



Brussels, 21 November 2017  
(OR. en)

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**Interinstitutional File:**  
**2017/0241 (NLE)**

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PECHE 458

**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. Cion doc.:	12750/17 PECHE 368 - COM(2017) 556 final
Subject:	Proposal for a COUNCIL DECISION denouncing the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros, adopted by Council Regulation (EC) No 1563/2006 of 5 October 2006 - Statement

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**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. This principle applies to the denunciation of external fisheries agreements as well.

In relation to the decision on the Denouncing the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros, adopted by Council Regulation (EC) No 1563/2006 of 5 October 2006, the Commission regrets the Council's amendment replacing the legal basis of Article 43(2) in conjunction with Article 218(5), 218(6)a and Article 218(7) TFEU with Article 43 (without mentioning the paragraph) in conjunction with article 218(5), 218(6)a and 218(7) TFEU, and therefore maintains its initial proposal.

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