



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.10.2007
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2007/0222 (CNS)

Proposal for a

COUNCIL REGULATION

authorising the Commission to approve modifications to protocols of fisheries partnership agreements concluded between the European Community and third countries

(presented by the Commission)

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EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSED ACT

- Grounds for and objectives of the proposal

The main objective of this Regulation is to allow the Commission to implement possible adjustments of fishing opportunities set out in the protocols to the Fisheries Partnership Agreements concluded between the Community and third countries, in accordance with the allocation keys set out in the Council Regulations concluding the protocols of the Fisheries Partnership Agreements. The Commission shall be assisted by a Committee for Fisheries and Aquaculture.

This regulation concerns Fisheries Partnership Agreements that have been concluded at the date of the adoption of this proposed Council regulation.

In the context of a Fisheries Partnership Agreement, any decision regarding the modification of fishing opportunities granted by a third country to the Community, and of the financial contribution attached to the Protocol, is taken by mutual agreement between both Parties within the framework of the relevant Joint Committee. In case the two parties agree to make such adjustments, the corresponding level of the new financial contribution cannot exceed twice the original amount. Such adjustments need to be further adopted through the procedures set out in this proposal.

The Commission proposes therefore that the Council adopts this Regulation in order to streamline the decision-making process related to the management of Fisheries Partnership Agreements.

- General context (historical elements)

In accordance with the Commission Communication on an integrated framework for Fisheries Partnership Agreements with third countries of December 2002 and the subsequent Council Conclusions on Fisheries Partnership Agreements of July 2004 the Commission has one by one replaced the previous bilateral Fisheries Agreements with financial contribution by Fisheries Partnership Agreements, comprising both fishing opportunities and support to the third countries' fisheries policy, with financial contribution.

Each Fisheries Partnership Agreement provides for the possibility of adjusting the fishing opportunities in the light of the latest scientific advice or in the light of the rate of utilisation. This may result in a corresponding adjustment of the financial contribution.

- Any existing provisions in this area

None

- Outline any similarities of differences with existing provisions or acts

None

- Consistency with other policies

Not applicable

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

- Consultations

Not applicable. However, all stakeholders are consulted in the framework of the preparation of a Joint Committee or a negotiation which could potentially lead to changes in fishing opportunities and of financial contribution.

- Collection and use of expertise

Not applicable

- Impact assessment

As this proposal will have no direct impact on social, economical and environmental aspects of the Fisheries Partnership Agreements, no impact assessment is required.

This proposal will simplify the legislative process for implementing changes to the protocols to the Fisheries Partnership Agreements related to fishing opportunities.

3. LEGAL ELEMENTS OF THE PROPOSAL

- Legal basis

Article 37 and 300.4 of the Treaty

- Subsidiarity and proportionality principles

In accordance with the principle of proportionality the Commission proposes a legal instrument adapted to the provisions defined in the protocol to the Fisheries Partnership Agreement. This is fully coherent with the management responsibility of the Commission to negotiate, implement and monitor the Agreements and their Protocols.

4. BUDGETARY IMPLICATIONS

There are no direct budgetary implications of this proposal.

However, each Commission Regulation prepared on the basis of this Council Regulation will be accompanied by a financial statement outlining the financial consequences of the changes in the fishing opportunities on the revised level of the financial contribution, if relevant. It should be noted that, in accordance with each

protocol to a Fisheries Partnership Agreement, changes in the level of the new financial contribution cannot exceed twice the original amount.

5. OPTIONAL ELEMENTS

- Simplification

One of the objectives of this proposal is to improve the clarity and the consistency in the overall implementation of the policy of Fisheries Partnership Agreements devoted to the Commission as well as to streamline the decision making process.

- Detailed explanation

See above.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300 (4) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) The protocols to fisheries partnership agreements which have been concluded between the Community and third countries fix the fishing opportunities for Community vessels in third country waters and the corresponding financial contribution.
- (2) The fisheries partnership agreements and the protocols thereto provide for the possibility of modifying those protocols by the joint committees set up to monitor those agreements .
- (3) In order to enable these amendments to be brought into force with due speed, the Commission should be authorised to approve them
- (4) In these circumstances, the Commission should also be authorised to adapt the fishing opportunities allocated among the Member States in accordance with the existing allocation keys.
- (5) It is appropriate to provide that the above-mentioned measures will be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission³.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ L 184, 17.7.1999, p. 23.

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the rules for the approval of modifications to protocols fixing fishing opportunities and financial contributions agreed by joint committees set up to monitor fisheries partnership agreements.

Article 2

1. Where a joint committee set up to monitor a fisheries partnership agreement has adopted modifications to the protocol thereto with respect to the fishing opportunities and the financial contributions provided for by those protocols (hereinafter referred to as "the protocol"), the Commission shall be authorised to approve such modifications in accordance with the procedure referred to in Article 3(2).
2. Fishing opportunities allocated among Member States shall be adapted to the modified protocol in accordance with the procedure referred to in article 3(2). Such adaptation shall not alter the allocation key set out in the Council Regulation adopting the protocol to the agreement concerned.

Article 3

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture.
2. Articles 4 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at 10 working days.

Article 4

This Regulation shall apply to fisheries partnership agreements concluded by the Community prior to the date of its entry into force.

Article 5

This Regulation shall enter into force on the seventh 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*