Council of the European Union

Brussels, 23 September 2025
(OR. en)

13124/25

Interinstitutional File:
2025/0290 (NLE)

PECHE 278

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	23 September 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2025) 515 final
Subject:	Proposal for a COUNCIL REGULATION on the allocation of the fishing opportunities provided for in the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands (2025-2032)

Delegations will find attached document COM(2025) 515 final.

Encl.: COM(2025) 515 final

EUROPEAN
COMMISSION

Brussels, 23.9.2025
COM(2025) 515 final

2025/0290 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of the fishing opportunities provided for in the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands (2025-2032)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Sustainable Fisheries Partnership Agreement (SFPA) between the European Union and the Government of the Cook Islands ('the Cook Islands') and was signed on 14 October 2016 and entered into force on 10 May 2017 for a period of eight years from the date of the start of its provisional application. The agreement is tacitly renewable for eight-year periods and is therefore still in force.

A Council Decision of 16 September 2024[1] authorised the Commission to conduct negotiations with the Cook Islands, on behalf of the European Union, on a new protocol implementing the SFPA, based on a set of negotiating directives. Following these negotiations, a protocol was initialled by the negotiators on 20 June 2025. The new protocol covers a period of seven years from the date of provisional application set out in Article 13, i.e. the date it is signed by the parties.

The new protocol grants fishing opportunities to EU vessels in fishing zones located in the waters of the Cook Islands in accordance with scientific advice and the recommendations of the relevant regional fisheries management organisations (WCPFC, SPRFMO, SIOFA). The new protocol provides for fishing opportunities as follows:

– 4 tuna purse seiners;

- 40 fishing days per year in the Cook Islands' fishing zone.

The objective of the proposal is to allocate these fishing opportunities among the Member States.

• Consistency with existing policy provisions in the policy area

The main aim of the new protocol to the SFPA is to provide an updated framework that takes account of the priorities of the common fisheries policy and the external dimension. This will help maintain and strengthen the strategic partnership between the European Union and the Cook Islands.

• Consistency with other Union policies

The negotiation of a new protocol to implement the SFPA with the Cook Islands is part of the EU's external action towards African, Caribbean and Pacific countries. It is also in line with its aims of promoting democratic principles and human rights.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The legal basis is Article 43(3) of the Treaty on the Functioning of the European Union (TFEU), which states that the Council, following a proposal from the Commission is required to adopt measures on the allocation of fishing opportunities.

[1] COUNCIL DECISION (EU) of 16 September 2024 authorising the opening of negotiations with the Government of the Cook Islands for a new implementing protocol to the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands.

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

The proposal falls within the exclusive competence of the European Union, as stated in Article 3(1)(d) TFEU. The subsidiarity principle therefore does not apply.

- **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 third-country waters set out in Article 31 of Regulation (EU) No 1380/2013 establishing the common fisheries policy. It complies with those provisions and the provisions on financial support to third countries laid down in Article 32 of that Regulation.

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

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

In May 2024 the Commission carried out an *ex post* evaluation of the current protocol to the EU-Cook Islands SFPA as well as an *ex ante* evaluation of a possible renewal of the protocol. The conclusions of the evaluation are set out in a separate staff working document[2].

The evaluation concluded that the EU fishing industry (tuna fisheries) has a firm interest in operating in the Cook Islands' fishing zone and that renewing the protocol is the preferred option by far. Non-renewal would deprive the EU of an instrument allowing it to respond both to the needs of various stakeholders and to its own needs in terms of strengthening global ocean governance in the Western and Central Pacific Ocean through the WCPFC multilateral framework.

For the Cook Islands, the EU intervention adds value by providing it with secure revenues over several years, an official platform for sectoral dialogue and cooperation with the EU and a framework for joint monitoring and control of EU activities. The SFPA will contribute to promoting responsible fishing and give it access to sectoral support for the implementation of its fisheries policy.

- **Stakeholder consultations**

EU Member States, industry representatives, international civil society organisations and the fisheries administration and representatives of civil society of the Cook Islands were consulted as part of the assessment.

- **Collection and use of expertise**

The Commission used an independent consultant for the *ex post* and *ex ante* evaluations in accordance with Article 31(10) of Regulation (EU) No 1380/2013 establishing the common fisheries policy.

- **Impact assessment**

Not applicable.

- **Regulatory fitness and simplification**

Not applicable.

[2] SWD(2024) 211 final.

- **Fundamental rights**

The SFPA contains a clause on the consequences of violations of human rights and democratic principles.

4. BUDGETARY IMPLICATIONS

The proposed regulation does not affect the EU budget.

5. OTHER ELEMENTS

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

This procedure is initiated in parallel with the procedures related to the 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, and Council Decision on its conclusion. The proposed regulation will apply as soon as fishing becomes possible, i.e. on the date of the provisional application of the Protocol.

2025/0290 (NLE)

Proposal for a

COUNCIL REGULATION

on the allocation of the fishing opportunities provided for in the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands (2025-2032)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, paragraph 3 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Commission has negotiated, on behalf of the European Union, a new Protocol on the implementation to the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands for a period of 7 years. ('the Protocol').

(2) Following these negotiations, the Protocol was initialled on 20 June 2025.

(3) On […], the Council adopted Decision (EU) […] on the signing and provisional application of the new Protocol, subject to its conclusion at a later date.

(4) The fishing opportunities provided for in the Protocol should be allocated among the Member States for the entire period of application of the Protocol.

(5) This Regulation should enter into force as soon as possible given the economic importance of Union fishing activities in the Cook Islands' fishing zone and the need to minimise the time during which such activities are interrupted.

(6) The Protocol will apply provisionally from the date of its signature to allow Union vessels to engage in fishing activities. This Regulation should therefore apply from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing opportunities set out in the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands ('the Protocol') shall be allocated among the Member States as follows:

Tuna seiners:

– Spain: 3 vessels

– France: 1 vessel.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President