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PECHE 271

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	1. Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Protocol (2024-2029) implementing the Fisheries Partnership Agreement between the European Community and the Republic of Cabo Verde - Adoption 2. Proposal for a COUNCIL DECISION on the conclusion, on behalf of the Union, of the Protocol (2024-2029) implementing the Fisheries Partnership Agreement between the European Community and the Republic of Cabo Verde - Agreement in principle - Request for the consent of the European Parliament 3. Proposal for a COUNCIL REGULATION on the allocation of fishing opportunities under the Implementing Protocol (2024-2029) to the Fisheries Partnership Agreement between the European Community and the Republic of Cabo Verde - Adoption

1. Following the completion of negotiations in April 2024, on the basis of a mandate¹ issued by the Council in December 2023, the Commission submitted the abovementioned proposals² to the Council on 6 June 2024.
2. The draft Decisions and Regulation are based on Article 43 and Article 218 of the Treaty on the Functioning of the European Union (TFEU).

¹ Docs. 15480/23 and ST 16275/23

² Docs. 10687/24 + ADD1, 10688/24 + ADD 1, 10689/24

3. The Working Party on Fisheries Policy examined the proposals on 10 June 2024. Two delegations raised issues with regard to a certain provision in the text of the protocol itself, whereas one delegation flagged another minor issue, also in the text of the protocol. DK signalled a parliamentary scrutiny reservation that has since been lifted.
4. The Presidency prepared compromise texts³ of the two decisions whereby their legal basis was modified so as to refer to article 43 TFEU as a whole, and a change of wording was introduced with regard to signature of the protocol and notification of its conclusion on behalf of the EU. The Presidency compromises, as well as the draft Regulation, were approved at the level of the Working Party in a written consultation ending on 17 June 2024. The Commission representative announced that the Commission would submit a statement for the Council minutes regarding the change of legal basis and the signature of the protocol. When the issues related to the text of the protocol were clarified with the Commission, the Presidency compromises on the draft Council Decision on conclusion and protocol⁴ itself were consequently approved at the level of the Working Party in another written consultation that concluded on 25 June 2024.
5. The European Data Protection Supervisor delivered its opinion on 5 July 2024⁵.
6. The Permanent Representatives Committee is therefore invited to confirm the agreement reached at the level of the Working Party and to recommend that the Council:
 - adopt the decision on the signing and provisional application of the agreement and protocol, as set out in doc. 11262/24;
 - agree in principle on the decision on the conclusion of the agreement and protocol, as set out in doc. 11267/24, and decide to send it, together with the text of the protocol in doc. 11026/24 to the European Parliament for its consent;
 - adopt the regulation on the allocation of fishing opportunities under the protocol, as set out in doc. 11268/24;
 - agree to enter in its minutes the Commission statements contained in the addendum to this note.

³ Docs. 11181/24 and 11182/24

⁴ Docs. ST 11182/24 and 10688/24 ADD 1

⁵ Doc. ST 12026/24

7. The decision on signing and provisional application, the text of the protocol and the regulation on the allocation of fishing opportunities will be published in the Official Journal. The European Parliament will be informed in accordance with article 218(10) TFEU, and the decision on signing and provisional application will be sent to the EP.
