



EUROPEAN  
COMMISSION

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2024/0139 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the signing, on behalf of the European Union, and provisional application of the Protocol (2024-2029) implementing the Fisheries Partnership Agreement between the European Community and the Republic of Cabo Verde**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• Reasons for and objectives of the proposal**

The Fisheries Partnership Agreement between the European Community and the Republic of Cabo Verde (FPA) was signed on 12 February 2007 and entered into force on 30 March 2007 for a period of 5 years. It is tacitly renewable and is therefore still in force. A previous 5-year FPA Implementing Protocol entered into force on 20 May 2019 and expired on 19 May 2024.

On 19 December 2023, the Council authorised the Commission to open negotiations for a new Protocol ('the new Protocol') to the FPA.

On the basis of the relevant negotiating directives<sup>1</sup>, the Commission conducted negotiations with Cabo Verde on the conclusion of a new Protocol implementing the FPA between the European Community and Cabo Verde. The objective is to allow Union vessels to enter Cabo Verde's fishing zone to fish for tuna and related species in accordance with the measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT). Following these negotiations, a new text of the Implementing Protocol was signed on 15 April 2024.

The new Protocol covers a period of 5 years from the date of provisional application laid down in Article 17.

The purpose of this proposal is to obtain the Council's authorisation for the signing of the new Protocol, in accordance with Article 218(5) of the Treaty on the Functioning of the European Union (TFEU).

The purpose of the new Protocol is to grant fishing opportunities to Union vessels in the fishing zones in Cabo Verde's waters, in accordance with scientific advice and ICCAT recommendations. An additional aim is to strengthen the cooperation between the Union and Cabo Verde, thereby implementing the FPA partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fishery resources in Cabo Verde's waters, in the interests of both parties.

The new Protocol allows Union vessels to fish for tuna species in Cabo Verde's waters and provides for the following fishing opportunities:

- 24 tuna seiners;
- 22 surface longliners;
- 10 pole-and-line vessels;

In addition to support vessels in accordance with the relevant ICCAT resolutions.

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<sup>1</sup> Ref. 15485/23 + ADD 1, approved by Coreper (Part 1) on 15 December 2023; <https://data.consilium.europa.eu/doc/document/ST-16673-2023-INIT/en/pdf>

- **Consistency with existing provisions in the policy area**

The main aim of the new Protocol to the FPA is to provide an updated framework that takes into account the priorities of the common fisheries policy (CFP) and its external dimension. This will help continue and strengthen the strategic partnership between the European Union and Cabo Verde.

The new Protocol provides for fishing opportunities for Union vessels targeting tuna and related species in Cabo Verde's waters. It is based on the best available scientific advice and recommendations made by the ICCAT, the regional fisheries organisation managing highly migratory fish stocks. The management measures adopted by the ICCAT are also included in the relevant provisions of the common fisheries policy applicable to the ICCAT area, in particular those of the Fishing Opportunities Regulation<sup>2</sup>.

- **Consistency with other Union policies**

The negotiation of a new Protocol to the FPA forms part of the Union's external action in relation to African, Caribbean and Pacific (ACP) countries and takes into account, in particular, the Union's objectives on respecting democratic principles and human rights.

The negotiations for a new Protocol to the FPA are consistent with the cooperation between the Parties on fisheries trade and development. Cabo Verde has a 'temporary derogation'<sup>3</sup> from the rules on preferential origin for limited quantities of prepared or preserved tuna fillets and loins of tuna and prepared or preserved fillets of mackerel and frigate tuna of non-EU origin. Under the derogation, those products, which are sourced outside the EU and Cabo Verde and processed in Cabo Verde, acquire 'Cabo Verde' origin and can then be exported to the EU without incurring customs duties when entering the EU market (GSP+ system).

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

The legal basis is Article 43(2) TFEU, which establishes the common fisheries policy, and Article 218(5) TFEU, which provides that the Council, following a proposal by the negotiator, shall adopt a decision authorising the signing of agreements between the Union and third countries and, if necessary, their provisional application before entry into force.

