

Procedure file

Basic information	
CNS - Consultation procedure Regulation	2008/0093(CNS) Procedure completed
EC/Mauritania Fisheries Partnership Agreement: fishing opportunities and financial contribution for the period 1 August 2008 to 31 July 2012. Protocol	
See also 2006/0168(CNS)	
Subject 3.15.15.02 Fisheries agreements with African countries	
Geographical area Mauritania	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		05/05/2008
		PPE-DE FRAGA ESTÉVEZ Carmen	
European Parliament	Committee for opinion	Rapporteur for opinion	Appointed
	DEVE Development		27/05/2008
		PSE BORRELL FONTELLES Josep	
European Parliament	BUDG Budgets		20/09/2004
		Verts/ALE TRÜPEL Helga	
Council of the European Union	Council configuration Agriculture and Fisheries	Meeting 2884	Date 15/07/2008
European Commission	Commission DG Maritime Affairs and Fisheries	Commissioner BORG Joe	

Key events			
13/05/2008	Legislative proposal published	COM(2008)0243	Summary
22/05/2008	Committee referral announced in Parliament		
26/06/2008	Vote in committee		Summary
27/06/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0278/2008	
09/07/2008	Debate in Parliament		
10/07/2008	Results of vote in Parliament		

10/07/2008	Decision by Parliament	T6-0359/2008	Summary
15/07/2008	Act adopted by Council after consultation of Parliament		
15/07/2008	End of procedure in Parliament		
31/07/2008	Final act published in Official Journal		

Technical information

Procedure reference	2008/0093(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Regulation
	See also 2006/0168(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 037; EC Treaty (after Amsterdam) EC 300-p3-a1; EC Treaty (after Amsterdam) EC 300-p2
Stage reached in procedure	Procedure completed
Committee dossier	PECH/6/63255

Documentation gateway

Legislative proposal		COM(2008)0243	13/05/2008	EC	Summary
Committee draft report		PE407.622	09/06/2008	EP	
Amendments tabled in committee		PE407.808	09/06/2008	EP	
Committee opinion	BUDG	PE407.711	17/06/2008	EP	
Committee opinion	DEVE	PE407.685	24/06/2008	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0278/2008	27/06/2008	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0359/2008	10/07/2008	EP	Summary
Commission response to text adopted in plenary		SP(2008)4891	27/08/2008	EC	
Document attached to the procedure		C(2008)4703	29/08/2008	EC	Summary
Follow-up document		C(2008)5901	09/10/2008	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2008/704](#)
[OJ L 203 31.07.2008, p. 0001](#) Summary

EC/Mauritania Fisheries Partnership Agreement: fishing opportunities and financial contribution for the period 1 August 2008 to 31 July 2012. Protocol

PURPOSE: conclude a protocol to the European Community/Mauritania Fisheries Partnership Agreement for the period 1 August 2008 to 31 July 2012, with a view to setting out the fishing opportunities and financial contribution under the Agreement.

PROPOSED ACT: Council Regulation.

BACKGROUND: the Community and Mauritania concluded a Fisheries Partnership Agreement in 2006. This Agreement included a Fisheries Protocol, applicable until 31 July 2008 (see [CNS/2006/0168](#)), which now needs to be renewed.

As a result, on 13 March 2008, the Commission negotiated and initialled a new Fisheries Protocol setting out new fishing opportunities and a new financial contribution, which shall be valid until 2012. This new Protocol has been concluded for a period of four years and will enter into force on the date on which the Parties notify each other that they have completed the necessary procedures to that end. It will apply with effect from 1 August 2008 and will replace the previous Protocol (in force from 1 August 2006 to 31 July 2008 and tacitly renewable until 31 July 2012).

The Commission's negotiating position for this new Protocol was based on the latest state of fisheries resources in Mauritania, on the basis of scientific advice.

