



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.01.1996
COM(95) 726 final

96/0005 (CNS)

PROPOSAL FOR A
COUNCIL DECISION

on the conclusion of the Supplement to the Agreement in the form of an exchange of letters concerning the provisional application of the Supplement to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 15 November 1995 to 31 July 1996

Proposal for a

COUNCIL REGULATION (EC)

on the conclusion of the Supplement to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 15 November 1995 to 31 July 1996

(presented by the Commission)

EXPLANATORY MEMORANDUM

Mauritania has proposed, under Article 3 of the Protocol to the Agreement on Fisheries between it and the EEC, to open fishing for cephalopods in its waters to Community vessels.

A Supplement to the Protocol on this subject was initialled by both parties on 11 November; it lays down the technical and financial terms for this new fishery activity for the period 15 November 1995 to 31 July 1996.

On that basis the Commission proposes that the Council should adopt:

- by Decision, the draft Agreement in the form of exchange of letters concerning the provisional application of the Supplement to the Protocol pending its final entry into force;
- by Regulation, the Supplement to the Protocol setting out the fishing opportunities and related technical and financial conditions agreed by the EC and Mauritania for the period 15 November 1995 to 31 July 1996.

PROPOSAL FOR A
COUNCIL DECISION

on the conclusion of the Supplement to the Agreement in the form of an exchange of letters concerning the provisional application of the Supplement to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 15 November 1995 to 31 July 1996

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement between the European Economic Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania¹, and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

Whereas negotiations have been held between the Community and the Islamic Republic of Mauritania, in accordance with the second paragraph of Article 13 of the abovementioned Agreement, to determine the additions to be introduced into the Annex to the Agreement and into the Protocol for the period 15 November 1995 to 31 July 1996;

Whereas, as a result of these negotiations, a Supplement to the Protocol was initialled on 11 November 1995;

Whereas, under that Supplement to the Protocol, Community fishermen have additional fishing rights in the waters under the sovereignty or jurisdiction of Mauritania;

Whereas, in order to permit these fishing activities by Community vessels, it is essential that the Supplement to the Protocol be approved as soon as possible; whereas, for this reason, the two Parties initialled an Agreement in the form of an exchange of letters providing for the provisional application of the Supplement to the Protocol from 15 November 1995; whereas this Agreement should be approved subject to a final decision under Article 43 of the Treaty,

Whereas these fishing opportunities should be allocated to Member States in accordance with Article 8(4)(iii); whereas, in view of the loss of fishing opportunities in Moroccan waters, it is equitable to allot all the fishing opportunities to vessels flying the Spanish flag,

HAS DECIDED AS FOLLOWS:

Article 1

¹ OJ No L 388, 31.12.1987, p. 1.

The Agreement in the form of an exchange of letters concerning the provisional application of the Supplement to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 15 November 1995 to 31 July 1996 is hereby approved on behalf of the Community.

The texts of the Agreement in the form of an exchange of letters and of the Supplement to the Protocol are attached to this Decision.

Article 2

The fishing opportunities set out in the Supplement to the Protocol shall be granted to vessels flying the Spanish flag.

Should applications for licences from Spain not exhaust the fishing opportunities set out in the Supplement to the Protocol, the Commission shall make it possible for the other Member States to make applications.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

Done at Brussels,

*For the Council
The President*

AGREEMENT
IN THE FORM OF AN EXCHANGE OF LETTERS CONCERNING THE
PROVISIONAL APPLICATION OF THE SUPPLEMENT TO THE PROTOCOL
SETTING OUT THE FISHING OPPORTUNITIES AND FINANCIAL
CONTRIBUTION PROVIDED FOR IN THE AGREEMENT BETWEEN THE
EUROPEAN COMMUNITY AND THE ISLAMIC REPUBLIC OF MAURITANIA
ON FISHING OFF THE COAST OF MAURITANIA FOR THE PERIOD
1 AUGUST 1993 TO 31 JULY 1996

A. Letter from the Islamic Republic of Mauritania

Sir,

With reference to the Supplement to the Protocol initialled on 11 November 1995 setting out, in accordance with Article 3 of the Protocol, additional fishing opportunities and the related financial contribution for the period 15 November 1995 to 31 July 1996 I have the honour to inform you that the Islamic Republic of Mauritania is prepared to apply this Supplement to the Protocol provisionally from 15 November 1995 pending its entry into force in accordance with Article 7 of the Supplement provided that the Community is disposed to do the same.

