



EUROPEAN
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Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 1259/2012 on the allocation of the fishing opportunities provided for in the Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On the basis of the authorisation to negotiate assigned to it by the Council, the European Commission has conducted negotiations with the Islamic Republic of Mauritania with a view to renewing the Protocol to the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania. On conclusion of these negotiations, a new Protocol was initialled on 26 July 2012 and has been provisionally applied since 16 December 2012, the date of its signature. The new Protocol covers a period of two years from the date of its signature.

The allocation of fishing opportunities granted to the European Union under the new Protocol was carried out through Council Regulation (EU) No 1259/2012 of 3 December 2012 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 two years, and amending Regulation (EC) No 1801/2006¹.

The Joint Committee between the European Union and Mauritania, provided for by Article 10 of the Fisheries Partnership Agreement, met in Paris on 19 and 20 February 2013. The Joint Committee confirmed in the minutes of 20 February 2013 the European Union's request to transfer three licences for category 6 to category 5 in accordance with France's fishing plans and the trade strategy of its fleet and in agreement with all the Member States concerned.

Following that meeting, the Protocol now provides for the following annual tuna fishing opportunities:

- 25 tuna seiners (compared to 22 tuna seiners previously);
- 19 pole-and-line tuna vessels or surface longliners (compared to 22 pole-and-line tuna vessels or surface longliners previously).

It is therefore necessary to redefine the fixing and allocation of fishing opportunities in categories 5 and 6. Consequently Council Regulation (EU) No 1259/2012 must be amended as regards the allocation of these fishing opportunities.

Having regard to the fact that this redefinition concerns only the allocation of fishing opportunities granted to France and has no effect on the interests of other Member States; that fishing opportunities overall are not affected; that the European Union's financial contribution remains the same; and that, considering the present risk of under-utilisation of the Protocol, it is important to transfer these licences without delay. For this reason this provision must have retroactive effect as from 20 February 2013, the date of signature of the Joint Committee's minutes.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The interested parties were consulted ahead of the meeting of the Joint Committee. Experts from the Member States were also consulted in technical meetings. It was concluded during the consultations that it would be useful to make these amendments in agreement with

¹ OJ L 361, 31.12.2012, p. 87.

Mauritania. This will not result in changes in tuna fishing opportunities overall and therefore does not affect the resource. Furthermore, it has no financial impact on the European Union's financial contribution.

3. CONCLUSIONS

The Commission proposes therefore that the Council adopt this Regulation amending Regulation (EU) No 1259/2012.

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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 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 Mauritania² ('the Partnership Agreement').
- (2) A new Protocol setting out the fishing opportunities and the financial contribution provided for in the partnership agreement provisionally applied since 16 December 2012, the date of its signature, in compliance with Council Decision 827/2012/EU³. The new Protocol grants vessels of the European Union fishing opportunities in waters in which Mauritania exercises its jurisdiction as regards fishing. The allocation of fishing opportunities granted to the European Union under the new Protocol was carried out through Council Regulation (EU) No 1259/2012 of 3 December 2012 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 two years, and amending Regulation (EC) No 1801/2006⁴.
- (3) The Joint Committee between the European Union and Mauritania provided for in Article 10 of the Partnership Agreement met on 19 and 20 February 2013. In compliance with the minutes of that meeting, both parties agreed to redefine the allocation of fishing opportunities between categories 5 (tuna seiners) and 6 (pole-and-line tuna vessels and surface longliners) provided for in the new Protocol.

This redefinition concerns only the allocation of fishing opportunities granted to France and has no effect on the interests of other Member States. Fishing opportunities overall are not affected. The European Union's financial contribution remains the same. In addition, considering the present under-utilisation of the Protocol, it is important to transfer these licences without delay. Consequently this Regulation should enter into force immediately following its publication and be applicable from 20 February 2013, the date of signature of the Joint Committee's minutes and of the redefinition of fishing opportunities,

² OJ L 343, 8.12.2006, p. 1.

³ OJ L 361, 31.12.2012, p. 10.

⁴ OJ L 361, 31.12.2012, p. 87.

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1, paragraph 1, of Regulation (EU) No 1259/2012, points (e) and (f) are replaced by the following text:

‘(e) Category 5 - Tuna seiners

Spain 17 licences

France 8 licences

(f) Category 6 - Pole-and-line tuna vessels and surface longliners

Spain 18 licences

France 1 licence’

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 from 20 February 2013.

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

Done at Brussels,

For the Council
The President