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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	10721/12 PECHE 203 - COM(2012) 260 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 Community and the Republic of Guinea Bissau
	- Statements

Statement by the Danish delegation

Denmark emphasizes the importance of EU's contribution towards resource conservation and environmental sustainability through fishing only on surplus resources and preventing the overfishing of stocks within the Sustainable fisheries partnership agreements. In this respect Denmark recalls the Council Conclusions on the external dimension of the Common Fisheries Policy of 19 March 2012 and the general principles on Sustainable fisheries partnership agreements in the Regulation No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy (The Basic Regulation).

Bearing in mind that the new protocol to the Fisheries Partnership Agreement between the EU and Guinea-Bissau contains stocks, that are important to the comprehensive local and sub-regional fisheries in the waters of Guinea-Bissau, Denmark finds that the lack of updated stock assessments on these stocks, especially demersal fish and cephalopods, does not give a sufficient basis to assess if there is a surplus of fish resources available to EU vessels in the waters of Guinea-Bissau.

Acknowledging that a Fisheries Partnership Agreement with a protocol in force can contribute substantially to the capacity of fisheries management in the waters of Guinea-Bissau, Denmark would however - bearing in mind the special circumstances within Guinea-Bissau – be able to support the signing of a one year protocol in order to obtain updated stock assessments on fish stocks within this year. However, this proposal has not been supported by the Commission and other Member States.

For these reasons Denmark votes against the proposals for signature, conclusion of the new Protocol and allocation of fishing opportunities.

Commission statement

By its judgement in joined cases C-103/12 and C-165/12 (European Parliament and the Commission v. Council) 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 of the agreements) and rejected the position that such decisions could fall within the scope of Article 43(3) TFEU.

However, to allow a swift signature and conclusion of the intended new Protocol to the Sustainable Fisheries Partnership with the Republic of Guinea-Bissau, in the now prevailing circumstances of urgency, the Commission would exceptionally not oppose a Presidency compromise, by way of which the initially proposed legal basis would be changed by qualified majority to Article 43 TFEU (without mentioning the paragraph) in conjunction with Article 218(5), 218(6)(a) and 218(7) TFEU, with the same consent procedure still to be applied for the conclusion of the agreements.