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European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	35th Annual meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) (Hobart, Australia, 17-28 October 2016) - Establishment of the EU position

Commission Statement

In line with the position defended in case C-626/15, the Commission cannot agree with the Council's conclusion that the proposals on conservation measures establishing the Weddell Sea Marine Protected Area (WSMPA), the East Antarctic Representative System of Marine Protected Areas (EARSMPA), time-limited Special Areas for Scientific Study in newly exposed marine areas following ice shelf retreat or collapse in Subarea 48.1, Subarea 48.5 and Subarea 88.3. and the Ross Sea Region marine protected area (RSRMPA) by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) should be submitted or supported by the European Union and its Member States, as these measures fall, in view of their aim, content and context, within the Union's exclusive competence for the conservation of marine biological resources (Article 3(1)(d) TFEU).

While the Commission will, in accordance with the Council's position, inform the CCAMLR Secretariat that the submission of the proposals to CCAMLR is made on behalf of the European Union and its Member States so as not to prevent the Union from playing its role on this issue, it reserves the possibility of legal remedies.
