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**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	8980/17 PECHE 195 + ADD 1 - COM(2017) 216 final
Subject:	Proposal for a COUNCIL DECISION establishing the position to be adopted, on behalf of the European Union, in the South Pacific Regional Fisheries Management Organisation (SPRFMO) and repealing Decision 14405/12
	- <i>Statement</i>

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**Statement by the Commission**

The Commission considers the precise material legal basis of Article 43(2) TFEU as it had proposed in conjunction with the procedural legal basis of Article 218(9) of the TFEU to be the only appropriate one as Article 43(2) TFEU is also the material legal basis in conjunction with the procedural legal basis of Article 218(6)a TFEU for the Council's decisions on the conclusion of the international agreements setting up the respective RFMOs, in the context of which Article 218(9) TFEU may become relevant.

The Commission therefore maintains its proposal and cannot support the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218 (9) with Article 43 (without mentioning the paragraph) in conjunction with Article 218(9).