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ANNEX 2

## **ANNEX**

**to the proposal for a**

### **COUNCIL DECISION**

**on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Republic of Cape Verde**

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**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 Cape Verde**

- (1) The Commission shall be authorised to negotiate with the Republic of Cape Verde where appropriate and, subject to complying with paragraph 3 of this Annex, approve amendments to the Protocol in respect of the following issues:
  - (a) review of fishing opportunities in accordance with Article 5 of the Protocol;
  - (b) decision on the rules on sectoral support in accordance with Article 3 of the Protocol;
  - (c) adapting the provisions governing the pursuit of fishing activities and the rules for implementing the Protocol and its Annexes in accordance with Article 5(2) of the Protocol.
- (2) In the Joint Committee set up under Article 9 of the Fisheries Partnership Agreement, the Union shall:
  - (a) act in accordance with the objectives pursued by the Union within the framework of the Common Fisheries Policy;
  - (b) follow the Council Conclusions of 19 March 2012 on a Communication on the external dimension of the Common Fisheries Policy,
  - (c) promote positions that are consistent with the relevant rules adopted by Regional Fisheries Management Organisations.
- (3) When a decision on amendments to the Protocol as referred to in paragraph 1 is expected to be adopted during a Joint Committee meeting, the necessary steps shall be taken in order that the position to be expressed on the Union's behalf take account of the latest statistical, biological and other relevant data transmitted to the Commission.

To this effect and based on that information, a document setting out the particulars of the proposed Union position shall be transmitted by the Commission services, in sufficient time before the relevant Joint Committee Meeting, to the Council or to its preparatory bodies for consideration and approval.

In respect of issues referred to in paragraph 1(a), the approval of the envisaged Union position by the Council shall require a qualified majority of votes. In the other cases, the Union position envisaged in the preparatory document shall be deemed to be agreed, unless a number of Member States equivalent to a blocking minority objects during a meeting of the Council's preparatory body or within 20 days from receipt of the preparatory document, whichever occurs earlier. In case of such objection, the matter shall be referred to the Council.

If, in the course of further meetings, including on the spot, it is impossible to reach an agreement in order for the Union position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

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, publication of the relevant decision in the *Official Journal of the European Union* and submission of any proposal required for the implementation of that decision.