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Proposal for a

COUNCIL REGULATION

on the conclusion of the Agreement in the form of an Exchange of Letters concerning the amendments to the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006

(presented by the Commission)

EXPLANATORY MEMORANDUM

The purpose of this proposal is to amend the existing Protocol to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania.

On the basis of the conclusions of the technical working group comprising representatives of the Mauritanian administration and the European Commission, which held technical meetings from 30 June to 2 July and on 14 and 15 July in Nouakchott and from 7 to 10 September 2004 in Brussels, and in the light of the scientific opinions available, the two parties reached the conclusion at the Joint Committee meeting held on 10 September 2004 in Brussels that a number of measures should be taken concerning the management of the fishing effort in Mauritania's exclusive economic zone (EEZ).

The Agreement on the amendments to the existing Protocol has been formalised by an Exchange of Letters.

The measures in question are aimed, on the one hand, at reducing the catch rate for cephalopods by decreasing the fishing effort and, on the other, by increasing the number of licences in the pelagic and tuna categories. In order to help integrate fleets flying the flags of the new Member States and guarantee continued access for Community fishing vessels traditionally operating under the above-mentioned Agreement, licences for the pelagic category will be awarded on the basis of the licence applications received from all Member States, taking into account the fishing activities traditionally carried on under this Agreement. If need be, the Commission will make a proposal on the allocation of licences for the pelagic category among the Member States.

The suspension of five cephalopod licences, which was the subject of a consultation with the Member States as far back as March 2004, has now been compensated for under this reorganisation through the issue of these new pelagic licences, thus guaranteeing sound and healthy financial management by allowing fishing opportunities to be adjusted in accordance with resources and sectoral demands. The new balance achieved through this reorganisation was established on the basis of the results of the 2001 negotiations on the existing Protocol and constitutes a very satisfactory outcome for the EC in cost-benefit terms.

The Commission proposes, on this basis, that the Council adopt this Agreement in the form of an Exchange of Letters on the amendments to the Protocol.

A proposal for a Council Decision on the provisional application of the Agreement in the form of an Exchange of Letters on the amendments to the Protocol is the subject of a separate procedure.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37, in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Parliament²,

Whereas:

- (1) The Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania came into effect on 1 August 2001 and is valid until 31 July 2006³.
- (2) In view of the scientific opinions on the state of resources in the Mauritanian EEZ and, in particular, the results of the fourth and fifth working groups of the Mauritanian Institute of Oceanographic Research and Fisheries (IMROP) and of the joint scientific working group, and in the light of the conclusions drawn from those results at the meeting of the Joint Committee held on 10 September and 15 and 16 December 2004, the two parties have decided to amend the existing fishing opportunities.
- (3) The outcome of those amendments has been the subject of an Exchange of Letters and involves a temporary reduction in the fishing effort for cephalopods (category 5), the fixing of a second closed period of one month for demersal fishing, and an increase in the number of pole-and-line tuna vessels and surface longliners (category 8) and pelagic freezer trawlers (category 9).
- (4) It is in the Community's interest to approve those amendments.

¹ OJ C [...],[...], p. [...].

² OJ C [...],[...], p. [...].

³ OJ L 341, 22.12.2001.

- (5) The allocation of the new fishing opportunities among the Member States, as thus amended, should be confirmed,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an Exchange of Letters amending the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Regulation.

Article 2

Following the amendments set out in the Exchange of Letters, the new fishing opportunities for the "pole-and-line tuna vessel and surface longliner" category (Datasheet No 8 of the Protocol) and for the "pelagic freezer trawler" category (Datasheet No 9) shall be allocated among the Member States as follows:

Fishing category	Member State	Tonnage/Number of vessels which may be used
Pole-and-line tuna vessels	Spain	20 + 3= 23
Surface longliners (vessels)	Portugal	3 + 0= 3
	France	8 + 1= 9
Pelagic species (vessels)		15+10= 25

The temporary suspension of five (5) fishing licences for the cephalopod fishing category shall take effect as from 1 January 2005. The future reactivation of those five (5) licences shall be decided by common accord in a Joint Committee meeting held between the Commission and the Mauritanian authorities on the basis of the state of resources.

If licence applications from 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.

