



EUROPEAN COMMISSION

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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 Republic of Kiribati, on the other**

## EXPLANATORY MEMORANDUM

On the basis of relevant Council mandate<sup>1</sup>, the Commission on behalf of the European Union negotiated with the Republic of Kiribati in view of renewing the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Kiribati. Following these negotiations, a new Protocol was initialled on 3 June 2012, which covers a period of three years starting from 16 September 2012.

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 the Republic of Kiribati and promoting a partnership framework in which to develop a sustainable fisheries policy and responsible exploitation of fishery resources in the Kiribati's EEZ in the interests of both Parties.

The two Parties have agreed to cooperate with a view to implementing Kiribati's sectoral fisheries policy and to that end shall continue the policy dialogue on the relevant programming.

The new Protocol provides for a total financial contribution of EUR 1.325.000 per year for the whole period. This amount corresponds to: a) EUR 975.000 per year for the access to the Kiribati's EEZ, and b) EUR 350.000 per year, corresponding to the additional envelop paid by the EU to support of Kiribati's fisheries policy.

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

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<sup>1</sup> Adopted by the 3155th meeting of the Council (Agriculture and Fisheries), on Tuesday 20 March 2012, as the "A" items listed in [7707/12](#).

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## **COUNCIL REGULATION**

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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 23 July 2007 the Council adopted Regulation (EC) No 893/2007<sup>1</sup> concerning the conclusion of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other.
- (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 Republic of Kiribati, on the other (hereinafter referred to as 'the Protocol') will expire on 15 September 2012, a new Protocol was initialled on 3 June 2012. The new Protocol provides Union fishing vessels with fishing opportunities in Kiribati's waters.
- (3) On ..., the Council adopted Decision .... /2012<sup>2</sup> 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 Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy<sup>3</sup>.
- (5) 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

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<sup>1</sup> OJ L 205, 7.8.2007, p.1

<sup>2</sup> OJ L, ..., p. ....

*OJ: Please insert the date, the number and the OJ reference for the Decision*

<sup>3</sup> OJ L 358, 31.12.2002, p. 59.

Community waters<sup>4</sup>, 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.

- (6) Given that the current Protocol will expire on 15 September 2012 and that the new Protocol is to be provisionally applied from 16 September 2012, this Regulation should apply from 16 September 2012,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:
  - (a) purse seine vessels:
    - Spain – 3 vessels
    - France – 1 vessel
  - (b) long-line vessels:
    - Spain – 3 vessels
    - Portugal – 3 vessels
2. Regulation (EC) No 1006/2008 shall apply without prejudice to the Fisheries Partnership Agreement between the European Union, on the one hand, and the Republic of Kiribati, on the other.
3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all the fishing opportunities set out in the Protocol, the Commission shall consider applications for fishing authorisation from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.
4. The deadline referred to in Article 10(1) of Regulation (EC) No 1006/2008 shall be set at 10 working days.

#### *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 16 September 2012.

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<sup>4</sup> OJ L 286, 29.10.2008, p. 33.

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

Done at Brussels,

*For the Council*  
*The President*