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2010/0333 (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 Seychelles**

# EXPLANATORY MEMORANDUM

On the basis of relevant Council mandate[1], the Commission on behalf of the European Union negotiated with the Republic of Seychelles in view of renewing the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Seychelles. Following these negotiations, a new Protocol was initialled on 3 June 2010 and amended by exchange of letters on 29 October 2010. It covers a period of three years starting form the adoption of the relevant Council decision on the Protocol's signing and provisional application and after expiry of the current Protocol, on 17 January 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 EU fishermen with fishing opportunities in Seychelles' fishing zone for 48 purse seiners and 12 long liners. In accordance with the Treaty, the method for allocating the fishing opportunities among the Member States should be defined.

The Commission proposes, on this basis, that the Council adopt this Regulation.

[1] Council Decision nº 9755/2010 of 31 May 2010.

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

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 Commission[2],

Whereas:

(1) A new Protocol to the Fisheries Partnership Agreement between the European Union and The Republic of Seychelles has been initialled on 3 June 2010, providing EU vessels with fishing opportunities in the waters over which Seychelles have sovereignty or jurisdiction in respect of fisheries,

(2) The Council has adopted on […] decision XXX/2010/EU[3] 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, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94, 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) This Regulation should enter into force on the first day following its publication in the Offical Journal of the European Union and should apply from 18 January 2011.

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2 OJ C […], […], p. […].

3 OJ L….

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 Seychelles shall be allocated among the Member States as follows:

a) Tuna purse seiners

| | |
|---|---|
| Spain | 22 vessels |
| France | 23 vessels |
| Italy | 3 vessels |

b) Surface long liners

| | |
|---|---|
| Spain | 2 vessels |
| France | 5 vessels |
| Portugal | 5 vessels |

2. Without prejudice to the provisions of the Fisheries Partnership Agreement and the Protocol, Council 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] shall apply.

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 Council Regulation (EC) N° 1006/2008. For the purpose of Article 10(1) of that Regulation, a deadline of 10 working days is fixed.

*Article 2*

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

It shall apply from 18 January 2011.

[4] OJ L 286, 29.10.2008, p. 33.

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

Done at Brussels, […]

*For the Council*
*The President*
*[…]*