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2019/0208 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for a maximum period of one year

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Council authorised the European Commission to negotiate, on behalf of the European Union, the renewal of the Agreement and the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania.

Pending completion of the negotiations on the renewal of the Agreement and its Protocol, the Commission negotiated, on behalf of the European Union, an Agreement in the form of an Exchange of Letters on an extension for a maximum period of one year to the Protocol setting out the fishing opportunities and financial contribution for implementing the Agreement (hereinafter: 'Exchange of Letters'). At the end of those negotiations, the Exchange of Letters was initialled on 4 September 2019.

The aim of the Exchange of Letters is to enable the European Union and the Islamic Republic of Mauritania to continue working together to promote a sustainable fisheries policy, the sound exploitation of fisheries resources in Mauritanian waters and to allow EU vessels to fish in those waters.

The Protocol provides for fishing opportunities in the following categories:

- Category 1 – Vessels fishing for crustaceans other than spiny lobster and crab: 5 000 tonnes and 25 vessels;
- Category 2 – Black hake (non-freezer) trawlers and bottom longliners: 6 000 tonnes and 6 vessels;
- Category 2a – Black hake (freezer) trawlers: (black hake: 3 500 tonnes, squid: 1 450 tonnes, cuttlefish: 600 tonnes);
- Category 3 – Vessels fishing for demersal species other than black hake with gear other than trawls: 3 000 tonnes and 6 vessels;
- Category 4 – Tuna seiners: 12 500 tonnes (reference tonnage) and 25 vessels;
- Category 5 – Pole-and-line tuna vessels and longliners: 7 500 tonnes (reference tonnage) and 15 vessels;
- Category 6 – Pelagic freezer trawlers: 225 000 tonnes (may be exceeded by a maximum of 10%) and 19 vessels;
- Category 7 – Non-freezer pelagic vessels: 15 000 tonnes (deducted from volume under category 6 if used) and 2 vessels.

The method for allocating fishing opportunities among the Member States should be defined. The Commission proposes, on this basis, that the Council adopt the attached proposal for a Regulation.

2. RESULTS OF STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

Stakeholders were consulted during the evaluation of the Protocol for the period 2012-14. Experts from the Member States were also consulted in technical meetings. These consultations led to the conclusion that it would be beneficial to renew the Fisheries Agreement and agree on a Fisheries Protocol with the Islamic Republic of Mauritania.

3. LEGAL ELEMENTS OF THE PROPOSAL

The legal basis chosen is the Treaty on the Functioning of the European Union, Article 43(3) of which establishes that the Council, on a proposal from the Commission, shall adopt measures on the allocation of fishing opportunities.

This procedure is being initiated in parallel with the procedures relating to the Council Decisions authorising the signing, provisional application and conclusion of the Agreement in the form of an Exchange of Letters on an extension for a maximum period of one year to the Protocol setting out the fishing opportunities and financial contribution for implementing the Agreement.

4. BUDGETARY IMPLICATIONS

The annual financial contribution has been set at EUR 61 625 000 for a maximum period of one year for the purposes of the extension, on the basis of:

a) a total allowable catch of 259 550 tonnes for fishing categories 1, 2, 2a, 3, 6¹ and 7 and a reference tonnage of 20 000 tonnes for fishing categories 4 and 5 of the Protocol, corresponding to an amount linked to access to EUR 57 500 000 per year, and

b) support for the development of the sectoral fisheries policy of the Islamic Republic of Mauritania amounting to EUR 4 125 000 per year. This support meets the aims of national fisheries policy and in particular the needs of the Islamic Republic of Mauritania as regards supporting scientific and technical cooperation, training, fisheries monitoring, protecting the environment and development infrastructure.

¹ This figure may be exceeded by a 10% margin without any impact on the financial contribution paid by the European Union for access.

