



Council of the
European Union

Brussels, 24 October 2022
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13665/22
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AGRI 548
PECHE 403

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

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1. Adoption of the agenda

The Council adopted the agenda set out in 13308/1/22 REV 1.


2. Approval of 'A' items

(a) **Non-legislative list** 13310/22

The Council adopted the "A" items listed in 13310/22 including COR and REV documents presented for adoption.

b) **Legislative list** (Public deliberation in accordance with Article 16(8) of the Treaty on European Union) 13311/22

Employment and Social Policy

1. **Directive on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures**  13153/1/22 REV 1
+ ADD 1 REV 1
10521/22 + ADD 1
+ ADD 1 COR 2
SOC
Adoption of the Council's position at first reading and of the statement of the Council's reasons
approved by Coreper, Part 1, on 12.10.2022

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons, with Hungary, Poland and Sweden voting against, and the Czech Republic, Estonia, Latvia and Slovakia abstaining (Legal basis: Article 157(3) TFEU). Statements to this item are set out in the Annex.

Transport

2. **Regulation on the temporary waiver from the slot requirements**



13532/22
PE-CONS 47/22
AVIATION

Adoption of the legislative act

Decision to derogate from the eight-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU

approved by Coreper, Part 1, on 12.10.2022

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union (Legal basis: Article 100(2) TFEU).

The Council agreed to derogate from the eight- week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments.

Non-legislative activities

FISHERIES

3. Council Regulation fixing for 2023 the fishing opportunities applicable in the Baltic Sea
(Legal basis proposed by the Commission: Art. 43(3) TFEU)
Political agreement



13353/22
11877/22 + ADD 1

4. ICCAT annual meeting (14-21 November 2022)
Exchange of views

12238/22

AGRICULTURE

5. Market situation in particular following the invasion of Ukraine
Information from the Commission and the Member States
Exchange of views

13176/2/22 REV 2
13467/22

6. Trade-related agricultural issues
Information from the Commission
Exchange of views

13077/22

Any other business

7. a) **EU-wide end to the systematic killing of male chicks** 13317/22
Information from the French and German delegations on behalf of the Austrian, Belgian, Cyprus, Finnish, French, German, Irish, Luxembourg and Portuguese delegations

The Council took note of the information provided by the French and German delegations, on behalf of the Austrian, Belgian, Cyprus, Finnish, French, German, Irish, Luxembourg and Portuguese delegations, on the killing of male chicks, as set out in 13317/22. The Council also took note of the comments made by several delegations and by the Commission.

- b) **Tackling co-financing constraints of phytosanitary and veterinary programmes by exploring options for improving implementation based on a strategic discussion between the Commission and the Member States** 13491/1/22 REV 1
Information from the Austrian and Hungarian delegations, supported by the Belgian, Bulgarian, Croatian, Cyprus, Estonian, Finnish, French, Greek, Irish, Italian, Latvian, Lithuanian, Luxembourg, Maltese, Netherlands, Polish, Portuguese, Romanian, Slovak, Slovenian and Spanish delegations

The Council took note of the information provided by the Austrian and Hungarian delegations, supported by Belgium, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia and Spain, as set out in 13491/1/22 REV 1, on the issue of tackling co-financing constraints of phytosanitary and veterinary programmes by exploring options for improving implementation based on a strategic discussion between the Commission and the Member States.

The Council also took note of the comments made by several delegations and by the Commission.

- c) **Joint Declaration of the Ministers of Agriculture of the Visegrad Group and Bulgaria, Croatia, Romania, and Slovenia on the challenges and opportunities of Member States in relation to EU carbon farming initiatives** 13405/22
Information from the Slovak delegation, on behalf of the Bulgarian, Croatian, Hungarian, Polish, Romanian, Slovak and Slovenian delegations

The Council took note of the information provided by the Slovak delegation on a Joint Declaration of the Ministers of Agriculture of the Visegrád Group and Bulgaria, Croatia, Romania, and Slovenia on the challenges and opportunities of Member States in relation to EU carbon farming initiatives.


The Council also took note of the comments from delegations and the Commission on this subject.

