



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 30 September 2013**

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**Interinstitutional File:  
2013/0020(NLE)**

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**13952/13  
ADD 2**

**TRANS 484  
MAR 137**

**ADDENDUM TO “I/A” ITEM NOTE**

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from: General Secretariat of the Council

to: Coreper/Council

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No. prev. doc.: 12354/13 TRANS 393 MAR 100

No. Cion prop.: 6040/13 TRANS 45 MAR 13

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Subject: Proposal for a Council Decision authorising Member States to sign, ratify or accede to the Cape Town Agreement of 2012 on the Implementation of the provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977  
- Declaration by Romania

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Delegations will find attached a declaration by Romania to the minutes of the Council.

## **Declaration of Romania**

The proposal for a Council Decision on authorising Member States to sign, ratify or accede to the Cape Town Agreement of 2012 on the Implementation of the provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, refers to article 100 (2) and article 218 paragraphs 5, 6 and 8 of the Treaty on the functioning of the European Union (TFEU) as the legal basis for the proposal. Romania has concerns on the use of article 218 TFEU as procedural legal basis.

RO would like to underline the fact that article 218 TFEU represents the procedural basis for concluding an international agreement to which the EU will be a party (paragraph 1: “[...] agreements between the Union and third countries or international organisations [...]”). In the current case, the provisions of article 218 TFEU do not apply, since, according to the Torremolinos Convention and the subsequent Protocol, only states can be parties. .

Romania stresses that it accepts article 100 paragraph 2 of the TFEU as the legal basis for the above-mentioned proposal, but in conjunction with article 2 paragraph 1 TFEU, and not with article 218 paragraphs 5, 6 and 8.