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PECHE 5

PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	7 January 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2020) 1 final
Subject:	Proposal for a COUNCIL REGULATION on the allocation of the fishing opportunities under the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Seychelles

Delegations will find attached document COM(2020) 1 final.

Encl.: COM(2020) 1 final

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2020/0001 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of the fishing opportunities under the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Seychelles

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

On the basis of the relevant negotiating directives[1], the Commission conducted negotiations with the Government of the Republic of Seychelles (hereinafter "Seychelles") with a view to concluding, on behalf of the European Union, a new Sustainable Fisheries Partnership Agreement and its Implementing Protocol. At the end of the negotiations, an Agreement and Protocol (2020-2026) were initialled by the negotiators on 22 October 2019. The new Agreement repeals and replaces the existing Agreement; it covers a period of six years from the date of its provisional application laid down in Article 15, that being the date on which it is signed by the parties, and is renewable by tacit agreement. The new Protocol covers a period of six years from the date of provisional application laid down in Article 15, that being the date on which it is signed by both parties.

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

- 40 tuna purse seine vessels;
- 8 surface longliners;
- support vessels in accordance with the relevant IOTC resolutions.

The method for allocating the fishing opportunities among the Member States should be established.

• Consistency with existing policy provisions in the policy area

The main aim of the new Agreement is to provide an updated framework taking into account the priorities of the reformed Common Fisheries Policy[2] and its external dimension, with a view to continuing and reiforcing the strategic partnership between the European Union and the Republic of the Seychelles in the field of fisheries.

The aim of the Protocol is to grant fishing opportunities to European Union vessels in the Seychelles fishing zone in accordance with the best available scientific advice and the resolutions and recommendations of the Indian Ocean Tuna Commission (IOTC), within the limits of the available surplus. The Commission based its position in part on the results of an evaluation of the previous Agreement and Protocol (2014-2020), and of a forward-looking assessment of whether a new Agreement and Protocol should be concluded. Both were carried out by external experts. The aim is also to enhance cooperation between the European Union and the Republic of the Seychelles to promote a sustainable fisheries policy and sound exploitation of fisheries resources in the Seychelles fishing zone and in the Indian Ocean, in the interest of both parties. In addition, this cooperation will also contribute to promote decent working conditions in fisheries activities

• Consistency with other Union policies

The negotiation of a new Fisheries Partnership Agreement with the Seychelles forms part of the Union's external action in relation to African Caribbean and Pacific (ACP) countries and takes into account, in particular, Union objectives on respecting democratic principles and human rights.

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1 Adopted at the Agriculture and Fisheries Council on 15 July 2019.

2 OJ 354 of 28.12.2013, p.22.

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, shall adopt measures on the allocation of fishing opportunities.

• Subsidiarity (for non-exclusive competence)

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

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

• Ex-post evaluations/fitness checks of existing legislation

Stakeholders were consulted during the *ex post* and *ex ante* evaluations on a possible new Sustainable Fisheries Partnership Agreement and Implementing Protocol between the Union and Seychelles. Experts from the Member States and industry were also consulted in technical meetings. These consultations led to the conclusion that it would be beneficial for the Union and Seychelles to conclude a new Sustainable Fisheries Partnership Agreement and Implementing Protocol.

• Stakeholder consultations

Member States, industry representatives, international civil society organisations, as well as Seychelles fisheries administration and civil society, were consulted as part of the evaluation. Consultations have also taken place in the framework of the Long Distance Advisory Council, notably at the occasion of its meeting on 27 March 2019.

• Collection and use of expertise

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

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 the provisional application of the Sustainable Fisheries Partnership Agreement and its Implementing Protocol between the European Union and the Republic of Seychelles, and to the Council Decision on their conclusion. This Regulation shall apply once fishing activities become possible under the Agreement, i.e. on the date of provisional application of the Protocol.

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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) The Commission negotiated on behalf of the European Union a new Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Seychelles ("Partnership Agreement") as well as a new Implementation Protocol to the Partnership Agreement ("the Protocol").

(2) The Partnership Agreement and the Protocol were initialled at the end of those negotiations on 22 October 2019.

(3) The Partnership Agreement repeals the current Fisheries Partnership Agreement (FPA) between the European Union and Seychelles, which entered into force on 2 November 2007.

(4) In accordance with Council Decision (EU) 2019/...[3], the new Partnership Agreement and its Protocol were signed on [insert date of signature], subject to their conclusion at a later date.

(5) The fishing opportunities provided for in the Protocol should be allocated among the Member States for the entire period of application of the Protocol.

(6) The urgency of these measures are related to the economic importance of the Union fishing activities in the Seychelles fishing zone and the need to reduce as much as possible the interruption of such activities.

(7) The Protocol will apply on a provisional basis from its date of signature in order to allow for the continuation of fishing activities of Union vessels. This Regulation should therefore apply from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing opportunities established under the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and Republic of

[3] Council Decision (EU) 2019/… of … 2019 on … (OJ C , , p.).

Seychelles (hereinafter 'the Protocol') shall be allocated among the Member States as follows:

(a) tuna purse seine vessels:

Spain:	[22]	vessels
France:	[16]	vessels
Italy:	[2]	vessels

(b) surface longliners:

Spain:	[2]	vessels
France:	[4]	vessels
Portugal:	[2]	vessels

Article 2

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

It shall apply from the date of signature of the Protocol.

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

Done at Brussels,

For the Council
The President