



Council of the
European Union

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9785/17

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PECHE 224

'I/A' ITEM NOTE

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>Adoption</i>

1. On 11 May 2017 the Commission submitted a 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)¹.
2. The Working Party on Internal and External Fisheries policy examined the proposal on 18 May 2017 and reached an agreement on the text on the basis of Presidency suggestions² on 24 May 2017. The changes made include a change in the substantive legal basis from Article 43(2) TFEU to Article 43 TFEU, while maintaining Article 218(9) TFEU as procedural legal basis. The Commission representative expressed the Commission's disagreement with the change to the legal basis, considering that the correct substantive legal basis was Article 43(2) TFEU.

¹ Cf. doc. 8980/17 + ADD 1.

² Cf. doc. 9092/1/17 REV 1.

3. Consequently, COREPER is invited

- to confirm the agreement reached at the Working Party on 18 May;
 - to recommend that the Council
 - adopts the Decision as set out in doc. 9784/17 PECHE 223;
 - decides not to publish the Decision in accordance with Article 17(2)(b) of its Rules of Procedure;
 - notes that the European Parliament will be informed in accordance with Article 218(10) TFEU, and therefore a copy of the Decision including the Annexes will be transmitted to the Parliament;
 - enters the Commission statement(s) in the addendum to this note in the minutes of the Council.
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