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COMMISSION DECISION (EU) 2024/3135

of 17 December 2024

approving on behalf of the European Union, an amendment to the Protocol implementing the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Council Decision (EU) 2022/1448 of 18 July 2022 on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania and the Implementing Protocol thereto ([1]), and in particular Article 3 thereof,

Whereas:

(1) In accordance with Council Decision (EU) 2021/2123 ([2]) on the Sustainable Fisheries Partnership Agreement between the Union and Mauritania (SFPA) and the Implementing Protocol thereto were signed on 15 November 2021 and have been provisionally applied since then.

(2) Article 14(3)(c) of the SFPA authorises the Joint Committee to approve amendments to the Implementing Protocol and the Annexes thereto with regard to technical conditions and arrangements under which Union fishing vessels carry out their fishing activities. In accordance with Article 14(5) of the SFPA, decisions of the Joint Committee may be taken by exchange of letter.

(3) Article 3 of Decision (EU) 2022/1448 authorises the Commission to approve, on behalf of the Union, amendments to the Implementing Protocol adopted by the Joint Committee established under Article 14 of the SFPA in accordance with the procedure and the conditions laid down in the Annex to that Decision.

(4) Under the Implementing Protocol, the Union fleet is under landing and transhipment obligations in Mauritantian ports as detailed in Chapter V of Annex I to the Implementing Protocol.

(5) With regards to landing obligations, the master of a Union vessel will notify the Mauritanian Coastal Guard (MCG) and the port authorities of the Mauritanian port in which they wish to land their catch, at least 24 hours before landing. In response to the notification, the MCG will, within the next 12 hours, notify its consent to the master of the vessel or the master's representative by return fax or email.

(6) With regards to transhipment, the master of a Union vessel will notify the MCG and the port authorities of the port in which they wish to tranship their catch, at least 24 hours (48 hours for tuna vessels) before transhipment. In response to the above notification the MCG will, within the next 12 hours, notify its consent to the master of the vessel or the master's representative by return fax or email.

(7) Since early 2023, the Union fishing industry have repeatedly informed that the MCG was not in a capacity to notify its consent in a timely manner, due to Mauritanian ports' congestion and inability to provide the technical and operational services. The resulting delays put the Union fishing industry products at risk. While the Mauritanian authorities are working on improving the situation, it was discussed between the Union and the Mauritanian authorities that pending a solution to resolve the delays, a derogation from the landing obligation for these cases should be provided for.

([1]) OJ L 228, 2.9.2022, p. 2, ELI: http://data.europa.eu/eli/dec/2022/1448/oj.
([2]) Council Decision (EU) 2021/2123 of 11 November 2021 on the signing, on behalf of the European Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the Union and the Mauritania and the Implementing Protocol thereto (OJ L 439, 8.12.2021, p. 1, ELI: http://data.europa.eu/eli/dec/2021/2123/oj).

(8) On 8 December 2023, the Joint Committee operating under the SFPA and the Implementing Protocol agreed to examine a proposal for a derogation from the landing and transhipment obligations, which would enable operators to land their products in other ports in cases of considerable delays to address the risks to the quality of the fishery products.

(9) The Commission prepared a proposal amending Chapter V of Annex I by including a new section providing for an exception from the landing and transshipment obligation in case the waiting for landing or transhipment operations exceeds 24 hours from the date and time specified in the notification.

(10) The proposal for the amendment was submitted to the Council in line with point 2 of the Annex to Decision (EU) 2022/1448 on 14 May 2024. The Council has assessed the proposal in line with point 3 of that annex and not objected to it.

(11) The Decision should enter into force on the day following that of its publication in the *Official Journal of the European Union* to enable operators to land their products in other ports in cases of considerable delays and address any risks to the quality of the fishery products.

(12) The Joint Committee has decided to approve the proposed amendment by way of Exchange of Letters. The letters were shared on 6 September and 30 September 2024 respectively.

(13) This amendment to the Protocol should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION

Article 1

The amendment to the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania, adopted by the Joint Committee by way of Exchange of Letters on 6 September and 30 September 2024 respectively, is hereby approved on behalf of the Union.

The amendment to the Protocol is attached to this Decision.

Article 2

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

Done at Brussels, 17 December 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Chapter V of Annex I to the Protocol implementing the Sustainable Fisheries Partnership Agreement with Mauritania,

— the heading of point 3 is reworded as follows: 'Derogations from the landing obligations, in the event of *force majeure*';

— the following point 4 is added:

'4. Derogations from landing or transhipment obligations in the event of a wait for landing or transhipment operations exceeding 24 hours from the date and time specified in the notification of the landing or transhipment request by the operator in accordance with point 1.6 or 2.5;

1. By way of derogation from points 1 and 2, the operators concerned may land or tranship their catches in the harbour roads off a Mauritanian port or in a port outside Mauritania in the event of technical or logistical difficulties (*) leading to a delay in landing operations in dock or transhipment in harbour roads of an EU vessel exceeding 24 hours from the date and time specified in the notification of the landing or transhipment request by the operator in accordance with point 1.6 or 2.5. Operators may, exceptionally, activate the following derogation procedure for this purpose:

(a) the operator shall immediately inform its national authorities, the EU authorities (the EU Delegation in Mauritania and DG MARE of the European Commission) and the Mauritanian Coast Guard (MCG) of the delay as indicated above;

(b) the EU authorities shall ask the Minister for Fisheries and the Maritime Economy to initiate the derogation procedure and shall send the list of EU vessels concerned to the MCG;

(c) the Mauritanian authorities shall initiate the derogation procedure as soon as possible;

(d) once the derogation procedure has been initiated, the operator may request authorisation from the MCG to tranship in the harbour roads off a Mauritanian port or to land catches in a port which will be identified by mutual agreement;

(e) the MCG shall, as soon as possible, appoint officers to check the vessel or vessels concerned in the harbour roads off a Mauritanian port or embark inspectors to accompany the vessel to the port of landing; at the end of the landing operations, the inspectors shall be brought back to their original place of embarkation by the operator.

(f) it is the responsibility of the operator, in agreement with the MCG, to organise and carry out the administrative procedures necessary for the officers' travel;

(g) it is the responsibility of the operator to provide adequate working conditions and to cover any costs of the officers' travel.

2. This procedure shall apply without prejudice to the other exemptions provided for in points 1.2, 1.4, 1.5, 2.4 and 3 of Chapter V of Annex I to the Protocol.

3. Where this derogation procedure is applied, the two parties shall also agree on the practical arrangements for landings relating to the in-kind contribution provided for in paragraph 2 of Chapter III of Annex I to the Protocol, including the possibility of deferring the landings of those cumulative contributions to a forthcoming trip landing in a Mauritanian port.

4. The derogation shall apply provided the conditions referred to in paragraph 1 are fulfilled.

(*) Including in cases of insufficient storage space (and/or shortage of containers), shortage of ice or of electricity in port for the catches of the vessel concerned.'