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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands

COUNCIL DECISION (EU) 2021/…

of …

on the signing, on behalf of the European Union, and provisional application of the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands[1] ("the Agreement") was concluded by Council Decision (EU) 2017/418[2] and entered into force on 10 May 2017. The Agreement and the Protocol on its implementation ("the current Protocol") have been provisionally applied as from 14 October 2016[3].

(2) On 7 July 2020, the Council authorised the Commission to open negotiations with the Government of the Cook Islands for the conclusion of a new Protocol on the implementation of the Agreement ("the Protocol").

(3) Pending the finalisation of the negotiations, the current Protocol was extended for one year[4], and is due to expire on 13 November 2021.

(4) Those negotiations were successfully concluded and the Protocol was initialled on 28 July 2021.

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1 OJ L 131, 20.5.2016, p. 3.

2 Council Decision (EU) 2017/418 of 28 February 2017 on the conclusion on behalf of the European Union of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands and the Implementation Protocol thereto (OJ L 64, 10.3.2017, p. 1).

3 OJ L 289, 25.10.2016, p. 1.

4 OJ L 395, 25.11.2020, p. 1.

(5) The Protocol aims to enable the Union and the Government of the Cook Islands to continue working together to promote a sustainable fisheries policy and the sound exploitation of fisheries resources in the Cook Islands' fishery waters, in line with the objective of conservation of marine biological resources recognized in Union law, and to allow Union vessels to fish in those waters.

(6) In view of the economic importance of the Union fishing activities in the Cook Islands' fishing areas and in view of the need to avoid interrupting those activities upon the expiration of the current Protocol, the Protocol should enter into force as soon as possible.

(7) Therefore, the Protocol should be signed and applied on a provisional basis as from the date of its signature, pending the completion of the procedures necessary for its entry into force.

(8) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council[1] and delivered an opinion on 3 November 2021,

HAS ADOPTED THIS DECISION:

[1] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Article 1

The signing, on behalf of the Union, of the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands ("the Protocol") is hereby authorised, subject to the conclusion of the said Protocol[1+].

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union.

Article 3

The Protocol shall be applied on a provisional basis as from the date of its signature[2], pending the completion of the procedures necessary for its entry into force.

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1 The text of the Protocol is published in OJ L ….

\+ OJ: please insert in the footnote the OJ references of the Protocol contained in document ST 12633/21.

2 The date from which the Protocol will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at …,

For the Council
The President