



Council of the
European Union

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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Subject:	Recommendation for a COUNCIL DECISION authorising the Commission to open negotiations on behalf of the European Union for the renewal of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Gabonese Republic <i>- Adoption</i>

Statement 1 by the Commission

The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.

Statement 2 by the Commission

Following article 31(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, the Commission fully recognizes the importance of the sustainable exploitation of marine biological resources and the consequent need to ensure a proper implementation of the concept of surplus, as expressed in article 62(2) of the UNCLOS, particularly when Sustainable Fisheries Partnership Agreement and associated protocols rule the access of the EU external fleet to resources distributed in waters of the partner country.

However, regarding article 64 of the UNCLOS and article 31(4) of Regulation (EU) No 1380/2013, the Commission considers that the concept of surplus applies to a lesser degree to fishing activities exploiting highly migratory species, where adequate management objectives and appropriate management measures – priority access rules, catch, capacity or effort limits, and sharing keys where relevant – have to be primarily fixed at regional or sub-regional levels by the Contracting Parties to competent Regional Fisheries Management Organisations, taking in due account the relevant scientific advice.
