



Council of the
European Union

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PECHE 212

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the conclusion, on behalf of the Union, 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 conclusion, on behalf of the Union,
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(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).

Whereas:

- (1) In accordance with Council Decision (EU) 2023/...,¹⁺ 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 Protocol') was signed on ...⁺⁺.
- (2) The objective of the Protocol is to implement the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other ('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.
- (3) 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.

¹ 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) (OJ L, ..., p. ...).

⁺ OJ: Please insert the number of the Decision contained in the document ST 9856/23 and complete the corresponding footnote.

⁺⁺ OJ: Please insert the date of signature of the Protocol contained in document ST 9890/23.

- (4) The Protocol should be approved.
- (5) Article 9 of the Agreement establishes a Joint Committee responsible for monitoring its application. Pursuant to Articles 8 and 18 of the Protocol, the Joint Committee may approve certain amendments to the Protocol. In order to facilitate the approval of such amendments, the Commission should be empowered, subject to specific substantive and procedural conditions, to approve them on behalf of the Union under a simplified procedure.
- (6) The Union's position on amendments that are proposed to the Protocol should be established by the Council. The proposed amendments should be approved unless a blocking minority objects to them in accordance with Article 16(4) of the Treaty on European Union.
- (7) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on 19 June 2023.

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).

- (8) This Decision should enter into force as soon as possible in view of the economic importance of Union fishing activities in Kiribati waters and the need to reduce as much as possible the time period before such activities can resume,

HAS ADOPTED THIS DECISION:

Article 1

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 Protocol') is hereby approved on behalf of the Union.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 23 of the Protocol.

Article 3

In accordance with the procedures and conditions laid down in the Annex to this Decision, the Commission is authorised to approve, on behalf of the Union, amendments to the Protocol adopted by the Joint Committee established under Article 9 of the Fisheries Partnership Agreement between the European Community, on the one hand, and the Republic of Kiribati, on the other.

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 ON THE IMPLEMENTATION OF THE FISHERIES PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN COMMUNITY, ON ONE HAND, AND THE REPUBLIC OF KIRIBATI, ON THE OTHER (2023-2028) TO BE ADOPTED BY THE JOINT COMMITTEE

Where the Joint Committee is asked to adopt amendments to the Protocol on the implementation of the Fisheries Partnership Agreement between the European Community, on one hand, and the Republic of Kiribati, on the other (2023-2028) ('the Protocol') in accordance with Articles 8 and 18 thereto, the following procedure applies:

1. The Commission shall ensure that the approval of the proposed amendments 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 approval of the proposed amendments on behalf of the Union, the Commission 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 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 to follow up on the decision of the Joint Committee to amend the protocol including, where appropriate, publishing that 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 Articles 8 and 18 thereto, the position to be adopted by the Union in the Joint Committee shall be determined in accordance with the Treaties and established working practices.
