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Proposal for a

COUNCIL REGULATION

concerning the allocation of the fishing opportunities under the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco

EXPLANATORY MEMORANDUM

On the basis of a mandate from the Council¹, the European Commission has conducted negotiations with the Kingdom of Morocco on the renewal for one year of the Protocol to the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco of 22 May 2006. Following those negotiations, a protocol renewing the preceding protocol was initialled on 25 February 2011. It covers the period from 28 February 2011 to 27 February 2012, the protocol in force having expired on 27 February 2011.

This protocol is proposed for one year to give the EU the time necessary to assess the prospect of a future protocol of a longer duration.

The new Protocol to the Partnership Agreement was communicated to the Council for the approval of its signature and its provisional application. It was also communicated to the Council and Parliament in view of its conclusion.

The Protocol provides for fishing opportunities in six fishing categories:

- Small-scale pelagic fishing in the north: 20 seiners,
- Small-scale fishing in the north: 30 bottom longliners,
- Small-scale fishing in the south: 20 vessels,
- Demersal fishing: 22 vessels,
- Tuna fishing: 27 vessels,
- Industrial pelagic fishing: 60 000 tonnes of catches.

The Commission therefore proposes that the Council adopt this Regulation.

¹ Doc. 6486/1/11 REV 1 of 18 February 2011

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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 Commission,

Whereas:

- (1) On 22 May 2006 the Council adopted Regulation (EC) No 764/2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco².
- (2) A new Protocol³ to the Partnership Agreement was initialled on 25 February 2011. This Protocol grants European Union vessels fishing opportunities in waters in which Morocco exercises its sovereignty or jurisdiction as regards fishing.
- (3) On [...] the Council adopted Decision XXX/2010⁴ on the signing and the provisional application of the protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined for the period for which this Protocol applies.
- (5) In accordance with 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 waters⁵, if it appears that the number of fishing authorisations or the amount of fishing opportunities allocated to the Community under an agreement are not fully utilised, the Commission shall inform the Member States concerned. The lack of a response within a time limit set by the Council shall be considered as a confirmation that the vessels of the Member State concerned are not fully utilising their fishing opportunities during the period in question. The time limit must be set.

² Council Regulation 764/2006 of 22 May 2006 (OJ L 141, 29.5.2006, p.1).

³ OJ C, [date], p. [...].

⁴ OJ C, [date], p. [...].

⁵ OJL 286 of 29.10.2008, p. 33.

- (6) Given that the previous Protocol expired on 27 February 2011, this Regulation should apply from 28 February 2011,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities provided for in the Protocol to the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco (hereinafter referred to as 'the Protocol') are divided between the Member States as follows:

Fishing category	Type of vessel	Member State	Licences or quota
Small-scale fishing/north, pelagic species	seiners	Spain	20
Small-scale fishing/north	Bottom longliners, <40 GT	Spain	20
		Portugal	7
	Bottom longliners, >40 GT<150 GT	Portugal	3
Small-scale fishing/south		Spain	20
Demersal	bottom longliners	Spain	7
		Portugal	4
	Trawlers	Spain	10
		Italy	1
Tuna fishing	Pole-and-line vessels	Spain	23
		France	4
Industrial fishing for pelagic species		Germany	4 850 t
		Lithuania	15 520 t
		Latvia	8 730 t
		Netherlands	19 400 t
		Ireland	2 500 t
		Poland	2 500 t
		United Kingdom	2 500 t
	Spain	400 t	

	Portugal	1 333 t
	France	2 267 t

2. Regulation (EC) No 1006/2008 shall apply notwithstanding the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco
3. If the fishing licence applications from the Member States referred to in Article 1 do not exhaust all the fishing opportunities laid down by the Protocol, the Commission may take into consideration licence applications from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008. The time limit within which the Member States must confirm that they are not fully exhausting the fishing opportunities granted to them under the Agreement, 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 first day following that of its publication in the *Official Journal of the European Union*. It will apply with effect from 28 February 2011.

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

Done at Brussels,

For the Council
The President