Article 17(1) TFEU lays down that, with the exception of the common foreign and security policy, the Commission is to ensure the Union's external representation. Consequently, officials designated by the Commission have sole competence for signing an agreement between the Union and a third country.

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

The proposal falls under the exclusive competence of the European Union pursuant to Article 3(1)(d) TFEU. The subsidiarity principle therefore does not apply.

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<sup>2</sup> OJ L 28, 31.1.2023, p. 1. See Section 3 and Annex ID.

<sup>3</sup> This 'temporary' derogation has been renewed regularly since 2008 and from 2017 it includes preserved tuna fillets and loins,, pending the development of a national fleet and the signing of a regional Economic Partnership Agreement (EPA) with the Member States of the Economic Community of West African States (ECOWAS), which includes Cabo Verde.

- **Proportionality**

The proposal is proportionate to the objective of establishing a legal, environmental, economic and social governance framework for fishing activities carried out by Union vessels in third-country waters, as set out in Article 31 of Regulation (EU) No 1380/2013 establishing the Common Fisheries Policy. It complies with those provisions as well as with those on financial assistance to third countries laid down in Article 32 of that Regulation.

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

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

In 2023, the Commission ordered an *ex post* evaluation of the 2019-2024 Protocol to the Fisheries Partnership Agreement with Cabo Verde as well as an *ex ante* evaluation of a possible renewal of the Protocol<sup>4</sup>.

The *ex post* evaluation of the 2015-2018 Protocol concluded that it complemented the other access arrangements established in the region, allowing Union vessels to optimise exploitation of migratory stocks within the regional rules set by the ICCAT. The evaluation concluded that the EU fishing sector is firmly interested in fishing in Cabo Verde and that the negotiation of a new Protocol is in the interest of both parties. Furthermore, negotiating a new Protocol would help to strengthen monitoring, control and surveillance and would contribute to improved fisheries governance in the region.

For the Union, it is important to maintain an instrument allowing close sectoral cooperation with a country which, due to the size of the fishing area under its jurisdiction, is a major player in ocean governance at sub-regional level. For the Union fleet, this means restoring access to an important fishing area for the deployment of harvesting strategies in a multiannual international legal framework. Moreover, the Port of Mindelo (São Vicente island) enjoys a favourable location in a heavily exploited area, which makes it a potentially important landing port. This contributes to the merits of the proposed new Protocol both for the EU fishing sector and for the partner country. For the Cabo Verdean authorities, the aim is to maintain relations with the Union in order to strengthen ocean governance, benefit from dedicated sectoral support that provides for funding opportunities over several years, and use the vessel activity to start industrialising its processing sector, and so help diversify its economy.

For the Union, it is important to maintain an instrument that allows close sectoral cooperation with a country that is a major partner, a supplier of fishery products to the Union and a stakeholder on the international stage and that has fishing grounds of interest to the Union fleet.

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<sup>4</sup> European Commission, Directorate-General for Maritime Affairs and Fisheries, Defaux, V., Cappell, R., *Évaluation rétrospective et prospective du Protocole de mise en œuvre de l'accord de partenariat dans le domaine de la pêche entre l'Union européenne et la République de Cabo Verde – Rapport final* [Retrospective and prospective evaluation of the Protocol implementing the Fisheries Partnership Agreement between the European Union and the Republic of Cabo Verde – Final Report], Publications Office of the European Union, 2023, <https://data.europa.eu/doi/10.2771/814998>

- **Stakeholder consultations**

As part of the abovementioned evaluation, the Commission consulted Member States, industry representatives and international civil society organisations, as well as Cabo Verde's fisheries administration and civil society. Consultations also took place in the framework of the Long Distance Fisheries Advisory Council. These consultations led to the conclusion that it is in the interest of the European Union and Cabo Verde to maintain an instrument allowing for in-depth sectoral cooperation, with multiannual funding possibilities for Cabo Verde. It is in the interest of Union vessel owners to maintain access to an important fishing zone by means of a fisheries agreement.

- **Collection and use of expertise**

The Commission used an independent consultant for the *ex post* and *ex ante* evaluations, in accordance with the provisions of Article 31(10) of Regulation (EU) No 1380/2013 establishing the Common Fisheries Policy.

