Council Regulation (EU) No 1258/2012 of 28 November 2012 on the allocation of the fishing opportunities under the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force

COUNCIL REGULATION (EU) No 1258/2012

of 28 November 2012

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 15 November 2007, the Council adopted Regulation (EC) No 31/2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Madagascar[(1)] ('the Partnership Agreement').

(2) A new Protocol to the Partnership Agreement was initialled on 10 May 2012 ('the new Protocol'). The new Protocol grants EU vessels fishing opportunities in waters in which Madagascar exercises its sovereignty or jurisdiction as regards fishing.

(3) On 28 November 2012, the Council adopted Decision 2012/826/EU[(2)] on the signing and provisional application of the new Protocol.

(4) The method for allocating the fishing opportunities among the Member States should be defined for the period in which the new Protocol applies.

(5) Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters[(3)] provides that if it appears that the fishing authorisations or the fishing opportunities allocated to the Union under the new Protocol are not fully utilised, the Commission will inform the Member States concerned. The absence of a reply within a time limit to be set by the Council is to be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities in the given period. That time limit should be set.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 1258/2012. (See end of Document for details)*

(6) Given that the Protocol is to be provisionally applied from the date of its signature and from 1 January 2013 at the earliest, this Regulation should apply from the date so determined,

HAS ADOPTED THIS REGULATION:

Article 1

1 The fishing opportunities fixed under the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force ('the Protocol') shall be allocated among the Member States as follows:

Type of Vessel	Member State	Fishing opportunities
Tuna seiners	Spain	21
	France	18
	Italy	1
Surface longliners over 100 GT	Spain	17
	France	9
	Portugal	5
	United Kingdom	3
Surface longliners of 100 GT or below	France	22

[[F1]1a The fishing opportunities for sharks caught in association with fisheries managed by the Indian Ocean Tuna Commission by surface longliners are hereby set at 200 tonnes per year. This tonnage is allocated among the Member States as follows:

Member State	Tonnes
Spain	166
Portugal	27
France	7
United Kingdom	0
Total	200**]**

2 Regulation (EC) No 1006/2008 shall apply without prejudice to the Partnership Agreement.

3 If applications for fishing authorisations from the Member States referred to in paragraph 1 do not exhaust the fishing opportunities set out in the Protocol, the Commission shall consider applications for fishing authorisations from any other Member State, pursuant to Article 10 of Regulation (EC) No 1006/2008.

4 The time limit within which the Member States must confirm that they are not making full use of the fishing opportunities granted to them, as provided by Article 10(1) of Regulation