



Council of the
European Union

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2021/0312(NLE)**

PECHE 338

PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	6 October 2021
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2021) 613 final
Subject:	Proposal for a COUNCIL DECISION on the conclusion, on behalf of the European Union, of the Protocol (2021-2024) on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands

Delegations will find attached document COM(2021) 613 final.

Encl.: COM(2021) 613 final



Brussels, 6.10.2021
COM(2021) 613 final

2021/0312 (NLE)

Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Union, of the Protocol (2021-2024) on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The Sustainable Fisheries Partnership Agreement (SFPA) between the European Union and the Government of the Cook Islands was signed on 3 May 2016 and on 14 May 2016 respectively, and entered into provisional application on 14 May 2016 for a duration of eight years. It is tacitly renewable and is still in force. The first 4-year Protocol on the implementation of the SFPA entered into provisional application on 14 October 2016 and expired on 13 October 2020. Both the Agreement and the Protocol entered into force on 10 May 2017.

On 7 July 2020, the Council adopted a mandate¹ authorising the European Commission to open negotiations for a new protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands and for the possible prolongation of the Protocol² to that Agreement, which was due to expire on 13 October 2020.

During the first round of negotiations (16 July 2020), negotiators from the EU and the Cook Islands agreed that due to the complex nature of the negotiations, a number of rounds would be needed in order to complete the negotiations. Both parties therefore agreed to extend the Protocol for a maximum period of one year, in line with the mandate from the Council. The extension was established by way of an Agreement in the form of an exchange of letters which was initialled on 29 July 2020 in Brussels and Rarotonga (the Cook Islands).

The protocol was extended for one year from the following date of the signature of the exchange of letters by both Parties, i.e. the 14 November 2020. Consequently the current protocol will expire on 13 November 2021.

On the basis of the relevant negotiating directives³, the Commission conducted negotiations with the Cook Islands with a view to concluding a new SFPA implementing Protocol on behalf of the European Union. Following these negotiations, a protocol was initialled by the negotiators on 28 July 2021. The new Protocol covers a period of 3 years from the date of provisional application laid down in Article 11 thereof, that being the date on which it is signed by both parties.

The purpose of this proposal is to authorise the conclusion of the protocol on implementation of the SFPA between the European Union and the Government of the Cook Islands.

The aim of the Protocol is to grant fishing opportunities to Union vessels in the Cook Islands' fishery waters in accordance with scientific advice and the recommendations of the Western and Central Pacific Fisheries Commission (WCPFC), within the limits of the available surplus. The aim is also to strengthen cooperation between the European Union and Cook Islands, thereby creating a partnership framework within which to develop a sustainable

¹ COUNCIL DECISION authorising the opening of negotiations for a new protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands and for the possible prolongation of the current protocol to that Agreement (ST 8848/20).

² Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands (OJ L 131, 20.05.2016, p. 10.).

³ Adopted at the 3418th Agriculture and Fisheries Council on 22 October 2015.

fisheries policy and sound exploitation of fishery resources in the the Cook Islands' fishing areas, in the interests of both parties.

The new EU-Cook Islands protocol allows the EU fleet to fish in the Cook Islands waters for tuna species and provides for fishing opportunities as follows:

- 4 tuna purse seine vessels, with an access to Cook Islands fishing area for 100 days per year;
- possible additional 110 days per year can be made available to the EU fleet, upon request.

- **Consistency with existing policy provisions in the policy area**

In accordance with the priorities of the Regulation establishing the common fishery policy ('CFP Regulation')⁴, the Protocol provides fishing opportunities for Union vessels in the Cook Islands' fishing areas, on the basis of the best available scientific advice and following WCPFC recommendations. The Protocol also enables the European Union and the Cook Islands to work more closely together on promoting sound exploitation of fishery resources in the Cook Islands' fishing areas and to support efforts by the Cook Islands to develop its fisheries sector, in the interests of both parties.

- **Consistency with other Union policies**

The negotiation of a new Protocol implementing the SFPA – part of which involves this proposed extension – forms part of the EU's external action in relation to African, Caribbean and Pacific ('ACP') countries and takes into account, in particular, EU objectives on respecting democratic principles and human rights.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORIONALITY

- **Legal basis**

The legal basis is Article 43(2) of the Treaty on the Functioning of the European Union (TFEU), which establishes the common fisheries policy, and Article 218(6) TFEU which provides that the Council, on a proposal by the negotiator, must adopt a decision concluding the agreement.

