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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2024) 48 final
Subject:	Recommendation for a COUNCIL DECISION authorising the opening of negotiations on behalf of the European Union for a new implementing protocol to the Fisheries Partnership Agreement with the Republic of Côte d'Ivoire

Delegations will find attached document COM(2024) 48 final.

Encl.: COM(2024) 48 final



EUROPEAN
COMMISSION

Brussels, 30.1.2024
COM(2024) 48 final

Recommendation for a

COUNCIL DECISION

**authorising the opening of negotiations on behalf of the European Union for a new
implementing protocol to the Fisheries Partnership Agreement with the Republic of
Côte d'Ivoire**

{SWD(2024) 22 final} - {SWD(2024) 25 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Commission proposes to negotiate a new protocol to the Fisheries Partnership Agreement with the Republic of Côte d'Ivoire¹, which would meet the needs of the EU fleet and be in line with Regulation (EU) No 1380/2013² on the Common Fisheries Policy (CFP).

• Consistency with existing provisions in the policy area

The current Fisheries Partnership Agreement (FPA) between the European Union and Côte d'Ivoire was signed on 1 July 2007. The current 6-year implementing protocol to the FPA³ entered into provisional application on 1 August 2018 and will expire on 31 July 2024. It sets the fishing opportunities provided to the EU fleet and the corresponding financial contribution paid by the EU and the shipowners. The annual EU public financial contribution paid to Côte d'Ivoire, for the last year of application, amounts to EUR 682 000, of which EUR 407 000 is earmarked for sectoral support.

The FPA with Côte d'Ivoire provides fishing opportunities targeting tuna and highly migratory species for EU vessels from three Member States (Spain, France and Portugal). The European Union already has a well-developed network of bilateral Sustainable Fisheries Partnership Agreements (SFPAs) in West and Central Africa, namely with Morocco, Mauritania, Cabo Verde, Senegal, Guinea-Bissau, Liberia, Côte d'Ivoire, São Tomé and Príncipe and Gabon.

SFPAs contribute to promoting the objectives of the Common Fisheries Policy internationally by ensuring that EU fishing activities outside EU waters are based on the same principles and standards as those applicable under EU law. In addition, SFPAs strengthen the European Union's position in international and regional fishing organisations, in particular in the International Commission for the Conservation of Atlantic Tunas (ICCAT), the body set up under international law for conserving and managing highly migratory species in the region. Finally, SFPAs are based on the best available scientific advice and contribute to the improvement of compliance with international measures, including combating illegal, unreported and unregulated (IUU) fishing.

• Consistency with other Union policies

The negotiation of a new protocol to the FPA with Côte d'Ivoire is in line with the EU's external action in relation to African, Caribbean and Pacific (ACP) countries, and in particular with the EU's objectives on respecting democratic principles and human rights.

The promotion of decent work is ensured by the expected negotiation of a social clause in line with ILO Convention C188 for workers from the partner country to be employed by EU vessels.

¹ OJ L 48, 22.2.2008, p. 42.

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

³ OJ L 194, 31.7.2018, p. 3.

The negotiation of a new protocol to the SFPA with Côte d'Ivoire is also in line with the objectives of the interim Economic Partnership Agreement (EPA) between the EU and Côte d'Ivoire aimed at promoting trade in goods between the two parties.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis is the Treaty on the Functioning of the European Union, Part Five – The Union's External Action, Title V – International Agreements, Article 218, which sets out the procedure for negotiating and concluding agreements between the Union and third countries.

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

Not applicable; exclusive competence.

- **Proportionality**

The proposal is proportionate to the objective of establishing a legal, environmental, economic and social governance framework for fishing activities carried out by EU vessels in third-country waters, as set out in Article 31 of Regulation (EU) No 1380/2013 establishing the Common Fisheries Policy.

- **Choice of instrument**

The choice of instrument stems from the application of Article 218(3) and (4) TFEU.

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

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

The Commission carried out an *ex post* evaluation of the current protocol to the FPA with Côte d'Ivoire and an *ex ante* evaluation of a possible new protocol. The report of that evaluation is public⁴.

The evaluation concluded that the EU tuna fishing sector has a strong interest in continuing to fish in Côte d'Ivoire and that a new protocol would help strengthen monitoring, control and surveillance and contribute to improved governance of fisheries in the region. The importance of Abidjan as the main landing port and processing location for the EU tuna fleet in the Atlantic justifies the envisaged protocol, both for the EU tuna fishing sector and for the partner country.

- **Stakeholder consultations**

Member States, industry representatives and international civil society organisations, as well as the fisheries administration and civil society representatives of the EU and of Côte d'Ivoire, were consulted as part of the evaluation. Consultations also took place in the framework of the Long Distance Fleet Advisory Council.

- **Collection and use of expertise**

The evaluations carried out involved independent experts in the field.

⁴ <https://op.europa.eu/en/publication-detail/-/publication/6a0dbe7d-60d5-11ee-9220-01aa75ed71a1>.

- **Impact assessment**

Not applicable.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The negotiating directives set out in the annex to the proposal for a decision recommend including a clause on the consequences of violations of human rights and democratic principles.

4. BUDGETARY IMPLICATIONS

The budgetary impact of a new protocol will derive from the payment of a financial contribution to Côte d'Ivoire. The expected annual amounts for commitments and payment appropriations are determined under the annual budgetary procedure in a manner compatible with the 2021-2027 Multiannual Financial Framework, including the reserve line for proposals not having entered into force at the beginning of the year⁵.

5. OTHER ELEMENTS

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

The negotiations should begin in the first quarter of 2024 in order to prevent fishing activities from being interrupted when the current implementing protocol to the FPA expires on 31 July 2024.

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

The Commission recommends that:

- the Council authorise the Commission to open and conduct negotiations for the conclusion of a new protocol to the Fisheries Partnership Agreement with Côte d'Ivoire;
- the Commission be nominated as the EU negotiator to this end;
- the Commission conduct the negotiations in consultation with the special committee, as set out in the Treaty on the Functioning of the European Union;
- the Council approve the negotiating directives annexed to this Recommendation.

⁵ See Chapter 40 (reserve line 40 02 41) in accordance with Article 20 of the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources (OJ L 433I, 22.12.2020, pp. 28-46).

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations on behalf of the European Union for a new implementing protocol to the Fisheries Partnership Agreement with the Republic of Côte d'Ivoire

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the recommendation from the European Commission,

Whereas negotiations should be opened for the conclusion of a new implementing protocol to the Fisheries Partnership Agreement with Côte d'Ivoire,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union, a new implementing protocol to the Fisheries Partnership Agreement with the Republic of Côte d'Ivoire¹.

Article 2

The negotiating directives are set out in the Annex.

Article 3

The negotiations shall be conducted in consultation with the Council Working Party on External Fisheries Policy.

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*

¹ OJ L 48, 22.2.2008, p. 42.