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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) The Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania¹ (hereinafter: ‘the Agreement’), approved by Council Regulation (EC) No 1801/2006² entered into force on 8 August 2008. The Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement (hereinafter: ‘the Protocol’), which entered into force on the same day for a period of two years, has been replaced several times.
- (2) The latest Protocol to the Agreement will expire on 15 November 2019.
- (3) Pending completion of the negotiations on the renewal of the Agreement and its Protocol, the Commission negotiated, on behalf of the European Union, an Agreement in the form of an Exchange of Letters on an extension for a maximum period of one year to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement (hereinafter: ‘Agreement in the form of an Exchange of Letters’).
- (3) On [...] the Council adopted Decision (EU) 2019/[...] ³ on the signing and provisional application of the Agreement in the form of an Exchange of Letters on an extension to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2019.
- (4) The method for allocating the fishing opportunities among the Member States should be defined for the period of application of the Protocol extension.
- (5) Article 47(2) of Regulation (EU) 2017/2403 of the European Parliament and of the Council⁴ provides that the Commission will inform the Member States concerned if it transpires that the fishing opportunities allocated to the EU under the Protocol have

¹ OJ L 343, 8.12.2006, p. 4.

² Council Regulation (EC) No 1801/2006 of 30 November 2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania (OJ L 343, 8.12.2006, p. 1).

³ OJ C , , p..

⁴ OJ L 347, 28.12.2017, p. 81.

not been fully used. If no reply is received within a time limit to be set by the Council, 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. This time limit should be set.

- (6) This Regulation should apply from the date of the signature of the Agreement in the form of an Exchange of Letters,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities established under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for the period of validity of the Protocol shall be allocated among the Member States as follows:

- (a) Category 1 – Vessels fishing for crustaceans other than spiny lobster and crab

Spain	4 150 tonnes
Italy	600 tonnes
Portugal	250 tonnes

Within this category, a maximum of 25 vessels may be deployed in Mauritanian waters at any one time.

- (b) Category 2 – Black hake (non-freezer) trawlers and bottom longliners

Spain	6 000 tonnes
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Within this category, a maximum of 6 vessels may be deployed in Mauritanian waters at any one time.

- (c) Category 3 – Vessels fishing for demersal species other than black hake with gear other than trawls

Spain	3 000 tonnes
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Within this category, a maximum of 6 vessels may be deployed in Mauritanian waters at any one time.

- (d) Category 4 – Tuna seiners (12 500 tonnes – reference tonnage)

Spain	17 annual licences
France	8 annual licences

- (e) Category 5 – Pole-and-line tuna vessels and surface longliners (7 500 tonnes – reference tonnage)

Spain	14 annual licences
France	1 annual licence

(f) Category 6 – Pelagic freezer trawlers

Germany	12 560 tonnes
France	2 615 tonnes
Latvia	53 913 tonnes
Lithuania	57 642 tonnes
Netherlands	62 592 tonnes
Poland	26 112 tonnes
United Kingdom	8 531 tonnes
Ireland	8 535 tonnes

During the period of validity of the Protocol, the following number of quarterly licences shall be held by Member States:

Germany	4
France	2
Latvia	20
Lithuania	22
Netherlands	16
Poland	8
United Kingdom	2
Ireland	2

Member States shall inform the Commission if certain licences may be placed at the disposal of other Member States.

Within this category, a maximum of 19 vessels may be deployed in Mauritanian waters at any one time.

(g) Category 7 – Non-freezer pelagic vessels

Ireland	15 000 tonnes
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If not used, these fishing opportunities shall be transferred to category 6 according to the method of allocation of that category.

(h) Category 2a – Black hake (freezer) trawlers

Spain:

Black hake	3 500 tonnes
Squid	1 450 tonnes
Cuttlefish	600 tonnes

Within this category, a maximum of 6 vessels may be deployed in Mauritanian waters at any one time.

2. The time limit within which the Member States must confirm that they are not fully using the fishing opportunities granted to them under the Agreement, as provided by

Article 47(2) of Regulation (EU) 2017/2403, is set at ten working days as from the date on which the Commission informs them that the fishing opportunities are not being fully used.

Article 2

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

It shall apply as from the date of signing the Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania on an extension to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2019.

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

Done at Brussels,

For the Council
The President