



EUROPEAN COMMISSION

Brussels, 5.6.2012
COM(2012) 262 final

2012/0135 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Republic of Guinea-Bissau setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On the basis of a mandate from the Council¹, the European Commission has conducted negotiations with the Republic of Guinea-Bissau with a view to renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau. At the end of those negotiations, a new Protocol was initialled on 10 February 2012. The new protocol covers a period of three years from the date of its signature.

The Protocol provides for fishing opportunities in the following categories:

- 3 700 GRT for shrimp freezer trawlers
- 3 500 GRT for fin-fish/cephalopod freezer trawlers
- 28 tuna seiners / surface longliners
- 12 pole-and-line tuna vessels.

The method for allocating the fishing opportunities among the Member States should be defined.

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

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The interested parties were consulted ahead of the negotiations in the framework of the Long Distance Fleet Regional Advisory Council, bringing together the fisheries sector and environmental and development NGOs. Experts from the Member States were also consulted in technical meetings. These consultations concluded that it would be beneficial to maintain a fishing protocol with Guinea-Bissau.

3. LEGAL ELEMENTS OF THE PROPOSAL

The new Protocol to the Partnership Agreement was forwarded to the Council for approval of its signing and provisional application. It was also forwarded to the Council and Parliament with a view to its conclusion.

¹ Adopted by the Agriculture and Fisheries Council on 20 October 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 European Commission,

Whereas:

- (1) On 17 March 2008, the Council adopted Regulation (EC) No 241/2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau² (hereinafter referred to as the 'Partnership Agreement').
- (2) A new Protocol to the Partnership Agreement was initialled on 10 February 2012 (hereinafter referred to as the 'new Protocol'). The new Protocol grants EU vessels fishing opportunities in waters in which Guinea-Bissau exercises its sovereignty or jurisdiction as regards fishing.
- (3) On [...] the Council adopted Decision No .../2012/EU^{3, 4} on the signature and provisional application of the new Protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined for the period when the new Protocol applies.
- (5) 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 provides that the Commission will inform the Member States concerned if it appears that the fishing opportunities allocated to the EU under the new Protocol are not fully utilised. The absence of a reply within a time limit to be set by the Council is considered as a confirmation that the vessels of the Member State concerned are not

² OJ L 75, 18.3.2008, p. 49.

³ OJ C ...*

⁴ OJ: references of doc. 9791/11.

⁵ OJ L 286, 29.10.2008, p. 33.

making full use of their fishing opportunities during the period concerned. This time limit should be set.

- (6) Given that the Protocol in force will expire on 15 June 2012, this Regulation must apply as from the date the new Protocol is signed,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing opportunities fixed under the Protocol agreed between the European Union and the Republic of Guinea-Bissau setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force (hereinafter referred to as the 'Protocol') shall be allocated between the Member States as follows:

a) freezer shrimp trawlers:

Spain	2 500 GRT
Greece	140 GRT
Portugal	1 060 GRT

b) freezer, fin-fish and cephalopod trawlers:

Spain	2 900 GRT
Italy	375 GRT
Greece	225 GRT

c) freezer tuna seiners and longliners:

Spain	14 vessels
France	12 vessels
Portugal	2 vessels

d) pole-and-line tuna vessels:

Spain	9 vessels
France	3 vessels

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

4. 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 day following that of its publication in the *Official Journal of the European Union*.

It shall apply as from the date the new Protocol is signed.

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

Done at Brussels,

*For the Council
The President*