Article 3

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

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

Done at Brussels,

For the Council
The President

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

concerning the amendments to the Protocol setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006

A. Letter from the Government of the Islamic Republic of Mauritania

Sir,

With reference to the Protocol, initialled on 31 July 2001, setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 and the outcome of the Joint Committee meetings held on 10 September 2004 and 15 and 16 December 2004, I have the honour to inform you that the Government of the Islamic Republic of Mauritania is prepared to apply, in accordance with scientific opinion, a temporary reduction in the fishing effort for the cephalopod fishing category, as specified in Datasheet No 5 of this Protocol, by temporarily decreasing by five licences the fishing opportunities offered by the Protocol. The future reactivation of those five licences shall be decided by common accord on the basis of the state of resources. The Government of the Islamic Republic of Mauritania shall also decide on a second closed period of one month for demersal fishing on a non-discriminatory basis. The Government of the Islamic Republic of Mauritania also undertakes to apply the amendments to the Protocol concerning the fishing opportunities laid down in Fishing Datasheet No 8 for the pole-and-line tuna vessel and surface longliner fishing category by raising the number of vessels in this category from 31 to 35, and those laid down in Fishing Datasheet No 9 for the pelagic freezer trawler fishing category by raising the number of vessels in this category from 15 to 25, on a provisional basis with effect from 1 January 2005, pending its entry into force, provided that the European Community is prepared to do the same.

I should be obliged if you would confirm the European Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Islamic Republic of Mauritania

B. Letter from the European Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date, worded as follows:

"Sir,

With reference to the Protocol, initialled on 31 July 2001, setting out the fishing opportunities and the financial contribution provided for in the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania for the period 1 August 2001 to 31 July 2006 and the outcome of the Joint Committee meetings held on 10 September 2004 and 15 and 16 December 2004, I have the honour to inform you that the Government of the Islamic Republic of Mauritania is prepared to apply, in accordance with scientific opinion, a temporary reduction in the fishing effort for the cephalopod fishing category, as specified in Datasheet No 5 of this Protocol, by temporarily decreasing by five licences the fishing opportunities offered by the Protocol. The future reactivation of those five licences shall be decided by common accord on the basis of the state of resources. The Government of the Islamic Republic of Mauritania shall also decide on a second closed period of one month for demersal fishing on a non-discriminatory basis. The Government of the Islamic Republic of Mauritania also undertakes to apply the amendments to the Protocol concerning the fishing opportunities laid down in Fishing Datasheet No 8 for the pole-and-line tuna vessel and surface longliner fishing category by raising the number of vessels in this category from 31 to 35, and those laid down in Fishing Datasheet No 9 for the pelagic freezer trawler fishing category by raising the number of vessels in this category from 15 to 25, on a provisional basis with effect from 1 January 2005, pending its entry into force, provided that the European Community is prepared to do the same.

I should be obliged if you would confirm the European Community's agreement to such provisional application."

I have the honour to confirm the European Community's agreement to such provisional application.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the European Community

SIMPLIFIED FINANCIAL STATEMENT

Policy area(s): 11 Fisheries

Activity(ies): 1103 International fisheries agreements

TITLE OF ACTION: AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS CONCERNING THE AMENDMENTS TO THE PROTOCOL SETTING OUT THE FISHING OPPORTUNITIES AND THE FINANCIAL CONTRIBUTION PROVIDED FOR IN THE AGREEMENT ON COOPERATION IN THE SEA FISHERIES SECTOR BETWEEN THE EUROPEAN COMMUNITY AND THE ISLAMIC REPUBLIC OF MAURITANIA FOR THE PERIOD 1 AUGUST 2001 TO 31 JULY 2006.

1. BUDGET LINE(S) + HEADING(S)

110301 : "International fisheries agreements"

2. OVERALL FIGURES

2.1 Total allocation for action (Part B): EUR 86 000 000 in commitment appropriations for the EC/Mauritania Agreement in force. This amendment to the Protocol has no additional budgetary impact.

2.2 Period of application: 1 August 2001 to 31 July 2006

2.3 Overall multiannual estimate of expenditure:

(a) Schedule of commitment appropriations/payment appropriations (financial intervention)
(see point 6.1.1)

EUR million (to 3 decimal places)

	Year 2001	2002	2003	2004	2005	Total
Commitment appropriations	86	86	86	86	86	430
Payment appropriations	86	86	86	86	86	430

(b) Technical and administrative assistance, and support expenditure (see point 6.1.2)

Commitment appropriations	-	-	-	-	-	-
Payment appropriations	-	-	-	-	-	-

Subtotal a+b						
Commitment appropriations	86	86	86	86	86	430
Payment appropriations	86	86	86	86	86	430

2.4 Compatibility with financial programming and the financial perspective

- Proposal compatible with existing financial programming
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- The proposal may require application of the provisions of the Interinstitutional Agreement.
- Type of cost: this involves defining the economic classification of expenditure, by distinguishing between current and capital expenditure. This classification permits a clearer link between the budget accounts and the general accounts
- Operating expenditure: linked to charges for the year.
- Capital expenditure: linked to the balance sheet headings. What type of activity is this expenditure intended to finance?