- **Impact assessment**

Not applicable

- **Regulatory fitness and simplification**

Not applicable

- **Fundamental rights**

The negotiated Protocol includes a clause on the consequences of violating essential human rights elements as set out in Articles 8 and 9 of the Samoa Agreement<sup>5</sup>.

#### **4. BUDGETARY IMPLICATIONS**

The financial contribution for the entire duration of the Protocol is EUR 3 900 000 (i.e. EUR 780 000 per year), based on:

(a) a reference tonnage of 7 000 tonnes, for which an annual amount linked to access has been set at EUR 350 000;

(b) support for developing Cabo Verde's sectoral fisheries policy, amounting to EUR 430 000 per year.

This support meets the objectives of cooperation in the fields of sustainable exploitation of fishery resources, aquaculture, sustainable development of the oceans, protection of the marine environment, and the blue economy.

The annual amount for commitment and payment appropriations is established during the annual budgetary procedure, including for the reserve line for protocols not yet having entered into force at the beginning of the year<sup>6</sup>.

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<sup>5</sup> Partnership Agreement between the European Union and its Member States, of the one part, and the members of the Organisation of African, Caribbean and Pacific States, of the other part (OJ L, 2023/2861, 28.12.2023) <https://data.europa.eu/eli/reg/2023/02862/oj>

<sup>6</sup> In accordance with point 20 of the Interinstitutional agreement on cooperation in budgetary matters (OJ L 433I, 22.12.2020).

## **5. OTHER ELEMENTS**

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

The monitoring arrangements are provided for in the FPA and the new Protocol.

Proposal for a

## **COUNCIL DECISION**

**on the signing, on behalf of the European Union, and provisional application of the Protocol (2024-2029) implementing the Fisheries Partnership Agreement between the European Community and the Republic of Cabo Verde**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Fisheries Partnership Agreement between the European Community and the Republic of Cabo Verde<sup>1</sup> ('the Agreement'), approved by Council Regulation (EC) No 2027/2006<sup>2</sup>, entered into force on 30 March 2007. The Protocol thereto setting out the fishing opportunities and financial contribution provided for in the Agreement expired on 19 May 2024.
- (2) On 19 December 2023 the Council adopted a Decision<sup>3</sup> authorising the Commission to open negotiations with Cabo Verde for the conclusion of a new Implementing Protocol ('the Protocol') to the Agreement.
- (3) The Commission has negotiated, on behalf of the European Union, a new Protocol implementing this Partnership Agreement. As a result of those negotiations, the Protocol was initialled on 15 April 2024.
- (4) The objectives of the Protocol are to allow Union vessels to fish in Cabo Verde's fishing zone and to enable the Union and Cabo Verde to work closely together to further promote the development of a sustainable fisheries policy and the responsible exploitation of fishery resources in Cabo Verde's fishing zone. This cooperation will also contribute to decent working conditions in the fisheries sector.
- (5) The Protocol provides for fishing opportunities for Union vessels in Cabo Verde's waters, on the basis of the best available scientific advice and following the conservation and management measures adopted by the International Commission for the Conservation of Atlantic Tunas.

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<sup>1</sup> Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (OJ L 414 of 30.12.2006, p. 3).

<sup>2</sup> Council Regulation (EC) No 2027/2006 of 19 December 2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (OJ 414, 30.12.2006, p. 1).

<sup>3</sup> Council Decision authorising the opening of negotiations with the Republic of Cabo Verde for the conclusion of an Implementing Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Cabo Verde (ref. 15485/23 + ADD 1, approved by Coreper, Part 1, on 15 December 2023). <https://data.consilium.europa.eu/doc/document/ST-16673-2023-INIT/en/pdf>

- (6) This Protocol should therefore be signed on behalf of the European Union, subject to its conclusion at a later date.
- (7) This Protocol should apply as soon as possible in view of the economic importance of Union fishing activity in Cabo Verde's fishing zone and the need to limit, as far as possible, the duration of any interruption of that activity.
- (8) The Protocol should therefore apply on a provisional basis from 20 May 2024, subject to signature, or from the date of signature if it falls after that date.
- (9) The Commission will ensure the signature of the Agreement, subject to its conclusion.
- (10) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>4</sup> and delivered an opinion on [*please insert date*],

HAS ADOPTED THIS DECISION:

#### *Article 1*

The signing, on behalf of the Union, of the Protocol (2024-2029) implementing the Fisheries Partnership Agreement between the European Community and the Republic of Cabo Verde ('the Protocol') is hereby authorised, subject to the conclusion of said Protocol.

