

# EUROPEAN PARLIAMENT

2004



2009

---

*Session document*

FINAL  
**A6-0066/2006**

22.3.2006

**\***

## **REPORT**

on the 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  
(COM(2005)0591 – C6-0433/2005 – 2005/0229(CNS))

Committee on Fisheries

Rapporteur: Pedro Guerreiro

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members, except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION .....	5
EXPLANATORY STATEMENT .....	6
PROCEDURE.....	11



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the 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 (COM(2005)0591 – C6-0433/2005 – 2005/0229(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the proposal for a Council regulation (COM(2005)0591)<sup>1</sup>,
  - having regard to Articles 37 and 300(2) of the EC Treaty,
  - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0433/2005),
  - having regard to Rules 51 and 83(7) of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A6-0066/2006),
1. Approves conclusion of the agreement;
  2. Instructs its President to forward its position to the Council and Commission, and the governments and parliaments of the Member States and the Islamic Republic of Mauritania.

---

<sup>1</sup> Not yet published in OJ.

## EXPLANATORY STATEMENT

### INTRODUCTION

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 decided at the Joint Committee meetings held on 10 September and on 15 and 16 December 2004 to modify the current fishing opportunities.

The agreement on the amendments to the existing protocol has been formalised by an exchange of letters.

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.

### BACKGROUND

Fisheries relations between the European Union and Mauritania date back to 1987, with the conclusion of the fisheries agreement contained in Council Regulation (EEC) No 4143/87 of 14 December 1987<sup>1</sup>.

The provisions of this agreement were updated on a number of occasions through a series of protocols, the last of which covered the period 1993-1996.

In 1995, following the unilateral termination by Morocco of the fisheries agreement concluded in May 1992 for a period of four years, a supplement to the 1993-96 protocol was adopted for the period 15 November 1995 to 31 July 1996 which aimed to offset the loss of fishing opportunities for the Community cephalopod fleet in Moroccan waters.

On 20 June 1996 a new fisheries agreement with Mauritania covering a period of five years was initialled, allowing continuity in the presence of the Community fleet from 31 July 1996.

On 31 July 2001 the two parties initialled a fresh protocol fixing the technical and financial conditions governing the fishing activities of Community vessels in the waters of the Islamic Republic of Mauritania during the period from 1 August 2001 to 31 July 2006.

---

<sup>1</sup> OJ L 388, 31.12.1987, p. 1.

Once again, this protocol reflected the need to offset the hardship caused by the non-renewal of the fisheries agreement with Morocco, which expired on 30 November 1999, and became the most important fisheries agreement to be concluded between the Community and a third country.

The following table compares the fishing opportunities fixed in the protocol which will expire in July 2006 with those available under the protocols annexed to previous agreements:

**Fishing opportunities under the 2001-2006 fisheries protocol with Mauritania**

<b>Fishing categories</b>	<b>1993-1996</b>	<b>1996-2001</b>	<b>2001-2006</b>
Cephalopod (number of vessels)	18 (supp. prot.)	42 (average)	55
Crustaceans other than crawfish (GRT per year)	4 500	5 500	6 000
Pelagic freezer trawlers (number of vessels)		22	<b>15</b>
Tuna seiners (number of vessels) Pole-and-line tuna vessels and surface longliners (number of vessels)	45 (34 tuna seiners and 11 pole-and-line tuna vessels and surface longliners)	57 (40 tuna seiners and 17 pole-and-line tuna vessels and surface longliners)	67 (36 tuna seiners and <b>31</b> pole-and-line tuna vessels and surface longliners)
Black hake (GRT per year)	12 000	8 500	8 500
Demersal – trawling (GRT per year)	4 200	5 500	4 000
Demersal, except black hake (gear other than trawls) (GRT per year)	2 600	4 200	3 300
Crawfish (GRT per year)	300	300	200

In terms of the EU financial contribution the three periods compare as follows:

