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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 Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	Recommendation for a COUNCIL DECISION to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of a protocol to the Sustainable Fisheries Partnership Agreement with the Republic of Senegal

Delegations will find attached document COM(2019) 280 final

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Brussels, 18.6.2019
COM(2019) 280 final

Recommendation for a

COUNCIL DECISION

to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of a protocol to the Sustainable Fisheries Partnership Agreement with the Republic of Senegal

{SWD(2019) 207 final} - {SWD(2019) 208 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE RECOMMENDATION

• Reasons for and objectives of the proposal

The Commission proposes to negotiate a new protocol to the Sustainable Fisheries Partnership Agreement with the Republic of Senegal, which meets the needs of the Union fleet and is in line with Regulation (EU) No1380/2013 on the Common Fisheries Policy (CFP) and the 19 March 2012 Council Conclusions on a Communication from the Commission on the External dimension of the Common Fisheries Policy.

• Consistency with existing policy provisions in the policy area

The current Sustainable Fisheries Partnership Agreement (SFPA) between European Union and Senegal¹ was signed on 20 November 2014². The current 5-year Protocol³ to the SFPA entered into application on 20 November 2014⁴ and will expire on 19 November 2019. This Protocol fixes the fishing opportunities provided to the Union fleet and the corresponding financial contribution paid by the Union and the ship-owners.

The annual EU public financial contribution due to Senegal amounts from 1 058 000 EUR for the first year, 988 000 EUR for the second, third and fourth year, to 918 000 EUR during the fifth year for a total tonnage reference of 14 000 per year. In addition to that, 750 000 EUR per year during 5 years are earmarked for sectoral support.

The SFPA with Senegal provides fishing opportunities targeting tuna and highly migratory species for EU vessels from two Member States (Spain and France), and fishing opportunities targeting demersal species for two vessels (from Spain). The European Union has already developed a network of bilateral Sustainable Fisheries Partnership Agreements (SFPAs) in the Atlantic Ocean facing West Africa, namely with Morocco, Mauritania, The Gambia, Guinea-Bissau, Liberia, and the Ivory Coast.

SFPAs contribute to promote the objectives of the CFP internationally, ensuring that Union fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law. In addition, SFPAs foster scientific cooperation between the EU and its partner, promote transparency and sustainability for a better management of fishing resources and encourage governance by supporting monitoring, control and surveillance of national and foreign fleets' activities and providing funding to fight against illegal, unreported and unregulated (IUU) fishing and to contribute to the sustainable development of local fishing industry. SFPAs strengthen the EU's position in international and regional fishing organisations: in the case of Senegal, in particular, in the International Commission for the Conservation of Atlantic Tunas (ICCAT)⁵. Finally, SFPAs are based on the best available scientific advice and contribute to the improvement of compliance with international measures, including combatting illegal, unreported and unregulated (IUU) fishing.

¹ OJ L 304 of 23.10.2014, p.3

² <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2014055&DocLanguage=en>

³ JO L 304 of 23.10.2014, p.9

⁴ <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2014056&DocLanguage=en>

⁵ <http://www.fao.org/fishery/rfb/iccat/en>, the body set up under international law for conserving and managing highly migratory species in the region.

- **Consistency with other Union policies**

The negotiation of a new protocol with Senegal is in line with the EU's external action towards African, Caribbean and Pacific (ACP) countries, and in particular with the Union objectives regarding the respect of democratic principles, human rights.

Although at local scale, economic activity generated in the fisheries sector in Senegal will contribute to addressing the causes of irregular migration from the country.

2. LEGAL ELEMENTS OF THE RECOMMENDATION

- **Legal basis**

The legal basis for the decision is provided by Article 218 of the Treaty on the Functioning of the European Union (TFEU), in Part Five on the Union's external action, Title V on international agreements, which sets out the procedure for negotiating and concluding agreements between the EU and third countries.

- **Subsidiarity (for non-exclusive competence)**

Not applicable, exclusive competence.

- **Proportionality**

The decision is proportional to the objective.

- **Choice of the instrument**

The instrument is provided for under Article 218(3) and Article 218(4) of the TFEU.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

The Commission carried out in 2019 an *ex-post* evaluation of the current protocol to the SFPA Senegal as well as an *ex-ante* evaluation of a possible renewal of the protocol. The conclusions of the evaluation are set out in a separate Staff Working Document⁶.

The evaluation concluded that the EU fishing sectors (for both tuna and demersal species) are firmly interested in fishing in Senegal and that a renewal of the Protocol would help strengthen monitoring, control and surveillance and would contribute to improved governance of the fisheries in the region. For the EU, it is important to maintain an instrument allowing sectoral cooperation with Senegal, as a main player at the sub-regional level. Moreover, the importance of Dakar as one of the main landing ports contributes to the relevance of the envisaged new Protocol, both for the EU fishing industry and for the partner country. For the Senegalese authorities, the aim is to continue relations with the EU for strengthening ocean governance, benefiting from dedicated sectoral support that provides for multi-year funding opportunities.

⁶ SWD(2019)208

- **Stakeholder consultations**

Member States, industry representatives, international civil society organisations, as well as Senegal's fisheries administration and civil society have been consulted as part of the evaluation. Consultations have also taken place in the framework of the Long Distance Advisory Council.

- **Collection and use of expertise**

Not applicable

- **Impact assessment**

Not applicable

- **Regulatory fitness and simplification**

Not applicable

- **Fundamental rights**

The negotiating directives proposed as an annex to the decision recommend authorising the opening of negotiations including a clause on the consequences of violations of human rights and democratic principles.

4. BUDGETARY IMPLICATIONS

The budgetary implications connected with the new Protocol include the payment of a financial contribution to the Republic of Senegal, which is compatible with the 2014-2020 Multiannual Financial Framework (MFF), in particular as regards allocations to the budget line for Sustainable Fisheries Partnership Agreements. The annual amounts for commitments and payments are established in the yearly budgetary procedure, including the reserve line for proposals not entered into force at the beginning of the year⁷.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Negotiations are expected to open in the second quarter of 2019.

- **Detailed explanation of the specific provisions of the proposal**

The Commission recommends that:

- The Council should authorise the Commission to open and conduct negotiations for the conclusion of a new protocol to the Sustainable Fisheries Partnership Agreement with the Republic of Senegal;
- The Commission should be nominated as the EU negotiator on this subject;
- The Commission should conduct the negotiations in consultation with the special committee, as set out in the Treaty on the Functioning of the European Union;
- The Council should approve the negotiating directives annexed to this recommendation.

⁷ Cf Chapter 40 (reserve line 40 02 41) in line with the MFF interinstitutional agreement (2013/C 373/01).

Recommendation for a

COUNCIL DECISION

to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of a protocol to the Sustainable Fisheries Partnership Agreement with the Republic of Senegal

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218 paragraphs 3 and 4,

Having regard to the recommendation from the European Commission,

Whereas negotiations should be opened with a view to concluding a new protocol to the Sustainable Fisheries Partnership Agreement with the Republic of Senegal,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations with Senegal, with a view to conclude a new protocol to the Sustainable Fisheries Partnership Agreement with the Republic of Senegal.

Article 2

The negotiations shall be conducted in consultation with the [name of the special committee to be inserted by the Council] and on the basis of the negotiating directives set out in the annex to this Decision.

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

For the Council
The President