



2024/2054

25.7.2024

**COUNCIL REGULATION (EU) 2024/2054**

**of 22 July 2024**

**amending Regulation (EU) 2021/2061 on the allocation of fishing opportunities under the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania (2021-2026)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with Council Decision (EU) 2021/2123 <sup>(1)</sup> the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania <sup>(2)</sup> (the 'Agreement') and the Implementing Protocol (the 'Protocol') thereto were signed on 15 November 2021 and provisionally applied since then.
- (2) On 18 July 2022, the Council adopted Decision (EU) 2022/1448 <sup>(3)</sup> on the conclusion of the Agreement and the Protocol. Article 3 of the Decision authorises the Commission to approve amendments to the Protocol on behalf of the Union.
- (3) In relation to fishing category 1 (Vessels fishing for crustaceans other than spiny lobster), point 5 of the datasheet for fishing category 1 in Appendix 2 to the Protocol (the 'datasheet') provides that the number of vessels authorised at the same time must not exceed 15.
- (4) On 11 November 2021, the Council adopted Regulation (EU) 2021/2061 on the allocation of fishing opportunities under the Protocol <sup>(4)</sup>.
- (5) In accordance with point 5 of the datasheet, Article 1, point (1), second subparagraph of Regulation (EU) 2021/2061 provides that no more than 15 vessels may operate in Mauritanian waters at any one time in fishing category 1.
- (6) By a decision of 8 December 2023, the Joint Committee operating under the Agreement and the Protocol amended point 5 of the datasheet, and increased the number of vessels authorised to operate at any one time to 18 for fishing category 1, without the modification of the current total allowable catches (TAC) for that fishing category. That decision was based on an evaluation carried out by the Independent Joint Scientific Committee on the potential effects of an increase in the number of vessels on the stock of the crustaceans. As a result of that evaluation, the Independent Joint Scientific Committee came to the conclusion that an increase of fishing effort would be possible within the current TAC.
- (7) Article 1, point (1) of Regulation (EU) 2021/2061 should therefore be amended to reflect the increase of the number of vessels allowed to operate at any one time in fishing category 1 under the Protocol.
- (8) The increase in the number of authorisations for vessels to operate at any one time in fishing category 1 should apply from the date of the Joint Committee's decision to amend the Protocol, namely 8 December 2023. Its retroactive application will help optimise the utilisation of the fishing opportunity under fishing category 1. This Regulation should therefore also apply from 8 December 2023. Such retroactive application does not affect the principles of legal certainty and protection of legitimate expectations, as the number of vessels authorised to operate under fishing category 1 is increased. Consequently, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

<sup>(1)</sup> 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 European Union and the Islamic Republic of Mauritania and the Implementing Protocol thereto (OJ L 439, 8.12.2021, p. 1, ELI: <http://data.europa.eu/eli/dec/2021/2123/oj>).

<sup>(2)</sup> OJ L 439, 8.12.2021, p. 3.

<sup>(3)</sup> 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 (OJ L 228, 2.9.2022, p. 2, ELI: <http://data.europa.eu/eli/dec/2022/1448/oj>).

<sup>(4)</sup> Council Regulation (EU) 2021/2061 of 11 November 2021 on the allocation of fishing opportunities under the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania (2021-2026) (OJ L 421, 26.11.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/2061/oj>).

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1, point (1) of Regulation (EU) 2021/2061 is replaced by the following:

‘(1) Category 1 – Vessels fishing for crustaceans other than spiny lobster:

Spain 4 150 tonnes

Italy 600 tonnes

Portugal 250 tonnes

In this category, no more than 18 vessels may operate in Mauritanian waters at any one time.’.

*Article 2*

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

It shall apply from 8 December 2023.

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

Done at Brussels, 22 July 2024.

*For the Council*

*The President*

J. BORRELL FONTELLES

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