**EC financial contribution under the 2001-2006 fisheries protocol with Mauritania**

	<b>1993-1996</b>	<b>1996-2001</b>	<b>2001-2006</b>
Overall financial contribution (ecu m/euro m)	26+7.3 (supp. prot.) = 33.3	266.8	430

Under the protocol in force until 31 July 2006, apart from the 61% increase in the total financial allocation, which now stands at EUR 430 m, EUR 20 m (EUR 4 m per year) are to be set aside for the funding of specific measures aimed at developing the fishing industry, compared to a total of around 5.25 m under the previous agreement. The planned measures consist of support for research, fisheries surveillance, maritime training, the development of fisheries statistics, sea rescue, institutional support for the system for managing fishing licences and support for managing seamen, expenses incurred in organising and attending international seminars and meetings and the development of artisanal fishing.

There has also been a rise in the fees to be paid by shipowners: the planned increase over the five-year period stands at 25% for pelagic trawlers and tuna vessels, and at between 8% and 18% for other vessels.

## CONTENT OF THE PROPOSED CHANGES

The changes now proposed are as follows:

- a temporary reduction by five licences for the ‘cephalopod’ fishing category (category 5);
- the setting of a second biological rest period of one month for demersal fishing;
- an increase in the number of vessels from 31 to 35 for the ‘pole-and-line tuna vessel and surface longliner’ fishing category (category 8);
- an increase in the number of vessels from 15 to 25 for the ‘pelagic freezer trawler’ fishing category (category 9).

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) are to be allocated among the Member States as follows, in proportion to the allocation key fixed in the initial protocol:

<b>Fishing category</b>	<b>Member State</b>	<b>Number of vessels which may be used + planned increase</b>
Pole-and-line tuna vessels Surface longliners (vessels)	Spain	20 + 3= 23
	Portugal	3 + 0= 3
	France	8 + 1= 9

The increase in the number of vessels in the pelagic freezer trawler fleet is mainly aimed at integrating the fleet of new Member States operating in the region (Latvia and Lithuania).

It was proposed that the temporary suspension of five fishing licences for the cephalopod fishing category should take effect as from 1 January 2005. The future reactivation of those five licences will 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.

The proposed changes will not have any additional financial impact by comparison with the protocol in force.

## RAPPORTEUR'S COMMENTS



It should be pointed out that the present protocol (2001-2006) is currently the most important bilateral agreement signed by the Community, in financial and economic terms and in terms of the fishing opportunities for various species. It is also highly significant from the socio-economic point of view, particularly for the Spanish regions which have been badly affected by the consequences of the non-renewal of the agreement with Morocco.

The agreement in the form of an exchange of letters under review was formalised in December 2004 and aims to make a number of amendments to the above protocol.

The proposal for a Council regulation was not forwarded to Parliament until the end of December 2005, i.e. a year later.

With regard to the procedure followed, the rapporteur notes that once again there has been a serious delay in consulting Parliament on a text which was agreed many months before, and deeply regrets this situation.

As reiterated on countless occasions by the Committee on Fisheries and by other committees called upon to deliver their opinion, a general solution needs to be found which will enable each institution to exercise the competences allocated to it by the Treaties and make consultation of Parliament a meaningful exercise.

In particular, such a solution would need to prevent and remedy the disruption caused by adapting the institutions' administrative system to the challenge of enlargement and the linguistic problems arising from this situation, in accordance with the provisions of the Treaties.

In this specific case, Parliament is being called upon to deliver its opinion in 2006 on measures agreed in 2004 and intended, at least in part, to enter into force from 1 January 2005.

Moreover, it is only a matter of days before the formal opening of negotiations on the new protocol to replace the current one which expires in July 2006. It is to be hoped that the same regrettable delays in consulting Parliament will not be repeated in the course of this new procedure, and that this time Parliament will be consulted promptly and properly.

