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**PECHE 197**

**PROPOSAL**

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	16 May 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 251 final
Subject:	Proposal for a COUNCIL DECISION on the conclusion, on behalf of the Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028)

Delegations will find attached document COM(2023) 251 final.

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Encl.: COM(2023) 251 final



EUROPEAN  
COMMISSION

Brussels, 16.5.2023  
COM(2023) 251 final

2023/0147 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the conclusion, on behalf of the Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028)**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

The Fisheries Partnership Agreement ('FPA')<sup>1</sup> between the European Community, on the one hand, and the Republic of Kiribati, on the other, was signed on 28 April 2008, and entered into force on 30 April 2008 for a duration of six years<sup>2</sup>. Unless terminated by one of the parties, it is to be tacitly renewed for additional periods of six years.<sup>3</sup> Given that neither of the parties has notified their intention to terminate the FPA, it is still in force. The first Protocol on the implementation of the FPA<sup>4</sup> expired on 15 September 2012. The second such Protocol<sup>5</sup> expired on 15 September 2015.

On 26 January 2015, the Council authorised the Commission to open negotiations for a new Protocol to the FPA between the European Union and the Republic of Kiribati ('Kiribati') ('the new Protocol')<sup>6</sup>.

Based on the relevant negotiating directives, the Commission conducted negotiations<sup>7</sup> with Kiribati with a view to concluding a new Protocol on behalf of the Union. Following these negotiations, the new Protocol was initialled by the negotiators on 18 December 2022. The new Protocol covers a period of 5 years from the date of provisional application laid down in Article 22 thereof, that date being the date on which the new Protocol is signed by both parties.

The purpose of this proposal is to seek Council's authorisation for the conclusion of the new Protocol, in accordance with Article 218(6) of the Treaty on the Functioning of the European Union (TFEU).

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<sup>1</sup> Fisheries Partnership Agreement between the European Community on the one hand, and the Republic of Kiribati, on the other (OJ L 205, 7.8.2007, p. 3).

<sup>2</sup> <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2007060&DocLanguage=en>

<sup>3</sup> Article 11 of the FPA.

<sup>4</sup> Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Kiribati for the period from 16 September 2006 to 15 September 2012 (OJ L 205, 7.8.2007, p. 8).

<sup>5</sup> Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (OJ L 300, 30.10.2012, p. 3.).

<sup>6</sup> Council Decision authorising the Commission to open negotiations on behalf of the European Union for the renewal of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other hand, 26.01.2015, 5059/15

<sup>7</sup> Negotiations slowed down between 2016 and 2021, inter alia by effect of the Commission Decision (2016/C 144/05) of 21 April 2016 on notifying a third country of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing (OJ C 144, 23.4.2016, p. 4). The negotiation process could resume after the "Notice of information (2020/C 424/04), of the termination of the demarches with a third country notified on 21 April 2016 of the possibility of being identified as a non-cooperating third country pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing" (OJ C 424, 8.12.2020, p. 29).

The aim of the new Protocol is to grant fishing opportunities to Union vessels in the fishing areas within Kiribati waters in accordance with scientific advice and the recommendations of the Western and Central Pacific Fisheries Commission (WCPFC). An additional aim is to strengthen the cooperation between the Union and Kiribati, thereby implementing the FPA partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fishery resources in Kiribati waters, in the interests of both parties.

The new Protocol allows Union vessels to fish in Kiribati waters for tuna species and provides for the following fishing opportunities:

- 4 tuna purse seine vessels, with an access to Kiribati waters for 160 days per year;
- possible additional days per year can be made available to Union vessels, upon request.

