



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 19 May 2014
(OR. en)**

**6078/14
EXT 1**

CRS/CRP 5

SUMMARY RECORD

Subject: 2484th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 5, 7 and 10 February 2014

- Any other business
 - External Representation/ITLOS

The Committee took note of the French delegation's information about the Commission's reticence in the Fisheries Working Party to share a possible draft submission to the International Tribunal for the Law of the Sea (ITLOS), concerning reactions to third party observations in the procedure concerning an advisory opinion in case 21. The French delegation considered that the Commission's attitude had shown a lack of loyal cooperation and did not correlate with the Commission's promise to avoid *faits accomplis*. The United Kingdom, Netherlands, Spanish, Swedish, Italian and Maltese delegations supported this view. The Italian, Belgian and Irish delegations underlined the need to have a horizontal and balanced approach towards "external representation", and showed openness to a constructive discussion.

The Commission representative rejected the views that there was a lack of loyal cooperation, and held the view that the affair was limited to a dispute over the competence for representation of the Union. The Council Legal Service referred to the views previously expressed. He emphasized that the concept of the representation of the Union before an international tribunal does not encompass the power to decide whether a submission would be made and, if so, what the content of such submission would be. The Council Legal Service informed delegations that the action for annulment of the Commission's decision of 29 November 2013 would be lodged by 10 February 2014.
