



**COUNCIL OF
THE EUROPEAN UNION**

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PROPOSAL

from:	European Commission
dated:	3 August 2012
No Cion doc.:	COM(2012) 437 final
Subject:	Proposal for a Council Regulation on the allocation of fishing opportunities under the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2012) 437 final



EUROPEAN COMMISSION

Brussels, 3.8.2012
COM(2012) 437 final

2012/0210 (NLE)

Proposal for a

COUNCIL REGULATION

**on the allocation of fishing opportunities under the Protocol to the Fisheries Partnership
Agreement between the European Union and the Republic of Mauritius**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

On the basis of relevant Council mandate¹, the Commission on behalf of the European Union negotiated with the Republic of Mauritius in view of initialling a new Fisheries Partnership Agreement and Protocol between the European Union and the Republic of Mauritius. Following these negotiations, a new Fishery Partnership Agreement and a new Protocol were initialled on 23 February 2012.

The new agreement covers a period of six years from the date of signature and it is tacitly renewable for successive periods of three years.

The overall objective is to strengthen cooperation between the EU and the Republic of Mauritius for the establishment of a partnership framework for the development of a sustainable fisheries policy and responsible exploitation of fisheries resources Mauritian fishing zone, in the interest of both parties.

The protocol covers a period of 3 years. The new protocol provides fishing opportunities for EU vessels in Mauritius' waters for 86 tuna vessels (41 purse seiners and 45 long-liners). In accordance with the Treaty, the method for allocating the fishing opportunities among the Member States should be defined.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Member States were consulted as part of technical meetings and in the framework of the Fisheries Working Group of the Council.. These consultations concluded in the interest of concluding a Fisheries Partnership Agreement and protocol with Mauritius. The Commission relied, inter alia, the results of an evaluation carried out by external experts which was finalized in November 2011.

3. LEGAL ELEMENTS OF THE PROPOSAL

This procedure is started in parallel with the procedures regarding the Council decision on the signing, on behalf of the Union, of the Fishery Partnership Agreement and of the Protocol setting out the fishing opportunities and the financial contribution provided for the Fishery Partnership Agreement between the European Union and the Republic of Mauritius, and the Council Decision, with the consent of the European Parliament, on the conclusion of the said Fishery Partnership Agreement and Protocol.

4. BUDGETARY IMPLICATION

The new Protocol provides for a total financial contribution of EUR 1 980 000 for the whole period. This amount corresponds to: a) EUR 357 500 per year equivalent to an annual

¹ Council Decision n° 15921/2011 of 23.01.2012

reference tonnage of 5 500 tonnes, and b) EUR 302 500 per year, corresponding to the additional envelop paid by the Union to support Mauritius fisheries and maritime policy.

The annual financial contribution paid by the budget of the Union is therefore 660 000 EUR.

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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, paragraph 3 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) A new Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius has been initialled on 23 February 2012, providing Union vessels with fishing opportunities in the waters over which Mauritius have sovereignty or jurisdiction in respect of fisheries.
- (2) The Council has adopted on [...] Decision XXX/2012/EU² on the signing of the new Fishery Partnership Agreement and of the new Protocol.
- (3) The method for allocating the fishing opportunities among the Member States should be defined for the duration of the Protocol.
- (4) In accordance with Article 10(1) of Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters,³ the Commission informs the Member States concerned if it appears that the fishing opportunities allocated to the Union under a Fisheries Partnership Agreement are not fully utilised. The absence of a reply within a deadline to be set by the Council is considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities in the given period. It is necessary to set such deadline.
- (5) Since the the Protocol to the Fishery Agreement expired on xx December 2007, this Regulation should apply from the date of entering into force of the new Fishery Partnership Agreement and the new Protocol.

² OJ L....

³ OJ L 286, 29.10.2008, p. 33

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities set out in the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (hereinafter referred to as "the Protocol" shall be allocated among the Member States as follows:

a) Tuna purse seiners

Spain	22 vessels
France	16 vessels
Italy	2 vessel
United Kingdom	1 vessel
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Total	41 vessels

b) Surface long liners

Spain	12 vessels
France	29 vessels
Portugal	4 vessels
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Total	45 vessels

2. Regulation (EC) No 1006/2008 shall apply without prejudice to the provisions of the Fisheries Partnership Agreement and the Protocol
3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all the fishing opportunities set by the Protocol, the Commission shall consider applications for fishing authorisations from any other Member State pursuant to article 10 of Regulation (EC) N° 1006/2008.
4. The deadline by which Member States are to confirm that they do not fully utilise the fishing opportunities allocated under the Agreement, as referred to in Article 10(1) of Regulation (EC) No 1006/2008, shall be set at 10 working days from the day on which Commission informs the Member States that the fishing opportunities have not been exhausted.

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 the date of entry into force of the new Protocol to the Fishery Partnership Agreement between the European Union and the Republic of Mauritius.

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

Done at Brussels,

For the Council
The President