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

In accordance with the objectives set out in Article 28 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>8</sup>, the new Protocol provides fishing opportunities for Union vessels in Kiribati waters, on the basis of the best available scientific advice and following the WCPFC recommendations. Highly migratory fish stocks (including tropical tuna) conservation and management in the Western and Central Pacific Ocean (WCPO) falls under the remit of the WCPFC. WCPFC's objective is to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the ocean in accordance with the 1982 Convention and the Agreement (UNCLOS). In order to conserve and manage highly migratory fish stocks in the WCPO, the members of the WCPFC adopt Conservation and Management Measures (CMMs) to ensure long-term sustainability of highly migratory fish stocks in the WCPFC Convention Area and promote the objective of their optimum utilization. These CMMs are binding for all members, cooperating non-members and participating territories of WCPFC. Decisions of the WCPFC are generally taken by consensus. As a member of the WCPFC, the Union is bound by the CMMs adopted by it.

In particular, for bigeye, yellowfin and skipjack tuna in the WCPO, the WCPFC has adopted CMM 2021-01 relating to the allocation of the total allowable catch or the total level of fishing effort for each member of the WCPFC and for each fishery (purse seine, longline, pole and line and other commercial fisheries), as well as technical measures intended to ensure the sustainable exploitation of the tropical tuna stocks.

The Technical and Compliance Committee (TCC) is the “enforcement” committee of the WCPFC. Every year, the TCC reviews members' adherence to CMMs and monitors individual countries' implementation of those measures.

The new Protocol also enables the Union and Kiribati to work more closely together on promoting sound exploitation of fishery resources in Kiribati waters and to support efforts by

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<sup>8</sup> 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 (OJ L 354, 28.12.2013, p. 22).

Kiribati to develop its fisheries sector, in the interests of both parties. This cooperation will help promote decent working conditions in the fisheries sector.

- **Consistency with other Union policies**

The negotiation of the new Protocol implementing the FPA forms part of the EU'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.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

The legal basis is Article 43(2) TFEU, which establishes the common fisheries policy, and Article 218(6) TFEU, which provides that the Council, following a proposal by the negotiator, shall 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 EU external representation. As a result, officials designated by the Commission have sole competence for notifying Kiribati of the completion of the ratification process.

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

The proposal falls under the exclusive competence of the Union, as referred to in Article 3(1), point (d), TFEU. The subsidiarity principle therefore does not apply.

- **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 Regulation (EU) No 1380/2013 establishing the common fisheries policy. It complies with Article 32 of that Regulation on financial assistance to third countries.

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

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

The ex-post evaluation<sup>9</sup> of the Protocol for the period 2012-2015 was carried out prior to the negotiation of the new Protocol. The evaluation led to the conclusion that it would be beneficial to conclude a new Protocol with Kiribati. In particular, the ex- ante evaluation concludes that the continuation of the FPA is in the interest of both parties, with a clear added

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<sup>9</sup> Maritime Affairs and Fisheries: Ex-post evaluation of the current Protocol to the Fisheries Partnership Agreement between the European Union and Republic of Kiribati, and ex-ante evaluation including an analysis of the impact of the future Protocol on sustainability.  
<https://webgate.ec.testa.eu/publications/studiesdb/Consultation.action?studyProjectId=5911>

value of EU involvement to support its strategy focused on promotion of responsible fishing practices and fight against IUU fishing in the Pacific Region.

- **Stakeholder consultations**

Member States, industry representatives, international civil society organisations and the fisheries administration and civil society representatives of Kiribati were consulted as part of the evaluation. Consultations also took place in the framework of the Long Distance Advisory Council. These consultations led to the conclusion that it would be beneficial to conclude a new Protocol with Kiribati.

- **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 Regulation (EU) No 1380/2013.

- **Fundamental rights**

The new Protocol includes a clause on the consequences of violating the essential elements on human rights laid down in Article 9 of the Cotonou Agreement<sup>10</sup>, or the corresponding article of the agreement that will succeed it.

#### **4. BUDGETARY IMPLICATIONS**

The annual financial contribution from the Union is EUR 760 000, based on:

- (a) an annual amount for access to fishery resources for the categories provided for in the Protocol, set at EUR 360 000 for the duration of the new Protocol;
- (b) support for the development of Kiribati's sectoral fisheries policy amounting to EUR 400 000 per year, for the duration of the new Protocol.

This support meets the objectives of Kiribati's policy on the sustainable management of their maritime fishery resources for the entire duration of the new 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 year<sup>11</sup>.

