EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION

13254/19+Add 1 (ANNEX)
13255/19 +Add 1 (ANNEX)
13256/19
COM(2019) 475 final
COM(2019) 473 final
COM(2019) 474 final


PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION, ON BEHALF OF THE UNION, OF THE PROTOCOL ON THE IMPLEMENTATION OF THE FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE REPUBLIC OF SENEGAL AND THE EUROPEAN UNION

PROPOSAL FOR A COUNCIL REGULATION ON THE ALLOCATION OF FISHING OPPORTUNITIES UNDER THE PROTOCOL ON THE IMPLEMENTATION OF THE FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE REPUBLIC OF SENEGAL AND THE EUROPEAN UNION

Submitted by the Department for Environment, Food and Rural Affairs

31st October 2019

SUBJECT MATTER

1. These proposals relate to the signing, provisional application, conclusion, and allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the Republic of Senegal (hereinafter ‘Senegal’) and the European Union (EU). The proposal sets out the fishing opportunities for EU vessels in Senegalese waters, on the basis of the best available scientific advice and following the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

2. The Fisheries Partnership Agreement between Senegal and the EU entered into force on 20 November 2014 and has since been renewed automatically. The current Protocol will expire on 19 November 2019. Following negotiations, a new Protocol was agreed and will cover a period of five years from the date of its provisional application.

SCRUTINY HISTORY
3. The Parliamentary scrutiny history relevant to the proposals is contained in the attached Annex A.

MINISTERIAL RESPONSIBILITY
4. Responsibility lies with the Secretary of State for Environment, Food and Rural Affairs, Scottish Ministers, Welsh Ministers and Northern Ireland.

INTEREST OF THE DEVOLVED ADMINISTRATIONS
5. The devolved administrations have been consulted in the preparation of this explanatory memorandum and raised no concerns.

LEGAL AND PROCEDURAL ISSUES
6.

i. **Legal basis**

13254/19 and 13254/19 ADD 1: Article 43(2) and Article 218(5) of the Treaty on the Functioning of the European Union.

13255/19 and 13255/19 ADD 1: Article 43(2), Article 218(6)(a)(v) and Article 218(7) of the Treaty on the Functioning of the European Union.

13256/19: Article 43(3) of the Treaty on the Functioning of the European Union.

ii. **European Parliament Procedure**

13254/19 and 13254/19 ADD 1: no European Parliament procedure.

13255/19 and 13255/19 ADD 1: the consent of the European Parliament must be obtained before the Decision can be adopted.

13256/19: no European Parliament procedure.

iii. **Voting procedure**

Qualified Majority Voting (QMV).

iv. **Impact on United Kingdom Law**

No change to UK law required, directly applicable.

v. **Application to Gibraltar**

Not applicable to Gibraltar.
vi. **Fundamental rights analysis**

No fundamental rights analysis has been concluded in relation to these proposals.

**APPLICATION TO THE EUROPEAN ECONOMIC AREA**

7. Not applicable to the European Economic Area (EEA).

**SUBSIDIARITY**

8. There are no subsidiarity issues arising from this proposal, as the proposal falls under the exclusive competence of the EU.

**POLICY IMPLICATIONS (including exit implications where appropriate)**

9. On 23 June 2016, the EU referendum took place and the people of the United Kingdom voted to leave the European Union (EU).

From September 1 until exit day, the UK will no longer attend most EU meetings, in order to make the best possible use of UK resources. The UK will continue to attend if and when it is in our interests, with particular regard to meetings on UK exit, sovereignty, international relations, security, or finance. The Government will make these decisions on a case by case basis.

The UK is still committed to the duty of sincere cooperation and this decision is not intended in any way to frustrate the functioning of the EU.

10. In relation to this Proposal and given the UK’s lack of direct fishing interest in Senegalese waters, the UK will not be engaging in meetings specifically focussed on this dossier. However, the UK is still working on the assumption that we will attend Coreper, Council and working group, meaning that we will be in a position to vote or at least indicate our position in these meetings. In this regard, the UK is supportive of the Proposal, so will vote in favour.

11. There is no UK fishing interest in this recommendation and no UK vessels have indicated a potential interest in fishing in the region. Thus, the UK Government can accept the Proposal.