The text of the Protocol is attached to this Decision.

#### *Article 2*

Pending its entry into force, the Protocol shall apply on a provisional basis in accordance with Article 17 thereof, from 20 May 2024, subject to signature, or from the date of signature if it is signed after that date.

#### *Article 5*

This Decision shall enter into force on the day following its adoption.

Done at Brussels,

*For the Council*  
*The President*

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<sup>4</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).



## **LEGISLATIVE FINANCIAL STATEMENT**

### **1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

#### **1.1. Title of the proposal/initiative**

#### **1.2. Policy area(s) concerned**

#### **1.3. The proposal/initiative relates to:**

#### **1.4. Objective(s)**

*1.4.1. General objective(s)*

*1.4.2. Specific objective(s)*

*1.4.3. Expected result(s) and impact*

*1.4.4. Performance indicators*

#### **1.5. Grounds for the proposal/initiative**

*1.5.1. Requirement(s) to be met in the short or long term, including a detailed timeline for roll-out of the implementation of the initiative*

*1.5.2. Added value of Union involvement (this may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point, 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.*

*1.5.3. Lessons learned from similar experiences in the past*

*1.5.4. Compatibility with the multiannual financial framework and possible synergies with other appropriate instruments*

*1.5.5. Assessment of the different available financing options, including scope for redeployment*

#### **1.6. Duration and financial impact of the proposal/initiative**

#### **1.7. Method(s) of budget implementation planned**

### **2. MANAGEMENT MEASURES**

#### **2.1. Monitoring and reporting rules**

#### **2.2. Management and control system(s)**

*2.2.1. Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

*2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them*

*2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio of 'control costs ÷ value of the related funds managed'), and assessment of the expected levels of risk of error (at payment and at closure)*

#### **2.3. Measures to prevent fraud and irregularities**

### **3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE**

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected**
- 3.2. Estimated financial impact of the proposal on appropriations**
  - 3.2.1. Summary of estimated impact on operational appropriations*
  - 3.2.2. Estimated output funded with operational appropriations*
  - 3.2.3. Summary of estimated impact on administrative appropriations*
  - 3.2.4. Compatibility with the current multiannual financial framework*
  - 3.2.5. Third-party contributions*
- 3.3. Estimated impact on revenue**

## **LEGISLATIVE FINANCIAL STATEMENT**

### **1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

#### **1.1. Title of the proposal/initiative**

Proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of the Protocol (2024-2029) implementing the Fisheries Partnership Agreement between the European Community and the Republic of Cabo Verde.

#### **1.2. Policy area(s) concerned**

08 – Agriculture and maritime policy

08.05 – Sustainable fisheries partnership agreements (SFPAs) and regional fisheries management organisations (RFMOs)

08.05.01 – Establishing a governance framework for fishing activities carried out by Union fishing vessels in third-country waters

#### **1.3. The proposal/initiative relates to:**

☒ **a new action**

☐ **a new action following a pilot project / preparatory action<sup>1</sup>**

☐ **an extension of an existing action**

☐ **a merger or redirection of one or more actions towards another / a new action**

#### **1.4. Objective(s)**

##### **1.4.1. General objective(s)**

The negotiation and conclusion of sustainable fisheries partnership agreements (SFPAs) with third countries meet the general objective of giving Union fishing vessels access to the fishing zones of third countries and developing a partnership with those countries with a view to strengthening the sustainable exploitation of fishery resources outside Union waters.

SFPAs also ensure consistency between the principles governing the common fisheries policy and commitments made under other European policies, such as sustainable use of third-country resources, combating illegal, unreported and unregulated (IUU) fishing, integration of partner countries into the global economy, contribution to sustainable development in all its dimensions, and better political and financial governance of fisheries.

