



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 24 April 2014  
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2012/0238(NLE)**

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**PECHE 209**

**"I/A" ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	14018/12 PECHE 355
No. Cion doc.:	COM(2012) 505 final
Subject:	Council Decision on the conclusion of the Protocol agreed between the European Union and the Republic of Madagascar setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force - Adoption

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**Statement by the Commission**

The Commission maintains its position and is therefore opposed to the Council's amendment replacing the legal basis of article 43(2) in conjunction with art. 218(6)a with article 43 (without mentioning the paragraph) in conjunction with article 218(6)a.

The Commission also considers that "Article 43(2) in conjunction with Article 218 (6)(a) should be used as the correct legal basis in those cases where international fisheries agreements shall be concluded with the consent of the European Parliament given that the material legal basis of Article 43(2) determines the requirement of the consent of the European Parliament pursuant to the operational legal basis of Article 218(6)(a).