The rapporteur draws attention to the fact that the recent *Framework Agreement on Relations between the European Parliament and the Commission of 26 May 2005* must be fully complied with and welcomes the willingness recently expressed by the Commission to study practical ways of improving the current situation.

Article 19 of this Interinstitutional Agreement stipulates that: 'In connection with international agreements, including trade agreements, the Commission shall provide early and clear information to Parliament both during the phase of preparation of the agreements and during the conduct and conclusion of international negotiations. This information covers the draft negotiating directives, the adopted negotiating directives, the subsequent conduct of negotiations and the conclusion of the negotiations. The information referred to in the first subparagraph shall be provided to Parliament in sufficient time for it to be able to express its point of view if appropriate, and for the Commission to be able to take Parliament's views as far as possible into account. This information shall be provided through the relevant

parliamentary committees and, where appropriate, at a plenary sitting.'

On the other hand, the rapporteur considers it highly positive that the Commission recently presented an evaluation report for the current protocol. In his opinion, this document offers a sound basis for work on negotiating and assessing the next protocol, since it provides a fairly detailed analysis of the situation for the fishing sector in Mauritania and the application of the protocol which expires in July 2006, whilst also providing a great deal of information which may prove very useful in the future.

With regard to the changes to the protocol which are the subject of the present proposal, according to the information available these will make it possible to:

- bring fishing effort into line with the precarious state of resources in the cephalopod category;
- offset this reduction by means of an increase in the number of licences for the pelagic and tuna categories, which will facilitate the integration of fleets flying flags of the new Member States, whilst at the same time guaranteeing continuity of access for Community fishing vessels which traditionally operate under this agreement.

## **CONCLUSIONS**

Given the great importance of this protocol for the Islamic Republic of Mauritania and for the European Union, the rapporteur takes the view that the Committee on Fisheries should approve the proposal, on the basis of the above comments.

## PROCEDURE

<b>Title</b>	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	
<b>References</b>	COM(2005)0591 – C6-0433/2005 – 2005/0229(CNS)	
<b>Date of consulting Parliament</b>	12.12.2005	
<b>Committee responsible</b> Date announced in plenary	PECH 15.12.2005	
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	BUDG 15.12.2005	DEVE 15.12.2005
<b>Not delivering opinion(s)</b> Date of decision	DEVE 1.12.2005	BUDG 9.3.2006
<b>Enhanced cooperation</b> Date announced in plenary		
<b>Rapporteur(s)</b> Date appointed	Pedro Guerreiro 7.12.2005	
<b>Previous rapporteur(s)</b>		
<b>Simplified procedure – date of decision</b> Date of decision		
<b>Legal basis disputed</b> Date of JURI opinion		
<b>Financial endowment amended</b> Date of BUDG opinion		
<b>Parliament to consult European Economic and Social Committee – date decided in plenary</b>		
<b>Parliament to consult Committee of the Regions – date decided in plenary</b>		
<b>Discussed in committee</b>	30.1.2006	22.2.2006
<b>Date adopted</b>	21.3.2006	
<b>Result of final vote</b>	+ : 14 - : 2 0 : 2	
<b>Members present for the final vote</b>	Elsbeth Attwooll, Marie-Hélène Aubert, Luis Manuel Capoulas Santos, David Casa, Zdzisław Kazimierz Chmielewski, Carmen Fraga Estévez, Ioannis Gklavakis, Alfred Gomolka, Pedro Guerreiro, Heinz Kindermann, Henrik Dam Kristensen, Rosa Miguélez Ramos, Philippe Morillon, Dirk Sterckx, Struan Stevenson, Daniel Varela Suanzes-Carpegna	
<b>Substitute(s) present for the final vote</b>	Dorette Corbey, Duarte Freitas, María Isabel Salinas García, Carl Schlyter	
<b>Substitute(s) under Rule 178(2) present for the final vote</b>		
<b>Date tabled</b>	22.3.2006	
<b>Comments (available in one language only)</b>	...	