Article 17(1) of the Treaty on European Union lays down that with the exception of the common foreign and security policy, the Commission is to ensure the EU's external representation. Consequently, officials designated by the Commission have sole competence for notifying the conclusion of an agreement between the EU and a third country.

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the exclusive competence of the European Union.

⁴ OJ L 354, 28.12.2013, p. 22.

- **Proportionality**

The proposal is proportionate to the objective of establishing a legal, environmental, economic and social governance framework for fishing activities carried out by EU vessels in third-country waters, as set out in Article 31 of the CFP Regulation. It complies with those provisions as well as with those on financial assistance to third countries laid down in Article 32 of that Regulation.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- ***Ex-post* evaluations/fitness checks of existing legislation**

Stakeholders were consulted during the evaluation of the Protocol for the period 2016-20. 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 Protocol with the Cook Islands.

- **Stakeholder consultation**

Member States, industry representatives, international civil society organisations and the fisheries administration and civil society representatives of the Cook Islands were consulted as part of the evaluation. Consultations also took place in the framework of the Long Distance Advisory Council.

- **Collection and use of expertise**

The Commission used an independent consultant for the *ex-ante* and *ex-post* evaluations, in accordance with Article 31(10) of the CFP Regulation.

- **Impact assessment**

Not applicable

- **Regulatory fitness and simplification**

Not applicable

- **Fundamental rights**

The negotiated agreement includes a clause on the consequences of violating the essential elements regarding human rights laid down in Article 9 of the Cotonou Agreement⁵, or the corresponding article of the agreement which will succeed it.

4. BUDGETARY IMPLICATIONS

The annual financial contribution from the European Union is EUR 700 000, based on:

⁵ OJ L 317 15.12.2000, p. 3.

a) an annual amount for access to fishery resources for the categories provided for in the Protocol, set at EUR 350 000 for the duration of the Protocol;

b) support for the development of the Cook Islands' sectoral fisheries policy amounting to EUR 350 000 per year, for the duration of the Protocol. This support meets the objectives of the Cook Islands' national policy on the sustainable management of their maritime fishery resources for the entire duration of the Protocol.

The annual amount for commitment and payment appropriations is established during the annual budgetary procedure, including for the reserve line for protocols not yet having entered into force at the beginning of the year⁶.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The monitoring arrangements are provided for in the SFPA and its implementing Protocol.

⁶ In accordance with the Interinstitutional Agreement on cooperation in budgetary matters (2013/C 373/01).

Proposal for a

COUNCIL DECISION

on the conclusion, on behalf of the European Union, of the Protocol (2021-2024) on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands

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)(v) and (7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands⁷ ('the Partnership Agreement') was approved by Council Decision (EU) No 2017/418⁸.
- (2) In accordance with Council Decision [XXX] of [...] ⁹, the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands ('the Protocol') was signed on [...], subject to its conclusion at a later date.
- (3) The Protocol aims to enable the Union and the Government of the Cook Islands to continue working together to promote a sustainable fisheries policy and the sound exploitation of fisheries resources in Cook Islands' fishery waters and to allow Union vessels to fish in those waters.
- (4) This Protocol should be approved on behalf of the European Union.
- (5) Article 6 of the Partnership Agreement sets up a Joint Committee responsible for monitoring the implementation of the Partnership Agreement and its implementing Protocol. Furthermore, pursuant to Article 5 of the Protocol, the Joint Committee may approve certain amendments to the Protocol. In order to facilitate the approval of such

⁷ OJ L 131, 20.05.2016, p. 3.

⁸ Council Decision (EU) 2017/418 of 28 February 2017 on the conclusion on behalf of the European Union of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands and the Implementation Protocol thereto (OJ L 64, 10.03.2017, p. 1).

⁹ Council Decision (EU) 2021/... of ... 2021 on the signing, on behalf of the European Union, and provisional application of the protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands (OJ C [...], [...], p. [...]).

amendments, the Commission should be empowered, subject to specific substantive and procedural conditions, to approve them on behalf of the Union under a simplified procedure.

