



Council of the  
European Union

Brussels, 19 July 2023  
(OR. en)

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**Interinstitutional Files:**  
2023/0147(NLE)  
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REV 1

LIMITE

PECHE 232

#### 'I' ITEM NOTE

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From: General Secretariat of the Council

To: Permanent Representatives Committee

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Subject: 1. Proposal for a Council Decision on the signing, on behalf of the Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community on the one hand, and the Republic of Kiribati, on the other (2023-2028)

- Adoption
- Decision to use the written procedure

2. Proposal for a Council Decision on the conclusion, on behalf of the Union, of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028)

- Agreement in principle
- Request for the consent of the European Parliament
- Decision to use the written procedure

3. Proposal for a Council Regulation on the allocation of fishing opportunities under the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community on the one hand, and the Republic of Kiribati, on the other (2023-2028)

- Adoption
- Decision to use the written procedure

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1. Following the completion of negotiations in December 2022, on the basis of a mandate<sup>1</sup> issued by the Council in January 2015, the Commission submitted the abovementioned proposals<sup>2</sup> to the Council on 16 May 2023.

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<sup>1</sup> Doc. 5059/15

<sup>2</sup> Doc. 9529/23 + ADD1, 9532/23 + ADD 1, 9531/23

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).
3. The Working Party on Fisheries Policy examined the proposals on 25 May 2023. It agreed to modify the legal basis of the two decisions so as to refer to Article 43 TFEU as a whole, and agreed a change of wording as concerns the person who is authorised to sign the protocol and to notify its conclusion on behalf of the EU.
4. The Commission representative announced that the Commission would submit a statement for the Council minutes regarding both the change of legal basis and the person designated to sign the protocol. DK signalled a parliamentary scrutiny reservation that has since been lifted. Legal-linguistic experts have since finalised the texts in all languages.
5. The European Data Protection Supervisor submitted a positive opinion on 19 June 2023. The Working Party reverted to the matter on 22 June 2023 to take note of the formal comments of the European Data Protection Supervisor<sup>3</sup>. Legal-linguistic experts have since finalised the texts in all languages.
6. The Permanent Representatives Committee is therefore invited to confirm the agreement reached and, given the urgency of applying the protocol to enable the resumption of fishing activities, to decide, in accordance with the first subparagraph of Article 12(1) of the Council's rules of procedure<sup>4</sup>, that the Council uses the written procedure to:
  - adopt the decision on the signing and provisional application of the protocol, as set out in doc. 9856/23;
  - agree in principle on the decision on the conclusion of the protocol, as set out in doc. 9862/23, and decide to send it, together with the text of the protocol in doc. 9890/23 to the European Parliament for its consent;
  - adopt the regulation on the allocation of fishing opportunities under the protocol, as set out in doc. 9866/23;
  - take note of the Commission statements contained in the addendum to this note, to be included in the summary of acts adopted by the written procedure as a statement to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's rules of procedure.

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<sup>3</sup> Doc. 10933/23

<sup>4</sup> OJ L 325, 11.12.2009, p. 36

The written procedure would be launched on Monday 4 September 2023, with the deadline for replying set at Wednesday, 6 September 2023, 12:00 CET (Brussels time).

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.

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