



Brussels, 3 November 2022
(OR. en)

12787/22

Interinstitutional File:
2022/0249 (NLE)

PECHE 352

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion of the Protocol implementing the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (2022-2026)

COUNCIL DECISION (EU) .../...

of ...

**on the conclusion of the Protocol implementing the Fisheries Partnership Agreement
between the European Union and the Republic of Mauritius (2022-2026)**

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), 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) The Fisheries Partnership Agreement between the European Union and the Republic of Mauritius¹ (the ‘Agreement’) was concluded by Council Decision 2014/146/EU² and entered into force on 28 January 2014.
- (2) In accordance with Council Decision (EU) 2022/...³⁺, the Protocol implementing the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (2022-2026) (the ‘Protocol’) was signed on ...⁺⁺, subject to its conclusion at a later date.
- (3) The objective of the Protocol is to enable the Union and Mauritius to work more closely on promoting cooperation in the fields of ocean economy, aquaculture, sustainable development of the oceans, maritime spatial planning, marine energy and marine environment, development of maritime policy and the blue economy, while contributing to decent working conditions in the fisheries sector.
- (4) The Protocol should be approved.

¹ OJ L 79, 18.3.2014, p. 3.

² Council Decision 2014/146/EU of 28 January 2014 on the conclusion of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (OJ L 79, 18.3.2014, p. 2).

³ Council Decision (EU) 2022/... of ... 2022 on the signing, on behalf of the Union, and provisional application of the Protocol implementing the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (2022-2026) (OJ L ..., ..., p. ...).

⁺ OJ: Please insert the number of the decision in ST 12752/22 and complete the corresponding footnote.

⁺⁺ OJ: Please insert the date of the signing of the Protocol in ST 12785/22.

- (5) Article 9 of the Agreement establishes a Joint Committee responsible for monitoring the application of the Agreement. Furthermore, pursuant to the Protocol, the Joint Committee may approve certain amendments to the Protocol. The Union's position on 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 them.
- (6) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on 24 October 2022,

HAS ADOPTED THIS DECISION:

¹ 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).

Article 1

The Protocol implementing the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (2022-2026) is hereby approved on behalf of the Union.¹⁺

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 19 of the Protocol, in order to express the Union's consent to be bound by the Protocol.

Article 3

Subject to 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 by Article 9 of the Agreement.

¹ The text of the Protocol is published in ...

⁺ OJ: please complete the footnote with the reference to the publication of the Protocol in ST 12785/22.

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 the Joint Committee is asked to adopt amendments to the Protocol implementing the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (the 'Protocol') in accordance with Article 11(3) or Article 12(1), (2), (3) or (4) of the Protocol, the Commission shall be empowered 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 the Commission approves the proposed amendments on behalf of the Union, it shall submit them to the Council in sufficient time before the relevant Joint Committee meeting.

3. The Council shall assess whether the proposed amendments comply with the criteria laid down in point 1.
4. 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 object to the proposed amendments, the Commission shall approve them on behalf of the Union. 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, it is impossible to reach an agreement, including on the spot, the matter shall be referred back to the Council, in accordance with the procedure set out in points 2, 3 and 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, including, where appropriate, publishing the relevant decision in the *Official Journal of the European Union* and submitting any proposal necessary for the implementation of that decision.

As regards other matters which do not concern amendments to the Protocol in accordance with Article 11(3) or Article 12(1), (2), (3) or (4) 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.