Council of the European Union

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2021/0127 (NLE)

PECHE 170

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the conclusion, on behalf of the European Union, of the Implementing Protocol to the Fisheries Partnership Agreement between the Gabonese Republic and the European Community (2021-2026)

COUNCIL DECISION (EU) 2021/...

of ...

on the conclusion, on behalf of the European Union,
of the Implementing Protocol to the Fisheries Partnership Agreement
between the Gabonese Republic and the European Community (2021-2026)

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 Parliament,

Whereas:

(1) In accordance with Council Decision (EU) 2021/...[1+], the Implementing Protocol to the Fisheries Partnership Agreement between the Gabonese Republic and the European Community (2021-2026) (the 'Protocol') was signed on …[++], subject to its conclusion at a later date.

(2) The Protocol has been applied on a provisional basis from the date of its signature.

(3) The objective of the Fisheries Partnership Agreement between the Gabonese Republic and the European Community[2] (the 'Agreement') and of the Protocol is to enable the Union and the Gabonese Republic ('Gabon') to work more closely together to further promote the development of a sustainable fisheries policy and the responsible exploitation of fisheries resources in the Gabonese fishing zone and in the Atlantic Ocean, while contributing to decent working conditions in the fisheries sector.

(4) The Protocol should be approved.

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1 Council Decision (EU) 2021/… of … 2021 on the signing, on behalf of the European Union, and provisional application of the Implementing Protocol to the Fisheries Partnership Agreement between the Gabonese Republic and the European Community (2021-2026) (OJ …, …, p. …).

\+ OJ: Please insert, in the body of the text, the reference number of the decision in document ST 9170/21 and complete the corresponding footnote.

++ OJ: Please insert the date of signature of the Protocol.

2 OJ L 109, 26.4.2007, p. 3.

(5) Article 9 of the Agreement establishes a Joint Committee responsible for monitoring the implementation of the Agreement. Furthermore, pursuant to Article 19(5) of the Protocol, the Joint Committee may adopt certain amendments to the Protocol. In order to facilitate the adoption of such amendments, the Commission should be empowered, subject to respecting specific substantive and procedural conditions, to approve them on behalf of the Union under a simplified procedure.

(6) The Union's position on amendments that are proposed to the Protocol should be established by the Council. The Commission should approve the proposed amendments on behalf of the Union, unless a number of Member States constituting a blocking minority, in accordance with Article 16(4) of the Treaty on European Union, object to them.

(7) The Protocol should enter into force as soon as possible, in view of the economic importance of Union fishing activities in the Gabonese fishing zone and the need to reduce as much as possible the period of interruption of such activities,

HAS ADOPTED THIS DECISION:

Article 1

The Implementing Protocol to the Fisheries Partnership Agreement between the Gabonese Republic and the European Community (2021-2026) (the 'Protocol') is hereby approved on behalf of the Union.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 26 of the Protocol.

Article 3

In accordance with the procedure set out in the Annex to this Decision, the Commission is hereby authorised to approve, on behalf of the Union, amendments to the Protocol to be adopted by the Joint Committee established under Article 9 of the Fisheries Partnership Agreement between the Gabonese Republic and the European Community.

Article 4

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

Done at Brussels,

For the Council
The President

ANNEX

PROCEDURE FOR THE APPROVAL OF AMENDMENTS TO THE PROTOCOL TO BE ADOPTED BY THE JOINT COMMITTEE

Where, in accordance with Article 19(5) of the Implementing Protocol to the Fisheries Partnership Agreement between the Gabonese Republic and the European Community (2021-2026) (the 'Protocol'), the Joint Committee is asked to adopt modifications to the Protocol, the Commission shall be authorised to approve the proposed amendments on behalf of the Union under the following conditions:

(1) The Commission shall ensure that the approval on behalf of the Union:

(a) is in accordance with the objectives of the common fisheries policy;

(b) is consistent with the relevant rules adopted by regional fisheries management organisations and takes account of joint management by coastal States;

(c) takes account of the latest statistical, biological and other relevant information sent to the Commission.

(2) Before approving proposed amendments on behalf of the Union, the Commission shall submit them to the Council, sufficiently in advance of the relevant Joint Committee meeting.

(3) The compliance of the proposed amendments with the conditions set out in point 1 of this Annex shall be assessed by the Council.

(4) The Commission shall approve the proposed amendments on behalf of the Union, unless a number of Member States constituting a blocking minority in the Council in accordance with Article 16(4) of the Treaty on European Union object to those amendments. However, if there is such a blocking minority, the Commission shall reject the proposed amendments on behalf of the Union.

(5) If, in the course of subsequent meetings of the Joint Committee, including on-the-spot meetings, it is impossible to reach an agreement on the proposed amendments, the matter shall be referred back to the Council, in accordance with the procedure set out in points (2) to (4), in order for the Union position to take account of new factors.

(6) The Commission is invited to take, in due time, any steps necessary as a follow-up to the decision of the Joint Committee regarding the proposed amendments, including, where appropriate, the publication of the relevant decision in the *Official Journal of the European Union* and the submission 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 19(5) thereof, the position to be adopted by the Union in the Joint Committee shall be determined in accordance with the Treaties and established working practices.