



Council of the
European Union

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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Agriculture and Fisheries)
19 and 20 October 2020

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MEETING ON MONDAY 19 OCTOBER 2020

FISHERIES

Non-legislative activities

3. **Regulation fixing for 2021 the fishing opportunities in the Baltic Sea** 11772/20
10274/20 + ADD 1
(Legal basis proposed by the Commission: Art. 43(3) TFEU)
Political agreement

The Council reached a political agreement on the Regulation fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea, with Poland abstaining. Given the need for a timely adoption, the Council agreed to the use of the written procedure for the adoption of this Council Regulation.

MEETING ON TUESDAY 20 OCTOBER 2020

AGRICULTURE

Any other business

7. a) **Common Declaration of Croatia, France, Hungary, Latvia, and Spain on the need to adopt additional measures in the beef and veal sector in consequence of the COVID-19 crisis** 11786/20
Information from the Spanish delegation, on behalf of the Croatian, French, Hungarian, Latvian and Spanish delegations

The Council took note of the information provided by Spain on the common declaration of Croatia, France, Hungary, Latvia and Spain on the need to adopt additional measures in the beef and veal sector as a consequence of the COVID-19 crisis. The Council also took note of the comments made by other delegations and by the Commission.

C Item based on a Commission proposal

Statements to the non-legislative "A" items set out in 11632/20

- Ad "A" item 1:** **Council Decision on the conclusion of the Fisheries Agreement in the form of an exchange of letters between the European Union and the Cook Islands**
Agreement in principle
Request for the consent of the European Parliament
- Ad "A" item 2:** **Council Decision on the signing and provisional application of the Fisheries Agreement in the form of an exchange of letters between the European Union and the Cook Islands**
Adoption

STATEMENT BY THE EUROPEAN 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 decisions on the signing and provisional application as well as on the conclusion of the Agreement in the form of an exchange of letters between the European Union and the Government of the Cook Islands on an extension of the Protocol 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), and therefore maintains its initial proposal."
