

EU/São Tomé and Príncipe Fisheries Partnership Agreement: fishing opportunities and financial contribution from 13 May 2011 to 12 May 2014. Protocol

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PURPOSE: the conclusion of a new Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Democratic Republic of São Tomé and Príncipe.

PROPOSED ACT: Council Decision.

BACKGROUND: on the basis of a mandate from the Council, the Commission has negotiated with São Tomé and Príncipe to renew the Protocol to the Fisheries Partnership Agreement which dates from 23 July 2007 and expired on 31 May 2010 (see [CNS/2007/0034](#)).

On conclusion of these negotiations, a new Protocol was initialled on 15 July 2010 covering a period of three years from the time of the adoption of the Council Decision on the signing, on behalf of the Union, and provisional application of the said Protocol.

IMPACT ASSESSMENT: the Commission's negotiating position was based in part on the results of an ex-post evaluation carried out by external experts. The evaluation stated that:

- **as regards EU's interests:** the Protocol is deemed to be capable of contributing to the viability of European industries by offering European Union vessels and the industries which depend on them a stable legal environment and medium-term visibility;
- **as regards the interests of São Tomé and Príncipe:** the Agreement: (i) may help strengthen institutional capacities in the fisheries sector by improving research, and monitoring, control and surveillance (MCS) activities, as well as training and the viability of the small-scale fishing sector; (ii) will also have a major impact on the country's budgetary and political stability. In addition to the direct commercial value of the catches for the vessels involved, the agreement could yield the following manifest benefits: (i) guaranteed jobs on board fishing vessels; (ii) multiplier effect on employment in ports, auction markets, processing factories, shipyards, service enterprises, etc.; (iii) location of these jobs in regions where there are no other employment possibilities; (iv) contribution to the supply of fish to the EU.

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

CONTENT: this proposal for a Decision relates to the conclusion of a new Protocol to the Fisheries Partnership Agreement between the EU and São Tomé and Príncipe. Its main purpose is to define the fishing opportunities offered to European Union vessels on the basis of the surplus available, as well as the financial contribution due separately for access rights and sectoral support.

Financial contribution: the overall financial contribution under the Protocol of **EUR 2 047 500** over the whole period is based on:

(a) an annual reference tonnage set at 7 000 tonnes for 40 vessels, corresponding to EUR 455 000 per year, and

(b) support for the development of the sectoral fisheries policy of the Democratic Republic of São Tomé and Príncipe, amounting to EUR 227 500 per year. This support meets the objectives of the national fisheries policy.

If the overall quantity of catches by European Union vessels in São Toméan waters exceeds 7 000 tonnes per year, the total amount of the annual financial contribution shall be increased by EUR 65 for each additional tonne caught. However, the total annual amount paid by the European Union shall not be more than twice the amount indicated in the protocol (EUR 910 000).

Fishing authorisation: fishing authorisations shall be valid for a period of one year. The fee for tuna seiners and surface longliners shall be set at EUR 35 per tonne caught within São Tomé and Príncipe's fishing zone.

Fishing opportunities: 28 tuna seiners and 12 surface longliners will be authorised to fish, with an annual reference tonnage of 7 000 tonnes.

The fishing opportunities may be adjusted by mutual agreement insofar as the recommendations and resolutions adopted by ICCAT confirm that this adjustment guarantees the sustainable management of the fishery resources covered by this Protocol. In this case, the financial contribution shall be adjusted proportionately and *pro rata temporis*. However, the total annual amount of the financial contribution paid by the European Union shall not be more than twice the amount referred to in the Protocol.

Advances and fees payable by shipowners: EUR 35 per tonne of tuna caught in the São Toméan fishing zone. The annual advances are fixed at EUR 6 625 per tuna seiner and EUR 2 275 per longliner.

Period of application: for a period of **three years**, the fishing opportunities granted to European Union vessels under Article 5 of the Fisheries Partnership Agreement shall be as follows: Highly migratory species (species listed in Annex 1 to the 1982 United Nations Convention on the Law of the Sea).

BUDGETARY IMPLICATION: the overall financial contribution under the Protocol of **EUR 2 047 500 from 2011 to 2013**, that is EUR 682.500/year (administrative expenditure excluded).

The financial envelope of EUR 206 000 from 2011 to 2013 is provided for administrative expenditure.

It should be noted that the advances and fees have no impact on the EU's budget.