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EUROPEAN COMMISSION

Brussels, 27.4.2011  
COM(2011) 227 final

2011/0096 (NLE)

Proposal for a

**COUNCIL REGULATION**

**concerning the allocation of fishing opportunities under the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde**

## EXPLANATORY MEMORANDUM

Based on a mandate from the Council<sup>1</sup>, the European Commission has negotiated with the Republic of Cape Verde to renew the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde, dated 19 December 2006. On conclusion of these negotiations, a new Protocol was initialled on 22 December 2010 covering a period of three years from 1 September 2011, with the current Protocol due to expire on 31 August 2011.

The new Protocol to the Partnership Agreement was transmitted to the Council for it to approve the signing and provisional application thereof. It was also transmitted to the Council and to the Parliament with a view to its conclusion.

With regard to fishing opportunities, 28 tuna seiners, 35 surface longliners and 11 pole-and-line vessels will be authorised to fish under the new Protocol. In accordance with the Treaty, the method for allocating fishing opportunities among the Member States should be defined.

The Commission proposes, on this basis, that the Council adopt this Regulation.

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<sup>1</sup> Decision No°12600/10 of 27 September 2010.

Proposal for a

## **COUNCIL REGULATION**

**concerning the allocation of fishing opportunities under the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde**

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 Commission,

Whereas:

- (1) On 19 December 2006 the Council adopted Regulation (EC) No 2027/2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (hereinafter referred to as the 'Partnership Agreement')<sup>2</sup>.
- (2) A new Protocol to the Partnership Agreement was initialled on 22 December 2010. This Protocol grants European Union vessels fishing opportunities in the waters over which Cape Verde has sovereignty or jurisdiction in respect of fisheries.
- (3) On [...], the Council adopted Decision XXX/2010<sup>3</sup> on the signing and on the provisional application of the new Protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined for the period of application of the Protocol.
- (5) Pursuant to Article 10(1) of 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<sup>4</sup>, if it appears that the fishing opportunities allocated to the Community under the Protocol are not fully utilised, the Commission shall inform the Member States concerned. The absence of a reply by a deadline to be set by the Council is considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities in the given period. This deadline should be set.

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<sup>2</sup> Council Regulation (EC) No 2027/2006 of 19 December 2006 (OJ L 414, 30.12.2006, p. 1.).

<sup>3</sup> OJ C [...], [...], p. [...].

<sup>4</sup> OJ L 286, 29.10.2008, p. 33.

- (6) Given that the current Protocol is due to expire on 31 August 2011, the new Protocol should enter into force on the day following that of its publication in the *Official Journal of the European Union* and apply from 1 September 2011,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The fishing opportunities set by the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (hereinafter referred to as the 'Protocol') shall be allocated among the Member States as follows:

(a) Tuna seiners

Spain 16 vessels

France 12 vessels

(b) Surface longliners

Spain 26 vessels

Portugal 9 vessels

(c) Pole-and-line tuna vessels

Spain 7 vessels

France 4 vessels

2. Regulation (EC) No 1006/2008 shall apply without prejudice to the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde.

3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all fishing opportunities set by the Protocol, the Commission shall consider applications for fishing authorisations from any other Member State pursuant to Article 10 of Regulation (EC) No 1006/2008.

The deadline referred to in Article 10(1) of the Regulation shall be set at ten working days.

*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 1 September 2011.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council*  
*The President*