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Proposal for a

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

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 Commission proposes, on this basis, that the Council, with the consent of the Parliament, adopt by Decision the conclusion of this new Agreement and Protocol.

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

Regulation concerning allocation of the fishing opportunities between the Member States of the European Union.

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(2) in conjunction with Article 218(6)(a) and (7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

Whereas:

- (1) The Union has signed with Senegal a Sustainable Fisheries Agreement for a duration of five years, renewable by tacit agreement, and an Implementation Protocol thereto for a period of five years, granting Union vessels fishing opportunities in the waters over which the Republic of Senegal has sovereignty or jurisdiction in respect of fisheries.
- (2) The Agreement and Protocol were signed on [...] in accordance with Decision 2014/./EU² and will apply on a provisional basis from the date of their signature.
- (3) The Agreement and Protocol should be approved on behalf of the Union.
- (4) The Agreement establishes a Joint Committee responsible for monitoring its implementation. Furthermore, in accordance with the Protocol, the Joint Committee may approve certain amendments to the Protocol. In order to facilitate the approval of such amendments, the Commission should be empowered, subject to specific conditions, to approve them under a simplified procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Senegal (hereinafter referred to as ‘the Agreement’) and the Implementation Protocol thereto (hereinafter referred to as ‘the Protocol’) are hereby approved on behalf of the Union.

The text of the Agreement and Protocol is attached to this Decision as Annexes I and II.

Article 2

The President of the Council shall designate the person(s) empowered on behalf of the Union to make the notification provided for in Article 16 of the Agreement and Article 13 of the

¹ OJ C , , p. .

² OJ C , , p. .

Protocol, in order to express the consent of the Union to be bound by the Agreement and the Protocol thereto.

Article 3

In accordance with the conditions laid down in Annex III to this Decision, the Commission is authorised to approve, on behalf of the Union, any amendments to the Protocol adopted by the Joint Committee provided for in Article 7 of the Agreement.

Article 4

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

Done at Brussels,

For the Council
The President