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**Interinstitutional File:
2025/0287(NLE)**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion, 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 (2025-2032)

COUNCIL DECISION (EU) 2025/...

of ...

**on the conclusion, 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 (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, in conjunction with Article 218(6), second subparagraph, point (a)(v), and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) In accordance with Council Decision (EU) 2025/...²⁺, 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 ‘Protocol’) was signed on ...⁺⁺, subject to its conclusion at a later date.
- (2) The aim of the Protocol is to allow Union vessels to fish in the fishing zone of the Cook Islands, to enable the Union and the Government of the Cook Islands to work closely together to further promote the development of a sustainable fisheries policy and the responsible exploitation of fisheries resources in the fishing zone of the Cook Islands and in the Western and Central Pacific Ocean, and to contribute to the creation of decent working conditions in the fishing industry.
- (3) The Protocol should be approved on behalf of the Union.

² Council Decision (EU) 2025/... of ... on the signing, on behalf of the 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 (2025-2032) (OJ L, ..., ELI: ...).

⁺ OJ: Please insert in the text the reference number of the Decision contained in document ST 13160/25 and complete the corresponding footnote.

⁺⁺ OJ: please insert the date of signature of the Protocol contained in document ST 13165/25.

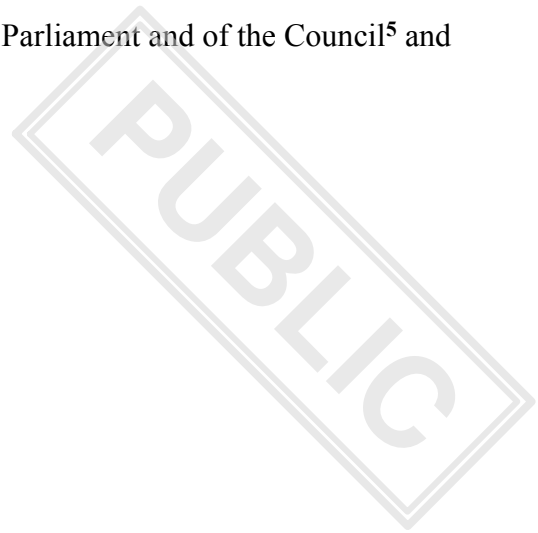
- (4) Article 6 of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands³ (the ‘Agreement’) establishes a Joint Committee responsible for monitoring the application of the Agreement and the Protocol (the ‘Joint Committee’). Furthermore, pursuant to Article 7 of the Protocol, the Joint Committee may approve certain amendments to the Protocol. In order to facilitate the approval of such amendments, the Commission should be empowered, subject to substantive and procedural provisions and conditions, to approve them on behalf of the Union under a simplified procedure.
- (5) The Union’s position on the proposed amendments to the Protocol should be established by the Council. The proposed amendments should be approved unless a blocking minority of Member States, in accordance with Article 16(4) of the Treaty on European Union, objects to those amendments.
- (6) As the Protocol covers more than one financial year, the related budgetary commitments may be broken down into annual instalments over the duration of the Protocol, in accordance with Article 112(2) of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council⁴.

³ OJ L 131, 20.5.2016, p. 3, ELI: http://data.europa.eu/eli/agree_internation/2016/776/oj.

⁴ Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

- (7) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁵ and delivered an opinion on ...⁶,

HAS ADOPTED THIS DECISION:



⁵ 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, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

⁶ Opinion of ... (not yet published in the Official Journal).

Article 1

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 'Protocol') is hereby approved on behalf of the Union.

Article 2

In accordance with the provisions and conditions set out in the Annex to this Decision, the Commission shall be empowered to approve, on behalf of the Union, amendments to the Protocol adopted by the Joint Committee established under Article 6 of the Agreement.

Article 3

This Decision shall enter into force on the date of its adoption⁷.

Done at ..., ...

For the Council

The President

⁷ The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

ANNEX

Procedure for the approval of amendments to the Protocol to be adopted by the Joint Committee

- (1) Where the Joint Committee is asked to adopt amendments to the Protocol in accordance with Article 7(3) of the Protocol, the Commission is authorised to negotiate with the Government of the Cook Islands and, where appropriate and subject to compliance with point 3 of this Annex, to approve, on behalf of the Union, the proposed amendments to the Protocol as regards:
 - (a) the review of fishing opportunities under Article 1(2) and Article 7(1) of the Protocol and, consequently, the financial contribution provided for in Article 2(1) and (2) of the Protocol;
 - (b) the implementing arrangements for the sectoral support referred to in Article 4 of the Protocol;
 - (c) the technical conditions and arrangements under which Union vessels carry out their fishing activities;
 - (d) the additional safeguards for the protection of personal data provided for in Article 8(4) of the Protocol.

- (2) The Commission shall ensure that the approval on behalf of the Union:
- (a) is consistent with the objectives of the common fisheries policy;
 - (b) is compatible with the relevant rules adopted by regional fisheries management organisations and takes account of joint management by coastal states;
 - (c) takes account of the most recent statistical, biological and other relevant information transmitted to the Commission.
- (3) To that end, and based on the information referred to in point 2(c), the Commission shall transmit to the Council, or to its preparatory bodies, in sufficient time before the relevant meeting of the Joint Committee, a document setting out in detail the particulars of the proposed Union position (the ‘preparatory document’) for consideration and approval.
- (4) The proposed Union position set out in the preparatory document shall be deemed to be approved, unless a number of Member States equivalent to a blocking minority of the Council, in accordance with Article 16(4) of the Treaty on European Union, objects during a meeting of the Council’s preparatory body or within 20 days of receipt of the preparatory document, whichever occurs earlier. In the event of such objection, the matter shall be referred to the Council.

- (5) If, at subsequent meetings of the Joint Committee, including on the spot, it is impossible to reach an agreement, the matter shall be referred back to the Council, in accordance with the procedure set out in points 2 to 4, so that the Union position takes into account the new elements.
- (6) The Commission is invited to take, in due course, all necessary measures to ensure the follow-up of the Joint Committee's decision, including, where appropriate, the publication of the relevant decision in the *Official Journal of the European Union* and the communication of any proposal necessary for the implementation of that decision.
- (7) As regards other matters which do not concern amendments to the Protocol in accordance with Article 7(3) thereof, the position to be taken by the Union within the Joint Committee shall be determined in accordance with the Treaties and established working practices.
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