This is on the understanding that the financial compensation specified in Article 2 of the Supplement to the Protocol must be paid by 25 January 1996.

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
Islamic Republic of Mauritania

B. Letter from the Community

Sir,

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

"With reference to the Supplement to the Protocol initialled on 11 November 1995 setting out, in accordance with Article 3 of the Protocol, additional fishing opportunities and the related financial contribution for the period 15 November 1995 to 31 July 1996 I have the honour to inform you that the Islamic Republic of Mauritania is prepared to apply this Supplement to the Protocol provisionally from 15 November 1995 pending its entry into force in accordance with Article 7 of the Supplement provided that the Community is disposed to do the same.

This is on the understanding that the financial compensation specified in Article 2 of the Supplement to the Protocol must be paid by 25 January 1996.

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 this provisional application.

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

On behalf of the
Council of the European Communities

**Proposal for a
COUNCIL REGULATION (E C) No**

96/0005 (CNS)

on the conclusion of the Supplement to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 15 November 1995 to 31 July 1996

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof, in conjunction with the first paragraph of Article 228(3),

Having regard to the proposal from the Commission,¹

Having regard to the opinion of the European Parliament,²

Whereas, in accordance with the second paragraph of Article 13 of the Agreement between the European Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania,³ the two Parties negotiated to determine the additions to be introduced into the Annex to the Agreement and into the Protocol for the period 15 November 1995 to 31 July 1996;

Whereas, as a result of these negotiations, a Supplement to the Protocol setting out, for the period 15 November 1995 to 31 July 1996, the fishing opportunities and financial contribution provided for in the Agreement was initialled on 11 November 1995;

Whereas it is in the Community's interest to approve this Supplement to the Protocol;

Whereas these fishing opportunities should be allocated to Member States in accordance with Article 8(4)(iii); whereas, in view of the loss of fishing opportunities in Moroccan waters, it is equitable to allot all the fishing opportunities to vessels flying the Spanish flag,

HAS ADOPTED THIS REGULATION:

Article 1

The Supplement to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Islamic Republic of Mauritania on fishing off the coast of Mauritania for the period 15 November 1995 to 31 July 1996 is hereby approved on behalf of the Community.

The text of the Supplement to the Protocol is attached to this Regulation.

¹ OJ No C

² OJ No C

³ OJ No L 388, 31.12.1987, p. 1.

Article 2

The fishing opportunities set out in the Supplement to the Protocol shall be allotted to vessels flying the Spanish flag.

Should applications for licences lodged by Spain not exhaust the fishing opportunities set out in the Supplement to the Protocol the Commission shall make it possible for the other Member States to make applications.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Supplement to the Protocol in order to bind the Community.

Article 4

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

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

AGREEMENT
IN THE FORM OF AN EXCHANGE OF LETTERS CONCERNING THE
PROVISIONAL APPLICATION OF THE SUPPLEMENT TO THE PROTOCOL
SETTING OUT THE FISHING OPPORTUNITIES AND FINANCIAL
CONTRIBUTION PROVIDED FOR IN THE AGREEMENT BETWEEN THE
EUROPEAN COMMUNITY AND THE ISLAMIC REPUBLIC OF MAURITANIA
ON FISHING OFF THE COAST OF MAURITANIA FOR THE PERIOD
1 AUGUST 1993 TO 31 JULY 1996

Article 1

From 15 November 1995 to 31 July 1996 further fishing opportunities are hereby granted, pursuant to Article 3 of the Protocol, to cephalopod fishing vessels: 5 250 GRT/month annual average, which may vary by a margin of 5% above or below that figure, for not more than 18 vessels. Should the figure be exceeded within the 5% limit the shipowners shall pay the fees for the additional GRT.