3. BUDGET CHARACTERISTICS

Type of expenditure		New	EFTA contribution	Contribution by applicant countries	Heading in financial perspective
Compulsory expenditure	Differentiated appropriations	NO	NO	NO	No 04

4. LEGAL BASIS

- Article 37 of the Treaty, in conjunction with Article 300(2) and the first subparagraph of Article 300(3);
- EC/Mauritania Fisheries Agreement (Council Regulation (EC) No 2528/2001 of 17 December 2001)

5. DESCRIPTION AND GROUNDS

5.1 Need for Community intervention⁴

5.1.1 Objectives pursued

On the basis of the conclusions of the working group, which held technical meetings on 30 June-2 July and 14-15 July in Nouakchott and on 7-10 September 2004 in Brussels, and in the light of the scientific opinions available, the two parties reached the conclusion at the Joint Committee meeting held on 10 September 2004 in Brussels that new fishing opportunities should be established. Those amendments concern in particular:

- A temporary reduction in the fishing effort for the cephalopod fishing category (Datasheet No 5 of the Protocol), by temporarily decreasing by five licences the fishing opportunities offered by the Protocol. The future reactivation of those five licences will be decided by common accord on the basis of the state of resources.
- The Mauritanian authorities will also decide on a second closed period of one month for demersal fishing.
- For the pole-and-line tuna vessel and surface longliner category (Datasheet No 8 of the Protocol), the number of vessels will be raised from 31 to 35.
- For the pelagic freezer trawler fishing category (Datasheet No 9 of the Protocol), the number of vessels will be raised from 15 to 25.

The two parties therefore engaged in an Exchange of Letters in order to amend the existing Protocol accordingly.

The new fishing opportunities have been shared out among the Member States in proportion to the allocation defined in the original Protocol.

5.1.2 Measures taken in connection with ex ante evaluation

Since amending the Protocol has no impact on either financing or the objectives pursued, an ex ante evaluation of the changes is unnecessary.

An ex ante evaluation and an impact analysis will be carried out in the context of the renegotiation of the Protocol in 2005 and 2006.

5.1.3 Measures taken following ex post evaluation

An ex post evaluation covering the entire period of the Protocol will be undertaken before the start of the negotiations mentioned in point 5.1.2.

5.2 Actions envisaged and budget intervention arrangements

Objective of the proposal:

⁴ For further information, see separate explanatory note.

- A temporary reduction in the fishing effort for the cephalopod fishing category (Datasheet No 5 of the Protocol), by temporarily decreasing by five licences the fishing opportunities offered by the Protocol. The future reactivation of those five licences will be decided by common accord on the basis of the state of resources and the scientific opinions which are issued in the context of the joint scientific working group set up by the Protocol. Mauritania and the Community will decide by common accord on the practical arrangements for implementing this temporary reduction.
- The Mauritanian authorities will also decide on a second closed period of one month for demersal fishing.
- For the pole-and-line tuna vessel and surface longliner category (Datasheet No 8 of the Protocol), the number of vessels will be raised from 31 to 35.
- For the pelagic freezer trawler fishing category (Datasheet No 9 of the Protocol), the number of vessels will be raised from 15 to 25.

These amendments to the Protocol will make it possible:

- in the case of the cephalopod category, to bring the fishing effort more closely into line with the stock situation,
- to allow an increase in the number of licences on account of the increase in demand and the zone changes operated by pole-and-line vessels in the region,
- to ensure uniform treatment and supervision for the entire European pelagic fleet operating in the Mauritanian EEZ (Netherlands, Germany, Lithuania and Latvia), in keeping with the eligibility criteria laid down by the Protocol.

5.3 Methods of implementation

Implementation of the Protocol concerned is the sole responsibility of the Commission and will be undertaken by its officials both in Brussels and in its Delegation in Mauritania.

The Industrial Fisheries Directorate within the Ministry of Fisheries and Maritime Economy will be responsible for issuing fishing licences.

During 2004, at the request of the Commission, three EC/IRM Joint Committee meetings were held (14-15 February, 6-11 September and 15-16 December). In the same context, an EC/IRM technical working group also met twice (30 June-2 July and 14-15 July) in Nouakchott.

During the Joint Committee meeting in February, it was decided that a joint technical working group should be set up to examine the following:

- the state of all the stocks covered by the Fisheries Agreement,
- the rules governing fishing of juveniles and marketing of juvenile octopus,
- zones and interaction between the different fisheries,
- biological rest periods,

- technical standards for fishing gear.

The Joint Committee meeting of 15 and 16 December 2004 led to the signature of a statement which made it possible to reach an agreement on all those points and to formalise it by means of the exchange of letters amending the Protocol.