



Council of the  
European Union

Brussels, 26 July 2022  
(OR. en)

11478/22  
ADD 1  
LIMITE  
PV CONS 49  
AGRI 342  
PECHE 269

**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
**(Agriculture and Fisheries)**  
18 July 2022

## **CONTENTS**

**Page**

### **AGRICULTURE**

#### **Non-legislative activities**

6.	Market situation, in particular following the invasion of Ukraine .....	3
----	---	---

#### **Any other business**

### **Agriculture**

8.	d)	Serious drought situation in Hungary .....	3
----	----	--	---

ANNEX - Statements for the Council minutes .....	4
--	---

\*\*\*

## AGRICULTURE

### Non-legislative activities

- 6. Market situation, in particular following the invasion of Ukraine** 11073/22

*Information from the Commission and the Member States  
Exchange of views*

The Council took note of the information provided by the Commission on the situation on key agricultural markets and of delegations' comments and requests and the Commission's replies.

The Council also took note of the information provided by Hungary on the serious drought situation in Hungary.

### Any other business

- 8. d) Serious drought situation in Hungary** 11082/22  
*Information from the Hungarian delegation*

Item 8(d) was addressed under item 6.

---

**Statements to the non-legislative "A" items set out in doc. 11236/22**

**Ad "A" item 1:**

**Council Decision on the conclusion of the Sustainable Fisheries Partnership Agreement (SFPA) with Mauritania and Implementing Protocol thereto**

*Adoption*

**STATEMENT BY THE COMMISSION**

“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.

In relation to the Decision on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Islamic Republic of Mauritania and of the Implementing Protocol thereto, the Commission regrets the Council’s amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph).

While not opposing the adoption of the amendment by the Council by a qualified majority vote, the Commission reserves all its rights in this regard.”

**Council Decision on the conclusion of the Protocol on the  
implementation of the Sustainable Fisheries Partnership Agreement  
(SFPA) with the Cook Islands**  
*Adoption*

**Ad "A" item 2:**

**STATEMENT BY THE COMMISSION**

“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.

In relation to the Decision on the conclusion of the Protocol (2021-2024) on the implementation of the Sustainable Fisheries Partnership Agreement between the European Union and the Government of the Cook Islands, the Commission regrets the Council’s amendment replacing the substantive legal basis of Article 43(2) TFEU with Article 43 (without mentioning the paragraph).

While not opposing the adoption of the amendment by the Council by a qualified majority vote, the Commission reserves all its rights in this regard.”

---