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(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COUNCIL REGULATION (EC) No 704/2008

of 15 July 2008

on the conclusion of 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 for the period 1 August 2008 to 31 July 2012

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Whereas:

(1) The Community and the Islamic Republic of Mauritania have concluded a Fisheries Partnership Agreement. That Agreement was approved by Council Regulation (EC) No 1801/2006 [2] and entered into force on 5 December 2006.

(2) The Community and the Islamic Republic of Mauritania have negotiated and initialled a Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement for the period 1 August 2008 to 31 July 2012.

(3) It is in the Community's interest to approve the Protocol.

(4) The Protocol replaces the previous Protocol approved by way of Regulation (EC) No 1801/2006.

(5) The method for allocating the fishing opportunities among the Member States should be defined,

HAS ADOPTED THIS REGULATION:

Article 1

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 for the period 1 August 2008 to 31 July 2012 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation.

Article 2

1. The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

[1] Opinion of 10 July 2008 (not yet published in the Official Journal).
[2] OJ L 343, 8.12.2006, p. 1.

Fishing category	GT or maximum number of licences per licence period	Member State	GT, licences or annual catch ceiling by Member State
Category 1: Vessels fishing for crustaceans other than spiny lobster and crab	9 570 GT	Spain	7 313 GT
		Italy	1 371 GT
		Portugal	886 GT
Category 2: Black hake trawlers and bottom longliners	3 240 GT	Spain	3 240 GT
Category 3: Vessels fishing for demersal species other than black hake with gear other than trawls	1 162 GT	Spain	1 162 GT
Category 4: Freezer trawlers fishing for demersal species	375 GT	Greece	375 GT
Category 5: Cephalopods	13 950 GT 32 licences	Spain	24 licences
		Italy	4 licences
		Portugal	1 licence
		Greece	3 licences
Category 6: Spiny lobster	300 GT	Portugal	300 GT
Category 7: Freezer tuna seiners	22 licences	Spain	17 licences
		France	5 licences
Category 8: Pole-and-line tuna vessels and surface longliners	22 licences	Spain	18 licences
		France	4 licences
Category 9: Pelagic freezer trawlers	17 licences for a reference tonnage of 250 000 tonnes		
Category 10: Crab fishing	300 GT	Spain	300 GT
Category 11: Non-freezer pelagic vessels	15 000 GT per month, averaged over the year		

2. Under the Protocol, unused category 11 fishing opportunities (non-freezer pelagic vessels) may be used by category 9 (pelagic freezer trawlers) at a maximum rate of 20 licences per month.

3. For category 9 (pelagic freezer trawlers), once the Commission has received an annual fishing plan drawn up by the Member States with details of applications by vessel, it shall forward licence applications to the Mauritanian authorities. On this basis, and taking into account the extent to which the reference quota of 250 000 tonnes has been used, the Commission shall inform the Mauritanian authorities whether or not use is to be made of the supplementary quota of 50 000 tonnes over and above the reference quota If relevant, the Commission shall request those authorities to increase the supplementary quota of 50 000 tonnes.

The annual fishing plan shall specify for each vessel the months of activity and the estimated catches for each month of activity. For the first year of application of the Protocol, fishing plans shall be sent to the Commission not later than 15 October 2008. From 2009, those plans shall be sent to the Commission not later than 31 January of each year.

If licence applications for category 9 (pelagic freezer trawlers) exceed the maximum permitted number per reference period, the Commission shall give priority to forwarding to the Mauritanian authorities applications from vessels which made most use of licences in the nine months preceding the lodging of those applications.

4. For category 11 (non-freezer pelagic vessels), the Commission shall forward licence applications to the Mauritanian authorities once it has received an annual fishing plan from the Member States with details of applications by vessel. This plan shall be sent to the Commission not later than 1 December of the previous year. It shall specify the number of GT planned for each month of activity.

In the event of applications for more than 15 000 GT per month averaged over the year, allocation shall be carried out on the basis of the fishing plans referred to in the first subparagraph.

Article 3

1. The management of fishing opportunities shall be conducted in accordance with Article 20 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy [1].

2. If the licence applications from the Member States referred to in Article 2 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.

Article 4

Member States whose vessels fish under this protocol shall notify the Commission of the quantities of each stock caught within the Mauritanian fishing zone in accordance with Commission Regulation (EC) No 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country waters and on the high seas [2].

Article 5

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

Article 6

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 15 July 2008.

For the Council
The President
M. BARNIER

[1] OJ L 358, 31.12.2002, p. 59. Regulation as amended by Regulation (EC) No 865/2007 (OJ L 192, 24.7.2007, p. 1).

[2] OJ L 73, 15.3.2001, p. 8.