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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2025) 465 final
Subject:	Recommendation for a COUNCIL DECISION authorising the opening of negotiations on behalf of the European Union on a sustainable fisheries partnership agreement, and an implementing protocol thereto, with the Gabonese Republic

Delegations will find attached document COM(2025) 465 final.

Encl.: COM(2025) 465 final



EUROPEAN
COMMISSION

Brussels, 8.9.2025
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Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations on behalf of the European Union on a sustainable fisheries partnership agreement, and an implementing protocol thereto, with the Gabonese Republic

{SWD(2025) 251 final} - {SWD(2025) 252 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Commission proposes to negotiate a new sustainable fisheries partnership agreement (SFPA) with the Gabonese Republic¹, together with an implementing protocol, that would meet the needs of the EU fleet and be in line with Regulation (EU) No 1380/2013² on the common fisheries policy (CFP).

Replacing the current fisheries partnership agreement (FPA) between the EU and Gabon with an SFPA would make it possible to better reflect changes to the CFP resulting from the 2013 reform, in particular better integrating sustainability.

On 10 June 2025 the Minister for Foreign Affairs of the Gabonese Republic³ formally notified the European Union of their intention to terminate the EU-Gabon FPA. However, the Gabonese authorities have also expressed their willingness to negotiate a new fisheries agreement. The European Union considers that, although the current agreement remains in force, a new sustainable fisheries partnership agreement should be negotiated in order to update the fisheries partnership between the EU and Gabon.

• Consistency with existing provisions in the policy area

The current FPA between the EU and Gabon was signed on 6 June 2007 and entered into force on 11 June 2007. The current five-year implementing protocol to the FPA⁴ entered into application on 29 June 2021 and will expire on 28 June 2026. The protocol sets the fishing opportunities provided to the EU fleet and the corresponding financial contribution paid by the EU and the shipowners. For the last year of application, the annual EU public financial contribution to be paid to Gabon is EUR 2 600 000, of which EUR 1 000 000 is earmarked for sectoral support.

The 2021-2026 protocol to the FPA with Gabon provides for fishing opportunities to target tuna and highly migratory species for EU vessels from two Member States (Spain and France). It also provides for the possibility of arranging exploratory fishing trips for up to four trawlers targeting deep-sea crustaceans.

The European Union already has a well-developed network of bilateral SFPAs in West and Central Africa, namely with Mauritania, Cabo Verde, The Gambia, Guinea-Bissau, Côte d'Ivoire and São Tomé and Príncipe. SFPAs contribute to promoting the objectives of the CFP internationally by ensuring that EU fishing activities outside EU waters are based on the same principles and standards as those applicable under EU law. In addition, SFPAs strengthen the EU's position in international and regional fishing organisations, in particular in the International Commission for the Conservation of Atlantic Tunas (ICCAT), the body set up under international law for conserving and managing highly migratory species in the region. Finally, SFPAs are based on the best available scientific advice and contribute to

¹ Current fisheries partnership agreement: OJ L 109, 26.4.2007, p. 1.

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

³ Ares(2025)4635613.

⁴ OJ L 242, 8.7.2021, p. 5.

improving compliance with international measures, including combating illegal, unreported and unregulated (IUU) fishing.

- **Consistency with other EU policies**

Negotiating a SFPA and protocol with Gabon is in line with the EU's external action towards African, Caribbean and Pacific (ACP) countries, and in particular with the EU's objectives on respecting democratic principles and human rights. Moreover, the EU's Global Gateway investment strategy aims to help partners transform their economies by improving value chains and boosting job creation to strengthen the resilience of sectors such as fisheries.

The promotion of decent work is ensured by the expected negotiation of a social clause in line with ILO Convention C188 for workers from the partner country to be employed by EU vessels.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis is the Treaty on the Functioning of the European Union, Part Five – The Union's External Action, Title V – International Agreements, Article 218, which sets out the procedure for the EU to negotiate and conclude agreements with non-EU countries.

The substantive legal basis is Article 43(2) TFEU on pursuing the objectives of the common agricultural policy and the common fisheries policy.

- **Subsidiarity (for non-exclusive competence)**

Not applicable; exclusive competence.

- **Proportionality**

The proposal is proportionate to the objective of establishing a legal, environmental, economic and social governance framework for fishing activities carried out by EU vessels in non-EU waters, as set out in Article 31 of Regulation (EU) No 1380/2013 establishing the common fisheries policy.