Article 2

1. The total financial compensation for the period referred to in Article 1 shall be ECU 7 259 000.
2. The use to which this compensation is put shall be the sole responsibility of Mauritania.
3. The compensation shall be paid into an account opened with a financial institution or any other body designated by Mauritania.

Article 3

Of the amount of total financial compensation provided for in Article 2(1) Mauritania shall allocate, for the period referred to in Article 1, the sum of ECU 350 000 towards the financing of scientific and technical programmes to improve biological and fishery resource information as regards the Mauritanian fishing zone. This sum shall be made available to Mauritania and the corresponding amounts shall be transferred to the accounts indicated by the Mauritanian authorities (CNROP in Nouadhibou).

The Community reserves the right to request the other contracting party to provide any information that may be useful for scientific purposes.

Article 4

1. Of the amount of total financial compensation provided for in Article 2(1), Mauritania shall allocate, for the period referred to in Article 1, the sum of ECU 150 000 to study and practical training in the various scientific, technical and economic disciplines relating to fisheries. To this end, the Community shall make it easier for nationals of Mauritania to find places in establishments in its Member States.

2. Part of the amount referred to in paragraph 1 may be allocated to cover the costs of participating in international meetings or training courses on fisheries.

Article 5

Should the Community fail to make the payments provided for in Article 2, Mauritania reserves the right to suspend the application of this Protocol.

Article 6

The Annex to the Agreement between the European Community and Mauritania on fishing off the coast of Mauritania is hereby replaced by the Annex to this Supplement to the Protocol.

Article 7

This Supplement to the Protocol shall enter into force on the date on which it is signed.

It shall apply with effect from 15 November 1995.

ANNEX

Conditions for cephalopod fishing between 15 November 1995 and 31 July 1996 supplementing those set out in the Annex to the Protocol.

1. Inspection

Each vessel concerned will undergo only one inspection in port for the period from 15 November 1995 to 31 July 1996.

2. Replacement of a vessel

Each vessel may be replaced by another of equal or smaller gross registered tonnage subject to the following conditions:

- (a) at least three months after the licence was issued;
- (b) during a given period of three months by reason of force majeure.

3. Licence fee and period

- (a) licences shall be issued for periods of three, six or 8.5 months. Three-month licences shall be renewable;
- (b) the fee to be paid by the shipowner shall be ECU 348 per gross registered ton per year. It shall be payable in proportion to the period of the licence.

4. Signing-on of Mauritanian seamen

Each vessel shall employ Mauritanian seamen to make up 35% of the non-officer crew engaged in manning the vessel or fishing activities, of whom 25% shall in any circumstances be on board.

In respect of the 10% who may not be on board, the shipowner shall pay compensation of ECU 200/month per seaman to the Mauritanian authorities at the same time as the licence fee. Such compensation shall be used for the training of Mauritanian fishermen.

5. On-board observers

Each vessel shall take on board not more than one observer, within the 25% limit of Mauritanian fishermen.

6. Fishing zone

The fishing zone in which Community vessels are permitted shall be identical to that laid down by national regulations for Mauritanian vessels.

7. Authorized mesh size

The minimum authorized mesh size is 70 mm.

