EUROPEAN COMMISSION

Brussels, 24.9.2012
COM(2012) 547 final

2012/0259 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of the fishing opportunities under the Protocol between the European Union and the Islamic Republic of Mauritania setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force and amending Regulation 1801/2006

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On the basis of a mandate from 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. At the end of those negotiations, a new Protocol was initialled on 26 July 2012. The new protocol covers a period of two years from the date of its signature.

The main aim of the Protocol to the Agreement is to provide fishing opportunities for vessels of the European Union in the waters of Mauritania within the limits of the available surplus. The Commission has, among other things, taken account of the opinion of the Scientific Committee set up under the Agreement.

The general aim is to enhance the 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 Mauritanian fishing zone, in the interests of both Parties.

More specifically, the Protocol provides for annual fishing opportunities in the following categories:

– 5 000 tonnes for fishing vessels specialising in crustaceans other than spiny lobster and crab;

– 4 000 tonnes for black hake (non-freezer) trawlers and bottom longliners;

– 2 500 tonnes for vessels fishing for demersal species other than black hake with gear other than trawls;

– 200 tonnes of crab;

– 22 tuna seiners;

– 22 pole-and-line tuna vessels or longliners;

– 300 000 tonnes for pelagic freezer trawlers;

– 15 000 tonnes for non-freezer pelagic vessels (to be deducted from the allocation provided for pelagic freezer trawlers).

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

The Commission proposes, on this basis, that the Council adopt this Regulation.

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

The interested parties were consulted ahead of the negotiations in the framework of the Long Distance Fleet Regional Advisory Council, bringing together the fisheries sector and environmental and development NGOs. Experts from the Member States were also consulted in technical meetings. These consultations concluded that it would be beneficial to maintain a fishing protocol with Mauritania.

3. LEGAL ELEMENTS OF THE PROPOSAL

The new Protocol to the Partnership Agreement was transmitted to the Council for it to approve the signing and provisional application thereof. It was also transmitted to the Council and to the Parliament with a view to its conclusion.

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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 Council Regulation (EC) No 1801/2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania[1].

(2) A new Protocol to the Partnership Agreement was initialled on 26 July 2012 (hereinafter referred to as the 'new Protocol'). The new Protocol grants vessels of the European Union fishing opportunities in waters in which Mauritania exercises its jurisdiction as regards fishing.

(3) On […] the Council adopted Decision No …/2012/EU[2] on the signing and provisional application of the new Protocol.

(4) The method for allocating the fishing opportunities among the Member States should be defined for the period of appication of the new Protocol.

(5) If it appears that the fishing opportunities allocated to the Union by virtue of the new Protocol are not fully exhausted, the Commission will inform the Member States thereof in accordance with Article 10(1) of Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters[3]. Failure to reply within a time limit to be set by the Council will be considered a confirmation that the vessels of the Member State concerned are not fully utilising their fishing opportunities during the period in question. This time limit should be determined.

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1 OJ L 343, 8.12.2006.
2 OJ C [..], […..], p. [..].
3 OJ L 286, 29.10.2008, p. 33.

(6) Given that the Protocol in force expires on 31 July 2012, this Regulation should apply from the date of signature of the new Protocol,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing opportunities laid down by the Protocol agreed between the European Union and the Islamic Republic of Mauritania setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force (hereinafter referred to as the 'Protocol') take into consideration the catches made between 2008 and 2012 and are allocated among the Member States as follows:

(a) Categorie 1 - Vessels fishing for crustaceans other than spiny lobster and crab (maximum number of vessels: 36)

Spain	4 150 tonnes
Italy	600 tonnes
Portugal	250 tonnes

(b) Category 2 - Black hake (non-freezer) trawlers and bottom longliners (maximum number of vessels: 11)

Spain	4 000 tonnes

(c) Category 3: Vessels fishing for demersal species other than black hake with gear other than trawls (maximum number of vessels: 9)

Spain	2 500 tonnes

(d) Categorie 4 - Vessels fishing for crab

Spain	200 tonnes

(e) Category 5 - Tuna seiners

Spain	17 licences
France	5 licences

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

Spain	18 licences
France	4 licences

(g) Category 7 - Pelagic freezer trawlers (maximum number of vessels: 19; a maximum of two vessels may, in the case of non-utilisation, be added to category 8)

Germany	28 500 tonnes
France	2 850 tonnes
Latvia	68 400 tonnes
Lithuania	71 250 tonnes
Netherlands	76 950 tonnes
Poland	28 500 tonnes
United Kingdom	8 550 tonnes

(h) Category 8 - Non-freezer pelagic vessels (maximum number of vessels: 2; these may, in the case of non-utilisation, be transferred to category 8)

Ireland	15 000 tonnes;

these may, in the case of non-utilisation, be transferred to category 7 according to the allocation criteria of that category.

1. Regulation (EC) No 1006/2008 applies without prejudice to the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania.

2. If the applications for fishing authorisations from the Member States referred to in the first paragraph do not cover all the fishing opportunities laid down by the Protocol, the Commission may take into consideration applications for fishing authorisations from any other Member State in accordance with Articler 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 communicates this information to them.

Article 2

Regulation (EC) No 1801/2006 is hereby amended as follows:

1. Article 2 is repealed.

Article 3

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

It shall apply as from the date the new Protocol is signed.

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

Done at Brussels,

For the Council
The President