

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2020/392

of 5 March 2020

on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of The Gambia and of the Protocol on the implementation of that Partnership Agreement

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 point (a)(v) of the second subparagraph of Article 218(6) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Having regard to the Commission recommendation and the Council decision authorising the opening of negotiations,

Whereas:

- (1) In accordance with Council Decision (EU) 2019/1332 ⁽²⁾, the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of The Gambia ('the Partnership Agreement') and the Protocol on the implementation of the Partnership Agreement ('the Protocol') were signed on 31 July 2019, subject to their conclusion at a later date.
- (2) The Partnership Agreement repeals the Agreement between the European Economic Community and the Government of the Republic of the Gambia on fishing off the Gambia ⁽³⁾, which entered into force on 2 June 1987.
- (3) The Partnership Agreement and the Protocol have been applied on a provisional basis since the date of their signature.
- (4) The Partnership Agreement and the Protocol should be approved.
- (5) Article 9 of the Partnership Agreement establishes the Joint Committee responsible for monitoring its implementation. Pursuant to that Article and to Articles 5, 6 and 8 of the Protocol, the Joint Committee is able to adopt 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.
- (6) 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 (Coreper). The proposed modifications will be accepted unless a blocking minority of the Member States in accordance with Article 16(4) of the Treaty on European Union (TEU) objects in Coreper.

⁽¹⁾ Consent of 18 December 2019 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2019/1332 of 25 June 2019 on the signing, on behalf of the Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of The Gambia and of the Protocol on the implementation of that Partnership Agreement (OJ L 208, 8.8.2019, p. 1).

⁽³⁾ OJ L 146, 6.6.1987, p. 3.

- (7) 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 Sustainable Fisheries Partnership Agreement between the European Union and the Republic of The Gambia and the Protocol on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of The Gambia are hereby approved on behalf of the Union ⁽⁴⁾.

Article 2

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, the modifications to the Protocol to be adopted by the Joint Committee established under Article 9 of the Partnership Agreement.

Article 3

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 18 of the Partnership Agreement and in Article 16 of the Protocol.

Article 4

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

Done at Brussels, 5 March 2020.

For the Council
The President
T. ČORÍĆ

⁽⁴⁾ The texts of the Partnership Agreement and the Protocol have been published in OJ L 208, 8.8.2019, p. 3, together with the decision on signature.

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 Articles 5, 6 and 8 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 transmitted 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.
 - (3) The conformity of the proposed modifications with the criteria laid down in point (1) of this Annex will be assessed by Coreper.
 - (4) Unless a number of Member States equivalent to a blocking minority of the Council in accordance with Article 16(4) TEU 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 with The Gambia, including on-the-spot meetings, it is impossible to reach an agreement, the matter shall 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, the publication of the relevant decision in the *Official Journal of the European Union* and the submission of any proposal necessary for the implementation of that decision.
 - (7) In respect of matters which do not concern modifications to the Protocol in accordance with Article 5, 6 or 8 thereof, the position to be adopted by the Union in the Joint Committee shall be determined in accordance with the Treaties and established forms of practice.
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