



Brussels, 4.6.2019
COM(2019) 248 final

Recommendation for a

COUNCIL DECISION

to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of a Sustainable Fisheries Partnership Agreement and protocol with the Islamic Republic of Mauritania

{SWD(2019) 195 final} - {SWD(2019) 196 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE RECOMMENDATION

• Reasons for and objectives of the proposal

The Commission proposes to negotiate a new Sustainable Fisheries Partnership Agreement and a new protocol with the Islamic Republic of Mauritania which both meet the needs of the Union fleet and are in line with Regulation (EU) No1380/2013 on the Common Fisheries Policy (CFP) and the 19 March 2012 Council Conclusions on a Communication from the Commission on the External dimension of the Common Fisheries Policy.

• Consistency with existing policy provisions in the policy area

The current Fisheries Partnership Agreement (FPA) between European Union and Mauritania¹ was signed on 4th August 2008². It is hereby proposed to negotiate a new Sustainable Fisheries Partnership Agreement in order to integrate some provisions included in Regulation (EU) No1380/2013³, which are not covered by the current FPA. The current 4-year Protocol⁴ to the FPA entered into application on 16th November 2015⁵ and will expire on 15th November 2019. This Protocol was amended by Commission Decision (EU) No 2017/451⁶, and by Commission Decision (EU) No 2017/1373⁷. It fixes the fishing opportunities provided to the Union fleet and the corresponding financial contribution paid by the Union and the ship-owners.

The annual EU public financial contribution due to Mauritania amounts to 61 625 000 EUR⁸, out of which 4 125 000 EUR are earmarked for sectoral support.

The FPA with Mauritania provides fishing opportunities targeting demersal and pelagic species as well as tuna and highly migratory species for EU vessels from 10⁹ Member States (Germany, Ireland, Spain, France, Italy, Latvia, Lithuania, The Netherlands, Poland and Portugal). The European Union already has a developed network of bilateral Sustainable Fisheries Partnership Agreements (SFPAs) in the Atlantic Ocean facing West-Africa, namely with Morocco, Senegal, The Gambia, Guinea-Bissau, Liberia, Ivory Coast.

SFPAs contribute to promote the objectives of the CFP internationally, ensuring that Union fishing activities outside Union waters are based on the same principles and standards as those applicable under Union law. In addition, SFPAs foster scientific cooperation between the EU and its partner, promote transparency and sustainability for a better management of fishing resources and encourage governance by supporting monitoring, control and surveillance of national and foreign fleets' activities and providing funding to fight against illegal, unreported

¹ OJ L 343 of 08.12.2006, p.4

² <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2006111&DocLanguage=en>

³ Ref. Reg. (EU) No 1380/2013, Part VI, Title II.

⁴ JO L 315 of 01.12.2015, p.3

⁵ <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2015063&DocLanguage=en>

⁶ JO L 69 of 15.03.2017, p. 34.

⁷ JO L 193 of 25.07.2017, p. 4.

⁸ For the last 2 years of the Protocol. For the two previous years it was 59 125 000 EUR. Ref. Article 2.1 and article 3.1 of the Protocol, as amended by Commission Decision (EU) 2017/451 of 14 March 2017. JO L 69 of 15.03.2017, p.34.

⁹ UK had fishing opportunities through the current FPA protocol until 2019.

and unregulated (IUU) fishing. The SFPAs contribute to the sustainable development of local fishing industry and also to the promotion of growth and decent work linked to maritime activity. SFPAs strengthen the European Union's position in international and regional fishing organisations: in the case of Mauritania, in particular, in the International Commission for the Conservation of Atlantic Tunas (ICCAT)¹⁰ and in the Fishery Committee for the Eastern Central Atlantic (CECAF)¹¹.

- **Consistency with other Union policies**

The negotiation of a new Agreement and protocol with Mauritania is in line with the EU's external action towards African, Caribbean and Pacific (ACP) countries, and in particular with the Union objectives regarding the respect of democratic principles, human rights.

2. LEGAL ELEMENTS OF THE RECOMMENDATION

- **Legal basis**

The legal basis for the decision is provided by Article 218 of the Treaty on the Functioning of the European Union (TFEU), in Part Five on the Union's external action, Title V on international agreements, which sets out the procedure for negotiating and concluding agreements between the EU and third countries.

