

EN

EN

EN



EUROPEAN COMMISSION

Brussels, 15.10.2010
COM(2010) 563 final

2010/0285 (NLE)

Proposal for a

COUNCIL REGULATION

**concerning the allocation of the fishing opportunities under the Fisheries Partnership
Agreement between the European Community and the Union of the Comoros**

EXPLANATORY MEMORANDUM

Based on a mandate from the Council¹, the European Commission has negotiated with the Union of the Comoros to renew the Protocol to the Fisheries Partnership Agreement between the European Community and the Union of the Comoros, dated 6 October 2006. On conclusion of these negotiations, a new Protocol was initialled on 21 May 2010 covering a period of three years from the time of the adoption of the Council decision on the signing on behalf of the Union and on the provisional application of the said Protocol and after expiry of the current Protocol on 31 December 2010.

The new Protocol to the Partnership Agreement was transmitted to the Council for it to approve the signing and the provisional application. It was also transmitted to the Council and to the Parliament with a view to its conclusion.

With regard to the fishing opportunities, 45 tuna seiners and 25 surface longliners will be authorised to fish under the new Protocol. In accordance with the Treaty, the method for allocating the fishing opportunities among the Member States should be defined.

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

¹ Decision No 9180/10 of 10 May 2010.

Proposal for a

COUNCIL REGULATION

concerning the allocation of the fishing opportunities under the Fisheries Partnership Agreement between the European Community and the Union of the Comoros

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 Commission²,

Whereas:

- (1) The European Union and the Union of the Comoros have negotiated and initialled on 21 May 2010 a new Protocol to the Fisheries Partnership Agreement providing European Union vessels with fishing opportunities in the waters over which the Comoros has sovereignty or jurisdiction in respect of fisheries,
- (2) The Council has adopted on [...] decision XXX/2010/EU³ on the signing and on the provisional application of the new Protocol,
- (3) The method for allocating the fishing opportunities among the Member States should be defined both for the period of the 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, it is necessary that the Commission be empowered to temporarily reallocate fishing opportunities not used by one Member State to another Member State, without affecting the allocation or the exchange of fishing opportunities amongst the Member States under the Protocol,
- (5) This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union in particular to ensure the continuity of the fishing activities after the expiry of the current Protocol on 31 December 2010.

² OJ C , , p. .

³ OJ C , , p. .

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities set out in the Protocol to the Fisheries Partnership Agreement between the European Community and the Union of the Comoros, as provided for in Decision XXX/2010/EU on the signing and on the provisional application of the Protocol to the Fisheries Partnership Agreement between the European Community and the Union of the Comoros, shall be allocated among the Member States as follows:

(a) tuna seiners

Spain	22 vessels
France	22 vessels
Italy	1 vessel

(b) surface longliners

Spain	12 vessels
France	8 vessels
Portugal	5 vessels

2. Without prejudice to the provisions of the Agreement and the Protocol, 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 waters⁴ shall apply.
3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all the fishing opportunities set by the Protocol, the Commission may consider applications for fishing authorisations from any other Member State in accordance with the provisions of Article 10 of Regulation (EC) No 1006/2008.

If it appears that the fishing opportunities referred to in paragraph 1 are not being fully used, the Commission shall inform the Member States concerned and request them to confirm that they are not making use of those fishing opportunities. Absence of a reply within 10 days shall 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. After confirmation by the Member State concerned, the unused fishing opportunities shall be made available to the Member States.

⁴ OJ L 286, 29.10.2008, p. 33.

Article 2

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

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

Done at Brussels,

For the Council
The President