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Proposal for a

COUNCIL REGULATION

concerning the allocation of fishing opportunities under the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Senegal

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Council authorised the European Commission to negotiate, on behalf of the European Union, the renewal of the Agreement between the Government of the Republic of Senegal and the European Economic Community on fishing off the coast of Senegal, which entered into force on 1 June 1981, and a Protocol setting out the fishing opportunities and financial contribution. At the end of the negotiations a new draft Agreement and Protocol were initialled by the negotiators on 25 April 2014. The new Agreement repeals and replaces the existing Agreement; it covers a period of five years from its entry into force, renewable by tacit agreement. The new Protocol covers a period of five years from the date of provisional application laid down in Article 12, that being the date on which it was signed by the parties.

The main aim of the new Agreement is to provide an updated framework taking into account the priorities of the reformed Common Fisheries Policy and its external dimension, with a view to establishing a strategic partnership between the European Union and the Republic of Senegal in the field of fisheries.

The aim of the Protocol is to grant fishing opportunities to European Union vessels in Senegalese waters taking into account available scientific assessments, in particular those of the Fishery Committee for the Eastern Central Atlantic (CECAF), and in accordance with the best available scientific advice and the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), within the limits of the available surplus. The Commission based its position in part on the results of a forward-looking assessment, carried out by external experts, of whether a new Agreement and Protocol should be concluded. The aim is also to enhance cooperation between the European Union and the Republic of Senegal to promote a sustainable fisheries policy and sound exploitation of fisheries resources in the Senegalese fishing zones, in the interests of both parties.

The Protocol provides for fishing opportunities in the following categories:

- 28 tuna seiners;
- 8 pole-and-line vessels;
- 2 trawlers (targeting black hake, a deep-sea demersal species).

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 INTERESTED PARTIES AND IMPACT ASSESSMENTS

The interested parties were consulted as part of the forward-looking assessment of whether a new Fisheries Partnership Agreement should be entered into by the European Union and the Republic of Senegal. Experts from the Member States were also consulted in technical meetings. These consultations led to the conclusion that it would be beneficial to renew the Fisheries Agreement and conclude a Fisheries Protocol with the Republic of Senegal.

3. LEGAL ELEMENTS OF THE PROPOSAL

This procedure is being initiated in parallel with the procedures relating to the Council Decision authorising the signature and provisional application of the Sustainable Fisheries Partnership Agreement and the Implementation Protocol thereto, and to the Council Decision

on the conclusion of a Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Senegal and the Implementation Protocol thereto.

4. BUDGETARY IMPLICATION

The annual financial contribution has been set at EUR 1 808 000 for the first year, EUR 1 738 000 for the second, third and fourth years and EUR 1 668 000 for the fifth year, based on:

(a) a reference tonnage of 14 000 tonnes for tunas and a volume of authorised catches of 2 000 tonnes for black hake, the amounts linked to such access having been set at EUR 1 058 000 for the first year, EUR 988 000 for the second, third and fourth years, and at EUR 918 000 for the fifth year; and

(b) support for the development of the sectoral fisheries policy of the Republic of Senegal amounting to EUR 750 000 per year. This support meets the objectives of the national fisheries policy and in particular the needs of the Republic of Senegal in terms of support for scientific research, for monitoring and fighting against illegal fishing, and for small-scale fishing, including the rehabilitation of degraded ecosystems to allow the recovery of juvenile stocks.

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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 25 April 2014 the European Union and the Republic of Senegal initialled a Sustainable Fisheries Partnership Agreement (hereinafter referred to as ‘the Partnership Agreement’) and an Implementation Protocol thereto granting EU vessels fishing opportunities in waters in which the Republic of Senegal exercises its sovereignty or jurisdiction with regard to fishing.
- (2) On [...] the Council adopted decision 2014/.../UE¹ on the signature and provisional application of the Partnership Agreement and the Implementation Protocol thereto.
- (3) The method for allocating the fishing opportunities among the Member States should be defined, both for the period of provisional application and for the duration of the Protocol.
- (4) In order to ensure that the fishing opportunities available to the European Union under the Protocol are used in full, the Commission should be empowered to temporarily reallocate fishing opportunities not used by one Member State to another Member State,

HAS ADOPTED THIS REGULATION:

Article 1

- (1) The fishing opportunities set out in the Implementing Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Senegal (hereinafter referred to as ‘the Protocol’) shall be allocated among the Member States as follows:
 - (a) tuna seiners:

Spain	16 vessels
France	12 vessels

¹ OJ L of , p. .

(b) (b) pole-and-line vessels:

Spain 7 vessels

France 1 vessel

(c) (c) trawlers:

Spain 2 vessels

(2) 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 as from the date on which the Commission communicates this information to them.

Article 2

This Regulation shall enter into force on the third 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.

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

Done at Brussels,

For the Council
The President