

FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF MAURITIUS

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

and

THE REPUBLIC OF MAURITIUS, hereinafter referred to as 'Mauritius',

both hereinafter referred to as 'the Parties',

CONSIDERING the close working relationship between the Union and Mauritius, particularly in the context of the Cotonou Agreement, and their mutual desire to intensify that relationship,

CONSIDERING the desire of the two Parties to promote the sustainable exploitation of fisheries resources by means of cooperation,

HAVING REGARD TO the United Nations Convention on the Law of the Sea,

RECOGNISING that Mauritius exercises its sovereign rights or jurisdiction over a zone extending up to 200 nautical miles from the baseline in accordance with the United Nations Convention on the Law of the Sea,

DETERMINED to apply the decisions and recommendations taken by the relevant regional organisations of which the Parties are members,

AWARE of the importance of the principles established by the Code of Conduct for Responsible Fisheries adopted at the Food and Agriculture Organisation (FAO) Conference in 1995,

DETERMINED to cooperate, in their mutual interest, in promoting the introduction of responsible fisheries to ensure the long-term conservation and sustainable exploitation of marine living resources,

CONVINCED that such cooperation must take the form of initiatives and measures which, whether taken jointly or separately, are complementary and ensure consistent policies and synergy of effort,

DECIDED, for the purposes of such cooperation, that the Parties shall establish the dialogue needed to implement the fishing policies of Mauritius by involving civil society operators,

DESIROUS of establishing terms and conditions governing the fishing activities of Union vessels in Mauritian waters and Union support for responsible fishing in those waters,

RESOLVED to pursue closer economic cooperation in the fishing industry and related activities by promoting cooperation between companies from both Parties,

HEREBY AGREE AS FOLLOWS:

Article 1

Definitions

For the purposes of this Agreement:

- (a) 'Mauritian authorities' means the Ministry of Fisheries of the Republic of Mauritius;
- (b) 'Union authorities' means the European Commission;
- (c) 'fishing vessel' means any vessel used for fishing purposes according to Mauritian law;
- (d) 'Union vessel' means a fishing vessel flying the flag of a Member State of the Union and registered in the Union;
- (e) 'Joint Committee' means a committee made up of representatives of the Union and Mauritius, as specified in Article 9 of this Agreement;
- (f) 'transhipment' means the transfer in the port area of some or all of the catch from one fishing vessel to another vessel;
- (g) 'shipowner' means the person legally responsible for a fishing vessel, in its charge and control;

(h) 'ACP seamen' means any seamen who are nationals of a non-European country signatory to the Cotonou Agreement.

(i) 'FAO' means Food and Agriculture Organisation.

Article 2

Scope

The purpose of this Agreement is to establish the terms and conditions under which vessels registered in and flying the flag of EU (hereinafter referred to as EU vessels) may carry out tuna fishing in the waters over which Mauritius has sovereignty or jurisdiction (hereinafter referred to as 'Mauritius waters') in accordance with the provisions of UNCLOS and other rules of international Law and practises.

This Agreement establishes the principles, rules and procedures governing:

- economic, financial, technical and scientific cooperation in the fisheries sector with a view to promoting responsible fishing in Mauritius' waters in order to guarantee the conservation and sustainable exploitation of fisheries resources and develop Mauritius' fisheries sector;
- cooperation on the arrangements for policing fisheries in Mauritius' waters with a view to ensuring that the above rules and conditions are complied with, that the measures for the conservation and management of fish stocks are effective and that illegal, unreported and unregulated fishing is prevented;
- partnerships between operators aimed at developing economic activities in the fisheries sector and related activities, in the common interest.

Article 3

Principles and objectives underlying the implementation of this Agreement

1. The Parties hereby undertake to promote responsible fishing in Mauritian waters as provided for in FAO's Code of Conduct for Responsible Fishing on the basis of the principles of non-discrimination between the different fleets fishing in those waters.
2. The Parties shall cooperate with a view to monitoring the results of the implementation of the fishing policy adopted by the Mauritian Government and evaluating the measures, programmes and actions carried out on the basis of this Agreement and shall establish, to this end, a political dialogue in the fisheries sector. The results of the evaluations shall be analysed by the Joint Committee referred to in Article 9 of this Agreement.

3. The Parties hereby undertake to ensure that this Agreement is implemented in accordance with the principles of good economic and social governance, respecting the state of fish stocks.

4. The employment of Mauritian seamen on board Union vessels shall be governed by the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work, which shall apply as of right to the corresponding contracts and general terms of employment. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation. Non-Mauritian ACP seamen on board Union vessels shall enjoy the same conditions.

5. The Parties shall consult one another prior to adopting any decision that may affect the activities of Union vessels under this Agreement.

