



**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.:	8483/14 PECHE 172 - COM(2014)206 final
Subject:	Recommendation for a Council Decision to authorise the Commission to open negotiations on behalf of the European Union for the renewal of the protocol to the Fisheries Partnership Agreement with Mozambique <i>- adoption of the Council Decision</i>

Statement by the Commission

The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.

Statement by the Commission

Following article 31(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, the Commission fully recognizes the importance of the sustainable exploitation of marine biological resources and the consequent need to ensure a proper implementation of the concept of surplus, as expressed in article 62(2) of the UNCLOS, particularly when Sustainable Fisheries Partnership Agreement and associated protocols rule the access of the EU external fleet to resources distributed in waters of the partner country.

However, regarding article 64 of the UNCLOS and article 31(4) of the R(EU) N° 1380/2013, the Commission considers that an isolated application of the concept of surplus, as defined in Article 62(2) of UNCLOS, does not entirely fit with fishing activities exploiting highly migratory species. This concept needs consequently to be interpreted considering that management objectives and management measures – priority access rules, catch, capacity or effort limits, and sharing keys where relevant – have to be primarily fixed at regional or sub-regional levels by the Contracting Parties to competent Regional Fisheries Management Organisations, taking into due account the relevant scientific advice.