##### **1.4.2. Specific objective(s)**

###### **Specific objective No 1**

To contribute to sustainable fishing in non-EU waters, maintain a European presence in distant-water fisheries and protect the interests of the European fisheries sector and consumers by negotiating and concluding SFPAs with coastal states, consistent with other European policies.

<sup>1</sup> As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

#### 1.4.3. *Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

Concluding the Implementing Protocol means that the strategic fisheries partnership between the European Union and Cabo Verde can be continued and strengthened. Concluding the Protocol will create fishing opportunities for Union vessels in Cabo Verde's fishing zone.

The Agreement and the Protocol will also contribute to better management and conservation of fishery resources through financial support (sectoral support) for the implementation of programmes adopted at national level by the partner country, in particular the fisheries comprehensive plan, the monitoring and combating of illegal fishing, and support for the small-scale fisheries sector.

Lastly, the Agreement and the Protocol will support Cabo Verde's sustainable exploitation of its marine resources and contribute to its fishing economy by promoting growth and decent working conditions in fishing-related economic activities.

#### 1.4.4. *Performance indicators*

*Specify the indicators for monitoring progress and achievements.*

Fishing opportunity exploitation rates (annual uptake of fishing authorisations as a percentage of availability under the Protocol).

Catch data (gathering and analysis) and commercial value of the Agreement.

Contribution to creating jobs and establishing decent working conditions in the fisheries sector, creating added value in the Union and stabilising the Union market (in aggregate with other SFPAs).

Contribution to improving research, surveillance and control of fishing activity by the partner country and development of its fisheries sector, in particular small-scale fisheries.

### 1.5. **Grounds for the proposal/initiative**

#### 1.5.1. *Requirement(s) to be met in the short or long term, including a detailed timeline for roll-out of the implementation of the initiative*

It is intended that the new Implementing Protocol will apply provisionally from the date on which it is signed so as to minimise any interruption of fishing operations resulting from the expiry of the current Protocol.

The new Protocol will provide a framework for fishing activity by the Union fleet in Cabo Verde's fishing zone and will allow Union vessel owners to apply for fishing authorisations to fish in that zone. In addition, the new Protocol will enhance cooperation between the Union and Cabo Verde with a view to promoting the development of a sustainable fisheries policy in all its dimensions. It provides, in particular, for vessels to be monitored via VMS and for the electronic transmission of catch data. The sectoral support available under the Protocol will help Cabo Verde in the context of its national fisheries strategy, including in the fight against IUU fishing, while promoting decent working conditions for fishing activity.

#### 1.5.2. *Added value of Union involvement (this may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point, 'added value of Union involvement' is the value resulting*

*from Union intervention which is additional to the value that would have been otherwise created by Member States alone.*

Failure by the Union to agree on a new Protocol would impede the fishing activity of Union vessels, as the current Agreement contains a clause excluding fishing activity not taking place in the framework defined by a protocol to the Agreement. Consequently, the added value for the Union's long-distance fleet is very clear. The Protocol also offers a framework for enhanced cooperation between the EU and Cabo Verde.

*1.5.3. Lessons learned from similar experiences in the past*

Analysis of past catches in Cabo Verde's fishing zone and of available assessments and scientific advice has led the Parties to set a reference tonnage for tuna and tuna-like species of 7 000 tonnes per year with fishing opportunities for 24 tuna purse seiners, 22 surface longliners and 10 pole-and-line vessels. Sectoral support has been set at a high level in order to take account of the priorities of the national fisheries strategy and in particular of the fisheries comprehensive plan.

*1.5.4. Compatibility with the multiannual financial framework and possible synergies with other appropriate instruments*

Funds provided as financial compensation for access under the FPA constitute fungible revenue in the national budget of Cabo Verde. However, the conclusion and monitoring of SFPAs require funds intended for sectoral support to be allocated (generally by including them in the annual budget law) to the Ministry responsible for fisheries. These financial resources are compatible with other sources of funding from other providers of international funding for projects and/or programmes to be carried out at national level in the fisheries sector.