Article 4

Scientific cooperation

1. During the period covered by this Agreement, the Union and the Mauritian authorities shall endeavour to monitor the evolution of resources in Mauritius waters.
2. The Parties undertake to consult one other, by means of a joint scientific working group or within the international organisations concerned, to ensure the management and conservation of living resources in the Indian Ocean, and to cooperate in the relevant scientific research.
3. The two Parties, on the basis of the consultation referred to in paragraph 2 above, shall consult one other within the Joint Committee provided for in Article 9 and jointly adopt conservation measures for sustainable management of fish stocks affecting the activities of Union's vessels.

Article 5

Access by Union vessels to fisheries in Mauritian waters

1. Mauritius undertakes to authorise Union vessels to engage in fishing activities in its waters in accordance with this Agreement, including the Protocol and Annex thereto.
2. The fishing activities governed by this Agreement shall be subject to the laws and regulations in force in Mauritius. The Mauritian authorities shall notify the Union authorities of any amendments to that legislation.
3. Mauritius undertakes to take all the appropriate steps required for the effective application of the fisheries monitoring provisions in the Protocol. Union vessels shall cooperate with the Mauritian authorities responsible for carrying out such monitoring.

4. The Union undertakes to take all the appropriate steps required to ensure that its vessels comply with this Agreement and the legislation governing fisheries in Mauritius' waters.

Article 6

Fishing authorisations

1. Union vessels may fish in Mauritius' waters only if they are in possession of a fishing authorisation on board, or a copy thereof, issued under this Agreement and the Protocol hereto.

2. The procedure for obtaining a fishing authorisation for a vessel, the fees applicable and the method of payment to be used by shipowners shall be as set out in the Annex to the Protocol.

Article 7

Financial contribution

1. The Union shall grant Mauritius a financial contribution in accordance with the terms and conditions laid down in the Protocol and Annexes to this Agreement. This contribution shall be based on two elements, namely:

- (a) access by Union vessels to Mauritian waters and fisheries resources, and
- (b) the Union's financial support for promoting responsible fishing and the sustainable exploitation of fisheries resources in Mauritian waters.

2. The element of the financial contribution referred to in paragraph 1(b) above shall be determined in the light of objectives identified by common accord between the Parties in accordance with the Protocol, to be achieved in the context of the sectoral fisheries policy drawn up by the Mauritian Government and an annual and multiannual programme for its implementation.

3. The financial contribution granted by the Union shall be paid each year in accordance with the Protocol and shall be subject to this Agreement and the Protocol in the event of any change to the amount of the contribution as a result of:

- (a) serious circumstances other than natural phenomena which are such as to prevent fishing activities in Mauritian waters;
- (b) a reduction in the fishing opportunities granted to Union vessels, made by mutual agreement for the purposes of managing the stocks concerned, where this is considered necessary for the conservation and sustainable exploitation of resources on the basis of the best available scientific advice;
- (c) an increase in the fishing opportunities granted to Union vessels, made by mutual agreement between the Parties

where the best available scientific advice concurs that the state of resources so permits;

- (d) a reassessment of the terms of financial support for implementing a sectoral fisheries policy in Mauritius, where this is warranted by the results of the annual and multiannual programming observed by both Parties;
- (e) termination of this Agreement under Article 12;
- (f) suspension of the application of this Agreement under Article 13.

Article 8

Promoting cooperation among economic operators and civil society

1. The Parties shall encourage economic, scientific and technical cooperation in the fisheries sector and related sectors. They shall consult one another with a view to coordinating the different measures that might be taken to this end.

2. The Parties undertake to promote the exchange of information on fishing techniques and gear, preservation methods and the industrial processing of fisheries products.

3. The Parties shall endeavour, when appropriate, to create conditions favourable to the promotion of relations between their enterprises in the technical, economic and commercial spheres, by encouraging the establishment of an environment favourable to the development of business and investment.

4. The Parties undertake to implement a plan and actions between Mauritian and Union operators aimed at promoting fish landing from Union vessels in Mauritius.

5. The Parties shall encourage, when appropriate, the setting-up of joint enterprises in their mutual interest which shall systematically comply with Mauritian and Union legislation.

Article 9

Joint Committee

1. A Joint Committee shall be set up to monitor the application of this Agreement. The Joint Committee shall perform the following functions:

- (a) monitoring the performance, interpretation and application of this Agreement and, in particular, the definition of the annual and multiannual programming referred to in Article 7(2) and evaluation of its implementation;
- (b) providing the necessary liaison for matters of mutual interest relating to fisheries;

- (c) acting as a forum for the amicable settlement of any disputes regarding the interpretation or application of the Agreement;
- (d) reassessing, where necessary, the level of fishing opportunities and, consequently, of the financial contribution;
- (e) any other function which the Parties decide on by mutual agreement.

2. The Joint Committee shall exercise its functions with regard to the results of consultation at scientific level referred to in Article 4 of the Agreement.

3. The Joint Committee shall meet at least once a year, alternately in Mauritius and in the Union, and shall be chaired by the Party hosting the meeting. It shall hold a special meeting at the request of either Party.

Article 10

Geographical area to which the Agreement applies

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Union applies, under the conditions laid down in that Treaty, and, on the other, to the territory of Mauritius.

