



EUROPEAN
COMMISSION

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Recommendation for a

COUNCIL DECISION

**authorising the opening of the negotiations on behalf of the European Union for the
conclusion of an Implementing Protocol to the Fisheries Partnership Agreement
between the European Union and the Republic of Guinea-Bissau**

{SWD(2024) 5 final} - {SWD(2024) 6 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the recommendation

The Commission proposes to negotiate a new implementing protocol to the Fisheries Partnership Agreement (the Agreement) with the Republic of Guinea-Bissau¹, which would meet the needs of the Union fleet and be in accordance with Articles 28, 31 and 32 of Regulation (EU) No 1380/2013 on the Common Fisheries Policy (CFP)² and the Council Conclusions of 19 March 2012 on a Communication from the Commission on the External dimension of the CFP³.

• Consistency with existing policy provisions in the policy area

The current implementing Protocol⁴ to the Agreement grants fishing opportunities for Union fishing vessels in Guinea-Bissau's waters and provides significant sectoral support for the sustainable development of the national fisheries and blue economy sectors.

The Agreement entered into force on 16 June 2007 and has been tacitly renewed every four years. The current implementing Protocol is in force from 15 June 2019 until 14 June 2024, following the adoption by the Council of the EU on 6 June 2019 of the decision on its signature and provisional application.

The current implementing Protocol includes an annual EU financial contribution for access of EUR 11 600 000, and for sectoral support of EUR 4 000 000. The EU contribution is complemented by fees payable by EU vessel owners on licences and catches.

The European Union has already developed a network of bilateral sustainable fisheries partnership agreements (SFPAs) in the Atlantic Ocean, namely with Mauritania, Guinea-Bissau, Senegal, Ivory Coast and the Gambia. Alongside the SFPA with Mauritania, the Agreement with Guinea-Bissau is a multi-species agreement.

Species covered under the current implementing Protocol are demersal species (crustaceans, cephalopods and fish), small pelagics and highly migratory species. On the basis of fishing capacity (based on gross register tonnage or GRT), the current Protocol provides fishing opportunities for shrimp freezer trawlers, fin-fish and cephalopod freezer trawlers and small pelagic trawlers. Tuna freezer seiner and long liners and pole-and-line tuna vessels are also included. The Protocol allows EU vessels from Spain, Portugal, Italy, Greece, France, Lithuania, Latvia and Poland to fish in Guinea-Bissau's waters.

SFPAs help to promote the objectives of the CFP internationally, ensuring that Union fishing activities outside Union waters are based on the same principles and standards as those

¹ Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau for the period 16 June 2007 to 15 June 2011.

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

³ Council conclusions on a Communication from the Commission on the External dimension of the Common Fisheries Policy (Brussels 19 and 20 March 2012), see [here](#).

⁴ Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea-Bissau (2019-2024) (OJ L 173, 27.6.2019, p. 3–34).

applicable under Union law. In addition, SFPAs have three other benefits. Firstly, they foster scientific cooperation between the EU and its partner countries. Secondly, they promote transparency and sustainability for the better management of fishing resources. Thirdly, they encourage ocean governance by: (i) supporting monitoring, control and surveillance of national and foreign fleets' activities; (ii) providing funding to fight against illegal, unreported and unregulated (IUU) fishing, and to contribute to the sustainable development of local fishing industry. SFPAs strengthen the Union's position in international and regional fishing organisations, such as ICCAT.

- **Consistency with other Union policies**

The negotiation of a new implementing protocol with Guinea-Bissau is in line with the Union's external action towards African, Caribbean and Pacific (ACP) countries, and, in particular, with Union objectives to promote democratic principles and human rights.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for the proposed decision is Article 218(3) and (4) of the Treaty on the Functioning of the European Union (TFEU).

Article 218(3) of the TFEU provides that the Commission shall submit recommendations to the Council, which shall adopt a decision authorising the opening of negotiations and nominating the Union negotiator. According to Article 218(4) of the TFEU, the Council may address directives to the negotiator and designate a special committee in consultation with which the negotiations must be concluded.