*1.5.5. Assessment of the different available financing options, including scope for redeployment*

Not applicable

**1.6.**

## **Duration and financial impact of the proposal/initiative**

### **X limited duration**

- X In force from 20 May 2024 to 19 May 2029 (subject to signature before 20 May 2023)
- X Financial impact from 2024 to 2028 for commitment appropriations and from 2024 to 2029 for payment appropriations.

### ☐ **Unlimited duration**

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

## **1.7. Management mode(s) planned<sup>2</sup>**

### **X Direct management** by the Commission

- X by its departments, including by its staff in the Union delegations;
- ☐ by executive agencies

### ☐ **Shared management** with the Member States

### ☐ **Indirect management** by entrusting budget implementation tasks to:

- ☐ third countries or the bodies they have designated;
- ☐ international organisations and their agencies (to be specified);
- ☐ the EIB and the European Investment Fund;
- ☐ bodies referred to in Articles 70 and 71 of the Financial Regulation;
- ☐ public-law bodies;
- ☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees;
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees;
- ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

### **Comments**

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<sup>2</sup> An explanation of management modes and references to the Financial Regulation are available on the BudgWeb site:  
<https://myintracomm.ec.europa.eu/budgweb/FR/man/budgmanag/Pages/budgmanag.aspx>

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

The Commission (DG MARE, in cooperation with its fisheries attaché responsible for the region, and in coordination with the Union Delegation to Cabo Verde and the relevant Commission departments) will ensure regular monitoring of the implementation of the Protocol as regards the use of fishing opportunities by operators, catch data and compliance with the conditions for sectoral support.

The FPA provides for at least one annual meeting of the Joint Committee, at which the Commission and Cabo Verde will review the implementation of the Agreement and Protocol and, if necessary, adjust the programming and, if applicable, the financial contribution.

### **2.2. Management and control system(s)**

#### **2.2.1. *Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed***

Separate payments will be made for the contribution for access and the contribution linked to sectoral support.

The payments for access will be made annually on the anniversary date of the Protocol, except in the 1st year, when the payment will be made in the 3 months after the start of provisional application. Vessel access will be controlled by the issuing of fishing authorisations.

The support will be paid for the first time within 3 months of the start of provisional application, subject to agreement on the annual and multiannual implementation programme and exhaustion of the appropriations allocated for sectoral support for the period 2019-2024 corresponding to the previous implementation protocol. For the following years, it will be conditional on the results achieved. The results achieved and the implementation rate will be monitored in accordance with the guidelines on the provision of sectoral support for Cabo Verde's fisheries policy to be agreed by the Parties, on the basis of reports or documentary evidence provided by the partner country and technical inspections carried out by the fisheries attaché.

#### **2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them***

The identified risk is the under-use of fishing opportunities by Union vessel owners and the under-use or delayed use by Cabo Verde of funds intended to finance the sectoral fisheries policy. Extensive dialogue is planned on the programming and implementation of the sectoral policy referred to in the Agreement and the Protocol. Joint analysis of results, as referred to in Article 6 of the Protocol, also forms part of these control methods. In addition, the Agreement and the Protocol contain specific clauses for their suspension, under certain conditions and in given circumstances.

#### **2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of 'control costs ÷ value of the related funds managed'), and assessment of the expected levels of risk of error (at payment and at closure)***

Payments relating to access costs under Sustainable Fisheries Partnership Agreements (SFPAs) are subject to checks aimed at ensuring their compliance with

the provisions of international agreements. Checks relating to sectoral support are aimed at monitoring its implementation. Monitoring is carried out by Commission staff in Union delegations and during Joint Committee meetings. A multiannual programming matrix is used to evaluate progress. If progress is insufficient, the payment of the next instalment is suspended or possibly reduced. The overall cost of the checks on all SFPAs is estimated to be around 1.8% (of total contributions in 2018). The procedures for checks on SFPAs are based largely on essential regulatory requirements. If no shortcomings are detected that could have a significant impact on the legality and regularity of the financial transactions, the checks are considered effective. The average error rate is estimated at 0.0%.

