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"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/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>

1. The European Commission submitted on 1 April 2014 the above proposal to the Council. The proposal is the follow-up to the negotiations for a new Protocol to the Fisheries Partnership Agreement with São Tomé and Príncipe. The previous Protocol expired on 12 May 2014.
2. The Working Party on Internal and External Fisheries Policy concluded the examination of the proposal on 8 May 2014. The French delegation recalled that as for other Decisions to conclude an agreement or protocol, the legal basis should make reference to Article 43 TFEU in its entirety rather than to Article 43(2). The Commission representative announced that the Commission would make a statement regarding the change of the legal basis. The Presidency noted the delegations' support for the proposal with an amended legal basis.

3. On 19 May 2014, the Council unanimously decided to change the legal basis to "Article 43 in conjunction with 218(6)(a) and Article 218(7) TFEU". The Council also decided to sign the new Protocol^[1], which applies provisionally since its signature on 23 May 2014 pursuant to its Article 14^[2].
4. Following the Council's request of 2 June 2014, the European Parliament gave its consent to conclude the Protocol on 13 January 2015.
5. Consequently, COREPER is invited to suggest that Council, at one of its forthcoming sessions:
 - (a) adopts the Decision on the conclusion of the new Protocol as set out in doc. 8585/14 PECH 186 (as finalised by the legal-linguistic experts);
 - (b) enters the statements in the addendum to this note in the minutes of the session.

^[1] cf. OJ L 168 of 7.6.2014, p. 1.

^[2] cf. OJ L 226 of 30.7.2014, p. 1.