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

Not applicable, exclusive competence.

- **Proportionality**

The Decision is proportional to the objective of promoting the objectives of the CFP internationally, and of ensuring that Union fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law.

- **Choice of the instrument**

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

3. RESULTS OF EX -POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

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

In 2023, the Commission arranged for an ex-post and ex-ante evaluation study by an independent consultant⁵. Based on this evaluation study, the Commission carried out an ex-post evaluation of the current implementing Protocol and an ex-ante evaluation of possible options for the way forward. The conclusions of the ex-post and ex-ante evaluation are set out in a Commission Staff Working Document (SWD).

⁵ [Évaluation rétrospective et prospective du Protocole à l'accord de partenariat dans le domaine de la pêche entre l'Union européenne et la Guinée-Bissau](#)

In the ex-post evaluation of the SWD, the Commission concludes that the current implementing Protocol was overall effective in achieving its objectives, with some areas for improvements. In this respect, the Union fleet remains interested in accessing the fishing areas of Guinea-Bissau for the deployment of harvesting strategies under a multiannual framework, with some need for alignment of fishing opportunities and utilisation rate by the Union fleet. In terms of the sectoral support component, the Commission concludes that the sectoral support funds have (i) helped to strengthen monitoring, control and surveillance of fisheries, and (ii) contributed to improved ocean governance in Guinea-Bissau and the region.

In the ex-ante evaluation of the SWD, the Commission concludes that the negotiation of a new implementing protocol, with some adjustments, is in the interest of both the EU and Guinea-Bissau. For Guinea-Bissau, negotiating a new implementing protocol will secure continued cooperation with the EU on strengthening ocean governance through the dedicated sectoral support funds under a multiannual framework.

- **Stakeholder consultations**

Member States, EU industry representatives, international civil society organisations, the Ministry of Fisheries and civil society in Guinea-Bissau, were consulted as part of the evaluation. Consultations have also taken place in the Long Distance Advisory Council's meetings.

- **Collection and use of expertise**

Not applicable

- **Impact assessment**

Not applicable

- **Regulatory fitness and simplification**

Not applicable

- **Fundamental rights**

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

4. BUDGETARY IMPLICATIONS

The budgetary implications of the new implementing protocol result from the payment of a EU financial contribution to the Republic of Guinea-Bissau. The annual amounts of commitments and payments appropriations are established in the yearly budgetary procedure in compliance with the Multiannual Financial Framework for 2021-2027, and include the reserve line for protocols not entered into force in the beginning of the year.⁶

5. OTHER ELEMENTS

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

Negotiations are expected to start in early 2024.

⁶ Chapter 40 (reserve line 40 02 41) in line with the MFF inter-institutional agreement ((2013/C 373/01).

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

The Commission recommends that:

- the Council authorise the Commission to open and conduct negotiations for the conclusion of a new implementing protocol to the Agreement with the Republic of Guinea-Bissau;
- the Commission be nominated as the EU negotiator on this subject;
- the Commission conduct the negotiations in consultation with the special committee, as set out in the Treaty on the Functioning of the European Union;
- the Council approve the negotiating directives annexed to this Recommendation.

Recommendation for a

COUNCIL DECISION

authorising the opening of the negotiations on behalf of the European Union for the conclusion of an Implementing Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Guinea-Bissau

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) thereof,

Having regard to the recommendation from the European Commission,

Whereas negotiations should be opened with a view to concluding a new implementing protocol to the Fisheries Partnership Agreement with the Republic of Guinea-Bissau,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union, a new implementing protocol to the Fisheries Partnership Agreement with the Republic of Guinea-Bissau.

Article 2

The negotiating directives are set out in the Annex.

Article 3

The negotiations shall be conducted in consultation with the Council Working Party on External Fisheries Policy.

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

For the Council
The President