

Procedure file

Basic information		
NLE - Non-legislative enactments Decision	2008/0269(NLE)	Procedure lapsed or withdrawn
EC/Mauritania Fisheries Partnership Agreement: fishing opportunities and financial contribution for the period 1 August 2008 to 31 July 2012. Provisional application of the Protocol		
Subject 3.15.15.02 Fisheries agreements with African countries		
Geographical area Mauritania		

Key players		
European Parliament		
Council of the European Union European Commission	Commission DG Maritime Affairs and Fisheries	Commissioner DAMANAKI Maria

Key events			
13/05/2008	Legislative proposal published	COM(2008)0242	Summary
02/12/2009	Additional information		Summary

Technical information	
Procedure reference	2008/0269(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6a; Treaty on the Functioning of the EU TFEU 043-p2
Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway					
Legislative proposal		COM(2008)0242	13/05/2008	EC	Summary

Additional information	
European Commission	EUR-Lex

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

PURPOSE: the conclusion of the Agreement in the form of an Exchange of Letters concerning the provisional application 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.

PROPOSED ACT: Council Decision.

LEGAL BASE: Article 300 (2) of the Treaty establishing the European Community in conjunction with Article 37 Treaty thereof.

BACKGROUND: the Community and Mauritania have negotiated and initialled, on 13 March 2008, a Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and Mauritania (see: [CNS/2008/0093](#)). This Protocol has been concluded for a period of four years applied with effect from 1 August 2008. It replaces the Protocol setting out the fishing opportunities and financial contribution which is in force from 1 August 2006 to 31 July 2008 and tacitly renewable until 31 July 2012.

The Commission's negotiating position was based in part on an evaluation of the use made of the preceding Protocol. This new Protocol accordingly 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.

CONTENT: on the basis of negotiations undertaken by the Commission in the light of the latest information on fishery resources in Mauritania, it is therefore proposed to conclude a new fishing protocol between the European Community and this country.

This Protocol is aimed at reinforcing economic integration in the fisheries sector through stronger sectoral support, particularly by promoting investment, among other things, 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 as follows:

- EUR 86 million for the first year,
- EUR 76 million for the second year,
- EUR 73 million for the third year and
- EUR 70 million for the fourth year.

Of this financial contribution, an amount will be allocated to financial support for the implementation of the national fisheries policy. The amount is broken down as follows:

- EUR 11 million for the first year,
- EUR 16 million for the second year,
- EUR 18 million for the third year and
- EUR 20 million for the fourth year.
- EUR 1 million per year will be allocated for support for the Banc d'Arguin National Park (PNBA).

The fishing opportunities provided for in the Agreement have been laid down for 11 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.

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

The Commission is accordingly proposing that the Council adopt by Decision the Agreement in the form of an Exchange of Letters concerning the provisional application of the Protocol, pending its definitive entry into force.

A proposal for a Council Regulation on the conclusion of the new Protocol is the subject of a separate procedure.

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and the Treaty establishing the European Community (EC Treaty). The latter was renamed the Treaty on the Functioning of the European Union (TFEU).

These changes had various consequences for many proposals presented by the Commission, on the basis of the "old" treaties, before that date. For more information, see [COM \(2009\)0665](#). In some cases, a new legal framework was conferred on certain proposals that had not previously been subject to the interinstitutional decision-making process. The European Parliament would now be involved in any decision on those proposals.

The proposal in this procedure file is one such case. It was previously based on Articles 37 and 300 of the EC Treaty (covering the common agricultural policy and the conclusion of agreements between the European Community and one or more States or international organisations). It now falls under Articles 43(2) and 218(6)(a) of the TFEU, under which the European Parliament's consent must be obtained, under the new interinstitutional non-legislative procedure, before the Council adopts any decision concluding an international agreement relating to the common agricultural policy or the common fisheries policy.