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2015/0222 (NLE)

Proposal for a

COUNCIL REGULATION

concerning the allocation of fishing opportunities under the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On the basis of the relevant negotiating directives¹, the Commission conducted negotiations with the Government of Liberia with a view to concluding a new Sustainable Fisheries Partnership Agreement and an Implementation Protocol thereto between the European Union and the Republic of Liberia. Following these negotiations, a new Agreement and Protocol were initialled on 5 June 2015. They cover a period of five years from the date of their provisional application, i.e. from the date of their signature, as laid down in Article 15 of the Agreement and Article 12 of the Protocol.

The new Agreement will provide for a framework taking into account the priorities of the reformed Common Fisheries Policy and its external dimension, with a view to establishing a strategic partnership between the European Union and the Republic of Liberia.

The main objective of the new Protocol is to provide fishing opportunities to Union vessels in the Liberian fishing zone, on the basis of the best available scientific advice and respecting the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), where applicable within the limits of the available surplus. The Commission based its position in part on the results of a forward-looking assessment, carried out by external experts, of whether a new Agreement and Protocol should be concluded. The aim is also to enhance cooperation between the European Union and the Republic of Liberia to promote a sustainable fisheries policy and sound exploitation of fisheries resources in Liberia's fishing zone, in the interests of both parties.

The Protocol provides for fishing opportunities in the following categories:

- 28 tuna seiners;
- 6 surface long-liners.

The method for allocating fishing opportunities among the Member States should be defined. The Commission accordingly proposes that the Council adopt this Regulation.

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

The interested parties were consulted during the ex-ante evaluation on a possible Sustainable Fisheries Partnership Agreement and Protocol between the European Union and the Republic of Liberia. Experts from the Member States and industry were also consulted in technical meetings. Furthermore, the Liberian fisheries authorities and stakeholders were consulted during a dedicated technical meeting. These consultations led to the conclusion that it would be beneficial for the EU and the Republic of Liberia to conclude a new Sustainable Fisheries Partnership Agreement and Protocol.

3. LEGAL ELEMENTS OF THE PROPOSAL

This procedure is being carried out in parallel with the procedures relating to the Council Decision authorising the signing, on behalf of the European Union, and provisional

¹ Adopted by the 3324th meeting of the Council (ECOFIN) on 20 June 2014.

application of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia and the Implementation Protocol thereto, and the Council Decision on the conclusion, with the consent of the European Parliament, of the said Sustainable Fisheries Partnership Agreement and Implementation Protocol.

4. BUDGETARY IMPLICATIONS

The annual financial contribution is EUR 715 000 for the first year, EUR 650 000 for the second, third and fourth years, and EUR 585 000 for the fifth year, on the basis of:

(a) a reference tonnage of 6 500 tonnes, for which an amount linked to access has been set at EUR 357 500 for the first year, EUR 325 000 for the second, third and fourth years, and EUR 292 500 for the fifth year; and

(b) support for development of the sectoral fisheries policy of the Republic of Liberia, amounting to EUR 357 500 for the first year, EUR 325 000 for the second, third and fourth years, and EUR 292 500 for the fifth year. This support meets the objectives of the national fisheries policy and in particular the Republic of Liberia's needs in relation to scientific research, artisanal fisheries as well as fisheries monitoring, control and surveillance and the fight against illegal fishing.

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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 5 June 2015 the European Union and the Republic of Liberia initialled a Sustainable Fisheries Partnership Agreement (hereinafter referred to as ‘the Agreement’) and an Implementation Protocol thereto, granting Union vessels fishing opportunities in the waters over which the Republic of Liberia has sovereignty or jurisdiction in respect of fisheries.
- (2) On [...] the Council adopted Decision 2014/.../EU² on the signature and provisional application of the Agreement and the Implementation Protocol.
- (3) The method for allocating the fishing opportunities among the Member States should be defined, both for the period of provisional application and for the duration of the Protocol.
- (4) Article 10(1) of Council Regulation (EC) No 1006/2008³ provides that the Commission must inform the Member States concerned if it transpires that the fishing opportunities allocated to the Union under the Protocol are not fully utilised. If no reply is received within a deadline to be set by the Council, this will be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the period in question,

HAS ADOPTED THIS REGULATION:

Article 1

- (1) The fishing opportunities set out in the Implementation Protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Liberia (hereinafter referred to as ‘the Protocol’) shall be allocated among the Member States as follows:
 - (a) tuna seiners:

² OJ L of , p. .

³ Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, p. 33).

Spain: 16 vessels

France: 12 vessels

(b) surface long-liners:

Spain: 6 vessels

- (2) Regulation (EC) No 1006/2008 applies without prejudice to the Agreement.
- (3) If applications for fishing authorisations from the Member States referred to in paragraph 1 do not exhaust the fishing opportunities set out in the Protocol, the Commission shall consider applications for fishing authorisations from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.
- (4) The time limit within which the Member States must confirm that they are not fully utilising the fishing opportunities granted to them under the Protocol, as provided by Article 10(1) of Regulation (EC) No 1006/2008, is set at ten working days as from the date on which the Commission communicates this information to them.

Article 2

This Regulation shall enter into force on the third 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 all Member States.

Done at Brussels,

*For the Council
The President*