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COVER NOTE

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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Delegations will find attached document COM(2025) 77 final.

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2025/0047 (NLE)

Proposal for a

COUNCIL REGULATION

**on the allocation of fishing opportunities under the Protocol (2025–2029) on the
implementation of the Fisheries Partnership Agreement between the Republic of Côte
d’Ivoire and the European Community**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

On the basis of the relevant negotiating directives¹, the Commission conducted negotiations with the government of the Republic of Côte d'Ivoire ('Côte d'Ivoire') with a view to concluding, on behalf of the European Union, a new Protocol (2025–2029) on the implementation of the Fisheries Partnership Agreement between the Republic of Côte d'Ivoire and the European Community. The aim is to allow Union vessels to access Côte d'Ivoire's fishing zone and to fish for tuna and associated species there, under a management mandate of the International Commission for the Conservation of Atlantic Tunas (ICCAT). Following those negotiations, a Protocol was initialled by the negotiators on 21 November 2024. The new Protocol covers a period of four years from the date of provisional application laid down in Article 20 thereof, that date being the date on which it is signed by the Parties.

The new Protocol provides for fishing opportunities in the following categories:

- 25 tuna purse seiners;
- 7 surface longliners;
- support vessels in accordance with the relevant ICCAT resolutions and within the limits set by Côte d'Ivoire's legislation.

The aim of this proposal is to distribute those fishing opportunities among the Member States.

• Consistency with existing provisions in the policy area

The main aim of the new Protocol is to provide an updated framework, namely by taking into account the priorities of the reformed common fisheries policy and its external dimension, with a view to continuing and strengthening the strategic partnership between the European Union and the Republic of Côte d'Ivoire in the field of fisheries.

The Protocol grants fishing opportunities to European Union vessels in Côte d'Ivoire's fishing zone in accordance with the best available scientific advice and the resolutions and recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), within the limits of the available surplus. The Commission has based its position in part on the results of an evaluation of the previous (2018–2024) Protocol and an *ex ante* evaluation of whether a new Protocol should be concluded. Those evaluations were carried out by external experts. The aim is also to enhance cooperation between the European Union and the Republic of Côte d'Ivoire so as to promote a sustainable fisheries policy and the responsible exploitation of fishery resources in Côte d'Ivoire's fishing zone and in the Atlantic Ocean, in the interests of the Parties. This cooperation will also help to promote decent working conditions for fishing activity.

The new Protocol provides for fishing opportunities in the following categories:

- 25 tuna purse seiners;

¹ Adopted during the 4008th Energy Council on 4 March 2024.

- 7 surface longliners;
- support vessels in accordance with the relevant ICCAT resolutions and within the limits set by Côte d'Ivoire's legislation.

- **Consistency with other Union policies**

The negotiation of a new Protocol on the implementation of the Fisheries Partnership Agreement with Côte d'Ivoire forms part of the Union's external action in relation to the countries of the Organisation of African, Caribbean and Pacific States (OACPS) and takes into account, in particular, the Union's objectives of sustainable economic growth, human and social development, combating climate change, sustainable management of natural resources and respecting democratic principles and human rights.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis is Article 43(3) of the Treaty on the Functioning of the European Union, which establishes that the Council, on a proposal from the Commission, is to adopt measures on the allocation of fishing opportunities.

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

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

- **Proportionality**

The proposal is proportionate to the objective of establishing a legal, environmental, economic and social governance framework for fishing activities carried out by Union vessels in third-country waters, as set out in Article 31 of the Regulation establishing the common fisheries policy². It complies with those provisions and 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

In 2023, the Commission carried out an *ex post* evaluation of the 2018–2024 Protocol to the Fisheries Partnership Agreement with Côte d'Ivoire and an *ex ante* evaluation of a possible new Protocol³. The conclusions of the *ex post* and *ex ante* evaluations are set out in a Commission Staff Working Document (SWD)⁴.

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.

³ European Commission, Directorate-General for Maritime Affairs and Fisheries, Caillart, B., Defaux, V. and Guélé, M., *Évaluation rétrospective et prospective du Protocole 2018–2024 à l'accord de partenariat dans le domaine de la pêche entre l'Union européenne et la République de Côte d'Ivoire – Rapport final*, Publications Office of the European Union, 2023, <https://data.europa.eu/doi/10.2771/605016>.

⁴ Commission Staff Working Document, Evaluation Accompanying the document Recommendation for a COUNCIL DECISION authorising the opening of negotiations on behalf of the European Union for a

The evaluation concluded that the Union fishing sector has a strong interest in fishing in Côte d'Ivoire and that a new Protocol would be in the interest of both Parties. Furthermore, the new Protocol would help to strengthen monitoring, control and surveillance and would contribute to improved fisheries governance in the region.

