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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2024) 287 final
Subject:	Proposal for a COUNCIL REGULATION on the allocation of fishing opportunities under the Implementing Protocol (2024-2029) to the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau

Delegations will find attached document COM(2024) 287 final.

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EUROPEAN
COMMISSION

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Proposal for a

COUNCIL REGULATION

**on the allocation of fishing opportunities under the Implementing Protocol (2024-2029)
to the Fisheries Partnership Agreement between the European Community and the
Republic of Guinea-Bissau**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau entered into force on 15 April 2008. It is tacitly renewable and is therefore still in force.

The previous 5-year Implementing Protocol to the Agreement entered into force on 15 June 2019 and expired on 14 June 2024. On 14 February 2024 the Council authorised the Commission to open negotiations for a new Protocol ('the new Protocol') to the Agreement.

On the basis of the relevant negotiating directives¹, the Commission conducted negotiations with Guinea-Bissau on concluding a new Implementing Protocol to the Agreement. The objective is to allow Union vessels to access Guinea-Bissau's fishing zone and to fish for demersal species (crustaceans, cephalopods and fish), small pelagic species, and tuna and associated species there. Following these negotiations, a new text of the Implementing Protocol was initialled on 16 May 2024. The new Protocol covers a period of 5 years from the date of provisional application laid down in Article 19.

The aim of the new Protocol is to grant fishing opportunities to Union vessels in the fishing zones located in Guinea-Bissau waters, in accordance with the scientific advice and the recommendations of the Joint Scientific Committee and the relevant regional fisheries management organisations (RFMOs), in particular the International Commission for the Conservation of Atlantic Tunas (ICCAT). The new Protocol provides for the following fishing opportunities:

- fin-fish and cephalopod freezer trawlers: 3 500 GRT per year;
- shrimp freezer trawlers: 3 700 GRT per year;
- small-pelagic trawlers: 0 tonnes per year;
- 28 tuna freezer seiners and longliners;
- 13 pole-and-line tuna vessels;

and support vessels in accordance with the relevant ICCAT resolutions.

The fishing opportunities for small pelagic species are expressed as a total allowable catch (TAC) and are set at 0 tonnes due to the reservations expressed on the state of the stocks and the low uptake of these fishing opportunities in the previous Protocol.

Another objective is to enhance cooperation between the Union and Guinea-Bissau by implementing the partnership framework for the Agreement in order to promote a sustainable fisheries policy and the responsible exploitation of fishery resources in Guinea-Bissau's waters, in the interest of both Parties.

¹ Council Decision authorising the opening of negotiations on behalf of the European Union for the conclusion of an Implementing Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Guinea-Bissau (ref. 6007/24 + ADD 1, approved by Coreper, Part 1, on 14 February 2024). <https://data.consilium.europa.eu/doc/document/ST-6641-2024-INIT/en/pdf>.

The method for allocating the fishing opportunities among the Member States should be established.

- **Consistency with existing policy provisions in the policy area**

The main aim of the new Protocol to the Agreement is to provide an updated framework that takes into account the priorities of the common fisheries policy and its external dimension. This will help maintain and strengthen the strategic partnership between the European Union and Guinea-Bissau.

The new Protocol provides for fishing opportunities for Union vessels. It is based on the best available scientific advice and on the recommendations made by the Joint Scientific Committee, the ICCAT and the Fishery Committee for the Eastern Central Atlantic (CECAF). The management measures adopted by the ICCAT are also included in the relevant provisions of the common fisheries policy applicable to the ICCAT area, in particular those of the Fishing Opportunities Regulation².

- **Consistency with other Union policies**

The negotiation of a new Protocol to the Agreement forms part of the Union's external action in relation to African, Caribbean and Pacific (ACP) countries and takes into account, in particular, the Union's objectives on respecting democratic principles and human rights.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis is Article 43(3) of the Treaty on the Functioning of the European Union, which establishes that the Council, on a proposal from the Commission, shall adopt measures on the allocation of fishing opportunities.