#### **5. OTHER ELEMENTS**

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

The monitoring arrangements are provided for in the FPA and the new Protocol.

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<sup>10</sup> Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 - Protocols - Final Act – Declarations (OJ L 317, 15.12.2000, p. 3)

<sup>11</sup> 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 Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028)**

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), point (a)(v), and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>1</sup>,

Whereas:

- (1) In accordance with Council Decision [XXX] of [...] <sup>2</sup> the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Kiribati (2023-2028) <sup>3</sup> ('the Protocol') was signed on [...], subject to its conclusion at a later date.
- (2) The objective of the Protocol is to implement the Fisheries Partnership Agreement so as to grant fishing opportunities to Union vessels in the fishing areas within Kiribati waters and to enable the Union and Kiribati to work more closely on promoting cooperation in the field of sustainable development of the oceans, fishery policy, while contributing to decent working conditions in the fisheries sector.
- (3) The Protocol provides for fishing opportunities for Union vessels in Kiribati waters, on the basis of the best available scientific advice and following the conservation and management measures adopted by the Western and Central Pacific Fisheries Commission.
- (4) The Protocol should be approved on behalf of the Union.
- (5) Article 9 of the Fisheries Partnership Agreement establishes a Joint Committee responsible for monitoring its application. Pursuant to Articles 8 and 18 of the Protocol, the Joint Committee may approve certain amendments to the Protocol. In order to facilitate the approval of such amendments, the Commission should be

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<sup>1</sup> [Insert reference]

<sup>2</sup> [Insert reference]

<sup>3</sup> [Insert reference]

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 objects to them in accordance with Article 16(4) of the Treaty on European Union.
- (7) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>4</sup> and delivered an opinion on [insert date]
- (8) This Decision should enter into force as soon as possible in view of the economic importance of Union fishing activities in Kiribati waters and the need to reduce as much as possible the time period before such activities can resume,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic Kiribati, on the other (2023-2028) ('the Protocol') is hereby approved on behalf of the Union.

The text of the Protocol is attached to this Decision as Annex I.

#### *Article 2*

The Commission shall, on behalf of the Union, give the notification provided for in Article 23 of the Protocol, in order to express the Union's consent to be bound by the Protocol.

#### *Article 3*

Subject to Annex II, the Commission shall be empowered to approve, on behalf of the Union, amendments to the Protocol adopted by the Joint Committee established under Article 9 of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other.

#### *Article 4*

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

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<sup>4</sup> 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](#)).



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**<sup>16</sup>

☐ 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).

<sup>16</sup>

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 Kiribati can be continued and strengthened. The conclusion of the Protocol will create fishing opportunities for EU vessels in Kiribati fishing zone.

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 Kiribati Vision for 20 years, 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 licences 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 Fisheries Partnership Agreement will apply provisionally from the date it is signed so as to reduce as much as possible the time period before such activities can resume.

The new Protocol will provide a framework for the fishing activities of the EU fleet in Kiribati fishing zone and will authorise EU vessel owners to apply for fishing licences to fish in that fishing area. In addition, the new Protocol will enhance cooperation between the EU and Kiribati 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 Kiribati 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 standards.

### 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 Kiribati.

### 1.5.3. *Lessons learned from similar experiences in the past*

The analysis of potential catches in Kiribati fishing area, available assessments and scientific advice, have led the Parties to set a reference fishing annual effort of 160 days/year covering fishing opportunities for 4 tuna purse seiners. Moreover, 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 Kiribati 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 FPA constitute fungible revenue in the national budget of Kiribati. 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 FPAs. 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
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## 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 2023, for a period of 5 years, ending in 2028.
- ☒ Financial impact from 2023 to 2028
- ☐ 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) planned<sup>17</sup>

☒ **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.

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<sup>17</sup> 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>



If more than one management mode is indicated, please provide details in the 'Comments' section.

Comments

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## **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 FPA provides for at least one annual meeting of the Joint Committee, at which the Commission and Kiribati 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 licences.

