunities not used by one Member State to another Member State, without this affecting the allocation or the exchange of fishing opportunities amongst the Member States under the Protocol.
- (5) This Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

- (1) The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

¹ OJ C , , p . .

- (a) tuna seiners:
- | | |
|--------|------------|
| Spain | 15 vessels |
| France | 13 vessels |
- (b) surface longliners:
- | | |
|----------|------------|
| Spain | pm vessels |
| Portugal | pm vessels |
- (2) 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 waters² applies without prejudice to the partnership agreement.
- (3) If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all the fishing opportunities established by the Protocol, the Commission will consider applications for fishing authorisations from any other Member State in accordance with the provisions of Article 10 of Regulation (EC) No 1006/2008.
- (4) If it transpires that the fishing opportunities referred to in paragraph 1 are not being fully used, the Commission will inform the Member States concerned and request confirmation that they are not making use of those fishing opportunities. If a reply is not received within ten working days, this will be considered confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the period in question. After confirmation by the Member State concerned, the unused fishing opportunities will be made available to the Member States.

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*

² OJ L 286, 29.10.2008, p. 33.