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

The proposal falls within the exclusive competence of the European Union pursuant to Article 3(1)(d) TFEU. The subsidiarity principle therefore does not apply.

- **Proportionality**

The proposal is proportionate to the objective of establishing a legal, environmental, economic and social governance framework for fishing activities carried out by Union vessels in third-country waters, as set out in Article 31 of Regulation (EU) No 1380/2013 establishing the common fisheries policy. It complies with those provisions as well as with those on financial assistance to third countries laid down in Article 32 of that Regulation.

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

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

In 2023, the Commission contracted an independent consultant to carry out an *ex post* and *ex ante* evaluation study³. On the basis of this evaluation study, the Commission carried out an

² OJ L 28, 31.1.2023, p. 1. See Section 3 and Annex I D.

³ European Commission, Directorate-General for Maritime Affairs and Fisheries, POSEIDON, *Évaluation rétrospective et prospective du Protocole de mise en œuvre de l'accord de partenariat dans*

ex post evaluation of the current Implementing Protocol and an *ex ante* evaluation of possible options for the way forward. The conclusions of the *ex post* and *ex ante* evaluations are set out in a Commission Staff Working Document (SWD)⁴.

In the *ex post* evaluation contained in the SWD, the Commission concludes that, overall, the current Implementing Protocol was effective in achieving its objectives, with some areas for improvement. In this respect, the Union fleet remains interested in accessing the fishing zones of Guinea-Bissau for the deployment of harvesting strategies under a multiannual framework, which requires the fishing opportunities and the utilisation rate applicable to the Union fleet to be aligned to some extent. In terms of the sectoral support component, the Commission concludes that the sectoral support funds have (i) helped to strengthen monitoring, control and surveillance of fisheries, and (ii) contributed to improved ocean governance in Guinea-Bissau and the region.

In the *ex ante* evaluation contained in the SWD, the Commission concludes that the negotiation of a new implementing protocol, with some adjustments, is in the interest of both the EU and Guinea-Bissau. For Guinea-Bissau, negotiating a new implementing protocol will secure continued cooperation with the Union on strengthening ocean governance through the dedicated sectoral support funds under a multiannual framework.

It is important for the Union to maintain an instrument allowing for close sectoral cooperation with a country that is a major partner, a supplier of fishery products to the Union and a stakeholder on the international stage and that has fishing grounds of interest to the Union fleet.

- **Consultation of interested parties**

As part of the above-mentioned evaluation, the Commission consulted Member States, industry representatives and international civil society organisations, as well as Guinea-Bissau's fisheries administration and civil society. These consultations led to the conclusion that it is in the interest of the Union and Guinea-Bissau to maintain an instrument allowing for in-depth sectoral cooperation, with multiannual funding possibilities for Guinea-Bissau. It is in the interest of Union vessel owners to maintain access to an important fishing zone by means of a fisheries agreement.

- **Collection and use of expertise**

The Commission used an independent consultant for the *ex post* and *ex ante* evaluations, in accordance with the provisions of Article 31(10) of Regulation (EU) No 1380/2013 establishing the common fisheries policy.

4. BUDGETARY IMPLICATIONS

The draft regulation does not affect the Union budget.

le domaine de la pêche entre l'Union européenne et la République de Guinea-Bissau Verde – Rapport final [Ex post and ex ante evaluation of the Implementing Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Guinea-Bissau – Final report], Publications Office of the European Union, 2023, <https://data.europa.eu/doi/10.2771/196367>.

⁴ Commission Staff Working Document, Evaluation to the Protocol to the Fisheries Partnership Agreement between the European Union and Guinea-Bissau, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52024SC0005>.

5. OTHER ELEMENTS

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

This procedure is being initiated in parallel with the procedures relating to the proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of the Implementing Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau, and the proposal for a Council Decision on its conclusion. This Regulation shall apply once fishing activities become possible under the Agreement, i.e. on the date of provisional application of the Protocol.

