EC/Guinea-Bissau Fisheries Partnership Agreement: fishing opportunities and financial contribution from 24 November 2014 to 23 November 2017. Protocol

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PURPOSE: to conclude the Protocol agreed between the European Union and the Republic of Guinea-Bissau setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force.

PROPOSED ACT: Council Decision.

BACKGROUND: on the basis of a mandate from the Council1, the European Commission has conducted negotiations with the Republic of Guinea-Bissau with a view to renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (for details on the content of this Protocol, please refer to NLE/2011/0257).

At the end of those negotiations, a new Protocol was initialled on 10 February 2012.

It is now necessary to conclude the protocol on behalf of the EU.

IMPACT ASSESSMENT: the interested parties were consulted ahead of the negotiations in the framework of the Long Distance Fleet Regional Advisory Council, bringing together the fisheries sector and environmental and development NGOs. Experts from the Member States were also consulted in technical meetings. These consultations concluded that it would be beneficial to maintain a fishing protocol with Guinea-Bissau.

LEGAL BASIS: Article 43(2), in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT : this draft Council Decision aims to conclude the Protocol agreed between the EU/Guinea-Bissau setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force.

The main aim of the Protocol to the Agreement is to:

- provide fishing opportunities for the vessels of the European Union in the waters of Guinea-Bissau within the limits of the available surplus;
- enhance the cooperation between the EU-Guinea-Bissau, thereby creating a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fishery resources in the Guinea-Bissau fishing zone, in the interests of both Parties.

The main provisions of the Agreement can be summarized as follows:

Financial contribution: the overall financial contribution of the Protocol of EUR 9.2 million over the whole period is based on:

- a maximum of 40 authorisations for tuna vessels and of 7 200 GRT for trawlers, for a financial contribution of EUR 6.2 million;
- support for the development of the sectoral fisheries policy of the Republic of Guinea-Bissau amounting to EUR 3 million. This support meets the objectives of the national fisheries policy.

Fishing opportunities: for a period of three years, the fishing opportunities shall be as follows:

- freezer shrimp trawlers: 3 700 GRT per year;
- freezer, fin-fish and cephalopod trawlers: 3 500 GRT per year;
- freezer tuna seiners and longliners: 28 vessels;
- pole-and-line tuna vessels: 12 vessels.

Suspension of the implementation of the Protocol: the implementation of this Protocol may be suspended at the initiative of one of the two Parties after consultation within the Joint Committee, if one or more of the following conditions apply: (a) unusual circumstances, other than natural phenomena, prevent fishing activities in the Guinea-Bissau EEZ; (b) following significant changes in the policy objectives which led to the conclusion of this Protocol; (c) one of the two Parties violates one of the essential and fundamental elements of human rights and democratic principles, etc. In the event of suspension, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. Specific financial measures shall be provided in this case.

Duration: the Protocol and the Annex hereto shall apply for a period of three years from the provisional application.

BUDGETARY IMPLICATIONS: the overall financial contribution of the Protocol shall be EUR 27.972 million from 2012 to 2015 (administrative expenses included).