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2019/0227 (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 Senegal and the European  
Union**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

On the basis of the relevant negotiating directives<sup>1</sup>, the Commission conducted negotiations with the Government of the Republic of Senegal (hereinafter ‘Senegal’) with a view to concluding a new Protocol to the existing Fisheries Agreement. Following these negotiations, a new Protocol was initialled on 19 July 2019. The Protocol covers a period of five years from the date of its provisional application, i.e. from the date on which it was signed, as stated in Article 16 thereof.

The Protocol provides for the following fishing opportunities for Union vessels:

- 28 freezer tuna seiners,
- 10 pole-and-line vessels,
- 5 longliners,
- 2 trawlers.

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

#### **• Consistency with existing provisions in the policy area**

In accordance with the priorities of the fisheries policy reform<sup>2</sup>, the new Protocol provides fishing opportunities for Union vessels in Senegalese 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 into account the results of an evaluation of the previous Protocol (2014-2019) and of a forward-looking assessment of whether a new Protocol should be concluded. Both were carried out by external experts. The Protocol will also enable the European Union and Senegal to work more closely on promoting sound exploitation of fishery resources in Senegalese waters and support efforts by Senegal to develop its fisheries sector, in the interests of both Parties.

#### **• Consistency with other Union policies**

The negotiation of a new Protocol to the Fisheries Partnership Agreement with Senegal forms part of the Union’s external action in relation to African, Caribbean and Pacific (ACP) countries and takes into account, in particular, Union objectives on respecting democratic principles and human rights.

The economic activity generated in Senegal’s fisheries sector, although at local level, would help to address the root causes of irregular migration.

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<sup>1</sup> Adopted at the Agriculture and Fisheries Council on 15 July 2019.

<sup>2</sup> OJ L 354, 28.12.2013, p. 22.

## **1. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

### **• Legal basis**

The legal basis chosen is the Treaty on the Functioning of the European Union, Article 43(3) of which establishes that the Council, on a proposal from the Commission, shall adopt measures on the allocation of fishing opportunities.

### **• Subsidiarity (for non-exclusive competence)**

The policy area is an exclusive competence.

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

### **• *Ex post* evaluations / fitness checks of existing legislation**

Stakeholders were consulted during the *ex post* and *ex ante* evaluations on a possible new Protocol between the Union and Senegal. 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 Union and Senegal to conclude a new Protocol to the Fisheries Agreement.

### **• Stakeholder consultation**

The Member States, representatives of industry, international organisations and civil society and Senegal's fisheries administration were consulted as part of the evaluation. Consultations also took place in the framework of the Long Distance Advisory Council.

### **• Collection and use of expertise**

The Commission used an independent consultant for the *ex post* and *ex ante* evaluations, in accordance with the provisions of Article 31(10) of the Regulation establishing the common fisheries policy.

## **3. BUDGETARY IMPLICATIONS**

The draft Regulation does not affect the Union budget.

## **4. OTHER ELEMENTS**

### **• Implementation plans and monitoring, evaluation and reporting arrangements**

This procedure is being initiated in parallel with the procedures relating to the Council Decision on the signing, on behalf of the Union, of the Protocol to the Fisheries Partnership Agreement between the Republic of Senegal and the European Union and to the Council Decision on its conclusion. This Regulation must be applied once fishing activities become possible under the Agreement, i.e. on the date of provisional application of the Protocol.

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## **COUNCIL REGULATION**

### **on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the Republic of Senegal and the European Union**

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 2 March 2015 the Council adopted Decision (EU) 2015/384<sup>3</sup> on the conclusion of a Fisheries Partnership Agreement between the Republic of Senegal and the European Union (hereinafter ‘the Agreement’)<sup>4</sup>. The Agreement entered into force on 20 November 2014 and is still in force.
- (2) The current Protocol on the implementation of the Agreement will expire on 19 November 2019.
- (3) In accordance with Council Decision (EU) 2019/...<sup>5</sup>, a new Protocol implementing the Agreement (hereinafter ‘the Protocol’) was initialled on 19 July 2019.
- (4) The fishing opportunities provided for in the Protocol should be allocated among the Member States for the entire duration of application of the Protocol.
- (5) The Protocol is to 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 apply from the same date,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

The fishing opportunities established under the Protocol on the implementation of the Fisheries Partnership Agreement between the Republic of Senegal and the European Union (hereinafter ‘the Protocol’) shall be allocated among the Member States as follows:

- (a) freezer tuna seiners:  
Spain: [16] vessels

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<sup>3</sup> Council Decision (EU) 2015/384 of 2 March 2015 on the conclusion, on behalf of the European Union, of a Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Senegal and the Implementation Protocol thereto (OJ L 65, 10.3.2015, p. 1).

<sup>4</sup> Agreement on a sustainable fisheries partnership between the European Union and the Republic of Senegal (OJ L 304, 23.10.2014, p. 3).

<sup>5</sup> Council Decision (EU) 2019/... of ... .. (OJ L ..., ..., p. ...).

- |     |                        |      |         |
|-----|------------------------|------|---------|
|     | France:                | [12] | vessels |
| (b) | pole-and-line vessels: |      |         |
|     | Spain:                 | [8]  | vessels |
|     | France:                | [2]  | vessels |
| (c) | longliners:            |      |         |
|     | Spain:                 | [3]  | vessels |
|     | Portugal:              | [2]  | vessels |
| (d) | trawlers:              |      |         |
|     | Spain:                 | [2]  | vessels |

## *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 date of application of the Protocol.

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

Done at Brussels,

*For the Council*  
*The President*