### **2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures, e.g. from the anti-fraud strategy.*

The Commission undertakes to establish political dialogue and regular coordination with Cabo Verde with a view to improving the management of the Agreement and the Protocol and strengthening the Union's contribution to sustainable resource management. Any payment which the Commission makes under an SFPA is subject to the Commission's standard rules and budgetary and financial procedures. In particular, the bank accounts of third countries into which the financial contribution is paid are fully identified. Article 3(7) of the Protocol provides that the financial contribution for access must be paid into a Public Treasury account, while the contribution intended for development of the sector must be paid into an official account under the supervision of the Ministry responsible for fisheries.



### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

*In the order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./non-diff. <sup>1</sup>	from EFTA countries <sup>2</sup>	from candidate countries <sup>3</sup>	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
Establishing a governance framework for fishing activities carried out by Union fishing vessels in third-country waters	08.05.01	Diff.	No	/No	No	No

- New budget lines requested

*In the order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

<sup>1</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>2</sup> EFTA: European Free Trade Association.

<sup>3</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.

### 3.2. Estimated financial impact of the proposal on appropriations

#### 3.2.1. Summary of estimated impact on operational appropriations

- ☐ The proposal/initiative does not require the use of operational appropriations.
- ☒ The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

<b>Heading of multiannual financial framework</b>	No 2	Sustainable growth: natural resources
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DG MARE			Year 2024 <sup>1</sup>	Year 2025	Year 2026	Year 2027	Year 2028	TOTAL
○ Operational appropriations								
Budget line <sup>2</sup> 08.05.01	Commitments	(1a)	0.780	0.780	0.780	0.780	0.780	3.900
	Payments	(2a)	0.780	0.780	0.780	0.780	0.780	3.900
Budget line	Commitments	(1b)						
	Payments	(2b)						
Appropriations of an administrative nature financed from the envelope for specific programmes <sup>3</sup>								
Budget line		(3)						
<b>TOTAL appropriations for DG MARE</b>	Commitments	=1a+1b +3	0.780	0.780	0.780	0.780	0.780	3.900
	Payments	=2a+2b	0.780	0.780	0.780	0.780	0.780	3.900

<sup>1</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace 'N' by the expected first year of implementation (for instance: 2021). Then do the same for the following years.

<sup>2</sup> According to the official budget nomenclature.

<sup>3</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

		+3						
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○ TOTAL operational appropriations	Commitments	(4)	0.780	0.780	0.780	0.780	0.780	3.900
	Payments	(5)	0.780	0.780	0.780	0.780	0.780	3.900
○TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)						
<b>TOTAL appropriations under HEADING 2</b> of the multiannual financial framework	Commitments	=4+6	0.780	0.780	0.780	0.780	0.780	3.900
	Payments	=5+6	0.780	0.780	0.780	0.780	0.780	3.900

**If more than one operational heading is affected by the proposal/initiative, repeat the section above:**

○ TOTAL operational appropriations (all operational headings)	Commitments	(4)	0.780	0.780	0.780	0.780	0.780	3.900
	Payments	(5)	0.780	0.780	0.780	0.780	0.780	3.900
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)						
<b>TOTAL appropriations under HEADINGS 1 to 6</b> of the multiannual financial framework (Reference amount)	Commitments	=4+6	0.780	0.780	0.780	0.780	0.780	3.900
	Payments	=5+6	0.780	0.780	0.780	0.780	0.780	3.900

<b>Heading of multiannual financial framework</b>	<b>7</b>	‘Administrative expenditure’
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This section should be filled in using the ‘budget data of an administrative nature’ to be previously entered in the [Annex to the Legislative Financial Statement](#) (Annex V to the internal rules), which is uploaded to DECIDE for interservice consultation purposes.