Proposal for a

COUNCIL REGULATION

on the allocation of fishing opportunities under the Implementing Protocol (2024-2029) to the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau

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 Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau¹ (hereinafter: ‘the Agreement’), approved by Council Regulation (EC) No 241/2008 of 17 March 2008², entered into force on 15 April 2008. The Agreement is renewed automatically and remains in force. The Protocol thereto setting out the fishing opportunities and financial contribution provided for in the Agreement expired on 14 June 2024.
- (2) On 14 February 2024 the Council adopted a Decision³ authorising the Commission to open negotiations with the Republic of Guinea-Bissau (hereinafter: ‘Guinea-Bissau’) for the conclusion of a new Implementing Protocol to the Agreement.
- (3) The Commission has negotiated, on behalf of the European Union (hereinafter: ‘the Union’), a new Implementing Protocol to that Partnership Agreement (hereinafter: ‘the Protocol’). As a result of those negotiations, the Protocol was initialled on 16 May 2024.
- (4) In accordance with Council Decision (EU) 2024/...⁴, the Protocol was signed on [...], subject to its conclusion at a later date. It will apply on a provisional basis as from that date, in accordance with Article 19 of the Protocol.
- (5) The fishing opportunities provided for in the Protocol, established in line with the scientific advice and the recommendations of the Joint Scientific Committee, in accordance with the recommendations and resolutions adopted by the International

¹ OJ L 342, 27.12.2007, p. 5.

² Council Regulation (EC) No 241/2008 of 17 March 2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (OJ L 75, 18.3.2008, p. 49).

³ Council Decision (EU) authorising the opening of negotiations on behalf of the European Union for the conclusion of an Implementing Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Guinea-Bissau (ref. 6007/24 + ADD 1, approved by Coreper, Part 1, on 14 February 2024): <https://data.consilium.europa.eu/doc/document/ST-6641-2024-INIT/en/pdf>.

⁴ Council Decision (EU) 2024/... of ... 2024 on ... (OJ C [...], [date], p. [...]).

Commission for the Conservation of Atlantic Tunas, should be allocated among the Member States for the entire period of its application.

- (6) These measures are urgent given the economic importance of Union fishing activities in Guinea-Bissau's fishing zone and the need to keep to a minimum any interruption of those activities. The Protocol will therefore apply on a provisional basis as from the date it is signed in order to allow Union vessels to carry out their fishing activity as soon as possible. This Regulation should therefore apply from the same date,

HAS ADOPTED THIS REGULATION:

Article 1
Fishing opportunities

The fishing opportunities established under the Implementing Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (hereinafter: 'the Protocol') shall be allocated as follows among the Member States pursuant to Articles 2 and 3 of this Regulation, throughout the period of application of the Protocol.

Article 2
Demersal species

The fishing opportunities for demersal species shall be allocated among the Member States as follows:

- (a) Shrimp freezer trawlers:
- | | |
|-----------|------------|
| Spain: | 2 500 GRT; |
| Greece: | 140 GRT; |
| Portugal: | 1 060 GRT; |
- (b) fin-fish and cephalopod freezer trawlers:
- | | |
|---------|------------|
| Spain: | 2 900 GRT; |
| Greece: | 225 GRT; |
| Italy: | 375 GRT. |

Article 3
Highly migratory species

The fishing opportunities for highly migratory species, as defined in Article 4(b) of the Protocol, shall be allocated as follows:

- (a) Tuna freezer seiners and surface longliners:
- | | |
|-----------|-------------|
| Spain: | 14 vessels; |
| France: | 12 vessels; |
| Portugal: | 2 vessels; |
- (b) pole-and-line tuna vessels:

Spain: 10 vessels;
France: 3 vessels.

Article 4
Entry into force

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 [*the date of signature of the Protocol should be inserted here*].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President