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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	Proposal for a COUNCIL REGULATION on the allocation of fishing opportunities under the (2021-2026) Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania

Delegations will find attached document COM(2021) 588 final.

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2021/0302 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of fishing opportunities under the (2021-2026) Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Fisheries Partnership Agreement ('FPA') between the Islamic Republic of Mauritania and the European Community was signed on 8 August 2008 for a period of 6 years, and was applied on a provisional basis from the same date. It was later tacitly renewed. The latest 4-year Implementing Protocol (2015-2019) to the FPA was extended twice, each time for a period of 1 year. It expires on 15 November 2021[1]. On the basis of the relevant negotiating directives[2], the European Commission conducted negotiations with the Government of the Islamic Republic of Mauritania ('Mauritania') with a view to concluding, on behalf of the European Union, a new sustainable fisheries partnership agreement and implementing protocol. Following these negotiations, an agreement and a protocol were initialled by the negotiators on 28 July 2021.

The new Agreement covers a period of 6 years from the date of provisional application laid down in Article 20 thereof, that being the date on which it is signed by both parties. It is tacitly renewable.

The new Implementing Protocol covers a period of 5 years from the date of provisional application laid down in Article 19 thereof, that being the date on which it is signed by both parties. It contains a clause providing for a review during the second year of application, with a view to a possible adjustment of the fishing opportunities and associated financial compensation.

The proposal aims to establish how the fishing opportunities provided by the Protocol will be distributed among the Member States.

• Consistency with existing policy provisions in the policy area

The main objective of the new Agreement is to provide an updated framework for cooperation, taking into account the priorities of the reformed common fisheries policy and its external dimension, with a view to continuing and strengthening the strategic partnership between the European Union and the Islamic Republic of Mauritania in the field of fisheries.

The Protocol aims to grant fishing opportunities to European Union vessels in the Mauritanian fishing zone in accordance with the best available scientific advice and the resolutions and recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Fishery Committee for the Eastern Central Atlantic (CECAF), within the limits of the available surplus. The Commission based its negotiating position in part on the results of an evaluation of the previous Protocol (2015-2019) and a forward-looking assessment of whether a new protocol should be concluded. These were carried out by external experts. The aim is also to enhance cooperation between the European Union and the Islamic Republic of Mauritania so as to promote sustainable fisheries policy and sound exploitation of fishery resources in the Mauritanian fishing zone and in the Atlantic Ocean, in

[1] OL L 404, 2.12.2020, p. 1.

[2] Adopted at the 3418th Agriculture and Fisheries Council on 22 October 2015.

the interest of both parties. This cooperation will also help to create jobs which offer decent working conditions in accordance with the Work in Fishing Convention (ILO 188).

The new Protocol provides for the same fishing opportunities as the current Protocol during the first 2 years of application, except for a marginal adjustment of the reference tonnage for the two types of tuna vessel. Specifically, it covers the following categories:

– Category 1 – Vessels fishing for crustaceans other than spiny lobster and crab: 5 000 tonnes and 15 vessels;

– Category 2 – Black hake (non-freezer) trawlers and bottom longliners: 6 000 tonnes and 4 vessels;

– Category 2a – Pelagic freezer trawlers targeting black hake: 3 500 tonnes of hake, 1 450 tonnes of squid, 600 tonnes of cuttlefish for 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: 14 000 tonnes (reference tonnage) and 29 vessels;

– Category 5 – Pole-and-line tuna vessels and longliners: 7 000 tonnes (reference tonnage) and 15 vessels;

– Category 6 – Pelagic freezer trawlers: 247 500 tonnes and 19 vessels;

– Category 7 – Non-freezer pelagic vessels: 15 000 tonnes (deducted from volume under category 6 if used) and 2 vessels.

- **Consistency with other EU policies**

The negotiation of a new sustainable fisheries partnership agreement and implementing protocol with Mauritania forms part of the EU's external action in relation to African, Caribbean and Pacific (ACP) countries and takes into account, in particular, EU objectives on respecting democratic principles, good governance and human rights.

In the case of Mauritania, the fisheries partnership agreement is part of a broader bilateral partnership framework covering various fields such as development cooperation, peace and security, good governance, human rights, migration, human development, sustainable economic growth and development, including working conditions, the environment, climate change and policies to support the outermost regions.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

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

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the exclusive competence of the European Union.

- **Proportionality**

The proposal is proportionate to the objective of establishing a legal, environmental, economic and social governance framework for fishing activities carried out by EU vessels in third country waters, as set out in Article 31 of the Regulation establishing the common fisheries policy. It complies with those provisions as well as with those on financial assistance to third countries laid down in Article 32 of that Regulation.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations / fitness checks of existing legislation**

In 2018 the Commission carried out an ex-post evaluation of the 2015-2019 Protocol to the FPA with Mauritania as well as an ex-ante evaluation of a possible renewal of the Protocol.

