



Council of the
European Union

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Interinstitutional File:
2020/0002 (NLE)

PECHE 16

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion, on behalf of the European Union, of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Seychelles and its implementing protocol (2020-2026)

COUNCIL DECISION (EU) 2020/...

of ...

**on the conclusion, on behalf of the European Union,
of the Sustainable Fisheries Partnership Agreement
between the European Union and the Republic of Seychelles
and its implementing protocol (2020-2026)**

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 Parliament¹⁺,

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

⁺ OJ: please complete the footnote above.

Whereas:

- (1) In accordance with Council Decision (EU) 2020/...¹⁺, the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Seychelles ('the Partnership Agreement') and its implementing protocol ('the Protocol') were signed on ...⁺⁺, subject to their conclusion at a later date.
- (2) The Partnership Agreement repeals the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles², which entered into force on 2 November 2007 for a duration of six years and has been tacitly renewed and is therefore still in force.
- (3) The most recent protocol implementing the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles³ was signed on 18 December 2013 and was provisionally applied from 18 January 2014. It expired on 17 January 2020.

¹ Council Decision (EU) 2020/... of ... on the signing, on behalf of the European Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Seychelles and its implementing protocol (2020-2026) (OJ L ...).

⁺ OJ: please insert the serial number of the Council Decision contained in document ST 5242/20 and complete the corresponding footnote.

⁺⁺ OJ: please insert the date of signing of the Partnership Agreement and of the Protocol.

² OJ L 290, 20.10.2006, p. 2.

³ Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Seychelles (OJ L 4, 9.1.2014, p. 3).

- (4) The objective of the Partnership Agreement and the Protocol is to enable the Union and the Republic of Seychelles ('Seychelles') to work more closely together to further promote the development of a sustainable fisheries policy, and enable the responsible exploitation of fisheries resources in the Seychelles fishing zone and in the Indian Ocean, while contributing to decent working conditions in the fisheries sector.
- (5) The Partnership Agreement and the Protocol should be approved.
- (6) Article 12 of the Partnership Agreement provides for the establishment of a Joint Committee to be responsible for monitoring the application of the Partnership Agreement and the Protocol. Furthermore, the Joint Committee can adopt certain modifications to the Protocol. In order to facilitate the approval of such modifications, the Commission should be authorised, subject to specific substantive and procedural conditions, to approve them on behalf of the Union under a simplified procedure.
- (7) The Union's position on proposed modifications to the Protocol should be established by the Council. The proposed modifications 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 modifications.
- (8) The Partnership Agreement and the Protocol should enter into force as soon as possible in view of the economic importance related to Union fishing activities in the Seychelles fishing zone and the need to reduce the interruption of such activities as much as possible,

HAS ADOPTED THIS DECISION:

Article 1

The Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Seychelles ('the Partnership Agreement') and the Protocol on the Implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of Seychelles (2020-2026) ('the Protocol') are hereby approved on behalf of the Union¹⁺.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 19 of the Partnership Agreement and the notification provided for in Article 17 of the Protocol.

Article 3

In accordance with the procedure and conditions laid down in the Annex to this Decision, the Commission is hereby authorised to approve, on behalf of the Union, modifications to the Protocol adopted by the Joint Committee established under Article 12 of the Partnership Agreement.

¹ The texts of the Partnership Agreement and of the Protocol are published in OJ L

⁺ OJ: please insert in the footnote above the OJ references of the Partnership Agreement and of the Protocol contained in document ST 5246/20.

Article 4

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

Done at Brussels,

For the Council

The President

ANNEX

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

Where the Joint Committee is asked to adopt modifications to the Protocol in accordance with Article 12(3) of the Partnership Agreement, and of Article 6 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 in sufficient time before the relevant Joint Committee meeting.

- (3) The compliance of the proposed modifications with the criteria laid down in point 1 shall be assessed by the Council.
- (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 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 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 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 to follow up on the decision of the Joint Committee, including, where appropriate, publication of the relevant decision in the *Official Journal of the European Union* and submission of any proposal necessary for the implementation of that decision.

As regards other matters which do not concern modifications to the Protocol in accordance with Article 12(3) of the Partnership Agreement, and of Article 6 of the Protocol, the position to be adopted by the Union in the Joint Committee shall be determined in accordance with the Treaties and established working practices.