- (6) The Union's position on amendments that are proposed to the Protocol should be established by the Council. The proposed amendments should be approved unless a blocking minority of Member States objects to them in accordance with Article 16(4) of the Treaty on European Union.
- (7) In view of the economic importance of the Union fishing activities in the Cook Islands' fishing areas and the need to avoid interrupting those activities upon the expiration of the current protocol on 13 November 2021, these measures should enter into force as soon as possible,
- (8) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹⁰ of the European Parliament and of the Council and delivered an advice on [insert date]¹¹.

HAS ADOPTED THIS DECISION:

Article 1

The Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands ('the Protocol') is hereby approved on behalf of the Union.

The text of the Protocol is contained in Annex I to this Decision.

Article 2

In accordance with the provisions and conditions laid down in Annex II to this Decision, the Commission is hereby authorised to approve, on behalf of the Union, amendments to the Protocol adopted by the Joint Committee set up under Article 6 of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands.

Article 3

The Commission shall, on behalf of the Union, give the notification provided for in Article 12 of the Protocol with a view to expressing the Union's consent to be bound by the Protocol.

¹⁰ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

¹¹ Ref. EDPS: [please insert reference].

Article 4

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

Done at Brussels,

*For the Council
The President*

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

1.2. Policy area(s) concerned

1.3. The proposal/initiative relates to:

1.4. Objective(s)

1.4.1. General objective(s)

1.4.2. Specific objective(s)

1.4.3. Expected result(s) and impact

1.4.4. Indicators of performance

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for rollout of the implementation of the initiative

1.5.2. Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention, which is additional to the value that would have been otherwise created by Member States alone.

1.5.3. Lessons learned from similar experiences in the past

1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

1.5.5. Assessment of the different available financing options, including scope for redeployment

1.6. Duration and financial impact of the proposal/initiative

1.7. Management mode(s) planned

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

2.2. Management and control system(s)

2.2.1. Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)

2.3. Measures to prevent fraud and irregularities

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

3.2.2. Estimated output funded with operational appropriations

3.2.3. Summary of estimated impact on administrative appropriations

3.2.4. Compatibility with the current multiannual financial framework

3.2.5. Third-party contributions

3.3. Estimated impact on revenue

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

08 05 01 – Establishing a governance framework for fishing activities carried out by EU fishing vessels in third country waters

1.2. Policy area(s) concerned

08 – Agriculture and maritime policy

08 05 – Sustainable Fisheries Partnership Agreements (SFPAs) and Regional Fisheries Management Organisations (RFMOs)

08 05 01 – Establishing a governance framework for fishing activities carried out by EU fishing vessels in third country waters

1.3. The proposal/initiative relates to:

- The proposal/initiative relates to **a new action**
- The proposal/initiative relates to **a new action following a pilot project / preparatory action**¹²
- The proposal/initiative relates to **the extension of an existing action**
- The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objective(s)

1.4.1. General objective(s)

The negotiation and conclusion of Sustainable Fisheries Partnership Agreements (SFPAs) with third countries meet the general objective of giving EU fishing vessels access to the fishing zones of third countries and developing a partnership with those countries with a view to strengthening the sustainable exploitation of fishery resources outside EU waters.

SFPAs also ensure consistency between the principles governing the common fisheries policy and commitments made under other European policies (sustainable use of third-country resources, combating illegal, unreported and unregulated (IUU) fishing, integration of partner countries into the global economy, contribution to sustainable development in all its dimensions, and better political and financial governance of fisheries).

¹² As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

1.4.2. *Specific objective(s)*

Specific objective No

Specific objective No 1

To contribute to sustainable fishing in non-EU waters, maintain a European presence in distant-water fisheries and protect the interests of the European fisheries sector and consumers by negotiating and concluding SFPAs with coastal states, consistent with other European policies.

ABM/ABB activity(ies) concerned

08 05 01 – Establishing a governance framework for fishing activities carried out by EU fishing vessels in third country waters

1.4.3. *Expected result(s) and impact*

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

Concluding the Protocol on the implementation of the Fisheries Partnership Agreement means that the strategic fisheries partnership between the European Union and the Cook Islands can be continued and strengthened. The conclusion of the Protocol will create fishing opportunities for EU vessels in the Cook Islands fishing areas.