8. Special provisions

- (a) Community shipowners shall own the catches in their entirety and be free to decide upon their sale and unloading in the port of their choice. However, the Community and Mauritania will encourage their own operators concerned to establish permanent joint consultation in order to prevent any competition liable to destabilize the market.
- (b) Community vessels are required to abide by Mauritanian regulations in force for the protection of juveniles. However, should any juveniles be caught the shipowner will be liable to a fine of not less than the value of the juvenile specimens caught and marketed by him. Vessels fishing for cephalopods may catch fish and crustaceans and keep them on board.
- (c) The competent Community authorities shall inform the Mauritanian authorities on a case-by-case basis in writing ten days in advance of inspection visits which they have decided to conduct in a Community port. The Mauritanian authorities shall give five days' notice of their intention to send an observer. The observer should not be sent for a period exceeding 15 days.

To this end the Community will make the necessary arrangements for the Mauritanian authorities to be informed in real time of landings performed by vessels operating in Mauritanian waters.

- (d) Community shipowners shall be free to choose the local agents for their vessels although they must be of Mauritanian nationality.
- (e) The European Union and Mauritania, in their concern for the conservation of resources, shall endeavour to cooperate to strengthen the system for the surveillance of the Mauritanian EEZ.

FINANCIAL STATEMENT

1. **TITLE OF OPERATION:** complement to the financial Protocol EC/Mauritania

2. **BUDGET HEADING INVOLVED:** B7-800

3. **LEGAL BASIS:** EC/Mauritania Agreement
Council R. No 1348/94 -art 3- (OJ No L 149, 15.6.1994)

4. **DESCRIPTION OF OPERATION**

4.1 General objective: new fishing possibilities

4.2 Period covered and arrangements for renewal or extension
15.11.95 to 31.7.96, expiry date of the current protocole

5. **Classification of expenditure or revenue**

5.1 Compulsory

5.2 Differentiated

6. **Type of expenditure or revenue**

- *Other:* Financial compensation to a third country in exchange for fishing opportunities granted by it and laid down in the complement to the Protocol.

7. **FINANCIAL IMPACT**

7.1 Method of calculating total cost of operation (definition of unit costs)
see complement to the Protocol

7.2 Itemised breakdown of cost

Breakdown current ECUs	1995	1996	...	1999	TOTAL
financial contribution (art.2)	7.259.000 ECUs				7.259.000 ECUs

7.3 Schedule for proposed new operation

	1995	1996	...	1999	TOTAL
Commitment appropriations	ECU (current) 7.259.000				ECU (current) 7.259.000
Payment appropriations					
1995	ECU (current) 7.259.000				
1996					
...					
1999					
TOTAL	ECU (current) 7.259.000				ECU (current) 7.259.000

8. FRAUD PREVENTION MEASURES; RESULTS OF MEASURES TAKEN:

Since the financial contributions are made by the Community in direct exchange for the fishing possibilities offered, the third country uses them for whatever end it chooses. The exception to this rule is the case of programmes, such as the scientific programmes, where under the dispositions of the Agreement, Mauritania will furnish reports to the Community.

In addition, the Member States whose vessels operate under this Agreement must certify to the Commission the exactitude of the data indicated in the tonnage certificates of the vessels so that the licence fees may be calculated on a guaranteed basis. To that end, the Agreement includes catch declarations for Community vessels.

9. ELEMENTS OF COST-EFFECTIVENESS ANALYSIS:

In terms of the benefits of this agreement, it is clear that the value of the catches of the main commercial species far exceeds the cost of 7.259 MECU.

In addition to the direct commercial value of the catches of the vessels concerned, there are the following evident benefits from this Agreement:

- guaranteed employment aboard the fishing vessels;
- multiplier employment effect throughout the regions concerned (Southern Spain) in the ports, auctions rooms, processing factories, shipyards, service industries, etc.;
- these employment opportunities are in regions where no other opportunities are available;
- contribution to the supply of fish to the Community.

Obviously, in addition to those benefits, one must take account of the importance of our relations with Mauritania in the fisheries field and our overall political relations.

10. ADMINISTRATIVE EXPENDITURE (part A of the budget):

No incidence on administrative expenditure.

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