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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: 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

COUNCIL REGULATION (EU) 2019/...

of ...

**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**

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 ('the Agreement'), approved by Council Regulation (EC) No 1801/2006², entered into force on 8 August 2008.
- (2) The Protocol to the Agreement, setting out the fishing opportunities and financial contribution, which entered into force on the same day for a period of two years, has been replaced several times.
- (3) The Protocol to the Agreement that is currently in force³ ('the Protocol') will expire on 15 November 2019.
- (4) On 8 July 2019, the Council authorised the Commission to open negotiations with the Islamic Republic of Mauritania for the conclusion of a new Sustainable Fisheries Partnership Agreement and Protocol implementing that Agreement.

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 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 315, 1.12.2015, p. 3).

- (5) Pending completion of those negotiations, the Commission negotiated, on behalf of the Union, an Agreement in the form of an Exchange of Letters on an extension, for a maximum period of one year, to the Protocol ('Agreement in the form of an Exchange of Letters'). Following those negotiations, the Agreement in the form of an Exchange of Letters was initialled on 4 September 2019.
- (6) In accordance with Council Decision (EU) 2019/[...] ¹⁺, the Agreement in the form of an Exchange of Letters was signed on ... ⁺⁺.
- (7) The method for allocating the fishing opportunities among the Member States should be defined for the period of application of the Protocol extension.

¹ Council Decision (EU) 2019/... on the signing, on behalf of the European Union, and provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania on an extension 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, expiring on 15 November 2019 (OJ L...).

⁺ OJ: Insert the number of the Decision in st12924/19 in the main text and complete the corresponding footnote.

⁺⁺ OJ: Insert the date of signing of the Agreement in the form of an Exchange of letters which is contained in st12927/19.

- (8) Article 47(2) of Regulation (EU) 2017/2403 of the European Parliament and of the Council¹ provides that the Commission will inform the Member States concerned if it transpires that the fishing opportunities allocated to the Union under the Protocol have not been fully used and it will ask them to confirm that they are not making use of this fishing opportunity. 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 given period. This time limit should be set.
- (9) This Regulation should apply from the date of the provisional application of the Agreement in the form of an Exchange of Letters,

HAS ADOPTED THIS REGULATION:

¹ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

Article 1
Fishing opportunities

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 application of the extension 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 six 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 six 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
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France	8 annual licences
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- (e) category 5 – Pole-and-line tuna vessels and surface longliners (7 500 tonnes – reference tonnage):

Spain	14 annual licences
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France	1 annual licence
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- (f) category 6 – Pelagic freezer trawlers:

Germany	12 560 tonnes
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France	2 615 tonnes
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Latvia	53 913 tonnes
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Lithuania	57 642 tonnes
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Netherlands	62 592 tonnes
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Poland	26 112 tonnes
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United Kingdom	8 531 tonnes
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Ireland	8 535 tonnes
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During the period of application of the extension 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 six vessels may be deployed in Mauritanian waters at any one time.

2. The time limit referred to in Article 47(2) of Regulation (EU) 2017/2403 within which the Member States must confirm that they are not fully using the fishing opportunities granted to them under the Protocol, shall be 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

Entry into force and application

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 provisional application of the Agreement in the form of an Exchange of Letters.

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

Done at ...,

For the Council

The President