CONTENT: based on the negotiations led by the Commission in the light of the latest state of fisheries resources in Mauritania, it has been proposed to conclude a new Fisheries Protocol between the European Community and this country.

This new Protocol provides for a reduction in fishing opportunities compared with the Protocol in force from 1 August 2006 to 31 July 2008, thus reflecting the reduced requirements of the European fleet and recent scientific advice. Fishing opportunities have been decreased by 25% for the cephalopods category, by 10-50% for the demersal categories and by 43% for the small pelagics category, thus reducing the overall tonnage from 440 000 tonnes per year at present to 250 000 tonnes per year.

This Protocol is aimed at reinforcing economic integration in the fisheries sector through stronger sectoral support, particularly by promoting investment, including by European firms, in the Mauritanian fisheries sector.

On the basis of the sectoral fisheries strategy adopted by the new Mauritanian Government formed following the democratic elections held in March 2007, the current priorities as regards fisheries policy in Mauritania, the objectives to be met, and the annual and multiannual programming to attain them will be identified by mutual agreement with a view to ensuring sustainable and responsible management of the sector.

The financial contribution under the Protocol is set at EUR 86 million, EUR 76 million, EUR 73 million and EUR 70 million for the first, second, third and fourth years respectively. Of this financial contribution, an amount of EUR 11 million, EUR 16 million, EUR 18 million and EUR 20 million for the first, second, third and fourth years respectively will be allocated to financial support for the implementation of the national fisheries policy and will include EUR 1 million per year for support for the Banc d'Arguin National Park (PNBA).

The fishing opportunities provided for in the Agreement have been laid down for eleven categories. The conditions for each licence period are as follows:

- crustaceans (excluding spiny lobster): maximum authorised capacity 9 570 GT (gross tonnage);
- black hake trawlers and longliners: maximum authorised capacity 3 240 GT;
- demersal fisheries ? other than trawlers and targeting species other than black hake: maximum authorised capacity 1 162 GT;
- demersal trawlers ? targeting demersal species other than black hake, cephalopods and crustaceans: maximum authorised capacity 375 GT;
- cephalopods: maximum authorised capacity 13 950 GT for 32 licences;
- spiny lobsters and crabs: maximum authorised capacity 300 GT for each category;
- tuna fisheries: maximum of 22 licences for seiners and 22 licences for pole-and-line vessels and longliners;
- small pelagics (pelagic freezer trawlers): 17 licences;
- small pelagics (non-freezer vessels): maximum authorised capacity 15 000 GT.

Shipowners' fees have been fixed for each category. It is estimated that shipowners will pay total contributions of around EUR 15 000 000 per year to Mauritania direct.

A proposal for a Council Decision on the provisional application of the new Protocol is the subject of a separate procedure.

EC/Mauritania Fisheries Partnership Agreement: fishing opportunities and financial contribution for the period 1 August 2008 to 31 July 2012. Protocol

The Committee on Fisheries adopted a report drafted by Carmen FRAGA ESTEVEZ (EPP-ED, ES) and amended, in the framework of the consultation procedure, the Commission proposal for a Council regulation on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and Mauritania for the period 1 August 2008 to 31 July 2012.

The Committee inserted the following clauses:

- the entry into force of the Treaty of Lisbon will impose closer interinstitutional cooperation which, among other aspects, should lead to the European Parliament having better access to all information relating to fisheries agreements, including during the negotiations on protocols;
- a member of the European Parliament's Committee on Fisheries shall attend the meetings and proceedings of the joint committee as an observer. Representatives of the fisheries sector fishing within the framework of the Agreement may also attend these meetings;
- the Commission shall forward the conclusions of the meetings of the joint committee to the European Parliament. During the final year of the

Protocol's validity and before another agreement is concluded on its renewal, the Commission shall submit to the European Parliament and the Council a report on its application.

- in accordance with the Financial Regulation, and in the spirit of the European Parliament's resolution of 19 February 2008 on transparency in financial matters, the Commission shall publish annually on its website the list of individual end-beneficiaries of the EU financial contribution.