- **Choice of instrument**

The choice of instrument stems from the application of Article 218(3) and (4) TFEU.

3. RESULTS OF EX POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- ***Ex post* evaluations / fitness checks of existing legislation**

The Commission has carried out an *ex post* evaluation of the current protocol to the FPA with Gabon and an *ex ante* evaluation of a possible new protocol. The report on that evaluation has been published⁵.

⁵ https://op.europa.eu/fr/search-results?p_p_id=eu_europa_publications_portlet_search_executor_SearchExecutorPortlet_INSTANCE_q8EzsBteHybf&p_p_lifecycle=1&p_p_state=normal&facet.author=MARE&facet.studies=evaluation&facet.eurovoc.domain=08%2C56%2C20&facet.collection=EUPub&language=fr&startRow=1&resultsPerPage=10&selectedSubjectId=08&elementType=0&keywordOptions=ALL&SEARCH_TYPE=ADVANCED#undefined

The evaluation report concluded that the EU tuna fishing sector has a strong interest in continuing to fish in Gabon. However, it also concluded that there had been a mismatch between the fishing opportunities offered and their actual use under the last protocol. Any future protocol should therefore offer fewer opportunities, which in turn should reduce the financial contribution.

In view of the interest expressed by the EU fleet, the possibility should be considered of including in the new protocol a new commercial category for fishing deep-sea crustaceans, provided this is in line with the best available scientific advice and other relevant information, including the conclusions of the joint scientific meetings held between the EU and the Gabonese authorities under the 2021-2026 protocol. Renewing the protocol will also help strengthen monitoring, control and surveillance and contribute to improved governance of fisheries in the region. The evaluation shows that renewing the protocol would also bring benefits for Gabon in view of the significant financial contribution to be paid towards development of the fisheries sector. To optimise the benefits for Gabon, a new agreement should encourage interaction between the EU fleet and local partners, while sectoral support should focus on activities that are better able to promote the sustainable development of Gabon's fisheries sector.

- **Consultation of interested parties**

The parties consulted during the evaluation were the Member States, industry representatives and international civil society organisations, in addition to EU and Gabonese fisheries administrations and civil society. Consultations also took place in the framework of the Long Distance Fleet Advisory Council.

- **Collection and use of expertise**

The evaluations carried out involved independent experts in the field.

- **Impact assessment**

Not applicable.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The negotiating directives set out in the annex to the proposal for a decision recommend including a clause on the consequences of violations of human rights and democratic principles.

4. BUDGETARY IMPLICATIONS

The budgetary impact of a new protocol will derive from the payment of a financial contribution to Gabon. The annual amounts to be set aside for commitments and payment appropriations are established during the annual budgetary procedure in line with the 2021-2027 multiannual financial framework, including reserve line 30.020200 for proposals not having entered into force at the beginning of the year⁶.

⁶ See Article 20 of the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline,

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Negotiations should begin in the third quarter of 2025 to ensure fishing activities are not interrupted when the current implementing protocol to the FPA expires on 28 June 2026.

- **Detailed explanation of the specific provisions of the proposal**

The Commission recommends that:

- the Council authorise it to open and conduct negotiations for the conclusion of a new sustainable fisheries partnership agreement with Gabon and an implementing protocol;
- it be nominated as the EU negotiator to this end;
- it conduct the negotiations in consultation with the special committee as provided for in the Treaty on the Functioning of the European Union;
- the Council approve the negotiating directives annexed to this recommendation.

on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources (OJ L 433I, 22.12.2020, p. 28).

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations on behalf of the European Union on a sustainable fisheries partnership agreement, and an implementing protocol thereto, with the Gabonese Republic

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), in conjunction with Article 218(3) and (4), thereof,

Having regard to the recommendation of the European Commission,

Whereas:

- (1) Negotiations should be opened with a view to concluding a sustainable fisheries partnership agreement, and an implementing protocol thereto, with the Gabonese Republic,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union, a new sustainable fisheries partnership agreement with the Gabonese Republic and an implementing protocol thereto.

Article 2

The negotiating directives are set out in the Annex.

Article 3

The negotiations shall be conducted in consultation with the Council Working Party on Fisheries Policy.

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*