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2015/0228 (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 Union and the Islamic Republic of Mauritania for a period of four years

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 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. At the end of those negotiations, a new Protocol was initialled by the negotiators on 10 July 2015. It covers a period of four years from the date of provisional application laid down in Article 14 – i.e. from the date of its signature.

The main aim of the Protocol is to grant fishing opportunities to European Union vessels in Mauritanian waters taking into account available scientific assessments, in particular those of the Fishery Committee for the Eastern Central Atlantic (CECAF), and in accordance with scientific advice and the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), within the limits of the available surplus. The Commission based its position in part on the results of a forward-looking assessment, carried out by external experts, of whether a new Protocol should be concluded.

The objective is to also enhance cooperation between the European Union and the Islamic Republic of Mauritania, thereby creating a partnership framework within which to develop a sustainable fisheries policy and sound exploitation of fishery resources in the fishing zone of the Islamic Republic of Mauritania, in the interests of both parties.

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 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: 247 500 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 CONSULTATIONS WITH INTERESTED PARTIES AND IMPACT ASSESSMENTS

The interested parties 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

This procedure is being initiated in parallel with the procedures relating to the Council Decision on the provisional application of the Protocol.

4. BUDGETARY IMPLICATIONS

The annual financial contribution has been set at EUR 59 125 000 per year, on the basis of:

a) a total allowable catch of 261 500 tonnes for fishing categories 1, 2, 3, 6 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 55 000 000 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 fishing 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.

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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 30 November 2006, the Council adopted Regulation (EC) No 1801/2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania ('the Partnership Agreement')¹.
- (2) On 10 July 2015, the Union and the Islamic Republic of Mauritania initialled a new Protocol to the partnership agreement (hereinafter 'the Protocol'). The Protocol grants EU vessels fishing opportunities in the fishing zone over which the Islamic Republic of Mauritania exercises its jurisdiction.
- (3) On [...] the Council adopted Decision .../2015/EU² on the signing and provisional application of the Protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined for the period of application of the Protocol.
- (5) Article 10(1) of Council Regulation (EC) No 1006/2008³ provides that the Commission will inform the Member States concerned if it appears that the fishing opportunities allocated to the Union under the Protocol are not fully exhausted. 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 Protocol,

¹ 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).

² Council Decision (EU) on the signature, on behalf of the European Union, and on the provisional application of 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 period of four years (OJ L [...], [...], 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).

(7)

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 a period of four years ('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:

Spain	17 annual licences
France	8 annual licences

(e) Category 5 - Pole-and-line tuna vessels and surface longliners

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 each year of the 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 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

These fishing opportunities may, if they are not used, be transferred to category 6 according to the method of allocation of that category. Ireland shall inform the Commission, by 1 July of every year of the validity of the Protocol at the latest, whether fishing opportunities may become available for other Member States.

2. 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 in accordance with Article 10 of Regulation (EC) No 1006/2008.
3. The time limit within which the Member States must confirm that they are not fully exhausting the fishing opportunities granted to them under the Agreement, 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 informs them that the fishing opportunities are not being fully used.

Article 2

This Regulation shall enter into force on the day following 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*