Council Regulation (EC) No 753/2007 of 28 June 2007 on the conclusion of the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand

COUNCIL REGULATION (EC) No 753/2007

of 28 June 2007

on the conclusion of the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament[(1)],

Whereas:

(1) The Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other, have negotiated a Fisheries Partnership Agreement providing Community fishermen with fishing opportunities in the waters in the exclusive economic zone of Greenland.

(2) As a result of those negotiations, a new Fisheries Partnership Agreement was initialled on 2 June 2006.

(3) The method for allocating the fishing opportunities among the Member States should be defined.

(4) In order to optimise the use of fishing opportunities under this Agreement, the Commission should be allowed to carry out reallocations of non-utilised fishing opportunities from one Member State to another during the annual fishing campaign under certain conditions and criteria and in close cooperation with the Member States concerned. Any such reallocation should not prejudice allocation keys for the distribution of fishing opportunities amongst Member States in accordance with relative stability and should be without prejudice to the competences attributed to the Member States by Article 20(5) of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy[(2)].

(5) It is in the Community's interest to approve that Agreement,

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 753/2007. (See end of Document for details)*

Article 1

The Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other, is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

Detailed rules implementing the administrative measures agreed in accordance with Article 6(3) and Article 10(2)(h), of the Agreement referred to in Article 1 may be adopted in accordance with the procedure referred to in Article 30(2) of Regulation (EC) No 2371/2002.

Article 3

1 The allocation and management of fishing opportunities including licences obtained under the Agreement referred to in Article 1 shall be conducted in accordance with Article 20 of Regulation (EC) No 2371/2002.

2 Notwithstanding paragraph 1, if licence applications from Member States do not cover all the fishing opportunities allocated to Member States pursuant to paragraph 1 including those exchanged in accordance with Article 20(5) of Regulation (EC) No 2371/2002 by the dates set out in the Annex, the Commission may take into consideration licence applications from any other Member State. The Commission, in close cooperation with the Member States concerned, may then, after the dates set out in the Annex, make the transfer of the non-utilised fishing opportunities from the Member State holding it to another Member State.

This reallocation of fishing opportunities shall not prejudice allocation keys for the distribution of fishing opportunities amongst Member States in accordance with relative stability.

3 For each species in the Annex, the Commission shall inform the Member States about the level of utilisation of the fishing opportunities based on licence applications received at the latest:

a one month before the date set out in the Annex; and

b by the date set out in the Annex.

4 The Commission shall establish in accordance with the procedure laid down in Article 30(2) of Regulation (EC) No 2371/2002 by 31 December 2007 the detailed rules and criteria under which the redistribution mechanism referred to above shall be exercised. Until such rules are adopted the Commission shall not be prevented from exercising the mechanism as set out in paragraph 2.

Article 4

The Member States whose vessels fish under this Agreement shall notify the Commission of the quantities of each stock caught within the Greenlandic fishing zone in accordance with Commission Regulation (EC) No 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country waters and on the high seas[(3)].

Article 5

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in order to bind the Community.

Article 6

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 28 June 2007.

For the Council

The President

S. GABRIEL

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EC) No 753/2007. (See end of Document for details)*

ANNEX

Date beyond which the provisions set out in Article 3 paragraphs 2 and 3 concerning the reallocation of fishing opportunities by the Commission shall apply.

Fishing species of the Protocol	Timetable
Shrimp East	1 August[a]
Greenland halibut East	15 September
Atlantic halibut	1 September
Greenland halibut West	15 October
Shrimp West	1 October
Redfish	1 September
Snowcrab	1 October
Cod	31 October

a If the level of utilisation of fishing opportunities based on licence applications is, on 1 August, more than 65 %, then this date shall be postponed to 1 September.

FISHERIES PARTNERSHIP AGREEMENT

between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand

THE EUROPEAN COMMUNITY, (hereinafter referred to as 'the Community'), and

THE GOVERNMENT OF DENMARK AND THE HOME RULE GOVERNMENT OF GREENLAND, (hereinafter referred to as 'Greenland'),

(hereinafter referred to as the 'Parties'),

HAVING REGARD to the Protocol on the special arrangement applicable to Greenland,

RECOGNISING that the European Community and Greenland wish to strengthen the links between them and to establish a partnership and a cooperation which would support, complement and extend the relations and cooperation established between them in the past,

RECALLING the Council decision of November 2001 on the association of the overseas countries and territories with the European Community,

TAKING ACCOUNT of the recognition by the Council in February 2003 of the need to broaden and strengthen the future relations between the European Community and Greenland, taking into account the importance of fisheries and the need for structural and sector oriented reforms in Greenland based on a comprehensive partnership for sustainable development,

TAKING ACCOUNT of the Joint Declaration of 27 June 2006 by the European Community on one hand and the Home Rule Government of Greenland and the Government of Denmark on the other on partnership between the European Community and Greenland,

RECALLING the Council Decision of 17 July 2006 on the relations between the European Community on the one hand and the Home Rule Government of Greenland and Government of Denmark on the other hand,

RECALLING the status of Greenland, which is both autonomous and an integral part of one of the Member States of the Community,

CONSIDERING the overall relationship between the Community and Greenland, and their mutual desire to continue that relationship,

HAVING REGARD TO the United Nations Convention on the Law of the Sea and the Agreement for implementation of the provisions of the United Nations Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks,

AWARE of the importance of the principles established by the Code of conduct for responsible fisheries adopted at the FAO Conference in 1995,

DETERMINED to cooperate, in their mutual interest, in securing continued responsible fisheries to ensure the long-term conservation and sustainable exploitation of marine living resources,

CONVINCED that such cooperation must take the form of initiatives and measures which, whether taken jointly or separately, are complementary, consistent with policy and ensure synergy of effort,

INTENDING, to these ends, to continue a dialogue with a view to improving the sectoral fisheries policy in Greenland and identifying the appropriate means of ensuring that this policy is effectively implemented and that economic operators and civil society are involved in the process,

DESIROUS of establishing terms and conditions governing the fishing activities of Community vessels in the Greenlandic Exclusive Economic Zone and Community support for securing continued responsible fishing in those waters,

RESOLVED to pursue closer economic cooperation in the fishing industry and related activities through the setting up and development of joint enterprises involving companies from both Parties and the promotion of temporary joint ventures,

HEREBY AGREE AS FOLLOWS:

Article 1

Scope and objectives

This Agreement establishes the principles, rules and procedures governing:

— economic, financial, technical and scientific cooperation in the fisheries sector with the purpose of ensuring that the exploitation of the fisheries resources provide sustainable economic and social conditions including the development of the Greenlandic fisheries sector,