



Council of the
European Union

Brussels, 17 July 2024
(OR. en)

12285/24
ADD 1
LIMITE
PV CONS 41
AGRI 571
PECHE 293

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(**Agriculture and Fisheries**)
15 July 2024

AGRICULTURE

Non-legislative activities

4. Viability of rural areas – generational renewal and demographic aspects

12040/24

Exchange of views

The Council held an exchange of views on the viability of rural areas and its generational renewal and demographic aspects.

5. Trade-related agricultural issues

12156/24

Information from the Commission

Exchange of views

The Council held an exchange of views on recent developments in EU agrifood trade and trade agreements and negotiations at both the bilateral and multilateral level. It took note of the information from the Commission, of delegations' comments and of the Commission's response.

The Presidency would continue to regularly invite the Commission to update the Council on trade-related agriculture issues.

Statements to the non-legislative "A" items set out in doc. 12053/24**Ad "A" item 1:****Council Decision on the conclusion of the Protocol (2024-2029)
implementing the Fisheries Partnership Agreement with the Republic of
Cabo Verde***Agreement in principle**Request for the consent of the European Parliament***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 Decisions on the signing and provisional application as well as on the conclusion of the Protocol (2024-2029) implementing the Fisheries Partnership Agreement between the European Community and the Republic of Cabo Verde, 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.”

Ad "A" item 2:**Council Decision on the signing and provisional application of the
Protocol (2024-2029) implementing the Fisheries Partnership
Agreement with the Republic of Cabo Verde***Adoption***STATEMENT BY THE COMMISSION**

“The Commission considers that the Court of Justice has clarified in its judgment of 9 April 2024 in case C-551/21 that ensuring the signing of international agreements outside the area of the CFSP is a prerogative of the Commission in accordance with the Treaties. It is therefore not for the Council to lay down provisions as to the signing by the Commission of international agreements outside the area of the CFSP.”

Ad "A" item 19:

Council Decisions on assistance measures under the European Peace Facility to support the Nigerien Armed Forces
Adoption

STATEMENT BY AUSTRIA

“In accordance with the second subparagraph of Article 31(1) TEU and in line with Austria’s declaration on the application of constructive abstention at the time of the adoption of the Council Decision establishing the European Peace Facility, Austria hereby notifies the Council of its decision to abstain from the Council Decision repealing Council Decision (CFSP) 2023/1136 on an Assistance Measure under the European Peace Facility to support the Nigerien Armed Forces with military equipment designed to deliver lethal force. Austria, acting in a spirit of mutual EU solidarity, will refrain from any action likely to conflict with or impede Union action based on that decision.”

Ad "A" item 20:

Council Decision on an assistance measure under the European Peace Facility to support the Beninese Armed Forces with military equipment designed to deliver lethal force
Adoption

STATEMENT BY AUSTRIA

“In accordance with the second subparagraph of Article 31(1) TEU and in line with Austria’s declaration on the application of constructive abstention at the time of the adoption of the Council Decision establishing the European Peace Facility, Austria hereby notifies the Council of its decision to abstain from the Council Decision on an Assistance Measure under the European Peace Facility to support the Beninese Armed Forces with military equipment designed to deliver lethal force. Austria, acting in a spirit of mutual EU solidarity, will refrain from any action likely to conflict with or impede Union action based on that decision. Therefore, Austria will not contribute to the financing of this Assistance Measure. Instead, Austria will voluntarily contribute an additional amount to a non-sensitive Assistance Measure for Benin within the framework of the European Peace Facility.”

STATEMENT BY IRELAND

“Ireland refers to the Proposal of the High Representative of the Union for Foreign Affairs and Security Policy to the Council of 5 June 2024¹.

In accordance with the second subparagraph of Article 31(1) of the Treaty on European Union, Ireland hereby makes a formal declaration and notifies the Council of its decision to abstain from Council Decision 2024/XXX on an assistance measure under the European Peace Facility to support the Beninese Armed Forces with military equipment designed to deliver lethal force. Accordingly, Ireland will not be contributing to the costs of that Assistance Measure.

¹ Proposal from the High Representative of the Union for Foreign Affairs and Security Policy to the Council for a Council Decision on an assistance measure under the European Peace Facility to support the Beninese Armed Forces with military equipment designed to deliver lethal force (10830/24).

Ireland recalls and reiterates in full its statement of 17 March 2021 to the minutes of COREPER and to the Council at the time of adoption of Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility.

Ireland further recalls Recital 22, Article 27 and Article 57(3) of that Council Decision and hereby signals its preference to contribute instead to Council Decision 2024/1455 on an assistance measure under the European Peace Facility to support the Beninese Armed Forces.”

STATEMENT BY MALTA

“In accordance with the second subparagraph of Article 31(1) of the Treaty on European Union, Malta hereby notifies the Council of its decision to abstain from adopting the Council Decision on an assistance measure under the European Peace Facility to support the Beninese Armed Forces with military equipment designed to deliver lethal force.

As stated at the time of adoption of the Council Decision (CFSP) 2021/509 of 22 March 2021 establishing the European Peace Facility, Malta reserves its right to constructively abstain from assistance measures under the European Peace Facility that allow for the supply of military equipment, or platforms, designed to deliver lethal force.

In the spirit of mutual EU solidarity, MT will refrain from any action likely to conflict with or impede Union action based on that decision.

Recalling Article 27 and Article 57(3) of Council Decision (CFSP) 2021/509 establishing the EPF, through our voluntary elective commitment, Malta signals its intention to make a corresponding contribution to the budget for another Assistance Measure not designed to supply military equipment, or platforms, designed to deliver lethal force.”
