



Council of the  
European Union

Brussels, 17 July 2023  
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**Interinstitutional File:**  
**2023/0149 (NLE)**

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PECHE 211

## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject:	COUNCIL DECISION on the signing, on behalf of the Union, and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028)
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**COUNCIL DECISION (EU) 2023/...**

**of ...**

**on the signing, on behalf of the Union,  
and provisional application of the Protocol  
on the implementation of the Fisheries Partnership Agreement  
between the European Community, on the one hand,  
and the Republic of Kiribati, on the other (2023-2028)**

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(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 23 July 2007, the Council adopted Regulation (EC) No 893/2007<sup>1</sup> on the conclusion of a Fisheries Partnership Agreement between the European Community, on one hand, and the Republic of Kiribati, on the other ('the Agreement').
- (2) The first Protocol<sup>2</sup> to the Agreement set out, for a period of six years, the fishing opportunities granted to Union vessels in the Kiribati fishing zone and the financial contribution granted by the Union. The period of application of that Protocol expired on 15 September 2012.
- (3) The second Protocol<sup>3</sup> to the Agreement set out, for a period of three years, the fishing opportunities granted to Union vessels in the Kiribati fishing zone and the financial contribution granted by the Union. The period of application of that Protocol expired on 15 September 2015.

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<sup>1</sup> Council Regulation (EC) No 893/2007 of 23 July 2007 on the conclusion of a Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (OJ L 205, 7.8.2007, p. 1).

<sup>2</sup> Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Kiribati for the period from 16 September 2006 to 15 September 2012 (OJ L 205, 07.08.2007, p. 8).

<sup>3</sup> Council Decision 2012/669/EU of 9 October 2012 on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (OJ L 300, 30.10.2012, p. 2).

- (4) On 26 January 2015, the Council authorised the Commission to open negotiations with Kiribati for the conclusion of a new Protocol implementing the Agreement<sup>1</sup>. Those negotiations were concluded and a new Protocol implementing the Agreement ('the Protocol') for a period of five years (2023-2028) was initialled on 18 December 2022.
- (5) The objective of the Protocol is to implement the Agreement so as to grant fishing opportunities to Union vessels in the fishing areas within Kiribati waters and to enable the Union and Kiribati to work more closely on promoting cooperation in the field of sustainable development of the oceans, in fishery policy and the blue economy, while contributing to decent working conditions in the fisheries sector.
- (6) The Protocol provides for fishing opportunities for Union vessels in the fishing areas within Kiribati waters, on the basis of the best available scientific advice and following the conservation and management measures adopted by the Western and Central Pacific Fisheries Commission.
- (7) The Protocol should be signed.

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<sup>1</sup> Council Decision of 26 January 2015 authorising the Commission to open negotiations on behalf of the European Union for the renewal of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other hand.

- (8) The Protocol should be implemented as soon as possible in view of the economic importance related to Union fishing activities in Kiribati waters and the need to minimise as much as possible the time period before such activities can resume. The Protocol should therefore be applied provisionally upon its signature and this Decision should enter into force upon its adoption.
- (9) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725<sup>1</sup> of the European Parliament and of the Council and delivered an opinion on 19 June 2023,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> 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 signing on behalf of the Union of the Protocol implementing the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other (2023-2028) (the ‘Protocol’) is hereby authorised, subject to the conclusion of the Protocol<sup>1+</sup>.

### *Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union.

### *Article 3*

The Protocol shall be applied on a provisional basis in accordance with Article 22 thereof, as from the date of its signature, pending the completion of the procedures necessary for its entry into force.

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<sup>1</sup> The texts of the Protocol is published in OJ L ...

<sup>+</sup> OJ: Please complete the footnote with the reference to the publication of the Protocol contained in document ST 9890/23.

*Article 4*

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

Done at Brussels,

*For the Council*

*The President*

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