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2013/0317 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Kingdom of Morocco setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two Parties currently in force

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On the basis of a mandate from the Council¹, the European Commission has opened negotiations with the Kingdom of Morocco on the renewal of the Protocol to the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco. At the end of the negotiations a new draft Protocol was initialled by the negotiators on 24 July 2013. The new Protocol covers a period of four years from its entry into force.

The main aim of the Protocol to the Agreement is to provide fishing opportunities for European Union vessels in the waters of the Kingdom of Morocco within the limits of the available surplus. The Commission's negotiating position was based in part on the results of an ex-post evaluation carried out by external experts.

The general aim is to strengthen cooperation between the European Union and the Kingdom of Morocco, thereby creating a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fisheries resources in the Moroccan fishing zone, in the interests of both Parties.

More specifically, the Protocol provides for fishing opportunities in the following categories:

- Small-scale pelagic fishing in the north: 20 seiners,
- Small-scale fishing in the north: 35 bottom longliners,
- Small-scale fishing in the south: 10 vessels (rods and lines),
- Demersal fishing: 16 bottom longliners and bottom trawls,
- Tuna fishing: 27 pole-and-line vessels
- Industrial pelagic fishing: 80 000 tonnes of catch, 18 vessels

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

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

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

The interested parties were consulted during the evaluation of the Protocol for the period 2007-11. Experts from the Member States were also consulted in technical meetings. These consultations led to the conclusion that it would be beneficial to maintain a fishing protocol with the Kingdom of Morocco.

3. LEGAL ELEMENTS OF THE PROPOSAL

This procedure is being initiated in parallel with the procedures relating to the Council Decision for the signature of the Protocol, as well as the Council Decision for the conclusion of the Protocol itself.

¹ Decision of the Council No 6486/1/11 REV 1 of 18 February 2011.

Proposition de

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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 22 May 2006 the Council adopted Regulation (EC) No 764/2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco².
- (2) The European Community and the Kingdom of Morocco notified each other on 28 February 2007 of the completion of the procedures necessary for the entry into force of the Partnership Agreement between the European Union and the Kingdom of Morocco³.
- (3) A new Protocol to the Partnership Agreement was initialled on 24 July 2013 (hereinafter referred to as the 'new Protocol'). The new Protocol grants European Union vessels fishing opportunities in waters in which the Kingdom of Morocco exercises its jurisdiction as regards fishing.
- (4) On [...] the Council adopted Decision No .../2013/EU⁴ on the signature of the new Protocol.
- (5) The method for allocating the fishing opportunities among the Member States should be defined for the period of application of the new Protocol.
- (6) If it appears that the fishing opportunities allocated to the Union by virtue of the new Protocol are not fully exhausted, the Commission will inform the Member States thereof in accordance with Article 10(1) of 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 waters⁵. If no reply is received within a time limit to be set by the Council, this will be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the period in question. The deadline should be set by the Council.

² Council Regulation 764/2006 of 22 May 2006 (OJ L 141, 29.5.2006, p.1).

³ OJ L 78, 5.8.2011, p.31.

⁴ OJ C ...*

⁵ OJ L 286, 29.10.2008, p. 33.

(7) This Regulation should apply from the application of the new Protocol,
HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities established under the Protocol agreed between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the two Parties currently in force (hereinafter referred to as the ‘Protocol’) shall be allocated among the Member States as follows:

Fishing category	Type of vessel	Member State	Licences or quota
Small-scale fishing/north, pelagic species	Seiners < 100 GT	Spain	20
Small-scale fishing in the north	Bottom longliners, <40 GT	Spain	
		Portugal	
	Bottom longliners, ≥40 GT<150 GT	Portugal	3
Small-scale fishing in the south	Rod and pole < 80 GT	Spain	10
Demersal fishing	bottom longliners	Spain	
		Portugal	
	Trawlers	Spain	
		Italy	
Tuna fishing	Pole-and-line vessels	Spain	23
		France	4
Industrial fishing for pelagic species	80 000 tonnes per year With a maximum of 10 000 tonnes per month for the whole of the fleet, Except for August and October, for which the monthly ceiling is 15 000 tonnes Distribution of vessels authorised to fish: 10 vessels of more than 3 000 GT 3 vessels of between 150 and 3 000 GT 5 vessels of less than 150 GT	Germany	t
		Lithuania	t
		Latvia	t
		Netherlands	t
		Ireland	t
		Poland	t
		United Kingdom	t
		Spain	t

	Portugal	t
	France	t

2. Regulation (EC) No 1006/2008 shall apply notwithstanding the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco.
3. If the applications for fishing authorisations from the Member States referred to in the first paragraph do not cover all the fishing opportunities set by the Protocol, the Commission may take into consideration applications for fishing authorisations from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.
4. The time limit within which the Member States must confirm that they are not fully exhausting the fishing opportunities granted to them under the Agreement, as provided by Article 10(1) of Regulation (EC) No 1006/2008, is set at ten working days from the date on which the Commission communicates this information to them.

Article 2

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

It shall apply from the date of entry into force 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