



Council of the  
European Union

Brussels, 4 December 2014  
(OR. en)

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**Interinstitutional Files:**

2014/0328 (NLE)  
2014/0330 (NLE)  
2014/0329 (NLE)

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16329/14  
ADD 1

PECHE 570

**"I/A" ITEM NOTE**

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From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 1)/Council

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No. prev. doc.: 15521/14 PECHE 531 + ADD1 (notification) - COM(2014) 696 final  
15522/14 PECHE 532 - COM(2014) 697 final  
15523/14 PECHE 533 + ADD1 and 2 - COM(2014) 695 final

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Subject: 1) 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 by the Fisheries Partnership Agreement between the European Union and the Republic of Cape Verde  
- adoption

2) 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 Cape Verde  
- adoption

3) 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 Republic of Cape Verde  
- request for the consent of the European Parliament

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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 and (7) with article 43 (without mentioning the paragraph) in conjunction with article 218(6)a and (7).

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).

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