



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 27 November 2013
(OR. en)**

**16906/13
EXT 1**

CRS CRP 42

SUMMARY RECORD

Subject: 2476th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on 27 and 29 November 2013

Extract of the SUMMARY RECORD

Coreper Part 1

- 32. Request for an Advisory Opinion to the International Tribunal for the Law of the Sea (Case 21)**
- **Endorsement of the submission on behalf of the European Union to the Tribunal**
 - **Decision to use the written procedure**
16769/13 PECHE 562 COMAR 33
15247/1/13 PECHE 476 COMAR 30 REV 1

The Committee considered the question of the possible submission of observations to the International Tribunal for the Law of the Sea (ITLOS) on the request for an Advisory Opinion from the Sub-regional Fisheries Commission (SRFC).

Delegations and the Presidency insisted that it is for the Council, in accordance with its policy-making functions under Article 16 TEU, to decide whether the Union should submit observations and, if so, to endorse their content. They disagreed with the Commission that Article 335 TFEU would allow the Commission to submit observations to the Tribunal on behalf of the Union without such prior endorsement by the Council.

The Committee noted that, insofar as the Council could not endorse any position regarding a possible submission to ITLOS on behalf of the European Union,

- no European Union position existed in this regards; and, therefore,
 - no observations could be submitted to ITLOS on behalf of the European Union on the request for an Advisory Opinion from SRFC.
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