



Brussels, 23.10.2019
COM(2019) 491 final

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations on behalf of the European Union for the conclusion of a Sustainable Fisheries Partnership Agreement and a Protocol with the Government of Denmark and the Home Rule Government of Greenland

{SWD(2019) 385 final} - {SWD(2019) 386 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE RECOMMENDATION

• Reasons for and objectives of the proposal

The Commission proposes negotiating a new sustainable fisheries partnership agreement (SFPA) and protocol with Greenland that meet the needs of the Union fleet and are in line with Regulation (EU) No 1380/2013¹ on the common fisheries policy (CFP) and the 19 March 2012 Council conclusions on the Commission's Communication on the *External dimension of the common fisheries policy*.

• Consistency with existing policy provisions in the policy area

The current EU-Greenland fisheries partnership agreement (FPA)² was signed on 28 June 2007³. It is proposed that a new SFPA be negotiated to integrate certain provisions of Regulation (EU) No 1380/2013⁴ that the FPA does not cover.

The current 5-year protocol⁵ to the FPA entered into application on 1 January 2016⁶ and will expire on 31 December 2020. It establishes fishing opportunities for the Union fleet and the corresponding financial contribution to be paid by the Union and EU ship-owners.

The current protocol allows the EU fleet to fish in Greenlandic waters for cod, pelagic and demersal redfish, Greenland halibut, shrimp, grenadier and capelin, for indicative annual fishing opportunities of 42,726 tonnes. Vessels from eight Member States (Denmark, Estonia, France, Germany, Latvia, Lithuania, Sweden and the United Kingdom) are involved in the fisheries. The EU also transfers part of the agreed quota to Norway and the Faroe Islands, in exchange for EU vessels' access to their waters. In addition to the fees paid to Greenland by the Union fleet, the EU pays annual compensation of EUR 13,168,978 (calculated on the basis of reference prices for each species), including a financial reserve of EUR 1,700,000 for possible additional quantities. The EU budget also provides for an amount of EUR 2,931,999 to support Greenland's sectoral fisheries policy.

This is an agreement dealing with mixed species. The allocation of quotas to the Member States is subject to total allowable catch and quota regulation provisions⁷. SFPAs help to promote the CFP objectives internationally, ensuring that Union fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law. In addition, they foster scientific cooperation between the EU and its partners, promote transparency and sustainability for better management of fishing resources and encourage

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

² OJ L 172, 30.6.2007.

³ <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2007046&DocLanguage=en>

⁴ Part VI, Title II of Regulation (EU) No 1380/2013.

⁵ OJ L 305, 21.11.2015, p. 1.

⁶ <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2015055&DocLanguage=en>

⁷ Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters (OJ L 29, 31.1.2019, p. 1).

governance by supporting the monitoring, control and surveillance of national and foreign fleets' activities and providing funding to fight illegal, unreported and unregulated fishing. SFPAs contribute to the sustainable development of local fishing industries and the promotion of growth and decent work linked to maritime activity. They strengthen the EU's position in international and regional fishing organisations (in particular, in the case of Greenland, the International Council for the Exploration of the Sea and the Northwest Atlantic Fisheries Organisation)⁸.

- **Consistency with other Union policies**

The negotiation of a new agreement and protocol with Greenland is in line with the EU's external action *vis-à-vis* overseas countries and territories (OCTs), and in particular with its objectives as regards democratic principles and human rights.

2. LEGAL ELEMENTS OF THE RECOMMENDATION

- **Legal basis**

The legal basis for the Decision is Article 218 of the Treaty on the Functioning of the European Union (TFEU), which sets out the procedure for negotiating and concluding international agreements.

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

Not applicable (exclusive competence).

- **Proportionality**

The Decision is proportional to the objective.

- **Choice of instrument**

The instrument is provided for under Article 218(3) and (4) TFEU.

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

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

In 2019, the Commission has carried out an *ex post* evaluation of the current FPA and protocol with Greenland and an *ex ante* evaluation of their possible renewal. Its conclusions are set out in a separate staff working document.

The evaluation concluded that the EU fishing sector has a clear interest in fishing in Greenland and that renewal of the agreement and the protocol would contribute to improved governance of fisheries in the region.

For the EU, it is important to maintain an instrument allowing deep sectoral cooperation with a major player in ocean governance at sub-regional level, because of the extent of the fishing area under its jurisdiction. This will allow the EU to strengthen its role in the Nordic fisheries, thanks also to the exchanges of quotas with Norway and the Faroe Islands.

⁸ <https://www.nafo.int/>

For EU vessels, this means maintaining access to an important fishing area for the deployment of harvesting strategies in a multiannual international legal framework.

For the Greenlandic authorities, the aim is to maintain relations with the EU with a view to strengthening ocean governance and benefiting from dedicated sectoral support that provides for multiannual funding support for fisheries management.

- **Stakeholder consultations**

The Commission consulted the Member States, industry representatives, international civil society organisations and Greenland's fisheries administration and civil society as part of the evaluation.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

Not applicable.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The proposed negotiating directives (set out in an annex to the Decision) call for the Commission to negotiate the inclusion in the new SFPA of a clause on the consequences of violating human rights and democratic principles.

4. BUDGETARY IMPLICATIONS

The new protocol provides for the payment of a financial contribution to Greenland. The relevant budgetary allocations in terms of commitment and payment appropriations will be included each year in the budget line for 'sustainable fisheries partnership agreements' (11 03 01) and be compatible with the financial programming of the relevant multiannual financial framework (MFF). The amounts for commitments and payments are established in the annual budgetary procedure, including the reserve line for protocols that have yet to enter into force at the beginning of the year⁹.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Negotiations are expected to start in the fourth quarter of 2019.

⁹ Chapter 40 (reserve line 40 02 41), in line with the MFF interinstitutional agreement (2013/C 373/01).

- **Detailed explanation of the specific provisions of the proposal**

The Commission recommends that:

the Council authorise it to open and conduct negotiations for the conclusion of a new SFPA and protocol with Greenland;

the negotiations be conducted in consultation with the special committee, in accordance with the TFEU; and

the Council approve the negotiating directives annexed to this recommendation.

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations on a Sustainable Fisheries Partnership Agreement and Protocol between the European Union and the Government of Denmark and the Home Rule Government of Greenland

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

A Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand (FPA) and a Protocol setting out the fishing opportunities and financial contribution provided for in the FPA¹⁰ was signed on 28 June 2007. Following the end of the validity of that Protocol, a new Protocol was signed and entered into application on 1 January 2016¹¹. It will expire on 31 December 2020.

The FPA does not cover certain provisions of Regulation (EU) 1380/2013 of the European Parliament and of the Council¹². The fishing opportunities and financial contribution applicable as of 1 January 2021 should also be established following the impending expiry of the current Protocol. The Commission is therefore proposing the negotiation of a new Agreement and Protocol that meets the needs of the Union fleet and is also in accordance with Regulation (EU) No 1380/2013.

Negotiations should accordingly be opened with a view to concluding a new Sustainable Fisheries Partnership Agreement and Protocol with the Government of Denmark and the Home Rule Government of Greenland.

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union, a new Sustainable Fisheries Partnership Agreement and Protocol with the Government of Denmark and the Home Rule Government of Greenland.

¹⁰ OJ L 172, 30.6.2007

¹¹ <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2015055&DocLanguage=en>.

¹² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

Article 2

The negotiations shall be conducted in consultation with the Council Working Party on External Fisheries Policy and on the basis of the negotiating directives set out in the Annex to this Decision.

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*