



Brussels, 15 January 2015
(OR. en)

Interinstitutional File:
2014/0115 (NLE)

5262/15
ADD 1

PECHE 18

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	COM(2014) 190 final
Subject:	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 <i>- adoption</i>

Statement by the Commission

By its judgement of 24 November 2014 on the joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council), the Court of Justice annulled the Council Decision 2012/19/EU of 16 December 2010 on the Declaration on the granting of fishing opportunities in EU waters to Venezuelan fishing vessels in the exclusive economic zone off the coast of French Guiana, the Court of Justice clearly confirmed that decisions relating to the conclusion of external fisheries agreements fall fully within the scope of Article 43(2) TFEU (in conjunction with the applicable procedure of Article 218 TFEU, i.e. Article 218(6)a(v) for the decisions on the conclusion) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

Therefore, in relation to the decision on the conclusion of the Protocol to the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe, the Commission regrets the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(6)a and (7) TFEU with article 43 (without mentioning the paragraph) in conjunction with article 218(6)a and (7) TFEU.

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.