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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	9 July 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2025) 370 final
Subject:	Proposal for a COUNCIL DECISION on the conclusion, on behalf of the Union, of the Protocol (2025–2029) on the implementation of the Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community

Delegations will find attached document COM(2025) 370 final.

Encl.: COM(2025) 370 final

EUROPEAN
COMMISSION

Brussels, 9.7.2025
COM(2025) 371 final

2025/0203 (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 Democratic Republic of São Tomé and Príncipe and the European Community

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

On the basis of the Council Decision of 10 September 2024 authorising the opening of negotiations on behalf of the European Union on a new implementing protocol to the Fisheries Partnership Agreement with the Democratic Republic of São Tomé and Príncipe[1] and the negotiating directives contained therein, the Commission conducted negotiations with the government of the Democratic Republic of São Tomé and Príncipe ('São Tomé and Príncipe'). Following those negotiations, a Protocol was initialled by the negotiators on 9 April 2025. The new Protocol covers a period of four years from the date of provisional application laid down in Article 19 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:

- 26 tuna seiners;

- 9 surface longliners;

- support vessels in accordance with the relevant ICCAT resolutions and within the limits set by São Tomé and Príncipe'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 São Tomé and Príncipe in the field of fisheries.

The Protocol grants fishing opportunities to European Union vessels in São Tomé and Príncipe'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 (2019–2024) 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 São Tomé and Príncipe so as to promote a sustainable fisheries policy and the responsible exploitation of fishery resources in São Tomé and Príncipe'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.

• Consistency with other Union policies

The negotiation of a new Protocol on the implementation of the Fisheries Partnership Agreement with São Tomé and Príncipe forms part of the Union's external action in relation

[1] OJ

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 policy[2]. 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 2024, the Commission carried out an *ex post* evaluation of the 2019–2024 Protocol to the Fisheries Partnership Agreement with São Tomé and Príncipe and an *ex ante* evaluation of a possible new Protocol[3]. The conclusions of the *ex post* and *ex ante* evaluations are set out in a Commission Staff Working Document (SWD)[4].

The evaluation concluded that the Union fishing sector has a strong interest in fishing in São Tomé and Príncipe 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.

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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, F&S, POSEIDON, Defaux, V. and Caillart, B., *Évaluation rétrospective du Protocole de mise en œuvre de l'accord de partenariat dans le domaine de la pêche entre l'Union européenne et la République de Sao Tomé-et-Principe et prospective d'un éventuel futur protocole – Rapport final*, Publications Office of the European Union, 2024 (https://data.europa.eu/doi/10.2771/264668).

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 on a new implementing protocol to the Fisheries Partnership Agreement with the Democratic Republic of São Tomé and Príncipe, and possible amendments to the Fisheries Partnership Agreement or a new text of a Sustainable Fisheries Partnership Agreement (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52024SC0177&qid=1424957307348).

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 subregional level. Strengthening relations with São Tomé and Príncipe 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. For the São Tomé and Príncipe 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 São Tomé and Príncipe'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 Agreement[5] with regard to human rights.

4. BUDGETARY IMPLICATIONS

The draft regulation does not affect the Union budget.

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 Democratic Republic of São Tomé and Príncipe 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.

[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).

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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 23 July 2007, the Council adopted Regulation (EC) No 894/2007[1] on the conclusion of a Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community[2] ('the Agreement'). The Agreement entered into force on 29 August 2011.

(2) The previous Protocol on the implementation of the Agreement expired on 18 December 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 Democratic Republic of São Tomé and Príncipe and the European Community for a period of four years ('the Protocol').

(4) Following those negotiations, the Protocol was initialled on 9 April 2025.

(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 São Tomé and Príncipe's fishing zone and the need to minimise the duration of any interruption of that activity.

(8) The Protocol will apply provisionally from the date of its signature in order to allow fishing activity by Union vessels. This Regulation should therefore apply from the same date,

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1 OJ L 205, 7.8.2007, p. 35, ELI: http://data.europa.eu/eli/reg/2007/894/oj.

2 OJ L 205, 7.8.2007, p. 36, ELI: http://data.europa.eu/eli/agree_internation/2007/894/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) 26 tuna seiners:

Spain:	[15]	vessels
France:	[11]	vessels;

(b) 9 surface longliners:

Spain:	[7]	vessels
Portugal:	[2]	vessels.

Article 2

This Regulation shall enter into force on the seventh 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