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2011/0256 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of the fishing opportunities under 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

EXPLANATORY MEMORANDUM

On the basis of a mandate from the Council[1], 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, dated 17 March 2008. Following those negotiations, a new Protocol was initialled on 15 June 2011 for a period of one year from 16 June 2011, the Protocol which was in force having expired on 15 June 2011.

The new Protocol to the Partnership Agreement was forwarded to the Council for approval of the signing and its provisional application. It was also forwarded to the Council and Parliament with a view to its conclusion.

The Protocol provides for fishing opportunities in the following categories:

– 4 400 GRT for shrimp freezer trawlers

– 4 400 GRT for fin-fish/cephalopod freezer trawlers

– 23 tuna seiners / surface longliners

– 14 pole-and-line tuna vessels.

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] Adopted on 27 September 2010 by the Agriculture and Fisheries Council

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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 17 March 2008 the Council adopted Council Regulation (EC) No 241/2008 on the conclusion of the Fisheries Partnership Agreement (hereinafter referred to as the 'Partnership Agreement') between the European Community and the Republic of Guinea-Bissau[2].

(2) A new Protocol to the Partnership Agreement was initialled on 15 June 2011 (hereinafter referred to as the 'new Protocol'). The new Protocol grants EU vessels fishing opportunities in waters in which Guinea-Bissau exercises its sovereignty or jurisdiction as regards fishing.

(3) On […] the Council adopted Decision No …/2011/EU[3] [4] on the signature and provisional application of the new Protocol.

(4) The method for allocating the fishing opportunities among the Member States should be defined for the period when the new Protocol applies.

(5) 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 waters[5] provides that the Commission will inform the Member States concerned if it appears that the fishing opportunities allocated to the EU under the new Protocol are not fully utilised. The absence of a reply within a time limit to be set by the Council is considered as a confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the period concerned. This time limit should be set.

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2 OJ L 75, 18.3.2008, p. 49.
3 OJ C …*
4 OJ: references of doc. 9791/11.
5 OJ L 286, 29.10.2008, p. 33.

(6) Given that the Protocol which was in force expired on 15 June 2011, this Regulation must apply as from 16 June 2011,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities fixed under 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 (hereinafter referred to as the 'Protocol') shall be allocated between the Member States as follows:

(a) shrimp fishing:

Spain	1 421	GRT
Italy	1 776	GRT
Greece	137	GRT
Portugal	1 066	GRT

(b) fin-fish/cephalopods:

Spain	3 143	GRT
Italy	786	GRT
Greece	471	GRT

(c) tuna seiners and surface longliners:

Spain	10	vessels.
France	9	vessels.
Portugal	4	vessels.

(d) pole-and-line vessels:

Spain	10	vessels.
France	4	vessels.

2. Regulation (EC) No 1006/2008 shall apply without prejudice to the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau.

3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all fishing opportunities set by the Protocol, the

Commission shall consider applications for fishing authorisations from any other Member State pursuant to 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 as from the date on which the Commission communicates this information to them.

Article 2

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

It shall apply with effect from 16 June 2011.

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

Done at Brussels,

For the Council
The President