



Brussels, 16.5.2018
COM(2018) 299 final

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations with Cabo Verde for the conclusion of a Protocol implementing the Fisheries Partnership Agreement between the European Communities and Cabo Verde

{SWD(2018) 193 final} - {SWD(2018) 194 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The Commission proposes to negotiate a new protocol to the Sustainable Fisheries Partnership Agreement (SFPA) concluded with the Republic of Cabo Verde which meets the needs of the Union fleet and is in line with Regulation (EU) No 1380/2013 on the common fisheries policy and the 19 March 2012 Council Conclusions on a Communication from the Commission on the external dimension of the common fisheries policy.

- **Consistency with existing policy provisions in the policy area**

The current SFPA between the European Union and Cabo Verde was concluded on 30 December 2006¹. The current four-year Protocol² to the Fisheries Partnership Agreement entered into application on 23 December 2014 and will expire on 22 December 2018. It fixes the fishing opportunities provided to the Union fleet and the corresponding financial contribution paid by the Union and by ship-owners. The annual EU public financial contribution due to Cabo Verde amounts to EUR 550 000 for the first 2 years, of which EUR 275 000 is earmarked for sectoral support; and EUR 500 000 for the last 2 years, of which EUR 250 000 is earmarked for sectoral support.

The SFPA with Cabo Verde provides fishing opportunities targeting tuna and highly migratory species for vessels from three Member States (Spain, France and Portugal). The European Union already has a well-developed network of bilateral SFPAs in West Africa, namely with Morocco, Mauritania, São Tomé and Príncipe, Senegal, Liberia and Côte d'Ivoire.

SFPAs help promote the objectives of the common fisheries policy internationally, ensuring that Union fishing activities outside EU waters are based on the same principles and standards as those applicable under Union law. In addition, SFPAs foster scientific cooperation between the EU and its partner and promote transparency and sustainability to improve the management of fishing resources. They also encourage governance by supporting the monitoring, control and surveillance of national and foreign fleets' activities and provide funding to fight against illegal, unreported and unregulated fishing and contribute to the sustainable development of the local fishing industry. SFPAs strengthen the European Union's position in international and regional fishing organisations, in particular in the International Commission for the Conservation of Atlantic Tunas, the body set up under international law to conserve and manage highly migratory species in the region.

- **Consistency with other Union policies**

The negotiation of a new protocol to the SFPA with Cabo Verde is in line with the EU's external action towards African, Caribbean and Pacific countries, and in particular with the Union objectives regarding the respect of democratic principles and human rights.

¹ OJ L 414 of 30.12.2006, p. 36.

² OJ L 369, 24.12.2014, p. 3.

While at a very local scale, the SFPA will complement the New Migration Partnership Framework³ approach and, by generating economic activity in fisheries, will help address the causes of emigration from Cabo Verde.

2. LEGAL ELEMENTS OF THE RECOMMENDATION

- **Legal basis**

The legal basis for the decision is provided by Article 218 of the Treaty on the Functioning of the European Union (TFEU), in Part five on external action by the Union, Title V on international agreements, which sets out the procedure for negotiating and concluding agreements between the EU and third countries.

- **Subsidiarity (for non-exclusive competence)**

Not applicable, exclusive competence.

- **Proportionality**

The decision is proportional to the objective.

- **Choice of the instrument**

The instrument is provided for under Article 218(3) and Article 218(4) of the TFEU.

3. RESULTS OF CONSULTATIONS WITH INTERESTED PARTIES AND IMPACT ASSESSMENTS

- **Ex post evaluations/fitness checks of existing legislation**

In 2017-2018 the Commission carried out an *ex post* evaluation of the current protocol to the SFPA with Cabo Verde as well as an *ex ante* evaluation of a possible renewal of the protocol. The conclusions of the evaluation are set out in a separate Staff Working Document.

The evaluation concluded that the EU tuna fishing sectors are firmly interested in fishing in Cabo Verde's waters and that a renewal of the Protocol would help strengthen monitoring, control and surveillance and help improve governance of the fisheries in the region. The evaluation concluded that renewing the Protocol would also be beneficial for Cabo Verde in view of the large financial contribution paid under the Protocol.

- **Stakeholder consultations**

Member States, industry representatives, international civil society organisations, as well as Cabo Verde's fisheries administration and civil society were consulted as part of the evaluation. Consultations have also taken place in the framework of the Long Distance Advisory Council.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

Not applicable.

³ COM(2016) 385 final, 7.6.2016.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The negotiating directives proposed as an annex to the decision recommend authorising the opening of negotiations. They also recommend including a clause on the consequences of violations of human rights and democratic principles.

4. BUDGETARY IMPLICATIONS

A new protocol will require the payment of a financial contribution to Cabo Verde which is compatible with the 2014-2020 Multiannual Financial Framework (MFF), in particular as regards allocations to the budget line for SFPAs. The annual amounts for commitments and payments are established in the yearly budgetary procedure, including the reserve line for protocols that have not entered into force in the beginning of the year⁴.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Negotiations are expected to open in the second quarter of 2018.

- **Detailed explanation of the specific provisions of the proposal**

The Commission recommends that:

- the Council should authorise the Commission to open and conduct negotiations for the conclusion of a new protocol to Fisheries Partnership Agreement with Cabo Verde;

- the Commission should be nominated as the EU negotiator on this subject;

- the Commission should conduct the negotiations in consultation with the special committee, as set out in the Treaty on the Functioning of the European Union;

- the Council should approve the negotiating directives annexed to this recommendation.

⁴ Chapter 40 (reserve line 40 02 41) in line with the MFF interinstitutional agreement (2013/C 373/01).

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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 218 (3) and (4),

Having regard to the recommendation from the European Commission,

Whereas:

Negotiations should be opened with Cabo Verde with a view to concluding a protocol implementing the Fisheries Partnership Agreement between the European Communities and Cabo Verde,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations with Cabo Verde with a view to concluding a protocol implementing the Fisheries Partnership Agreement between the European Communities and Cabo Verde.

Article 2

The negotiations shall be conducted in consultation with the Council Working Party on External Fisheries Policy and on the basis of the negotiating directives of the Council set out in the annex to this Decision.

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*