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**2014/0079 (NLE)**

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**PECHE 19**

**"I/A" ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. prev. doc.:	ST 7584/14 PECHE 135 + ADD1 - COM(2014) 139 final
Subject:	Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of the Seychelles on access for fishing vessels flying the flag of the Seychelles to waters and marine biological resources of Mayotte, under the jurisdiction of the European Union <i>- adoption</i>

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1. The European Commission adopted on 10 March 2014 a proposal for the above Council Decision. The proposal follows on the status change of Mayotte which became an outermost region of the EU on 1 January 2014.
2. The Working Party on Internal and External Fisheries Policy concluded the examination of the proposal on 18 March 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 14 April 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 and provisionally apply the Agreement.<sup>[3]</sup> The signing took place on 20 May 2014.<sup>[4]</sup>
4. Following the Council's request, the European Parliament gave its consent to conclude the Protocol on 13 January 2015.
5. Consequently, the Permanent Representatives Committee is invited to suggest that Council, at one of its forth-coming sessions:
  - (a) adopts the Decision on the conclusion of the Agreement as set out in doc. ST 7911/14 PECHE 147 (as finalised by the legal-linguistic experts);
  - (b) enters the statements in the addendum to this note in the minutes of the session.

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<sup>[3]</sup> Cf. document ST 7988/1/14 PECHE 150 REV 1 + ADD 1.

<sup>[4]</sup> The decision on signing and the signed Agreement were published in OJ L 167 of 6.6.2014, p.1.