



Council of the
European Union

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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Agriculture and Fisheries)
17 October 2022

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Non-legislative activities

FISHERIES

3. **Council Regulation fixing for 2023 the fishing opportunities applicable in the Baltic Sea** [C](*) 13353/22
(Legal basis proposed by the Commission: Art. 43(3) TFEU) 11877/22 + ADD 1
Political agreement

The Council reached a political agreement on the Regulation fixing for 2023 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea.

Given the need for a timely adoption, the Council agreed to the use of the written procedure for the adoption of this Council Regulation.

4. **ICCAT annual meeting (14-21 November 2022)** 12238/22
Exchange of views

The Council held an exchange of views on the political priorities for the 2022 ICCAT annual meeting that will take place from 14 - 21 November 2022.

AGRICULTURE

5. **Market situation in particular following the invasion of Ukraine** 13176/2/22 REV 2
Information from the Commission and the Member States 13467/22
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 Lithuania on organic protein feed from Ukraine and of the Commission's and delegations' reactions.

6. Trade-related agricultural issues

13077/22

*Information from the Commission
Exchange of views*

The Council 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 international agricultural trade issues.

Any other business

7. d) Organic protein feed from Ukraine

13506/22

Information from the Lithuanian delegation

Item 7(d) was taken together with item 5.

☐ Item based on a Commission proposal

(*) Item on which a vote may be requested

Statements to the non-legislative "A" items set out in doc. 13310/22

Ad "A" item 9: **Public access to documents**
 Confirmatory application No 16/c/01/22
 Adoption

STATEMENT BY THE NETHERLANDS

“The Netherlands cannot concur with the reasoning in the draft reply to confirmatory application No 16/c/01/22 that full disclosure of documents WK 11161/2020 and WK 12094/2020 and full disclosure or at least partial disclosure of WK 6361/2021 would (seriously) undermine the protection of the public interest as regards the financial, monetary or economic policy of the Community or a Member State and the Council’s decision-making process. Considering the restrictive interpretation of these exceptions by the Court, the Netherlands believes that it is not sufficiently motivated how these interests are undermined, and how this risk is reasonably foreseeable and not purely hypothetical (in light of the case law of the Court of Justice and in particular case C-350/12 P, Council/in ‘t Veld and joined cases C-39/05 P and C-52/05, Kingdom of Sweden and Turco/Council).

Furthermore, the Netherlands notes that the Dutch contribution to WK 4706/2021 has currently been redacted, even though the Netherlands holds no objection to the disclosure of the input.

Regarding the other documents requested in the confirmatory application, the Netherlands agrees with the assessment made by the General Secretariat.”

Ad "A" item 12: **Council Decision on the EU position within the EU-Singapore FTA**
 Trade Committee
 Adoption

STATEMENT BY THE COMMISSION

“The Commission considers that the Council Decision should be addressed to the Commission, and therefore considers the changes to Article 2 to be inappropriate.

The expression of the Union position in a body set up by an agreement is an act of external representation of the Union which, in accordance with Article 17(1) TEU, is the institutional prerogative of the Commission.

The Commission reserves all its rights in this regard.”