



Brussels, 15.9.2017
COM(2017) 483 final

2017/0221 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

On the basis of the relevant negotiating directives¹, the Commission conducted negotiations with the Government of Mauritius with a view to concluding a new Protocol to the Fisheries Partnership Agreement between the European Community and the Republic of Mauritius². Following these negotiations, a new Protocol was initialled on 26 April 2017. The Protocol covers a period of four years from the date of its provisional application, i.e. from the date on which it is signed, as it states in Article 15.

The main aim of the new Protocol is to provide fishing opportunities for Union vessels in Mauritius waters, on the basis of the best available scientific advice and respecting the recommendations of the Indian Ocean Tuna Commission (IOTC), where applicable within the limits of the available surplus. The Commission based its position in part on the results of an evaluation of the previous Protocol (2014-2017) and a forward-looking assessment of whether a new Protocol should be concluded. Both were carried out by external experts. The Protocol will also enable the European Union and the Republic of Mauritius to work more closely on promoting a sustainable fisheries policy, sound exploitation of fisheries resources in Mauritius waters, and support Mauritius's efforts to develop its sustainable ocean economy, in the interests of both parties.

The Protocol provides for fishing opportunities in the following categories:

- 40 tuna seiners;
- 45 surface long-liners.

• Consistency with existing policy provisions in the policy area

The new Protocol will provide a framework for Union vessels fishing in Mauritius waters and for stronger cooperation between the Union and Mauritius, taking into account the priorities of the reformed Common Fisheries Policy and its external dimension. The aim is to establish a strategic partnership with this country.

The Commission therefore proposes that the Council authorise the signing and provisional application of the new Protocol.

• Consistency with other Union policies

The proposal is consistent with the EU's external action towards African, Caribbean and Pacific (ACP) countries.

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

The interested parties were consulted during the ex-post and ex-ante evaluations on a possible new Protocol between the European Union and the Republic of Mauritius. Experts from the Member States and industry were also consulted in technical meetings. These consultations

¹ Adopted by the 3459th meeting of the Agriculture and Fisheries Council on 11.04.2016.

² OJ L 79 18.3.2014, p.3.

led to the conclusion that it would be beneficial for the EU and the Republic of Mauritius to conclude a new Protocol to the Fisheries Partnership Agreement.

3. BUDGETARY IMPLICATIONS

The annual financial contribution is EUR 575 000, based on:

- (a) a reference tonnage of 4 000 tonnes, for which an annual amount linked to access has been set at EUR 220 000;
- (b) support for development of the sectoral fisheries policy of the Republic of Mauritius, amounting to EUR 220 000 annually; and
- (c) support for development in the field of ocean economy, amounting to EUR 135 000 annually.

This support meets the objectives of the national fisheries, maritime policy and ocean economy and in particular Mauritius's needs in relation to: scientific research; artisanal fisheries; fisheries monitoring, control and surveillance; and the fight against illegal fishing.

Proposal for a

COUNCIL REGULATION

on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius.

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 28 January 2014, the Council adopted Council Decision 2014/146/EU¹ on the conclusion of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (hereinafter referred to as the "Agreement").
- (2) The first Protocol to the Agreement set out, for a period of three years, the fishing opportunities granted to Union vessels in the fishing zone under the sovereignty or jurisdiction of Mauritius and the financial contribution granted by the Union. The period of application of that Protocol expired on 27 January 2017.
- (3) In accordance with Council Decision 2017/.../EU², a new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (hereinafter referred to as "the Protocol") was signed on... [*please insert the date*].
- (5) The method for allocating the fishing opportunities among the Member States should be defined for the entire period of application of the Protocol.
- (6) Article 10(1) of Council Regulation (EC) No 1006/2008³ provides that the Commission is to inform the Member States concerned if it appears that the number of fishing authorisations do not exhaust the amount of fishing opportunities allocated to the Union under the Protocol, and request them to confirm not making use of those fishing opportunities. If no reply is received within a set time, this will be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the period in question.
- (7) A time limit should be established for the purpose of receiving a reply with such confirmation.

¹ Council Decision 2014/146/EU of 28 January 2014 on the conclusion of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (OJ L 79, 18.3.2014, p. 2)

² OJ L of , p. .

³ 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, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, p. 33).

- (8) The Protocol will apply on a provisional basis from its date of signature in order to ensure an expeditious start to fishing activities of Union vessels. It should therefore also be established that this Regulation is to apply from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

- (1) The fishing opportunities established under the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius shall be allocated among the Member States as follows:

(a) tuna seiners:

Spain:	22	vessels
France:	16	vessels
Italy:	2	vessels

(b) surface long-liners:

Spain:	12	vessels
France:	29	vessels
Portugal:	4	vessels

- (2) Regulation (EC) No 1006/2008 shall apply without prejudice to the Agreement.
- (3) If applications for fishing authorisations from the Member States referred to in paragraph 1 do not exhaust the fishing opportunities established by the Protocol, the Commission shall consider applications for fishing authorisations from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.
- (4) The time limit within which the Member States must confirm, upon request from the Commission, that they are not fully utilising the fishing opportunities granted to them under the Protocol, as provided by Article 10(1) of Regulation (EC) No 1006/2008, is set at ten working days as from the date on which the Commission submits its request.

Article 2

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

It shall apply from the date of signature of the Protocol.

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

Done at Brussels,

For the Council
The President