



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: 11676/13 PECHE 286 - COM(2013) 465 final

Subject: Proposal for a Council Decision on conclusion of the Protocol between the European Union and the Gabonese Republic setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two Parties currently in force

- Adoption

Commission statement

The Commission considers the precise material legal basis of Article 43(2) TFEU as it had proposed was most appropriate in conjunction with the procedural legal basis of Article 218(6)(a) and (7) of the TFEU.

Yet, in order to facilitate a swift conclusion of the intended new Protocol in the now prevailing circumstances of urgency, the Commission would not oppose a Presidency compromise, by way of which the legal basis would be changed to "Article 43 TFEU in conjunction with Article 218(6) and (7) TFEU" with the same consent procedure still to be applied.