



Brussels, 18.6.2019
COM(2019) 281 final

Recommendation for a

COUNCIL DECISION

to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of a Sustainable Fisheries Partnership Agreement and a protocol with the Republic of Seychelles

{SWD(2019) 209 final} - {SWD(2019) 210 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Commission proposes to negotiate a new Sustainable Fisheries Partnership Agreement and a new protocol with the Republic of Seychelles, which both meet the needs of the Union fleet and are in line with Regulation (EU) No1380/2013 on the Common Fisheries Policy (CFP) and the 19 March 2012 Council Conclusions on a Communication from the Commission on the External dimension of the Common Fisheries Policy.

• Consistency with existing policy provisions in the policy area

The current Fisheries Partnership Agreement (FPA) between the European Union and Seychelles¹ was signed on 28 February 2007² and entered into force on 2 November 2007 for a duration of 6 years. The agreement is tacitly renewable, and currently applies until 1 November 2019. It is hereby proposed to negotiate a new Sustainable Fisheries Partnership Agreement in order to integrate some provisions included in Regulation (EU) No1380/2013³, which are not covered by the current FPA. The current 6-year Protocol⁴ to the FPA entered into application on 18th January 2014 and will expire on 17th January 2020. This Protocol fixes the fishing opportunities provided to the Union fleet and the corresponding financial contribution paid by the Union and the ship-owners.

The annual EU public financial contribution due to Seychelles amounts to 5 000 000 EUR⁵, out of which 2 500 000 are earmarked for sectoral support.

The FPA with Seychelles provides fishing opportunities targeting tuna and highly migratory species for EU vessels from 4 Member States (Spain, France, Italy and Portugal). The European Union has already developed a network of bilateral Sustainable Fisheries Partnership Agreements (SFPAs) in the Indian Ocean, namely with Mauritius and Madagascar.

SFPAs contribute to promote the objectives of the CFP internationally, ensuring that Union fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law and promoting the sustainable management of oceans in all its dimensions. In addition, SFPAs foster scientific cooperation between the EU and its partner, promote transparency and sustainability for a better management of fishing resources and encourage governance by supporting monitoring, control and surveillance of national and foreign fleets' activities and providing funding to fight against illegal, unreported and unregulated (IUU) fishing. SFPAs contribute also to the sustainable development of local fishing industry and to the promotion of growth and decent work linked to fishing activities. SFPAs strengthen the European Union's position in international and regional fishing

¹ OJ L 290 of 20.10.2006, p. 2

² <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2006084&DocLanguage=en>

³ Ref. Reg. (EU) No 1380/2013, Part VI, Title II.

⁴ OJ L 4 of 9.01.2014, p. 3

⁵ For the last 4 years of the Protocol. For the 2 first years, it was 5 350 000.

organisations: in the case of Seychelles, in particular in the Indian Ocean Tuna Commission (IOTC)⁶.

- **Consistency with other Union policies**

The negotiation of a new Agreement and protocol with Seychelles is in line with the EU's external action towards African, Caribbean and Pacific (ACP) countries, and in particular with the Union objectives regarding the respect of democratic principles and human rights.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for the decision is provided by Article 218 of the Treaty on the Functioning of the European Union (TFEU), in Part Five on the Union's external action, Title V on international agreements, which sets out the procedure for negotiating and concluding agreements between the EU and third countries.

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

Not applicable, exclusive competence.

- **Proportionality**

The decision is proportional to the objective.

- **Choice of the instrument**

The instrument is provided for under Article 218(3) and Article 218(4) of the TFEU.

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

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

The Commission carried out in 2019 an *ex-post* evaluation of the current protocol to the FPA Seychelles as well as an *ex-ante* evaluation of a possible renewal of the protocol. The conclusions of the evaluation are set out in a separate Staff Working Document.

The evaluation concluded that the EU fishing sectors are firmly interested in fishing in Seychelles and that the renewal of the Protocol is in the interest of both parties. Furthermore, the renewal of the Protocol would help strengthening monitoring, control and surveillance and would contribute to improved governance of the fisheries in the region.

For the EU, it is important to maintain an instrument allowing a deep sectoral cooperation with a major player in ocean governance at the sub-regional level because of the extent of its fishing area under its jurisdiction. Strengthening the relationship with Seychelles is also functional to build alliances in the framework of the IOTC. Furthermore, for the EU fleet this means maintaining access to an important fishing area for the deployment of harvesting strategies under a multi-year international legal framework. Moreover, the importance of Victoria as one of the main landing ports contributes to the relevance of the envisaged new

⁶ <https://iotc.org/> , intergovernmental organisation responsible for the management of tuna and tuna-like species in the Indian Ocean.

Protocol, both for the EU fishing industry and for the partner country. For Seychelles' authorities, the aim is to continue relations with the EU for strengthening ocean governance, benefiting from dedicated sectoral support that provides for multi-year funding opportunities.

- **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**

Not applicable

- **Impact assessment**

Not applicable

- **Regulatory fitness and simplification**

Not applicable

- **Fundamental rights**

The negotiating directives, proposed as an annex to the decision, recommend authorising the opening of negotiations including a clause on the consequences of violations of human rights and democratic principles.

4. BUDGETARY IMPLICATIONS

The budgetary implications connected with the new Protocol include the payment of a financial contribution to the Republic of Seychelles. The related budgetary allocations in terms of commitment and payment appropriations need to be included each year in the budget line for Sustainable Fisheries Partnership Agreements (11 03 01) as well as being compatible with the financial programming of the Multiannual Financial Framework for 2014-2020. The annual amounts for commitments and payments are established in the yearly budgetary procedure including the reserve line for protocols not entered into force in the beginning of the year.⁷

5. OTHER ELEMENTS

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

Negotiations are expected to open in the second quarter of 2019.

- **Detailed explanation of the specific provisions of the proposal**

The Commission recommends that:

⁷ Chapter 40 (reserve line 40 02 41) in line with the MFF inter-institutional agreement ((2013/C 373/01).

- The Council should authorise the Commission to open and conduct negotiations for the conclusion of a new Sustainable Fisheries Partnership Agreement and a protocol with the Republic of Seychelles;
- The Commission should be nominated as the EU negotiator on this subject;
- The Commission should conduct the negotiations in consultation with the special committee, as set out in the Treaty on the Functioning of the European Union;
- The Council should approve the negotiating directives annexed to this recommendation.

Recommendation for a

COUNCIL DECISION

to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of a Sustainable Fisheries Partnership Agreement and a protocol with the Republic of Seychelles

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218 paragraphs 3 and 4,

Having regard to the recommendation from the European Commission,

Whereas negotiations should be opened with a view to concluding a new Sustainable Fisheries Partnership Agreement and a new protocol with the Republic of Seychelles,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations with the Republic of Seychelles, with a view to conclude a new Sustainable Fisheries Partnership Agreement and a new protocol with the Republic of Seychelles.

Article 2

The negotiations shall be conducted in consultation with the [name of the special committee designated by the Council] and on the basis of the negotiating directives set out in the annex to this Decision.

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*