



EUROPEAN COMMISSION

Brussels, 30.11.2011
COM(2011) 797 final

2011/0376 (NLE)

Proposal for a

COUNCIL REGULATION

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

EXPLANATORY MEMORANDUM

On the basis of relevant Council mandate¹, the Commission on behalf of the European Union negotiated with the Republic of Mozambique in view of renewing the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mozambique. Following these negotiations, a new Protocol was initialled on 2nd June 2011. It covers a period of three years starting from the adoption of the relevant Council decision on the Protocol's provisional application and after expiry of the current Protocol, on 31 December 2011.

This procedure concerning the allocation among the Member States of the fishing opportunities under this Protocol is started in parallel with the procedures regarding the Council decision, with the consent of the European Parliament, on the conclusion of the new Protocol, and the Council decision on the signing and the provisional application of the said Protocol.

The new Protocol provides Union ship-owners with fishing opportunities in Mozambique fishing zone for 43 purse seiners and 32 long liners. In accordance with the Treaty, the method for allocating the fishing opportunities among the Member States should be defined.

The Commission is asked to adopt this proposal and transmit it to the Council.

¹ Council Decision n°xxx/2011 of xx xxx 2011 – Ref SEC(2010) n° 1593 final

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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, paragraph 3 thereof,

Having regard to the proposal from the Commission²,

Whereas:

- (1) A new Protocol to the Fisheries Partnership Agreement between the European Union and The Republic of Mozambique has been initialled on 2 June 2011, providing Union vessels with fishing opportunities in the waters over which Mozambique have sovereignty or jurisdiction in respect of fisheries,
- (2) The Council has adopted on [...] Decision XXX/2010/EU³ on the signing and provisional application of the new Protocol,
- (3) The method for allocating the fishing opportunities among the Member States should be defined for the duration of the Protocol,
- (4) In accordance with Article 10(1) of 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,⁴ the Commission informs the Member States concerned if it appears that the fishing opportunities allocated to the Union under a Fisheries Partnership Agreement are not fully utilised. The absence of a reply within 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. It is necessary to set such deadline.
- (5) Since the the Protocol to the Partnership Agreement which is currently in force expires on 31 December 2011, this Regulation should apply from 1 January 2012.

² OJ C , , p. .

³ OJ L....

⁴ OJ L 286, 29.10.2008, p. 33

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities set out in the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mozambique (hereinafter referred to as "the Protocol" shall be allocated among the Member States as follows:

a) Tuna purse seiners

Spain	22 vessels
France	20 vessels
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Italy	1 vessel
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Total	43 vessels

b) Surface long liners

Spain	16 vessels
France	8 vessels
Portugal	7 vessels
United Kingdom	1 vessel
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Total	32 vessels

2. Regulation (EC) No 1006/2008 shall apply without prejudice to the provisions of the Fisheries Partnership Agreement and the Protocol
3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all the 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) N° 1006/2008.
4. The deadline by which Member States are to confirm that they do not fully utilise the fishing opportunities allocated under the Agreement, as referred to in Article 10(1) of Regulation (EC) No 1006/2008, shall be set at 10 working days from the day on which Commission informs the Member States that the fishing opportunities have not been exhausted .

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 1st January 2012.

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

Done at Brussels,

*For the Council
The President*