The Agreement and the Protocol will also contribute to better management and conservation of fishery resources, through financial support (sectoral support) for the implementation of programmes adopted at national level by the partner country, in particular the fisheries comprehensive plan, the monitoring and combating of illegal fishing and support for the small-scale fisheries sector.

1.4.4. *Indicators of performance*

Specify the indicators for monitoring progress and achievements.

Rates of utilisation of fishing opportunities (annual uptake of fishing authorisations as a percentage of availability under the Protocol).

Catch data (gathering and analysis) and the commercial value of the Agreement.

Contribution to employment and decent working conditions in fisheries and to added value in the EU and to stabilising the EU market (in aggregate with other SFPAs).

Contribution to improving research, surveillance and control of fishing activity by the partner country and the development of its fisheries sector, in particular its small-scale fisheries sector.

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

It is intended that the new Protocol on the implementation of the Sustainable Fisheries Partnership Agreement will apply provisionally from the date it is signed so as to prevent any interruption to fishing operations ongoing under the current Protocol.

The new Protocol will provide a framework for the fishing activities of the EU fleet in the Cook Islands fishing areas and will authorise EU vessel owners to apply for fishing authorisations to fish in those fishing areas. In addition, the new Protocol will enhance cooperation between the EU and the Cook Islands with a view to promoting the development of a sustainable fisheries policy in all its dimensions. The sectoral support available under the Protocol will help the Cook Islands with its national fisheries strategy, including the fight against IUU fishing, while promoting decent working conditions for fishing activity along the lines of the ILO Work in Fishing Convention 188.

1.5.2. Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.

Failure by the EU to agree on a new Protocol would impede the fishing activity of EU vessels, as the current Agreement contains a clause excluding fishing activity not taking place in the framework defined by a protocol to the Agreement. Consequently, the added value for the EU's long-distance fleet is very clear. The Protocol also offers a framework for enhanced cooperation between the EU and the Cook Islands.

1.5.3. Lessons learned from similar experiences in the past

The analysis of potential catches in the Cook Islands fishing area, available assessments and scientific advice, have led the Parties to set a reference fishing annual effort of 100 days/year covering fishing opportunities for 4 tuna purse seiners. Moreover, up to 110 additional fishing days, may be purchased by shipowners if appropriate. Sectoral support takes into account needs relating to capacity building within the fisheries authorities of the Cook Islands and the priorities of the national fisheries strategy including, in particular, scientific research and fishing control and monitoring initiatives.

1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

Funds provided as financial compensation for access under the SFPA constitute fungible revenue in the national budget of the Cook Islands. However, funds intended for sectoral support are allocated (generally by inclusion in the annual budget law) to the Ministry responsible for fisheries, as a condition for the conclusion and monitoring of SFPAs. These financial resources are compatible with

other sources of funding from other providers of international funding for carrying out projects and/or programmes at national level in the fisheries sector.

1.5.5. *Assessment of the different available financing options, including scope for redeployment*

n/a

1.6. Duration and financial impact of the proposal/initiative

Proposal/initiative of **limited duration**

- Proposal/initiative in force from the date of signing in 2021, for a period of 3 years, ending in 2024.
 - Financial impact from 2021 to 2024
- Proposal/initiative of **unlimited duration**
- Implementation with a start-up period from YYYY to YYYY,
 - followed by full-scale operation.

1.7. Management mode(s) planned¹³

Direct management by the Commission

- By its departments, including by its staff in the EU delegations;
- by the executive agencies

Shared management with the Member States

Indirect management by entrusting budget implementation tasks to:

- third countries or the bodies they have designated;
 - international organisations and their agencies (to be specified);
 - the EIB and the European Investment Fund;
 - bodies referred to in Articles 208 and 209 of the Financial Regulation;
 - public law bodies;
 - bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
 - bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
 - persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

¹³ Details of management modes and references to the Financial Regulation may be found on the BudgWeb site:
<https://myintracomm.ec.europa.eu/budgweb/EN/man/budgmanag/Pages/budgmanag.aspx>

Comments

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

The Commission (DG MARE, in cooperation with its fisheries attaché based in the region (Fiji)), will ensure regular monitoring of the implementation of the Protocol as regards the use of fishing opportunities by operators, catch data and compliance with conditions for sectoral support.