EC/Mauritania Fisheries Partnership Agreement: fishing opportunities and financial contribution for the period 1 August 2008 to 31 July 2012. Protocol

The European Parliament adopted by 518 votes to 53, with 15 abstentions, a legislative resolution amending, in the framework of the consultation procedure, the proposal for a Council regulation on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and Mauritania for the period 1 August 2008 to 31 July 2012.

The report had been tabled for consideration in plenary by Carmen FRAGA ESTÉVEZ (EPP-ED, ES), on behalf of the Committee on Fisheries. The main amendments, which mainly concern improving the transparency of the implementation of the Fisheries Agreement and Protocol, can be summarised as follows:

- The entry into force of the Treaty of Lisbon would, if ratified, impose closer interinstitutional cooperation which, inter alia, should lead to the European Parliament having greater and better access to all the information relating to fisheries agreements, including during the negotiations on protocols;
- A member of the European Parliament's Committee on Fisheries shall attend the meetings and proceedings of the Joint Committee provided for in Article 10 of the Agreement as an observer;
- The Commission shall forward the conclusions of the meetings of the Joint Committee provided for in Article 10 of the Agreement to the European Parliament.

The Parliament also requests that during the final year of application of the Protocol and before another agreement is signed on its renewal, the Commission submit to the European Parliament and the Council a report on its application and publish annually on its website a list of individual end-beneficiaries of the EU financial contribution (in the spirit of the European Parliament's resolution of 19 February 2008 on transparency in financial matters ? see [INI/2007/2141](#)). It should be noted that the proposal by the IND/DEM group for a complete rejection of the proposal was not retained in plenary.

EC/Mauritania Fisheries Partnership Agreement: fishing opportunities and financial contribution for the period 1 August 2008 to 31 July 2012. Protocol

PURPOSE: to conclude a protocol to the European Community/Mauritania Fisheries Partnership Agreement.

LEGISLATIVE ACT: Council Regulation (EC) No 704/2008 on the conclusion 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 the period 1 August 2008 to 31 July 2012.

CONTENT: the Council adopted, by a qualified majority, a Regulation on the conclusion of the renegotiated 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 European Community has negotiated adjustments to the Protocol's provisions, since the Community's vessels were not making full use of the fishing opportunities available to them under it, thus calling into question its economic and financial benefits. On 13 March 2008 a new Protocol was initialled by Mauritania and the European Community, for the period from 1 August 2008 to 31 July 2012.

The financial contribution under the Protocol is set at EUR 86 million, EUR 76 million, EUR 73 million and EUR 70 million for the first, second, third and fourth years respectively. Of this financial contribution, an amount of EUR 11 million, EUR 16 million, EUR 18 million and EUR 20 million for the first, second, third and fourth years respectively will be allocated to financial support for the implementation of the national fisheries policy and will include EUR 1 million per year for support for the Banc d'Arguin National Park (PNBA).

The fishing opportunities provided for in the Agreement have been laid down for eleven categories. The conditions for each licence period are as follows:

- crustaceans (excluding spiny lobster): maximum authorised capacity 9 570 GT (gross tonnage) (Spain 7 313 GT, Italy 1 371 GT, Portugal 886 GT);
- black hake trawlers and longliners: maximum authorised capacity 3 240 GT for Spain;
- demersal fisheries ? other than trawlers and targeting species other than black hake: maximum authorised capacity 1 162 GT for Spain;
- demersal trawlers ? targeting demersal species other than black hake, cephalopods and crustaceans: maximum authorised capacity 375 GT for Greece;
- cephalopods: maximum authorised capacity 13 950 GT for 32 licences (Spain: 24 licences, Italy: 4 licences, Portugal: 1 licence, Greece: 3 licences);
- spiny lobsters: maximum authorised capacity 300 GT for Portugal;
- tuna fisheries: maximum of 22 licences for seiners (Spain: 17 licences, France: 5 licences); and 22 licences for pole-and-line vessels and longliners (Spain: 18 licences, France: 4 licences);
- small pelagics (pelagic freezer trawlers): 17 licences;
- Crab fishing: maximum authorised capacity 300 GT for Spain;
- small pelagics (non-freezer vessels): maximum authorised capacity 15 000 GT.