12. The Protocol provides fishing opportunities for EU vessels in Senegalese waters, on the basis of the best available scientific advice and following the recommendations of ICCAT. Both Senegal and the EU are contracting members of ICCAT, and thus ICCAT rules will apply to fishing that occurs under the scope of the agreement.

13. The new protocol takes into account the results of an evaluation of the previous Protocol (2014-2019) and of a forward-looking assessment, both of which were carried out by external experts. These evaluations concluded that the EU tuna
fishing and trawling sector has a strong interest in fishing in Senegal and that a renewal of the Protocol would further monitoring, control and surveillance, as well as contributing to improved fisheries governance in the region.

14. The Protocol provides for fishing opportunities for the following vessels:

i. 28 freezer tuna seiners,
ii. 10 pole-and-line vessels,
iii. 5 longliners,
iv. 2 trawlers.

15. The annual financial contribution from the EU is €1,700,000 (£1,505,741). Of this, €800,000 (£708,584) is access related, specifically for a reference tonnage of 10,000 tonnes of tuna per year and for an authorised catch volume of black hake of 1,750 tonnes per year. In addition, €900,000 (£797,157) is set aside for the development of Senegal’s sectoral fisheries policy for the entire duration of the protocol.

CONSULTATION
16. No consultation is planned as the UK has no direct interest in this proposal.

IMPACT ASSESSMENT
17. No impact assessment is required as there is no impact to UK industry.

FINANCIAL IMPLICATIONS
18. The cost of the agreement is drawn from the EU budget. Thus, there will be no new direct financial implications for the UK.

TIMETABLE
19. This dossier is expected to not be problematic, and thus is expected to be progressed quickly. In the event that scrutiny is not cleared by Council, Defra would advise that the UK abstain.

GEORGE EUSTICE MP
MINISTER OF STATE FOR AGRICULTURE, FISHERIES AND FOOD
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS
PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:

PROPOSAL FOR A COUNCIL DECISION ON THE SIGNING, ON BEHALF OF THE UNION, AND PROVISIONAL APPLICATION OF THE PROTOCOL ON THE IMPLEMENTATION OF THE FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE REPUBLIC OF SENEGAL AND THE EUROPEAN UNION (AND ADD 1)

PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION, ON BEHALF OF THE UNION, OF THE PROTOCOL ON THE IMPLEMENTATION OF THE FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE REPUBLIC OF SENEGAL AND THE EUROPEAN UNION (AND ADD 1)

PROPOSAL FOR A COUNCIL REGULATION ON THE ALLOCATION OF FISHING OPPORTUNITIES UNDER THE PROTOCOL ON THE IMPLEMENTATION OF THE FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE REPUBLIC OF SENEGAL AND THE EUROPEAN UNION

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EM 10444/19: RECOMMENDATION FOR A COUNCIL DECISION TO AUTHORISE THE COMMISSION TO OPEN NEGOTIATIONS ON BEHALF OF THE EUROPEAN UNION FOR THE CONCLUSION OF A PROTOCOL TO THE SUSTAINABLE FISHERIES PARTNERSHIP AGREEMENT WITH THE REPUBLIC OF SENEGAL

10444/19 ADD 1: ANNEX TO THE RECOMMENDATION FOR A COUNCIL DECISION TO AUTHORISE THE COMMISSION TO OPEN NEGOTIATIONS ON BEHALF OF THE EUROPEAN UNION FOR THE CONCLUSION OF A PROTOCOL TO THE SUSTAINABLE FISHERIES PARTNERSHIP AGREEMENT WITH THE REPUBLIC OF SENEGAL

DATE EM SIGNED: 01/07/2019

SCRUTINY COMMITTEES’ RECOMMENDATIONS:

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EM 12653/14: PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION OF A SUSTAINABLE FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF SENEGAL AND THE IMPLEMENTATION PROTOCOL THERETO

EM 12653/14 ADD 1: ANNEXES TO THE PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION OF THE SUSTAINABLE FISHERIES
PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF SENEGAL AND OF THE IMPLEMENTATION PROTOCOL THERETO


12655/14: PROPOSAL FOR A COUNCIL REGULATION CONCERNING THE ALLOCATION OF FISHING OPPORTUNITIES UNDER THE IMPLEMENTATION PROTOCOL TO THE SUSTAINABLE FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF SENEGAL

DATE EM SIGNED: 22/09/2014

SCRUTINITY COMMITTEES' RECOMMENDATIONS:

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