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PECHE 213

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL REGULATION on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028)
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COUNCIL REGULATION (EU) 2023/...

of ...

**on the allocation of fishing opportunities under the Protocol
on the implementation of the Fisheries Partnership Agreement
between the European Community, on the one hand,
and the Republic of Kiribati, on the other (2023-2028)**

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 23 July 2007, the Council adopted Regulation (EC) No 893/2007¹ on the conclusion of a Fisheries Partnership Agreement between the European Community, on one hand, and the Republic of Kiribati, on the other ('the Agreement').
- (2) The first Protocol² to the Agreement set out, for a period of six years, the fishing opportunities granted to Union vessels in the Kiribati fishing zone and the financial contribution granted by the Union. The period of application of that Protocol expired on 15 September 2012.
- (3) The second Protocol³ to the Agreement set out, for a period of three years, the fishing opportunities granted to Union vessels in the Kiribati fishing zone and the financial contribution granted by the Union. The period of application of that Protocol expired on 15 September 2015.

¹ Council Regulation (EC) No 893/2007 of 23 July 2007 on the conclusion of a Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (OJ L 205, 7.8.2007, p. 1).

² Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Kiribati for the period from 16 September 2006 to 15 September 2012 (OJ L 205, 7.8.2007, p. 8).

³ Council Decision 2012/669/EU of 9 October 2012 on the signing, on behalf of the European Union, and provisional application of 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 Republic of Kiribati, on the other (OJ L 300, 30.10.2012, p. 2).

- (4) On 26 January 2015, the Council authorised the Commission to open negotiations with Kiribati for the conclusion of a new Protocol implementing the Agreement¹. Those negotiations were concluded and a new Protocol implementing the Agreement for a period of five years (2023-2028) was initialled on 18 December 2022.
- (5) In accordance with Council Decision (EU) 2023/...,²⁺, the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028) ('the Protocol') was signed on ...⁺⁺, subject to its conclusion at a later date.
- (6) The Protocol provides for fishing opportunities for Union vessels in Kiribati waters, on the basis of the best available scientific advice and following the conservation and management measures adopted by the Western and Central Pacific Fisheries Commission.
- (7) The fishing opportunities provided for in the Protocol should be allocated among relevant Member States for the entire period of its application.

¹ Council Decision of 26 January 2015 authorising the Commission to open negotiations on behalf of the European Union for the renewal of 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 Republic of Kiribati, on the other hand.

² Council Decision (EU) 2023/... of ... on the signing, on behalf of the Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028) (OJ L, ..., p. ...).

⁺ OJ: Please insert the number of the Decision contained in the document ST 9856/23 and complete the corresponding footnote.

⁺⁺ OJ: Please insert the date of signature of the Protocol contained in document ST 9890/23.

- (8) The Protocol should be implemented as soon as possible in view of the economic importance related to Union fishing activities in Kiribati waters and the need to minimise as much as possible the time period before such activities can resume.
- (9) The Protocol will apply on a provisional basis as from the date of its signature in order to allow for the fishing activities of Union vessels. This Regulation should therefore apply from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing opportunities established under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028) shall be allocated among the Member States as follows:

Tuna seiners:

Spain: 3 vessels

France: 1 vessel

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 ... [insert date of the 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
