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2019/0074 (NLE)

Proposal for a

COUNCIL REGULATION

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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

On the basis of the relevant negotiating directives, the Commission conducted negotiations with the Government of The Gambia with a view to concluding a new Sustainable Fisheries Partnership Agreement between the European Union and the Republic of The Gambia. Following these negotiations, a new Agreement and Implementation Protocol were initialled on 19 October 2018. The new Agreement repeals and replaces the existing Agreement; it covers a period of six years from the date of its provisional application, renewable by tacit agreement. The new Protocol covers a period of six years from the date of provisional application laid down in Article 13, that being the date on which it is signed by the parties.

The main aim of the new Agreement is to provide an updated 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 The Gambia in the field of fisheries.

The aim of the Protocol is to grant fishing opportunities to European Union vessels in Gambian waters taking into account available scientific assessments, in particular those of the Fishery Committee for the Eastern Central Atlantic (CECAF), and in accordance with the best available scientific advice and the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), 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 The Gambia to promote a sustainable fisheries policy and sound exploitation of fisheries resources in the Gambian fishing zone, in the interest of both parties.

The Protocol provides for fishing opportunities in the following categories:

- 28 tuna seiners;
- 10 pole-and-line vessels;
- 3 trawlers (targeting black hake, a deep-sea demersal species).

These fishing opportunities should be allocated among the Member States.

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.

3. BUDGETARY IMPLICATIONS

The draft Regulation does not affect the Union budget.

4. 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 Sustainable Fisheries Partnership Agreement between the European Union and the Republic of The Gambia 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 application of the Implementation Protocol to the Agreement.

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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 The Gambia ("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 19 October 2018.
- (3) The Partnership Agreement repeals the previous Agreement that was concluded between the Government of the Republic of The Gambia and the European Economic Community on fishing off the coast of The Gambia and that entered into force on 2 June 1987.
- (4) In accordance with Council Decision 2018/.../EU¹, the new Partnership Agreement and the Protocol were signed on... [*insert the date of signature*].
- (5) The Protocol covers a period of six years as from the date of its application.
- (6) The fishing opportunities provided for by the Protocol should be allocated among the Member States for the entire period of application of the Protocol.
- (7) 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 OJ L ..., ..., p. .

HAS ADOPTED THIS REGULATION:

Article 1

The fishing opportunities established under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Union and the Republic of The Gambia ('the Protocol') shall be allocated among the Member States as follows:

(a) tuna seiners:

Spain	16 vessels
France	12 vessels

(b) pole-and-line vessels:

Spain	8 vessels
France	2 vessel

(c) deep-water demersal trawlers:

Member State	maximum number of deep-water demersal trawlers active at any given moment	Number of quarterly fishing authorisations per year ²	Tonnes of target species as defined in Appendix 2b of the Annex to the Protocol
Spain	3	10	625
Greece		2 (in two different quarters)	125

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

² The concerned Member States shall cooperate with the Commission in order to coordinate the utilisation of quarterly fishing authorisations.