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

Not applicable, exclusive competence.

- **Proportionality**

The decision is proportional to the objective.

- **Choice of the instrument**

The instrument is provided for under Article 218(3) and Article 218(4) of the TFEU.

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

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

The Commission carried out in 2018-2019 an *ex-post* evaluation of the current protocol to the FPA Mauritania as well as an *ex-ante* evaluation of a possible renewal of the protocol. The conclusions of the evaluation are set out in a separate Staff Working Document.

The evaluation concluded that the EU fishing sectors are firmly interested in fishing in Mauritania and that a renewal of the Protocol would help strengthen monitoring, control and surveillance and contribute to improved governance of the fisheries in the region.

For the EU, it is important to maintain an instrument allowing a deep sectoral cooperation with a major player in ocean governance at the sub-regional level because of the extent of its fishing area under its jurisdiction. Furthermore, for the EU vessels, inter alia those based in outermost regions such as Canary Islands, targeting demersal, pelagic species, tuna seiners

¹⁰ <http://www.fao.org/fishery/rfb/iccat/en> , the body set up under international law for conserving and managing highly migratory species in the region.

¹¹ <http://www.fao.org/fishery/rfb/cecaf/en> , for demersal and pelagic species.

and long-liners, this means maintaining access to an important fishing area for the deployment of harvesting strategies under a multi-year international legal framework.

For Mauritanian authorities, the aim is to continue relations with the EU for strengthening ocean governance, benefiting from dedicated sectoral support that provides for multi-year funding opportunities

- **Stakeholder consultations**

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 have also taken place in the framework of the Long Distance Advisory Council, notably at the occasion of its meeting on 27 March 2019.

- **Collection and use of expertise**

Not applicable

- **Impact assessment**

Not applicable

- **Regulatory fitness and simplification**

Not applicable

- **Fundamental rights**

The negotiating directives proposed as an annex to the decision recommend authorising the opening of negotiations including a clause on the consequences of violations of human rights and democratic principles.

4. BUDGETARY IMPLICATIONS

The budgetary implications connected with the new Protocol include the payment of a financial contribution to the Islamic Republic of Mauritania. The related budgetary allocations in terms of commitment and payment appropriations need to be included each year in the budget line for Sustainable Fisheries Partnership Agreements (11 03 01) as well as being compatible with the financial programming of the relevant Multiannual Financial Framework. The annual amounts for commitments and payments are established in the yearly budgetary procedure including the reserve line for protocols not entered into force in the beginning of the year.¹²

5. OTHER ELEMENTS

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

Negotiations are expected to open in the second quarter of 2019.

- **Detailed explanation of the specific provisions of the proposal**

The Commission recommends that:

¹² Chapter 40 (reserve line 40 02 41) in line with the MFF interinstitutional agreement ((2013/C 373/01).

- The Council should authorise the Commission to open and conduct negotiations for the conclusion of a new Sustainable Fisheries Partnership Agreement and a protocol with the Islamic Republic of Mauritania;
- The Commission should be nominated as the EU negotiator on this subject;
- The Commission should conduct the negotiations in consultation with the special committee, as set out in the Treaty on the Functioning of the European Union;
- The Council should approve the negotiating directives annexed to this recommendation.

Recommendation for a

COUNCIL DECISION

to authorise the Commission to open negotiations on behalf of the European Union for the conclusion of a Sustainable Fisheries Partnership Agreement and protocol with 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 218 paragraphs 3 and 4,

Having regard to the recommendation from the European Commission,

Whereas negotiations should be opened with a view to concluding a new Sustainable Fisheries Partnership Agreement and a protocol with the Islamic Republic of Mauritania,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to open negotiations with Mauritania, with a view to conclude a new Sustainable Fisheries Partnership Agreement and a protocol with Mauritania.

Article 2

The negotiations shall be conducted in consultation with the Council Working Party on External Fisheries Policy and on the basis of the negotiating directives set out in the annex to this Decision.

Article 3

This Decision is addressed to the Commission.

Done at Brussels,

For the Council
The President