For the Union, it is important to maintain an instrument allowing close sectoral cooperation with a country which, due to the size of the fishing zone under its jurisdiction, is a major player in ocean governance at sub-regional level. Strengthening relations with Côte d'Ivoire will also enable alliances to be built within the framework of ICCAT. Furthermore, for the Union fleet, this means maintaining access to an important fishing zone for the deployment of harvesting strategies under a multiannual, international legal framework. Moreover, the location, facilities and services of the port of Abidjan, at the heart of a busy fishing zone, make it a logistical hub and a major landing and transshipment port, which adds to the relevance of the intended new Protocol, both for the Union fishing sector and for the partner country. For the Côte d'Ivoire authorities, the aim is to maintain relations with the Union in order to strengthen ocean governance, benefit from dedicated sectoral support that provides for funding opportunities over several years and use the vessel activity to start industrialising the country's processing sector, and so help diversify its economy.

- **Stakeholder consultations**

Member States, industry representatives and international civil society organisations, as well as Côte d'Ivoire's fisheries administration and civil society representatives, were consulted as part of the evaluation. Consultations also took place in the framework of the Long Distance Fleet Advisory Council.

- **Collection and use of expertise**

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

- **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 laid down in Article 9 of the Samoa Agreement⁵ with regard to human rights.

4. BUDGETARY IMPLICATIONS

The draft regulation does not affect the Union budget.

new Implementing Protocol to the Fisheries Partnership Agreement with the Republic of Côte d'Ivoire, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52024SC0022>.

⁵ Partnership Agreement between the European Union and its Member States, of the one part, and the Members of the Organisation of African, Caribbean and Pacific States, of the other part, OJ L, 2023/2862, 28.12.2023, http://data.europa.eu/eli/agree_internation/2023/2862/oj.

5. OTHER ELEMENTS

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

This procedure is being initiated in parallel with the procedures relating to the Council Decision on the signing, on behalf of the Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the Republic of Côte d'Ivoire and the European Community, and to the Council Decision on its conclusion. This Regulation shall apply once fishing activities become possible, i.e. on the date of provisional application of the Protocol.

Proposal for a

COUNCIL REGULATION

on the allocation of fishing opportunities under the Protocol (2025–2029) on the implementation of the Fisheries Partnership Agreement between the Republic of Côte d’Ivoire and the European Community

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 17 March 2008, the Council adopted Regulation (EC) No 242/2008¹ on the conclusion of the Fisheries Partnership Agreement between the Republic of Côte d’Ivoire and the European Community² (‘the Agreement’). The Agreement entered into force on 18 April 2008.
- (2) The previous Protocol on the implementation of the Agreement expired on 31 July 2024.
- (3) The Commission has negotiated, on behalf of the European Union, a new Protocol on the implementation of the Fisheries Partnership Agreement between the Republic of Côte d’Ivoire and the European Community for a period of four years (‘the Protocol’).
- (4) Following those negotiations, the Protocol was initialled on 21 November 2024.
- (5) On [...], the Council adopted Decision (EU) [...] ³ on the signing and provisional application of the new Protocol, subject to its conclusion at a later date.
- (6) The fishing opportunities provided for in the Protocol should be allocated among the Member States for the entire period of its application.
- (7) This Regulation should apply as soon as possible in view of the economic importance of Union fishing activity in Côte d’Ivoire’s fishing zone and the need to minimise the duration of any interruption of that activity.
- (8) The Protocol will apply provisionally as from the date of its signature in order to allow fishing activity by Union vessels. This Regulation should therefore apply from the same date,

¹ OL L 75, 18.3.2008, p. 51, <http://data.europa.eu/eli/reg/2008/242/oj>.

² OL L 48, 22.2.2008, p. 41, [http://data.europa.eu/eli/agree_internation/2008/147\(1\)/oj](http://data.europa.eu/eli/agree_internation/2008/147(1)/oj).

³ [reference and OJ to be included].

HAS ADOPTED THIS REGULATION:

Article 1

The fishing opportunities established under the Protocol (2025–2029) shall be allocated among the Member States as follows:

- (a) 25 tuna seiners:
 - Spain: [14] vessels
 - France: [11] vessels
- (b) 7 surface longliners:
 - Spain: [5] vessels
 - Portugal: [2] vessels

Article 2

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

It shall apply from the date of provisional application 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