EUROPEAN COMMISSION

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2012/0129 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of fishing opportunities under 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 Government of Denmark and the Home Rule Government of Greenland, on the other hand

EXPLANATORY MEMORANDUM

On the basis of relevant Council mandate[1], the Commission on behalf of the European Union negotiated with the Government of Denmark and Government of Greenland in view of renewing the Protocol to the Fisheries Partnership Agreement between the European Union and the Government of Denmark and the Government of Greenland. Following these negotiations, a new Protocol was initialled on 3 February 2012, which covers a period of three years starting from 1 January 2013.

This procedure concerning the allocation of the fishing opportunities under this Protocol is launched in parallel with the procedures regarding the Council decision, with the consent of the European Parliament, on the conclusion of the new Protocol, and the Council decision on the signing, on behalf of the EU, and the provisional application of the said Protocol.

The new Protocol is in line with the objectives of the Fisheries Partnership Agreement aiming at strengthening the cooperation between the European Union and Greenland and promoting a partnership framework in which to develop a sustainable fisheries policy and responsible exploitation of fishery resources in the Greenlandic EEZ in the interests of both Parties

In accordance with the Treaty, the method for allocating the fishing opportunities among the Member States should be defined.

It should be further noted that the detailed fixation of the fishing opportunities available in certain non-EU waters for certain fish stocks and group of fish stocks which are subject to international negotiations or agreements is adopted annually by the Council regulation fixing for each year the fishing opportunities. Given the specificity of capelin fishery which is quite different from other stocks, the fishing season runs from 20 June till 30 April of the following year, and to able to implement it, powers should be conferred on the Commission by the Council.

The Commission proposes, on this basis, that the Council adopts this Regulation.

[1] Adopted by the 3108th meeting of the Council (Agriculture and Fisheries), on Tuesday 19 July 2011, as the "A" items listed in 12843/11.

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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, paragraph 3 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 28 June 2007 the Council adopted Regulation (EC) No 753/2007[1] on the conclusion of the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand.

(2) Since the current 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 Government of Denmark and the Home Rule Government of Greenland, on the other hand ('the Protocol') will expire on 31 December 2012, a new Protocol was initialled on the 3 February 2012. The new Protocol provides EU fishing vessels with fishing opportunitites in Greenlandic waters.

(3) On …, the Council adopted Decision No …. /2012[2] on the signing and the provisional application of the new Protocol.

(4) The method for allocation of the fishing opportunities among the Member States should be defined for the period of application of the new Protocol, in accordance with Article 20 of Council Regulaiton (EC) No 2371/2002 of 20 September 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy[3].

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1 OJ L 172, 30.6.2007, p.1.

2 OJ L, …, p. ….
OJ: Please insert the date, the number and the OJ reference for the Decision

3 OJ L 358, 31.12.2002, p. 59.

(5) The more detailed fixation of the fishing opportunities available in certain non-EU waters for certain fish stocks and group of fish stocks which are subject to international negotiations or agreements is to be adopted annually by the Council regulation fixing for each year the fishing opportunities.

(6) In accordance with Article 10(1) of 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 waters[4], if it appears that the number of fishing authorisations or the amount of fishing opportunities allocated to the Union under the protocol are not fully utilised, the Commission is to inform the Member States concerned. The absence of a reply within the deadline to be set by the Council is to be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the given period. That deadline should be set.

(7) In order to ensure uniform conditions for the implementation of this Regulation relating to revising an allocation of quotas for capelin available to the Union in Greenland waters, implementing powers should be conferred on the Commission.

(8) Given that the current Protocol will expire on 31 December 2012 and that the new Protocol is to be provisionally applied from 1 January 2013, this Regulation should apply from 1 January 2013,

HAS ADOPTED THIS REGULATION:

Article 1

1. If applications for fishing authorisations from the Member States under the Protocol to the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand by the date set out in the Annex of this Regulation for each stock concerned do not cover all the annually allocated fishing opportunities set by that Protocol, the Commission shall consider applications for fishing authorisations from any other Member State pursuant to Article 10 of Regulation (EC) No 1006/2008.

2. The deadline referred to in Article 10(1) of Regulation (EC) No 1006/2008 shall be set at 10 working days.

3. For each stock referred to in the Annex, the Commission shall inform the Member States about the level of utilisation of the fishing opportunitites based on licence applications received at the latest:

   (a) one month before the date set out in the Annex; and

   (b) by the date set out in the Annex.

[4] OJ L 286,29.10.2008, p. 33.

4. The Commission shall revise quotas for capelin available to the Union in Greenland waters of ICES subareas V and XIV on the basis of the TAC and its allocation to the Union established by Greenland in accordance with the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand, and the Protocol thereto.

Article 2

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

2. It shall apply from 1 January 2013.

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

Done at Brussels,

For the Council
The President

Annex

Date referred to in Article 1(1) and (3):

Stock	Date
Northern Prawn in ICES Subareas XIV & V	1 August
Greenland halibut in ICES Subareas XIV & V	15 September
Atlantic halibut in ICES Subareas XIV & V and NAFO Subarea 1	1 September
Greenland halibut in NAFO Subarea 1 – South of 68º North	15 October
Northern Prawn in NAFO Subarea 1	1 October
Pelagic Redfish in ICES Subareas XIV & V and in NAFO Subarea 1F	1 September
Demersal Redfish in ICES Subareas XIV & V and in NAFO Subarea 1F	1 September
Snowcrab in NAFO Subarea 1	1 October
Cod in ICES Subarea XIV and in NAFO Subarea 1	31 October