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2018/0268 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the Republic of Côte d'Ivoire and the European Community (2018-2024)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On the basis of the relevant negotiating directives¹, the Commission conducted negotiations with the Government of Côte d'Ivoire with a view to concluding a new Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Côte d'Ivoire². At the end of those negotiations, a new Protocol was initialled on 16 March 2018. The Protocol covers a period of six years from the date of its provisional application, i.e. from the date on which it is signed, as it states in Article 15.

The main aim of the new Protocol is to provide fishing opportunities for Union vessels in Côte d'Ivoire waters, on the basis of the best available scientific advice and following the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). This new Protocol takes account of the results of an evaluation of the previous Protocol (2014-2018) and a forward-looking assessment of whether a new Protocol should be concluded. Both were carried out by external experts. The Protocol will also allow the EU and the Republic of Côte d'Ivoire to collaborate more closely in order to promote the sustainable exploitation of fisheries resources in Côte d'Ivoire waters and support the efforts of Côte d'Ivoire to develop its blue economy, in the interests of both Parties.

The Protocol provides for fishing opportunities in the following categories:

- 28 tuna seiners;
- 8 surface longliners.

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

2. RESULTS OF *EX POST* EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

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

The interested parties were consulted during the *ex post* and *ex ante* evaluations on a possible new Protocol between the European Union and the Republic of Côte d'Ivoire. Experts from the Member States and industry were also consulted in technical meetings. These consultations led to the conclusion that it would be beneficial for the European Union and the Republic of Côte d'Ivoire to conclude a new Protocol to the Fisheries Partnership Agreement.

3. LEGAL ELEMENTS OF THE PROPOSAL

This procedure is being initiated in parallel with the procedures relating to the Council Decision for the signature of the Protocol and to the Council Decision for the conclusion of the Protocol itself.

¹ Adopted during the 3595th meeting of the Education, Youth, Culture and Sport Council on 15 February 2018.

² OJ L 170, 22.6.2013, p. 2.

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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 Council Regulation (EC) No 242/2008³ on the conclusion of the Fisheries Partnership Agreement between the European Union and the Republic of Côte d'Ivoire (hereinafter referred to as 'the Agreement').
- (2) The previous Protocol to this Agreement will expire on 30 June 2018.
- (3) The Commission has negotiated on behalf of the European Union a new Protocol concerning the implementation of the Agreement (hereinafter 'the Protocol'). Following those negotiations, a draft Protocol was initialled on 16 March 2018.
- (4) In accordance with Council Decision 2018/.../EU⁴, a new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Côte d'Ivoire (hereinafter referred to as 'the Protocol') was signed on... [*insert the date of signature*].
- (5) The fishing opportunities should be allocated among the Member States for the full duration of application of the Protocol.
- (6) Article 12 of Regulation (EU) 2017/2403 provides that during a specific year or any other relevant period of the implementation of a protocol to an SFPAs and taking into account the validity periods of the unused fishing authorisations, the Member States should be informed of any reallocation of the unused fishing opportunities.
- (7) The Protocol will apply on a provisional basis from its date of signature in order to ensure an expeditious start to fishing activities of Union vessels. This Regulation should therefore also apply from the same date,

³ Council Regulation (EC) No 242/2008 of 17 March 2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Côte d'Ivoire (OJ L 75, 18.3.2008, p. 51).

⁴ OJ L ..., ..., p. .

HAS ADOPTED THIS REGULATION:

Article 1

(1) The fishing opportunities established under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Union and the Republic of Côte d'Ivoire shall be allocated among the Member States as follows:

(a) tuna seiners:

Spain: [16] vessels

France: [12] vessels

(b) surface longliners:

Spain: [6] vessels

Portugal: [2] vessels

(2) Regulation (EU) 2017/2403 on the sustainable management of external fishing fleets shall apply without prejudice to the Fisheries Agreement between the European Union and the Republic of Côte d'Ivoire.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

*For the Council
The President*