



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 15 May 2014  
(OR. en)**

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**Interinstitutional Files:**

2014/0114 (NLE)

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**NOTE**

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From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

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No. Cion doc.: COM(2014) 189 final, COM(2014) 190 final, COM(2014) 191 final

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Subject: Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe

- *adoption*

Proposal for a COUNCIL DECISION on the conclusion of the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe

- *request for the consent of the EP*

Proposal for a COUNCIL REGULATION on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Republic of São Tomé and Príncipe

- *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).

### **Statement by the United Kingdom and the Netherlands**

United Kingdom and the Netherlands recognise progress on areas of concern in the recently negotiated proposal for the renewal of the protocol to the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe, such as benefits to the local fishing industry and the economic return for the European Union. However, both delegations regret that this protocol contains no clear management system to provide for the necessary protection of sharks.

Direct fishery and by-catches of shark are a concern in tuna fisheries in the Atlantic Ocean. The United Kingdom and the Netherlands have decided to abstain and would wish to see the EU putting forward shark management measures in any future Joint Committee meetings under this protocol.