EC/Kiribati Fisheries Partnership Agreement: fishing opportunities and financial contribution; EU/Kiribati Protocol from 16 September 2012 to 15 September 2015

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PURPOSE: the conclusion of a new Fishery Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Kiribati.

PROPOSED ACT: Council Decision.

BACKGROUND: on the basis of the relevant Council mandate, the Commission negotiated with the Republic of Kiribati the renewal of the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Kiribati.

Following these negotiations, a new Protocol was initialled on 3 June 2012 which should now be concluded on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASIS: Article 43 paragraph 2, of the Treaty on the Functioning of the European Union (TFEU), in conjunction with Article 218, paragraph 6 a) thereof.

CONTENT: this proposal for a decision relates to the conclusion of a new Protocol to the Partnership Agreement in the fisheries sector concluded with Kiribati.

The new Protocol is in line with the objectives of the EC/Kiribati Fisheries Partnership Agreement aiming at:

- strengthening the cooperation between the European Union and the Republic of Kiribati and
- promoting a partnership framework in which to develop a sustainable fisheries policy and responsible exploitation of fishery resources in the Kiribati´s Exclusive Economic Zone (EEZ) in the interests of both Parties.

The main provisions of the Protocol may be summarised as follows:

Financial contribution: EU vessels may only exercise their fishing activities in the Kiribati fishing area if they hold a fishing licence granted in accordance with the Agreement and having paid the registration fee, the conditions of which are defined in the attached Fishery Protocol. A financial contribution shall be paid to Kiribati in return for the exploitation of its fishery resources by EU vessels. This contribution is fixed at **EUR 1 325 000** per year for the total period of validity of the Protocol.

The annual contribution is broken down as follows:

- the annual financial contribution for access to the Kiribati EEZ: EUR 975 000.

- the amount allocated annually under the new protocol for the EU to assist the Kiribati fishing sector is EUR 350 000.

The annual financial contribution has been based on an increased reference tonnage level, which has been set at a level that meets current fishing levels and capacity, and at a level that should avoid future additional catches. If the total quantity of catches per year by European Union vessels in the Kiribati EEZ exceeds **15 000 tonnes**, the annual financial contribution shall be increased by EUR 250 per tonne for the first additional 2 500 tonnes and by EUR 300 per tonne for any further tonne above these additional 2 500 tonnes.

These additional costs shall be borne by the EU with the amount of EUR 65 per additional tonne and the remaining part shall be paid by shipowners.

The fishing opportunities may be adapted by common agreement as long as the recommendations of the Western and Central Pacific Fisheries Commission (WCPFC) confirm that this adjustment will guarantee the sustainable management of Kiribati's fishing resources. In this case, the financial contribution shall be adjusted proportionately and *pro rata temporis*. Likewise, if the fishing opportunities will be reduced due to the new closure of a substantial part of the Kiribati EEZ, the financial contribution of this Protocol may be adjusted proportionately and *pro rata temporis* after consultation between both the Parties.

New fishing opportunities not covered by the Agreement could also be envisaged following consultation and agreement between the Parties.

Towards responsible fishing: the Protocol also provides for the overall compatibility of fishing activities undertaken by EU vessels with the principles of responsible fishing. Thus, as of the entry into force of the Protocol, the Kiribati authorities shall present a detailed annual and multiannual programme to the Joint Committee of the Agreement which addresses a number of requirements in regard to responsible and sustainable fishing.

Duration of the Protocol: the Fishing Protocol and its annex are concluded for a period of **three years from 16 September 2012** (the date of the provisional application of the Protocol) unless it is terminated by one or other of the Parties.

BUDGETARY IMPLICATION: the financial allocation for this Fishing Protocol shall be **EUR 3.975 million from 2013 to 2015**, to which administrative expenses, the costs of the Protocol's management and human resources, giving an amount in the region of EUR 453 000, need to be added for the duration of the Protocol.