Council of the European Union

Brussels, 25 September 2020
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PECHE 257

PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director of the Registry
date of receipt:	25 September 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2020) 598 final - ANNEX
Subject:	ANNEX accompanying the Proposal of a COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Agreement in the form of an exchange of letters between the European Union and the Government of the Cook Islands on an extension of the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands

Delegations will find attached document COM(2020) 598 final - ANNEX.

Encl.: COM(2020) 598 final - ANNEX

EUROPEAN
COMMISSION

Brussels, 24.9.2020
COM(2020) 598 final

ANNEX

ANNEX

accompanying the

Proposal of a COUNCIL DECISION

on the signing, on behalf of the European Union, and provisional application of the Agreement in the form of an exchange of letters between the European Union and the Government of the Cook Islands on an extension of the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands

Agreement in the form of an exchange of letters between the European Union and the Government of the Cook Islands concerning an extension of the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands

Letter from the European Union

Dear Sirs,

I am pleased to confirm that we agree to the following interim arrangements for the extension of the Protocol currently in force (14 October 2016-13 October 2020), hereinafter 'the Protocol', setting out the fishing opportunities and financial contribution provided for in the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands, pending completion of the negotiations on the renewal of the Protocol.

In this regard, the European Union and the Government of the Cook Islands have therefore agreed the following:

(1) As from 14 October 2020, or any other subsequent date from the signing of this exchange of letters, the arrangements in force during the final year of the Protocol will be renewed under the same conditions for a maximum period of one year.

(2) The Union's financial contribution for vessels to have access to the Cook Islands' waters under the extension will correspond to the annual amount provided for under Article 2 of the Protocol. That payment will be made in a single instalment no later than three months from the date this exchange of letters is provisionally applied.

(3) Under this extension agreement, sectoral support amounts to EUR 350 000. The Joint Committee provided for under Article 6 of the Sustainable Fisheries Partnership Agreement will approve the programming for this amount according to the provisions set out in Article 3 of the Protocol no later than four months from the date of application of this exchange of letters. The conditions referred to in Article 3 of the Protocol relating to the implementation and payment of sectoral support will apply *mutatis mutandis*.

(4) In the event that the negotiations to renew the Protocol result in this being signed and subsequently entering into force prior to the expiry of the one-year period provided for under point 1 above, payment of the financial contribution referred to in points 2 and 3 above will be reduced *pro rata temporis*. The corresponding amount already paid will be deducted from the first financial contribution due under the new Protocol.

(5) During the application period of this extension agreement, fishing licences will be allocated within the limits set under the Protocol by means of fees or advances corresponding to those set in Section 5 of Annex 1 to the Protocol, for the last year of its application.

(6) This exchange of letters will apply provisionally as from 14 October 2020, or any other subsequent date from its being signed, pending its entry into force. It will enter into force on the date on which the Parties notify each other that they have completed the necessary procedures for that purpose.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its terms.

Yours faithfully,

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For the European Union

Letter from the Government of the Cook Islands

Dear Sirs,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'Dear Sirs,

I am pleased to confirm that we agree to the following interim arrangements for the extension of the Protocol currently in force (14 October 2016-13 October 2020), hereinafter 'the Protocol', setting out the fishing opportunities and financial contribution provided for in the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands, pending completion of the negotiations on the renewal of the Protocol.

In this regard, the European Union and the Government of the Cook Islands have therefore agreed the following:

(1) As from 14 October 2020, or any other subsequent date from the signing of this exchange of letters, the arrangements in force during the final year of the Protocol will be renewed under the same conditions for a maximum period of one year.

(2) The Union's financial contribution for vessels to have access to the Cook Islands' waters under the extension will correspond to the annual amount provided for under Article 2 of the Protocol. That payment will be made in a single instalment no later than three months from the date this exchange of letters is provisionally applied.

(3) Under this extension agreement, sectoral support amounts to EUR 350 000. The Joint Committee provided for under Article 6 of the Sustainable Fisheries Partnership Agreement will approve the programming for this amount according to the provisions set out in Article 3 of the Protocol no later than four months from the date of application of this exchange of letters. The conditions referred to in Article 3 of the Protocol relating to the implementation and payment of sectoral support will apply *mutatis mutandis*.

(4) In the event that the negotiations to renew the Protocol result in this being signed and subsequently entering into force prior to the expiry of the one-year period provided for under point 1 above, payment of the financial contribution referred to in points 2 and 3 above will be reduced *pro rata temporis*. The corresponding amount already paid will be deducted from the first financial contribution due under the new Protocol.

(5) During the application period of this extension agreement, fishing licences will be allocated within the limits set under the Protocol by means of fees or advances corresponding to those set in Section 5 of Annex 1 to the Protocol, for the last year of its application.

(6) This exchange of letters will apply provisionally as from 14 October 2020, or any other subsequent date from its being signed, pending its entry into force. It will enter into force on the date on which the Parties notify each other that they have completed the necessary procedures for that purpose.

I should be obliged if you would acknowledge receipt of this letter and confirm that you are in agreement with its terms."

I can confirm that the content of your letter is acceptable to my Government.

Your letter and this letter constitute an agreement in accordance with your proposal.

Yours faithfully,

For the Government of the Cook Islands.