The SFPA provides for at least one annual meeting of the Joint Committee, at which the Commission and the Government of the Cook Islands review the implementation of the Agreement and Protocol and, if necessary, adjust the programming and, if applicable, the financial contribution.

2.2. Management and control system(s)

2.2.1. Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

Payments will be implemented in a decoupled manner as regards the contribution for access and the contribution for sectoral support.

The payments for access will be made annually on the anniversary date of the Protocol, except in the first year, when the payment will be made within 60 days of the start of provisional application. Vessel access will be controlled by the issuing of fishing authorisations.

The support will be paid for the first time within 3 months of the start of the provisional application, subject to the agreement on an annual and multiannual implementation programme; for the following years, it will be conditional on the results achieved. Extensive dialogue is planned on the programming and implementation of the sectoral policy laid down in the Agreement and the Protocol. Joint analysis of results also forms part of these control methods. The results achieved and the implementation rate will be monitored in accordance with the guidelines on the implementation of sectoral support, and on the basis of reports or documentary evidence provided by the partner country and assessments and verifications carried out by the fisheries attaché.

In addition, the Agreement and the Protocol contain specific clauses for their suspension, under certain conditions and in given circumstances.

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

The identified risk is the under-use of fishing opportunities by EU vessel owners and the under-use or delayed use by the Cook Islands of funds intended to finance the sectoral fisheries policy.

2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)*

Payments relating to access costs under Sustainable Fisheries Partnership Agreements (SFPAs) are subject to checks aimed at ensuring their compliance with the provisions of international agreements. Checks relating to sectoral support are aimed at monitoring the implementation of the support. Monitoring is carried out by Commission staff in EU Delegations and during Joint Committee meetings. A multiannual programming matrix is used to evaluate progress. If progress is insufficient, the payment of the next tranche is suspended or possibly reduced. The overall cost of the checks on all SFPAs is estimated to be around 1.8% (of the contributions in 2018). The procedures for checks on SFPAs are based largely on essential regulatory requirements. If no shortcomings are detected that could have a significant impact on the legality and regularity of the financial transactions, the checks are considered effective. The average error rate is estimated at 0.0%.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.

The Commission undertakes to strengthen the political dialogue and regular coordination with the Cook Islands with a view to improving the management of the Agreement and the Protocol and strengthening the EU's contribution to sustainable resource management. Any payment which the Commission makes under an SFPA is subject to the Commission's standard rules and budgetary and financial procedures. In particular, the bank accounts of the third countries into which the financial contribution is paid are fully identified. Article 2(8) of the Protocol provides that the financial contribution for access and that intended for development of the sector are to be paid into a nominated Government bank account in the Cook Islands.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. ¹⁴	from EFTA countries ¹⁵	from candidate countries ¹⁶	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	08.05.01 Establishing a governance framework for fishing activities carried out by European Union fishing vessels in third-country waters (SFAs)	Diff	NO	NO	YES	NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

¹⁴ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

¹⁵ EFTA: European Free Trade Association.

¹⁶ Candidate countries and, where applicable, potential candidates from the Western Balkans.

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

- The proposal/initiative does not require the use of operational appropriations
- x The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

Heading of multiannual financial framework	Number

DG: MARE			Year 2021	Year 2022	Year 2023	Year 2024	TOTAL
• Operational appropriations							
Budget line 08.05.01	Commitments	(1a)	0,700	0,700	0,700		2,100
	Payments	(2a)	0,350	0,700	0,700	0,350	2,100
Budget line	Commitments	(1b)					
	Payments	(2b)					
Appropriations of an administrative nature financed from the envelope of specific programmes ¹⁷							
Budget line		(3)					
TOTAL appropriations for DG MARE	Commitments	=1a+1b+3	0,700	0,700	0,700		2,100
	Payments	=2a+2b	0,350	0,700	0,700	0,350	2,100

¹⁷ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

		+3					
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• TOTAL operational appropriations	Commitments	(4)					
	Payments	(5)					
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)					
TOTAL appropriations under HEADING <...> of the multiannual financial framework	Commitments	=4+ 6	0,700	0,700	0,700		2,100
	Payments	=5+ 6	0,350	0,700	0,700	0,350	2,100

If more than one operational heading is affected by the proposal / initiative, repeat the section above:

• TOTAL operational appropriations (all operational headings)	Commitments	(4)					
	Payments	(5)					
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)					
TOTAL appropriations under HEADINGS 1 to 6 of the multiannual financial framework (Reference amount)	Commitments	=4+ 6					
	Payments	=5+ 6					

Heading of multiannual financial framework	7	‘Administrative expenditure’
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This section should be filled in using the 'budget data of an administrative nature' to be firstly introduced in the [Annex to the Legislative Financial Statement](#) (Annex V to the internal rules), which is uploaded to DECIDE for interservice consultation purposes.

