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8662/1/19  
REV 1

PECHE 190

## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION on the conclusion of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024)

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**COUNCIL DECISION (EU) 2019/...**

**of ...**

**on the conclusion of the Protocol on the implementation  
of the Fisheries Partnership Agreement  
between the European Community  
and the Republic of Cape Verde (2019-2024)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 thereof, in conjunction with Article 218(6)(a)(v) and Article 218(7),

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament<sup>1</sup>,

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<sup>1</sup> Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) On 19 December 2006, the Council adopted Regulation (EC) No 2027/2006<sup>1</sup>, concluding the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde<sup>2</sup> ("the Agreement"). The Agreement entered into force on 30 March 2007, was tacitly renewed and remains in force.
- (2) Following the Commission recommendation, the Council decided on 4 June 2018 to authorise the opening of negotiations with the Republic of Cape Verde for the conclusion of a new protocol implementing the Agreement.
- (3) The previous protocol to the Agreement has expired on 22 December 2018.
- (4) The Commission has negotiated on behalf of the Union a new protocol. As a result of those negotiations the new protocol was initialled on 12 October 2018.

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<sup>1</sup> Council Regulation (EC) No 2027/2006 of 19 December 2006 on the conclusion of the Fisheries partnership agreement between the European Community and the Republic of Cape Verde (OJ L 414, 30.12.2006, p. 1).

<sup>2</sup> OJ L 414, 30.12.2006, p. 3.

- (5) In accordance with Council Decision (EU) 2019/...<sup>1+</sup>, the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024) ("the Protocol") was signed on ...<sup>++</sup>.
- (6) The Protocol has been applied on a provisional basis from the date of its signature.
- (7) The objective of the Protocol is to enable the Union and the Republic of Cape Verde to work more closely on promoting a sustainable fisheries policy, sound exploitation of fisheries resources in Cape Verde waters, and efforts by Cape Verde to develop a blue economy.
- (8) The Protocol should be approved.
- (9) Article 9 of the Agreement establishes the Joint Committee responsible for monitoring its implementation. Furthermore, in accordance with that Article, and Article 5, Article 6(3) and Article 7(1) and (2) of the Protocol, the Joint Committee may adopt certain modifications to the Protocol. In order to facilitate the approval of such amendments, the Commission should be authorised, subject to specific substantive and procedural conditions, to approve them on behalf of the Union under a simplified procedure.

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<sup>1</sup> Council Decision (EU) 2019/... of ... on the signing, on behalf of the European Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024) (OJ L ...).

<sup>+</sup> OJ: please insert serial number of the Council Decision contained in document ST 8655/19 and complete the corresponding footnote.

<sup>++</sup> OJ: please insert the date of signing of the Protocol.

- (10) The Union position on the modifications to the Protocol should be established by the Committee of Permanent Representatives of the Governments of the Member States. The proposed amendments will be accepted unless a blocking minority of the Member States in accordance with Article 16(4) of the Treaty on European Union objects in the Committee of Permanent Representatives of the Governments of the Member States.
- (11) The position to be adopted by the Union in the Joint Committee on other matters should be determined in accordance with the Treaties and established forms of practice,

HAS ADOPTED THIS DECISION:

### *Article 1*

The Protocol on the implementation of the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde (2019-2024) is hereby approved on behalf of the Union.<sup>1+</sup>

### *Article 2*

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 16 of the Protocol.

### *Article 3*

In accordance with the procedure laid down in the Annex to this Decision, the Commission shall be authorised to approve, on behalf of the Union, modifications to the Protocol to be adopted by the Joint Committee established under Article 9 of the Agreement.

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<sup>1</sup> The text of the Protocol will be published in ... together with the decision on signature.

<sup>+</sup> OJ: please complete the footnote above.

*Article 4*

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

Done at ...,

*For the Council*

*The President*

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## ANNEX

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

Where the Joint Committee is called upon to adopt modifications to the Protocol in accordance with Article 5, Article 6(3) and Article 7(1) and (2) of the Protocol, the Commission shall be authorised to approve the proposed modifications 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 the Commission approves proposed modifications on behalf of the Union, the Commission shall submit them to the Council sufficiently in advance before the relevant Joint Committee meeting.
- (3) The conformity of the proposed modifications with the criteria laid down in point 1 of this Annex will be assessed by the Committee of Permanent Representatives of the Governments of the Member States.



- (4) Unless a number of Member States equivalent to a blocking minority of the Council in accordance with Article 16(4) Treaty on European Union object to the proposed modifications, the Commission shall approve them on behalf of the Union. If there is such a blocking minority, the Commission shall reject the proposed modifications on behalf of the Union.
- (5) If, in the course of further meetings, including on the spot, it is impossible to reach an agreement, the matter shall again be referred once again 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 elements.
- (6) The Commission is invited to take, in due time, any steps necessary as a follow up to the decision of the Joint Committee, including, where appropriate, a publication of the relevant decision in the *Official Journal of the European Union* and a submission of any proposal necessary for the implementation of that decision.
- (7) In other matters, which do not concern modifications of the Protocol in accordance with its Article 5, Article 6(3) and Article 7(1) and (2), the position to be adopted by the Union in the Joint Committee shall be determined in accordance with the Treaties and established forms of working practice.

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