EC/Comoros Fisheries Partnership Agreement: denunciation

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PURPOSE: to denounce the Fisheries Partnership Agreement between the European Community and the Union of the Comoros.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Fisheries Partnership Agreement (FPA) between the European Community and the Union of the Comoros, which entered into force on 6 March 2008, shall apply for seven years from the date of its entry into force and is renewable for additional periods of seven years, unless notice of termination is given by either Party.

One of the objectives of the EU-Comoros FPA is to ensure that the measures for the conservation and management of fish stocks are effective, and that **illegal, undeclared or unregulated** ('IUU') fishing is prevented. It may be terminated by either Party in the event of serious circumstances such as the failure to comply with undertakings made with regard to combating IUU fishing.

Pursuant to Council Regulation (EC) No 1005/2008 (the IUU Regulation), the Commission is to identify third countries that it considers as non-cooperating countries in fighting IUU fishing. In accordance with the IUU Regulation, the Comoros was notified on 1 October 2015 by Commission Decision of the possibility of being identified as a non-cooperating third country in fighting illegal, unreported and unregulated fishing.

The Commission opened a dialogue with the Comoros based on an action plan proposed by the Commission to the Comoros to rectify the shortcomings, such as:

- the Comorian authorities' flag of convenience policy;
- evidence of illegal fishing activities by the Comorian fleet;
- the national authorities' poor or non-existent monitoring and control capacities;
- the Comoros' outdated legal framework for fisheries.

Since the Comoros did not take the necessary remedial actions to solve the problems identified, they were identified as **non-cooperating third countries** by Commission Implementing Decision 2017/889. Following this identification the Comoros still failed take the necessary remedial action.

In accordance with the IUU Regulation, **the Comoros has since been added**, by Council Implementing Decision (EU) 2017/1332, **to the list of non-cooperating third countries** established by Implementing Decision 2014/170/EU on 11 July 2017.

The **Commission is to propose the denunciation** of any standing bilateral agreement with a non-cooperating third country which provides for termination of the agreement in case of failure to comply with undertakings made by that country with regard to combating IUU fishing.

CONTENT: the Commission proposes that the Council adopt a decision **denouncing the Fisheries Partnership Agreement** between the European Community and the Union of the Comoros, which entered into force on 6 March 2008.

This implies that it is incumbent on the Commission, on behalf of the EU, to **notify the Comoros of the Council and the Union's decision** to terminate the Partnership Agreement with six months notice and a consultation between the Parties before the agreement is terminated.