EUR million (to three decimal places)

		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
DG: <.....>									
• Human resources									
• Other administrative expenditure									
TOTAL DG <.....>									
		Appropriations							

TOTAL appropriations under HEADING 7 of the multiannual financial framework	(Total commitments = Total payments)								
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EUR million (to three decimal places)

		Year 2021	Year 2022	Year 2023	Year 2024	TOTAL
TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework	Commitments	0,700	0,700	0,700		2,100
	Payments	0,350	0,700	0,700	0,350	2,100

3.2.2. Estimated output funded with operational appropriations

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ↓			Year 2021		Year 2022		Year 2023		Year 2024		Enter as many years as necessary to show the duration of the impact (see point 1.6)						TOTAL		
	OUTPUTS																		
	Type ¹⁸	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost	
SPECIFIC OBJECTIVE No 1 ¹⁹ ...																			
- Fleet access		0,350		0,350		0,350		0,350											
- Sectoral		0,350		0,350		0,350		0,350										1,050	
- Output																		1,050	
Subtotal for specific objective No 1				0,700		0,700		0,700										2,100	
SPECIFIC OBJECTIVE No 2 ...																			
- Output																			
Subtotal for specific objective No 2																			
TOTALS																			

¹⁸ Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

¹⁹ As described in point 1.4.2. 'Specific objective(s)...'

3.2.3. Summary of estimated impact on administrative appropriations

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year N ²⁰	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)				TOTAL
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HEADING 7 of the multiannual financial framework									
Human resources									
Other administrative expenditure									
Subtotal HEADING 7 of the multiannual financial framework									

Outside HEADING 7²¹ of the multiannual financial framework									
Human resources									
Other expenditure of an administrative nature									
Subtotal outside HEADING 7 of the multiannual financial framework									

TOTAL									
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

²⁰ Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

²¹ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

3.2.3.1. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
• Establishment plan posts (officials and temporary staff)							
20 01 02 01 (Headquarters and Commission's Representation Offices)							
20 01 02 03 (Delegations)							
01 01 01 01 (Indirect research)							
01 01 01 11 (Direct research)							
Other budget lines (specify)							
• External staff (in Full Time Equivalent unit: FTE)²²							
20 02 01 (AC, END, INT from the 'global envelope')							
20 02 03 (AC, AL, END, INT and JPD in the delegations)							
XX 01 xx yy zz ²³	- at Headquarters						
	- in Delegations						
01 01 01 02 (AC, END, INT - Indirect research)							
01 01 01 12 (AC, END, INT - Direct research)							
Other budget lines (specify)							
TOTAL							

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	Implementation of the Protocol (payments, access to the Cook Islands waters by EU vessels, processing of fishing authorisations), preparation and follow-up of Joint Committees, preparation for the renewal of the Protocol, external evaluation, legislative procedures, negotiations.
External staff	Implementation of the Protocol: contact with the authorities of the Cook Islands for access by EU vessels to the Cook Islands fishing areas, processing of fishing authorisations, preparation and follow-up of Joint Committees, in particular sectoral support implementation.

²² AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

²³ Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

3.2.4. *Compatibility with the current multiannual financial framework*

The proposal/initiative:

- can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).

Use of the reserve line (Chapter 40)

- requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

Explain what is required, specifying the headings and budget lines concerned, the corresponding amounts, and the instruments proposed to be used.

- requires a revision of the MFF.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. *Third-party contributions*

The proposal/initiative:

- does not provide for co-financing by third parties
- provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year N ²⁴	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

²⁴ Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

3.3. Estimated impact on revenue

- x The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
 - on own resources
 - on other revenue
 - please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative ²⁵							
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			
Article									

For assigned revenue, specify the budget expenditure line(s) affected.

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

²⁵ As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.