

Council Decision (EU) 2020/1704 of 23 October 2020 on the signing, on behalf of the Union, and provisional application of the Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania on an extension to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2020

COUNCIL DECISION (EU) 2020/1704

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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 in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania<sup>(1)</sup> (the ‘Agreement’), approved by Council Regulation (EC) No 1801/2006<sup>(2)</sup>, entered into force on 8 August 2008.
- (2) The Protocol to the Agreement, setting out the fishing opportunities and financial contribution provided for in the Agreement, which entered into force on the same day for a period of two years, has been replaced several times.
- (3) On 8 July 2019, the Council authorised the Commission to open negotiations with the Islamic Republic of Mauritania (‘Mauritania’) with a view to concluding a new sustainable fisheries partnership agreement and a protocol implementing that agreement.
- (4) In order to prevent a long interruption of fishing activity, the Council also authorised the Commission to negotiate an extension, for a maximum period of one year, to the Protocol to the Agreement in force<sup>(3)</sup> that was due to expire on 15 November 2019 (the ‘Protocol’). On 8 November 2019, the Council adopted Decision (EU) 2019/1918<sup>(4)</sup> on that extension.
- (5) Between September 2019 and February 2020, four rounds of negotiations were held with Mauritania for the conclusion of a new agreement and a new protocol. Those negotiations were not successful.

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*Changes to legislation:* There are currently no known outstanding effects for the Council Decision (EU) 2020/1704. (See end of Document for details)

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- (6) Due to the current health situation caused by the COVID-19 pandemic, it became clear that the negotiations for the conclusion of the new agreement and the new protocol would not be concluded in time and would therefore not prevent an interruption of fishing activity, despite the first extension to the Protocol. On 26 June 2020, the Council therefore authorised the Commission to negotiate a further extension to the Protocol for a maximum duration of one year.
- (7) Pending completion of the negotiations for the conclusion of the new agreement and the new protocol, the Commission negotiated, on behalf of the Union, an agreement in the form of an Exchange of Letters on a second extension, for a maximum period of one year, to the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement (the 'Agreement in the form of an exchange of letters'). Following those negotiations, the Agreement in the form of an Exchange of Letters was initialled on 7 July 2020.
- (8) The aim of the Agreement in the form of an Exchange of Letters is to enable the Union and Mauritania to continue working together to promote a sustainable fisheries policy and a sound exploitation of fishery resources in Mauritanian waters and to allow Union vessels to fish in those waters.
- (9) In order to ensure the continuity of fishing activity by Union vessels in Mauritanian waters, the Agreement in the form of an Exchange of Letters should be applied on a provisional basis as from 16 November 2020, or any other subsequent date from its signing, in accordance with point 6 thereof.
- (10) The Agreement in the form of an Exchange of Letters should be signed and should be applied on a provisional basis, pending the completion of the procedures necessary for its entry into force,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Islamic Republic of Mauritania on an extension to the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania, expiring on 15 November 2020, is hereby authorised, subject to the conclusion of that Agreement<sup>(5)</sup>.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in the form of an Exchange of Letters on behalf of the Union.

*Article 3*

The Agreement in the form of an Exchange of Letters shall be applied on a provisional basis<sup>(6)</sup> as from 16 November 2020, or any other subsequent date from its signing, pending the completion of the procedures necessary for its entry into force.