Council of the European Union

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**2019/0072(NLE)**

**PECHE 124**

**PROPOSAL**

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| From: | Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director |
| date of receipt: | 14 March 2019 |
| To: | Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union |
| No. Cion doc.: | COM(2019) 130 final |
| Subject: | Proposal for a COUNCIL REGULATION on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024) |

Delegations will find attached document COM(2019) 130 final.

Encl.: COM(2019) 130 final

EUROPEAN
COMMISSION

Brussels, 14.3.2019
COM(2019) 130 final

2019/0072 (NLE)

Proposal for a

# COUNCIL REGULATION

**on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024)**

# 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 Cape Verde ('Cabo Verde') with a view to concluding a new Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde[2]. Following these negotiations, a new Protocol was initialled on 12 October 2018. The Protocol covers a period of five years from the date of its provisional application, i.e. from the date on which it is signed, as stated in Article 15 thereof.

The main aim of the new Protocol is to provide fishing opportunities for Union vessels in Cabo Verde waters, on the basis of the best available scientific advice and following the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). This new Protocol takes account of the results of an evaluation of the previous Protocol (2014-2018) and of a forward-looking assessment of whether a new Protocol should be concluded. Both were carried out by external experts. The Protocol will also enable the European Union and the Republic of Cabo Verde to work more closely on promoting sound exploitation of fisheries resources in Cabo Verde waters and support efforts by Cabo Verde to develop its blue economy, in the interests of both parties.

The Protocol provides for fishing opportunities in the following categories:

(a) 28 freezer tuna seiners,

(b) 27 surface longliners,

(c) 14 pole-and-line tuna vessels.

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

## 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

### • Legal basis

The legal basis chosen is the Treaty on the Functioning of the European Union, Article 43(3) of 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 policy area is an exclusive competence of the European Union.

[1] Adopted at the Justice and Home Affairs Council on 4-5 June 2018.

[2] OJ L 414, 30.12.2006, p. 3.

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

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

The interested parties were consulted during the ex-post and ex-ante evaluations on a possible new Protocol between the European Union and the Republic of Cabo Verde. 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 European Union and the Republic of Cabo Verde to conclude a new Protocol to the Fisheries Agreement.

- **Consultation of interested parties**

The Member States, industry representatives and international civil society organisations, as well as Cabo Verde'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 Advisory Council.

- **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, of the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde and to the Council Decision on its conclusion. This Regulation must be applied once fishing activities become possible under the Agreement, i.e. on the date of provisional application of the Protocol.

2019/0072 (NLE)

Proposal for a

# COUNCIL REGULATION

## on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024)

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 19 December 2006, the Council adopted Regulation (EC) No 2027/2006[1] on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (hereinafter 'the Agreement'), which entered into force on 30 March 2007, was tacitly renewed later, and which remains in force.

(2) The previous Protocol to this Agreement will expire on 22 December 2018.

(3) The Commission has negotiated on behalf of the European Union a new Protocol implementing the Agreement (hereinafter 'the Protocol'). The Protocol was initialled at the end of those negotiations on 12 October 2018.

(4) In accordance with Council Decision 2018/.../EU[2], the Protocol implementing the Fisheries Agreement between the European Community and the Republic of Cape Verde was signed on [*insert date of signature*].

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

(6) The Protocol will apply on a provisional basis from its date of signature in order to ensure an expeditious start to fishing activities of Union vessels. This Regulation should therefore apply from the same date,

[1] Council Regulation (EC) No 2027/2006 of 19 December 2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (OJ L 414, 30.12.2006, p. 1).

[2] Decision... (OJ L...,..., p...).

HAS ADOPTED THIS REGULATION:

*Article 1*

(1) The fishing opportunities established under the Protocol implementing the Fisheries Partnership Agreement between the European Community and the Republic of Capo Verde (2019-2024) (hereinafter 'the Protocol') shall be allocated among the Member States as follows:

(a) tuna seiners:

| | | |
|---|---|---|
| Spain: | [16] | vessels |
| France: | [12] | vessels |

(b) surface longliners:

| | | |
|---|---|---|
| Spain: | [21] | vessels |
| Portugal: | [6] | vessels |

(c) pole-and-line tuna vessels:

| | | |
|---|---|---|
| Spain: | [8] | 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 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*