The evaluation concluded that the EU fishing sector has a strong interest in fishing in Mauritania and that the renewal of the Protocol was in the interest of both parties given the importance of fishing to Mauritania's economy. Furthermore, renewing the Protocol would help to strengthen monitoring, control and surveillance and would contribute to improved governance of the fisheries in the region.

For the EU, it is important to maintain an instrument allowing close sectoral cooperation with a country which, due to the size of the fishing area under its jurisdiction, is a major player in ocean governance at sub-regional level. Strengthening relations with Mauritania will also make it possible to create alliances within ICCAT and other regional bodies, in particular CECAF. Furthermore, for the EU fleet this means maintaining access to an important fishing area for the deployment of harvesting strategies under a multiannual, international legal framework. For the Mauritanian authorities, the aim is to maintain relations with the EU in order to strengthen ocean governance, benefit from dedicated sectoral support that provides for funding opportunities over several years, and use the vessel activity to start industrialising its processing sector to help diversify its economy.

- **Consultation of interested parties**

Member States, industry representatives, international civil society organisations, as well as Mauritania's fisheries administration and civil society were consulted as part of the evaluation. Consultations also took place in the framework of the Long Distance Advisory Council.

- **Collection and use of expertise**

The Commission used an independent consultant for the ex-post and ex-ante evaluations, in accordance with the provisions of Article 31(10) of the Regulation establishing the common fisheries policy.

- **Impact assessment**

Not applicable.

4. BUDGETARY IMPLICATIONS

The draft regulation does not affect the EU budget.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

This procedure is being initiated in parallel with the procedures relating to the Council Decision on the signing, on behalf of the European Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania, and of the Implementing Protocol thereto, as well as to the Council Decision on their conclusion. The Regulation shall apply once fishing activity becomes possible under the Protocol, i.e. as from the date of its provisional application.

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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 current Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania[3] entered into force on 8 August 2008 and remains in force. The current Protocol on the implementation of that Agreement will expire on 15 November 2021.

(2) On 8 July 2019 the Council authorised the Commission to open negotiations with the Islamic Republic of Mauritania ('Mauritania') with a view to concluding a new sustainable fisheries partnership agreement between the European Union and Mauritania ('the new Partnership Agreement') and a new implementing protocol thereto ('the new Protocol').

(3) The negotiations were successfully concluded, and the new Partnership Agreement and new Protocol were initialled on 28 July 2021. The new Agreement will replace the current Partnership Agreement.

(4) On [...], the Council adopted Decision (EU) 2021/xxxx[4] on the signing of the new Partnership Agreement and new Protocol, subject to their conclusion at a later date.

(5) The fishing opportunities provided for in the new Protocol should be allocated among the Member States for the entire period of its application.

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[3] 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).

[4] Council Decision (EU) 2021/... of … … (OJ L ..., ..., p. …).

(6) This Regulation should enter into force as soon as possible in view of the economic importance of EU fishing activity in the Mauritanian fishing zone and the need to reduce as much as possible the time such activity is interrupted for.

(7) The new Protocol will apply on a provisional basis as from the date it is signed to allow EU vessels to continue their fishing activity. This Regulation should therefore apply from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing opportunities established under the Protocol setting out the fishing opportunities and financial contribution provided for in the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania for the period 2021-2026 ('the Protocol') shall be allocated among the Member States as follows:

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

Spain 4 150 tonnes

Italy 600 tonnes

Portugal 250 tonnes

In this category, no more than 15 vessels may operate in Mauritanian waters at any one time.

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

Spain 6 000 tonnes

In this category, no more than 4 vessels may operate in Mauritanian waters at any one time.

(3) Category 2a – Black hake (freezer) trawlers:

Spain:

Black hake 3 500 tonnes

Squid 1 450 tonnes

Cuttlefish 600 tonnes

In this category, no more than 6 vessels may operate in Mauritanian waters at any one time.

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

Spain 3 000 tonnes

In this category, no more than 6 vessels may operate in Mauritanian waters at any one time.

(5) Category 4 – Tuna seiners (14 000 tonnes – reference tonnage):

Spain 17 annual licences

France 12 annual licences

(6) Category 5 – Pole-and-line tuna vessels and surface longliners (7 000 tonnes – reference tonnage):

Spain 14 annual licences

France 1 annual licence

(7) Category 6 – Pelagic freezer trawlers:

Germany 13 038.4 tonnes

France 2 714.6 tonnes

Latvia 55 966.6 tonnes

Lithuania 59 837.6 tonnes

Netherlands 64 976.1 tonnes

Poland 27 106.6 tonnes

Ireland 8 860.1 tonnes

During the period of application of the Protocol, the Member States shall have the following number of quarterly licences:

Germany 4

France 2

Latvia 20

Lithuania 22

Netherlands 16

Poland 8

Ireland 2

The Member States shall inform the Commission if certain licences may be made available to other Member States.

In this category, no more than 19 vessels may operate in Mauritanian waters at any one time.

(8) Category 7 – Non-freezer pelagic vessels:

Ireland 15 000 tonnes

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

In this category, no more than 2 vessels may operate in Mauritanian waters at any one time.

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 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