



Council of the
European Union

079325/EU XXVII.GP
Eingelangt am 09/11/21

Brussels, 9 November 2021
(OR. fr)

12208/21

Interinstitutional File:
2021/0300 (NLE)

PECHE 327

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania and the Implementing Protocol thereto
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COUNCIL DECISION (EU) 2021/...

of ...

**on the conclusion of the Sustainable Fisheries Partnership Agreement
between the European Union and the Islamic Republic of Mauritania
and the Implementing Protocol thereto**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 in conjunction with Article 218(6), second subparagraph, point (a)(v) and Article 218 (7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹⁺,

¹ Consent of ... (not yet published in the Official Journal).

⁺ OJ : please complete the corresponding footnote.

Whereas:

- (1) In accordance with Council Decision (EU) 2021/... of¹⁺, the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania (the ‘Partnership Agreement’) and the Implementing Protocol thereto (the ‘Protocol’) were signed on⁺⁺.
- (2) The objectives of the Partnership Agreement and of the Protocol are to enable Union vessels to carry out their fishing activities in Mauritanian waters and to enable the Union and the Islamic Republic of Mauritania (‘Mauritania’) to work closely together to further promote the development of sustainable fisheries policy and the responsible exploitation of fishery resources in the Mauritanian fishing zone and in the Atlantic Ocean, in line with the objective of conservation of marine biological resources recognised in Union law. This cooperation also helps to establish decent working conditions in the fisheries sector.
- (3) The Partnership Agreement and the Protocol should be approved

¹ Council Decision (EU) 2021/... of ... 2021 on the signing, on behalf of the European Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania and the Implementing Protocol thereto (OJ L ...).

⁺ OJ: please insert the number of the Decision indicated in document ST 12392/21 and complete the corresponding footnote.

⁺⁺ OJ: please insert the date of signature of the Partnership Agreement and of the Protocol indicated in document ST 12446/21.

- (4) Article 14 of the Partnership Agreement establishes a Joint Committee responsible for monitoring the implementation of the Partnership Agreement and the Protocol. Furthermore, the Joint Committee may approve certain amendments to the Protocol pursuant to Article 11(1) thereof. In order to facilitate the approval of such amendments, the Commission should be authorised, subject to specific substantive and procedural conditions, to approve them on behalf of the Union under a simplified procedure.
- (5) The Union's position on the proposed amendments to the Protocol should be established by the Council. The proposed amendments should be approved unless a blocking minority of Member States objects to them in accordance with Article 16(4) of the Treaty on European Union.
- (6) The Partnership Agreement and the Protocol should enter into force as soon as possible in view of the economic importance of Union fishing activities in the Mauritanian fishing zone and the need to avoid or reduce as much as possible the duration of any interruption of those activities,

HAS ADOPTED THIS DECISION:

Article 1

The Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania and the Implementing Protocol thereto are hereby approved on behalf of the Union¹⁺.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 18 of the Partnership Agreement and the notification provided for in Article 22 of the Protocol².

Article 3

In accordance with the procedure and the conditions laid down in the Annex to this Decision, the Commission is authorised to approve, on behalf of the Union, amendments to the Protocol adopted by the Joint Committee established under Article 14 of the Partnership Agreement.

¹ The texts of the Partnership Agreement and of the Protocol are published in OJ L

⁺ OJ: please insert in the footnote the OJ references corresponding to the Partnership Agreement and to the Protocol indicated document ST 12446/21.

² The date of entry into force of the Partnership Agreement and of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council

The President

ANNEX

PROCEDURE AND CONDITIONS FOR THE APPROVAL OF AMENDMENTS TO THE PROTOCOL TO BE ADOPTED BY THE JOINT COMMITTEE

Where the Joint Committee is asked to adopt amendments to the Protocol in accordance with Article 11(1) of the Protocol, the Commission is authorised to approve the proposed amendments on behalf of the Union, under the following conditions:

- (1) The Commission shall ensure that the approval on behalf of the Union:
 - (a) is in accordance with the objectives of the common fisheries policy;
 - (b) is consistent with the relevant rules adopted by regional fisheries management organisations and takes account of joint management by coastal states;
 - (c) takes account of the latest statistical, biological and other relevant information sent to the Commission.
- (2) Before approving the proposed amendments on behalf of the Union, the Commission shall submit them to the Council in sufficient time before the relevant Joint Committee meeting.
- (3) The Council shall assess whether the proposed amendments comply with the criteria laid down in point 1.

- (4) Unless a number of Member States equivalent to a blocking minority of the Council, in accordance with Article 16(4) of the Treaty on European Union, object to the proposed amendments, the Commission shall approve them on behalf of the Union. If there is such a blocking minority, the Commission shall reject the proposed amendments on behalf of the Union.
- (5) If, in the course of subsequent meetings of the Joint Committee, including on the spot, it is impossible to reach an agreement, the matter shall be referred back to the Council, in accordance with the procedure set out in points 2 to 4, in order for the Union position to take account of new factors.
- (6) The Commission is invited to take, in due time, any steps necessary to follow up on the decision of the Joint Committee, including, where appropriate, publishing the relevant decision in the *Official Journal of the European Union* and submitting any proposal necessary for the implementation of that decision.

As regards other matters which do not concern amendments to the Protocol, in accordance with Article 11(1) of the Protocol, the position to be adopted by the Union within the Joint Committee shall be determined in accordance with the Treaties and established working practices.