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2013/0382 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of fishing opportunities under the Protocol agreed between the European Union and the Union of the Comoros setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On the basis of the powers conferred on it by the Council[1], the European Commission has conducted negotiations with the Union of the Comoros with a view to renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Union of the Comoros. At the end of the negotiations a new draft protocol was initialled by the negotiators on 5 July 2013. The new Protocol covers a period of three years from 1 January 2014, the date of provisional application laid down in Article 13.

The main aim of the Protocol to the Agreement is to provide fishing opportunities for European Union vessels in the fishing zone of the Union of the Comoros within the limits of the available surplus. The Commission's negotiating position was based in part on the results of an ex-post evaluation carried out by external experts.

The general aim is to strengthen cooperation between the European Union and the Union of the Comoros, thereby creating a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fisheries resources in the fishing zone of the Union of the Comoros, in the interests of both Parties.

More specifically, the Protocol provides for fishing opportunities in the following categories:

– 42 freezer tuna seiners;

– 20 surface longliners.

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

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

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The interested parties were consulted during the evaluation of the Protocol for the period 2011-13. Experts from the Member States were also consulted in technical meetings. These consultations led to the conclusion that it would be beneficial to maintain a fishing protocol with the Union of the Comoros.

3. LEGAL ELEMENTS OF THE PROPOSAL

This procedure is being initiated in parallel with the procedures relating to the Council decision on provisional application of the Protocol as well as the Council decision concluding the Protocol as such.

[1] Adopted by the Agriculture and Fisheries Council on 18 March 2013.

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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(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 5 October 2006, the Council adopted Regulation (EC) No 1563/2006 on the conclusion of the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros [2].

(2) The European Community and the Union of the Comoros notified each other on 3 May 2007 and 6 March 2008 of the completion of the procedures necessary for the entry into force of the Partnership Agreement between the European Community and the Union of the Comoros[3].

(3) A new Protocol to the Partnership Agreement (hereinafter referred to as the 'new Protocol') was initialled on 5 July 2013. The new Protocol grants EU vessels fishing opportunities in the fishing zone over which the Union of the Comoros exercises its jurisdiction.

(4) On […] the Council adopted Decision …/2013/EU[4] on the signing and provisional application of the new Protocol.

(5) The method for allocating the fishing opportunities among the Member States should be defined for the period of application of the new Protocol.

(6) Article 10(1) of Council Regulation (EC) No 1006/2008[5] provides that the Commission will inform the Member States concerned if it appears that the fishing opportunities allocated to the European Union under the new Protocol are not fully exhausted. If no reply is received within a time limit to be set by the Council, this will be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the period in question. That time limit should be set.

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2 OJ L 290, 20.10.2006.

3 OJ L 125, 9.5.2008.

4 OJ C …*

5 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 (OJ L 286, 29.10.2008, p.33).

(7) To ensure EU vessels can continue their fishing activities, Article 13 of the new Protocol provides for its application by the Parties on a provisional basis as from 1 January 2014.

(8) This Regulation should apply from the provisional application of the new Protocol,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities established under the Protocol agreed between the European Union and the Union of the Comoros setting out the fishing opportunities and financial contribution provided for by the Fisheries Partnership Agreement between the two parties currently in force (hereinafter referred to as the 'Protocol') shall be allocated among the Member States as follows:

– 42 tuna seiners:
  – Spain: 21 vessels
  – France: 21 vessels
– 20 surface longliners:
  – Spain: 8 vessels
  – France: 9 vessels
  – Portugal: 3 vessels

2. Regulation (EC) No 1006/2008 shall apply without prejudice to the Fisheries Partnership Agreement between the European Community and the Union of the Comoros.

3. The time limit within which the Member States must confirm that they are not fully exhausting the fishing opportunities granted to them under the Agreement, as provided by Article 10(1) of Regulation (EC) No 1006/2008, is set at ten working days from the date on which the Commission communicates this information to them.

Article 2

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

It shall apply from 1 January 2014.

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

Done at Brussels,

For the Council
The President