

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2021/2043

of 18 November 2021

on the conclusion, on behalf of the Union, of the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part, and the implementing Protocol thereto

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 Parliament ⁽¹⁾,

Whereas:

- (1) On 9 December 2019 the Council authorised the Commission to open negotiations with the Government of Greenland and the Government of Denmark with a view to concluding a new sustainable fisheries partnership agreement and a new implementing protocol thereto.
- (2) The negotiations were successfully concluded with the initialling of the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part ('the Partnership Agreement') and the Protocol implementing the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part ('the Protocol') on 11 January 2021.
- (3) The Partnership Agreement repeals the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand ⁽²⁾, which entered into force on 28 June 2007.
- (4) In accordance with Council Decision (EU) 2021/793 ⁽³⁾, the Partnership Agreement and the Protocol were signed on 22 April 2021.
- (5) The Partnership Agreement and the Protocol have been applied on a provisional basis since the date of their signature.
- (6) The Partnership Agreement and the Protocol should be approved.

⁽¹⁾ Consent of 5 October 2021 (not yet published in the Official Journal).

⁽²⁾ OJ L 172, 30.6.2007, p. 4.

⁽³⁾ Council Decision (EU) 2021/793 of 26 March 2021 on the signing, on behalf of the European Union, and provisional application of the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part, and the implementing Protocol thereto (OJ L 175, 18.5.2021, p. 1).

- (7) Article 12 of the Partnership Agreement establishes the Joint Committee responsible for monitoring its implementation. Furthermore, pursuant to that Article and to Article 4 and Article 7 of the Protocol, 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.
- (8) 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,

HAS ADOPTED THIS DECISION:

Article 1

The Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part ('the Partnership Agreement') and the Protocol implementing the Sustainable Fisheries Partnership Agreement between the European Union, of the one part, and the Government of Greenland and the Government of Denmark, of the other part ('the Protocol') are 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 20 of the Partnership Agreement and the notification provided for in Article 14 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.

Article 4

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

Done at Brussels, 18 November 2021.

For the Council
The President
Z. ČERNÁČ

(*) The texts of the Partnership Agreement and of the Protocol are published in OJ L 175 of 18 May 2021.

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 of the Partnership Agreement and Articles 4 and 7 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 of the Partnership Agreement and Articles 4 and 7 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.