EUR million (to three decimal places)

		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
DG: <.....>									
<input type="radio"/> Human resources									
<input type="radio"/> Other administrative expenditure									
<b>DG TOTAL &lt;.....&gt;</b>	Appropriations								

<b>TOTAL appropriations under HEADING 7 of the multiannual financial framework</b>	(Total commitments = Total payments)								
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EUR million (to three decimal places)

		Year N <sup>4</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
<b>TOTAL appropriations under HEADINGS 1 to 7 of the multiannual</b>	Commitments								
	Payments								

<sup>4</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace ‘N’ by the expected first year of implementation (for instance: 2021). Then do the same for the following years.

financial framework									
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### 3.2.2. Estimated output funded with operational appropriations

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs  ↓			Year 2024		Year 2025		Year 2026		Year 2027		Year 2028		TOTAL	
	OUTPUTS													
	Type <sup>5</sup>	Average cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost	Total number	Total cost
SPECIFIC OBJECTIVE No 1 <sup>6</sup> ...														
- Access				0.350		0.350		0.350		0.350		0.350		1.750
- Sectoral				0.430		0.430		0.430		0.430		0.430		2.150
- Output														
Subtotal for specific objective No 1				0.780		0.780		0.780		0.780		0.780		3.900
TOTALS				0.780		0.780		0.780		0.780		0.780		3.900

<sup>5</sup> Outputs are products and services to be supplied (e.g. number of student exchanges financed, number of km of roads built).

<sup>6</sup> As described in point 1.4.2. 'Specific objective(s)...'

### 3.2.3. Summary of estimated impact on administrative appropriations

- ☒ X The proposal/initiative does not require the use of appropriations of an administrative nature
- ☐ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year N <sup>1</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
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<b>HEADING 7 of the multiannual financial framework</b>								
Human resources								
Other administrative expenditure								
<b>Subtotal HEADING 7 of the multiannual financial framework</b>								

<b>Outside HEADING 7<sup>2</sup> of the multiannual financial framework</b>								
Human resources								
Other administrative expenditure								
<b>Subtotal outside HEADING 7 of the multiannual financial framework</b>								

<b>TOTAL</b>								
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the

<sup>1</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace 'N' by the expected first year of implementation (for instance: 2021). Then do the same for the following years.

<sup>2</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

### 3.2.3.1. Estimated human resources requirements

- ☒ The proposal/initiative does not require the use of human resources.
- ☐ The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full-time equivalent units*

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
<b>○ Establishment plan posts (officials and temporary staff)</b>							
20 01 02 01 (Headquarters and Commission's representation offices)							
20 01 02 03 (Delegations)							
01 01 01 01 (Indirect research)							
01 01 01 11 (Direct research)							
Other budget lines (specify)							
<b>○ External staff (in full-time equivalent units: FTEs)<sup>1</sup></b>							
20 02 01 (AC, END, INT from the 'global envelope')							
20 02 03 (AC, AL, END, INT and JPD in the delegations)							
<b>XX 01 xx yy zz<sup>2</sup></b>	- at Headquarters						
	- in Delegations						
01 01 01 02 (AC, END, INT – Indirect research)							
01 01 01 12 (AC, END, INT – Direct research)							
Other budget lines (specify)							
<b>TOTAL</b>							

**XX** is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of the tasks to be carried out:

Officials and temporary staff	
External staff	

### 3.2.4. Compatibility with the current multiannual financial framework

The proposal/initiative:

<sup>1</sup> AC = contract staff; AL = local staff; END = seconded national expert; INT = agency staff; JPD = junior professionals in delegations.

<sup>2</sup> Sub-ceilings for external staff covered by operational appropriations (former 'BA' lines).



- X can be fully financed through redeployment within the relevant heading of the multiannual financial framework (MFF).

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts. Please provide an Excel table in the case of major reprogramming.

- ☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

Explain what is required, specifying the headings and budget lines concerned, the corresponding amounts, and the instruments proposed to be used.

- ☐ requires a revision of the MFF.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

### 3.2.5. *Third-party contributions*

The proposal/initiative:

- X does not provide for co-financing by third parties
- ☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year N <sup>3</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

## 3.3.

<sup>3</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace 'N' by the expected first year of implementation (for instance: 2021). Then do the same for the following years.

### Estimated impact on revenue

- X The proposal/initiative has no financial impact on revenue.
- ☐ The proposal/initiative has the following financial impact:
  - ☐ on own resources
  - ☐ on other revenue
  - please indicate, if the revenue is assigned to expenditure lines ☐

EUR million (to three decimal places)

Budget revenue line	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>4</sup>						
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article .....								

For assigned revenue, specify the budget expenditure line(s) affected.

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Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

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<sup>4</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.