In the event of the overall tonnage of 250 000 tonnes per year for category 9 (pelagics) being exceeded, the Community shall pay an additional contribution of EUR 40 per tonne fished.

Unused category 11 fishing opportunities (non-freezer pelagic vessels) may be used by category 9 (pelagic freezer trawlers) at a maximum rate of 20 licences per month. For category 9 (pelagic freezer trawlers), once the Commission has received an annual fishing plan drawn up by the Member States with details of applications by vessel, it shall forward licence applications to the Mauritanian authorities. On this basis, and taking into account the extent to which the reference quota of 250 000 tonnes has been used, the Commission shall inform the Mauritanian authorities whether or not use is to be made of the supplementary quota of 50 000 tonnes over and above the reference quota. If relevant, the Commission shall request those authorities to increase the supplementary quota of 50 000 tonnes.

The annual fishing plan shall specify for each vessel the months of activity and the estimated catches for each month of activity. For the first year of application of the Protocol, fishing plans shall be sent to the Commission not later than 15 October 2008. From 2009, those plans shall be sent to the Commission not later than 31 January of each year.

If the licence applications from the Member States do not cover all the fishing opportunities laid down by the Protocol, the Commission may take into consideration licence applications from any other Member State.

ENTRY INTO FORCE: 07/08/2008.

EC/Mauritania Fisheries Partnership Agreement: fishing opportunities and financial contribution for the period 1 August 2008 to 31 July 2012. Protocol

ACT: Commission Decision of 29 August 2008 concerning the payment of the annual financial contribution for 2008 within the terms of the Partnership Agreement concluded between the European Community and the Islamic Republic of Mauritania in view of the coup d'état which took place in this country on 5 August 2008.

CONTENT: on 6 August 2008, a coup d'état took place in Mauritania and the authorities which had been democratically elected in 2007 were replaced by a military regime. The Presidency of the Union, the European Commission, the High Representative for the Common Foreign and Security Policy, as well as the UN Security Council, condemned this military coup d'état and called for the return of legitimate institutions in Mauritania and for the immediate liberation of the democratically elected president.

In view of these circumstances, the Commission decided to examine the impact of these events on Community relations with Mauritania and, in particular, in regard to the Fisheries Partnership Agreement and its protocol.

To recap, the fisheries protocol between the Community and Mauritania provides for, among other things, the payment of a financial contribution of 786 million to the Mauritanian Treasury for the first year of the protocol's application. This payment was to be made by 31 August 2008 at the latest. The Commission decided to proceed with the transfer of this sum by Decision C/2008/4056 of 1 August 2008. However, in view of its responsibility for the implementation of the Community budget, the Commission needs to ensure that the appropriate administrative and technical conditions facilitating the implementation of the Fisheries Agreement are in place, in particular as regards the intended purpose and utilisation of the financial transfers.

In view of the coup d'état, however, the Commission considers that the information that it has does not permit it to ensure that these conditions prevail for the moment. It is therefore necessary for the authorising officer to verify these and the time necessary to undertake this task exceeds the maximum period of time by which the first contribution should be transferred (31 August 2008). As a consequence, the Commission has reached the following decision:

- to allow the authorising officer the necessary time to check to ensure that the procedures provided for in Decision No. C/2008/4056 and the implementation of the fisheries protocol, and in particular in relation to the payment of the annual financial contribution, respect the principle of sound financial management;
- to keep the European Parliament, the Council and the Member States informed so that the latter may, in turn, keep any economic operators concerned informed.