Article 11

Duration

This Agreement shall apply for six (6) years from the date of its entry into force; it shall be tacitly renewed for additional periods of three (3) years, unless notice of termination is given in accordance with Article 12.

Article 12

Termination

1. Application of this Agreement may be terminated by one of the Parties in the event of serious circumstances, other than natural phenomena, which are beyond the reasonable control of one of the Parties and are such as to prevent fishing activities in Mauritian waters. This Agreement may also be terminated by either Party in the event of degradation of the stocks concerned, the discovery of a reduced level of exploitation of the fishing opportunities granted to Union vessels, or failure to comply with undertakings made by the Parties with regard to combating illegal, unreported and unregulated fishing.

2. The Party concerned shall notify the other Party in writing of its intention to withdraw from the Agreement at least six months before the date of expiry of the initial period or each additional period.

3. Dispatch of the notification referred to in the previous paragraph shall open consultations by the Parties.

4. Payment of the financial contribution referred to in Article 7 for the year in which the termination takes effect shall be reduced proportionately and *pro rata temporis*.

Article 13

Suspension

1. Application of this Agreement may be suspended at the initiative of one of the Parties in the event of a serious disagreement as to the application of provisions laid down in the Agreement. Suspension of application of the Agreement shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect. On receipt of this notification, the Parties shall enter into consultations with a view to resolving their differences amicably.

2. Payment of the financial contribution referred to in Article 7 shall be reduced proportionately and *pro rata temporis*, according to the duration of the suspension.

Article 14

Protocol and Annex

The Protocol, the Annex and Appendices hereto shall form an integral part of this Agreement.

Article 15

National law

The activities of Union vessels operating in Mauritian waters shall be governed by the applicable law in Mauritius, unless otherwise provided in the Agreement or its Protocol, Annex and Appendices hereto.

Article 16

Repeal

On the date of its entry into force, this Agreement repeals and replaces the Agreement between the European Union and the Government of the Republic of Mauritius on fishing off the coast of Mauritius which entered into force on 1.12.1990.

Article 17

Entry into force

This Agreement, drawn up in duplicate in the Bulgarian, Czech, Estonian, Danish, Dutch, English, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

It shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.

Съставено в Брюксел на двадесет и първи декември две хиляди и дванадесета година.

Hecho en Bruselas, el veintiuno de diciembre de dos mil doce.

V Bruselu dne dvacátého prvního prosince dva tisíce dvanáct.

Udfærdiget i Bruxelles den enogtyvende december to tusind og tolv.

Geschehen zu Brüssel am einundzwanzigsten Dezember zweitausendzwoölf.

Kahe tuhande kaheteistkümnenda aasta detsembrikuu kahekümne esimesel päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι μία Δεκεμβρίου δύο χιλιάδες δώδεκα.

Done at Brussels on the twenty-first day of December in the year two thousand and twelve.

Fait à Bruxelles, le vingt-et-un décembre deux mille douze.

Fatto a Bruxelles, addì ventuno dicembre duemiladodici.

Briselē, divi tūkstoši divpadsmitā gada divdesmit pirmajā decembrī.

Priimta du tūkstančiai dvyliktų metų gruodžio dvidešimt pirmą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenkettedik év december havának huszonegyedik napján.

Magħmul fi Brussell, fil-wieħed u għoxrin jum ta' Diċembru tas-sena elfejn u tnax.

Gedaan te Brussel, de eenentwintigste december tweeduizend twaalf.

Sporządzono w Brukseli dnia dwudziestego pierwszego grudnia roku dwa tysiące dwunastego.

Feito em Bruxelas, em vinte e um de dezembro de dois mil e doze.

Întocmit la Bruxelles la douăzeci și unu decembrie două mii doisprezece.

V Bruseli dvadsiateho prvého decembra dvetisíc dvanásť.

V Bruslju, dne enaindvajsetega decembra leta dva tisoč dvanajst.

Tehty Brysselissä kahdentenäkymmenentenäensimmäisenä päivänä joulukuuta vuonna kaksituhattakaksitoista.

Som skedde i Bryssel den tjugoförsta december tjugohundratolv.

Za Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen



За Република Мавриций
Por la República de Mauricio
Za Mauricijskou republiku
For Republiken Mauritius
Für die Republik Mauritius
Mauritiuse Vabariigi nimel
Για τη Δημοκρατία των Μαυρίκιου
For the Republic of Mauritius
Pour la République de Maurice
Per la Repubblica di Maurizio
Maurīcijas Salu Republikas vārdā –
Maurīcijas Respublikos vardu
A Mauritiusi Köztársaság részéről
Għar-Repubblika tal-Mawrizju
Namens de Republiek Mauritius
W imieniu Republiki Mauritiusu
Pela República da Maurícia
Pentru Republica Mauritius
Za Maurícijskoú republiku
Za Republika Mauritius
Mauritiuksen tasavallan puolesta
För Republiken Mauritius


