



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 24 April 2014
(OR. en)**

**Interinstitutional File:
2012/0238 (NLE)**

**9138/1/14
REV 1**

PECHE 209

"I/A" ITEM NOTE

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

1. The European Commission presented the above proposal to the Council on 19 September 2012.
2. The Working Party on Internal and External Fisheries Policy examined the above proposal during its meetings on 4-5 October, 25-26 October and 9 November 2012 and reached broad agreement on the contents of the texts.
3. On 14 November 2012, COREPER agreed with unanimity to change the legal basis in the proposal for a *Council Decision on conclusion of the protocol* from "TFEU Article 43(2) in conjunction with point (a) of Article 218(6) thereof" to a general reference to "Article 43 in conjunction with point (a) of Article 218(6)". The Commission did not support this change.

4. At the time, the German and Netherlands delegations noted their intention to abstain while the Swedish delegation intended to vote against the conclusion of the Protocol, although agreeing to the change of legal basis. The Swedish delegation has subsequently stated its intention to vote in favour.
5. On 28 November 2012, the Council decided to sign and provisionally apply the Protocol and to request the consent of the European Parliament following the signing of the Protocol by the Parties which took place on 6 December 2012.
6. The European Parliament gave its consent on 16 April 2014.
7. COREPER is invited to suggest that COUNCIL, at one of its forth-coming sessions:
 - a) adopts with unanimity the Decision on the conclusion of the Protocol as set out in doc. 14164/1/12 REV 1 PECHE 366 (as finalised by the legal-linguistic experts) ;
 - b) enters the statement in the addendum to this note in the minutes.