



**COUNCIL OF
THE EUROPEAN UNION**

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PECHE 222

"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a Council Decision on the position to be adopted, on behalf of the European Union, in the Indian Ocean Tuna Commission (IOTC)
- Adoption of Council Decision

Statement by the Commission

The Commission considers the precise material legal basis of Article 43(2) TFEU as it had proposed in conjunction with the procedural legal basis of Article 218(9) of the TFEU to be the only appropriate one as Article 43(2) TFEU is also the material legal basis in conjunction with the procedural legal basis of Article 218(6)a TFEU for the Council's decisions on the conclusion of the international agreements setting up the respective RFMOs, in the context of which Article 218(9) TFEU may become relevant.

The Commission therefore maintains its proposal and cannot support the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218 (9) with Article 43 (without mentioning the paragraph) in conjunction with Article 218(9).