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 Kiribati 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 Kiribati 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 6, paragraphs (8) and (9), 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 accounts in Kiribati.

### 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. <sup>18</sup>	from EFTA countries <sup>19</sup>	from candidate countries <sup>20</sup>	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	NO	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

<sup>18</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>19</sup> EFTA: European Free Trade Association.

<sup>20</sup> 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
- ☒ The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

Heading of multiannual financial framework	Number	
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DG: MARE			Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
• Operational appropriations								
Budget line 08.05.01	Commitments	(1a)	0,760	0,760	0,760	0,760	0,760	3,800
	Payments	(2a)	0,760	0,760	0,760	0,760	0,760	3,800
Budget line	Commitments	(1b)						
	Payments	(2b)						
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>21</sup>								
Budget line		(3)						
<b>TOTAL appropriations</b>	Commitments	=1a+1b +3	0,760	0,760	0,760	0,760	0,760	3,800

<sup>21</sup> 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.

<b>for DG MARE</b>	Payments	=2a+2b +3	0,760	0,760	0,760	0,760	0,760	<b>3,800</b>
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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)						
<b>TOTAL appropriations under HEADING &lt;....&gt; of the multiannual financial framework</b>	Commitments	=4+ 6	0,760	0,760	0,760	0,760	0,760	<b>3,800</b>
	Payments	=5+ 6	0,760	0,760	0,760	0,760	0,760	<b>3,800</b>

**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)					
<b>TOTAL appropriations under HEADINGS 1 to 6 of the multiannual financial framework (Reference amount)</b>	Commitments	=4+ 6					
	Payments	=5+ 6					

<b>Heading of multiannual financial framework</b>	<b>7</b>	‘Administrative expenditure’
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EUR million (to three decimal places)

		Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
DG: <.....>							
• Human resources							
• Other administrative expenditure							
<b>TOTAL DG &lt;.....&gt;</b>	Appropriations						

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

		Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
<b>TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework</b>	Commitments	0,760	0,760	0,760	0,760	0,760	<b>3,800</b>
	Payments	0,760	0,760	0,760	0,760	0,760	<b>3,800</b>

### 3.2.2. Estimated output funded with operational appropriations

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs  ↓			Year 2023		Year 2024		Year 2025		Year 2026		Year 2027		TOTAL	
	OUTPUTS													
	Type <sup>22</sup>	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1 <sup>23</sup> ...														
- Fleet access		0,360		0,360		0,360		0,360		0,360		0,360		1,800
- Sectoral		0,400		0,400		0,400		0,400		0,400		0,400		2,000
- Output														
Subtotal for specific objective No 1				0,760		0,760		0,760		0,760		0,760		3,800
SPECIFIC OBJECTIVE No 2 ...														
- Output														
Subtotal for specific objective No 2														
TOTALS														

<sup>22</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

<sup>23</sup> As described in point 1.4.2. 'Specific objective(s)...'



### 3.2.3. Summary of estimated impact on administrative appropriations

- ☒ X 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 <sup>24</sup>	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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<b>HEADING 7 of the multiannual financial framework</b>								
Human resources								
Other administrative expenditure								
<b>Subtotal HEADING 7 of the multiannual financial framework</b>								

<b>Outside HEADING 7<sup>25</sup> of the multiannual financial framework</b>								
Human resources								
Other expenditure of an administrative nature								
<b>Subtotal outside HEADING 7 of the multiannual financial framework</b>								

<b>TOTAL</b>								
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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.

<sup>24</sup> 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.

<sup>25</sup> 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) <sup>26</sup>							
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 <sup>27</sup>	- 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 Kiribati waters by EU vessels, processing of fishing licences), 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 Kiribati for access by EU vessels to Kiribati waters, processing of fishing licences, preparation and follow-up of Joint Committees, in particular sectoral support implementation.

<sup>26</sup> AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

<sup>27</sup> 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 <sup>28</sup>	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								

<sup>28</sup>

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 <sup>29</sup>						
		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.

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

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<sup>29</sup> 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.