- d) **Organic protein feed from Ukraine** 13506/22
Information from the Lithuanian delegation

- e) **The importance of working in close cooperation with the Member States when preparing the EU framework for forest monitoring and strategic plans** 13495/22
Information from the Austrian and Finnish delegations on behalf of the Austrian, Bulgarian, Croatian, Cypriot, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Latvian, Lithuanian, Polish, Portuguese, Romanian, Slovakian, Slovenian and Swedish delegations

The Council took note of the information provided by the Finnish and the Austrian delegations on behalf of Austria, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia and Sweden. The Council also took note of the comments made by the above delegations in support of Austria and Finland and also by the Commission.




f) Promoting RENURE fertilizers as part of a circular economy

 13473/1/22 REV 1

Information from the Belgian delegation, supported by the Hungarian, Maltese, Netherlands, Portuguese and Spanish delegations

The Council took note of the information provided by the Belgian delegation on promoting RENURE fertilizers as part of a circular economy.

The Council also took note of the Commission's and delegations' reactions.

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-  First reading
 -  Item based on a Commission proposal
 - (*) Item on which a vote may be requested
 -  Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)
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Statements to the Legislative "A" item set out in doc. 13311/22

Ad "A" item 1:

Directive on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures
Adoption of the Council's position at first reading and of the statement of the Council's reasons

STATEMENT BY BULGARIA

“The Republic of Bulgaria attaches great importance to the promotion and protection of human rights. The country is, and will remain, dedicated to its human rights commitments.

In 2018, the Bulgarian Constitutional Court adopted a decision stating that the Council of Europe’s Convention on preventing and combating violence against women and domestic violence (‘Istanbul Convention’) promotes legal concepts related to the notion of ‘gender’ that are incompatible with the basic principles of the Bulgarian Constitution. Furthermore, in 2021, the Constitutional Court further clarified that the concept of ‘sex’ used in the Constitution, in the context of the national legal order, should be understood in its biological sense only (men and women).

Recognising the importance of the issue, the Republic of Bulgaria is not opposed to adopting the draft Directive on improving the gender balance between directors of companies listed on stock exchanges; however, in line with the abovementioned Constitutional Court decisions, **it states that, in connection with the references to the term ‘gender’ in the Directive, the Republic of Bulgaria understands it in its biological sense only.**”

STATEMENT BY GERMANY

“The Federal Republic of Germany interprets the Directive in such a way that the current German legal situation falls within the scope of the suspension clauses and that as a result Germany will not be required to transpose the Directive into national law once the suspension clauses have been invoked.”

STATEMENT BY HUNGARY

“Hungary considers initiatives to promote equal opportunities and equal treatment between women and men to be of the utmost importance, and therefore we generally support the aim of the proposed Directive to strengthen women's participation at all levels of decision-making, including in the economic sphere. Hungary recognizes and promotes equality between men and women in accordance with the Fundamental Law of Hungary, and the primary law, principles and values of the European Union, as well as commitments and principles stemming from the international law. For these reasons, the expression ‘gender equality’ will be interpreted by Hungary as equality between women and men, the expression ‘gender balance’ will be interpreted by Hungary as balance between women and men, in accordance with Articles 2 and 3 of the Treaty on the European Union and Article 8 and Article 157 paragraph 3 of the Treaty on the Functioning of the European Union. In connection with the above, the remaining expressions containing the term ‘gender’ will be interpreted by Hungary as sex, in accordance with Article 10, Article 19 paragraph 1 and Article 157 paragraphs 2 and 4 of the Treaty on the Functioning of the European Union. Furthermore Hungary declares that the Commission’s Communication on ‘A Union of Equality: Gender Equality Strategy 2020-2025’ referred to in the Directive should be interpreted with due regard to the national competences and the specific circumstances in each Member State. Moreover, Hungary believes that the final text of the proposal does not take into account the fact that the Member States have very different situations when it comes to the proportions of women on boards in the companies concerned, and should therefore achieve very different levels of progress within the timeframe of the proposal. We believe that the degree of progress should have been better taken into account when applying the suspension clause.

Hungary believes that the final agreement among the co-legislators sacrifices too much of the suspension clause. The text has not kept the core elements of the suspension clause and, in addition, with the modified deadlines, the clause has been rendered meaningless. The penalties constitute an excessive interference in national law, thereby undermining the autonomy and flexibility of the Member States. The current formulation of Article 5 also imposes binding legal obligation to achieve the objectives. The final agreement also failed to satisfactorily address the concerns regarding the principles of subsidiarity and proportionality, and the need to appropriately take into consideration the different company and corporate laws of EU Member States. Consequently, Hungary is not in the position to support the adoption of this Directive.”

STATEMENT BY POLAND

“Equality between women and men is enshrined in the treaties of the European Union as a fundamental right. Poland ensures equality between women and men within the framework of the Polish national legal system in accordance with international human rights treaties and within the framework of the fundamental values and principles of the European Union. For these reasons, Poland will interpret the expression ‘gender equality’ as equality between women and men, and the expression ‘gender balance’ as balance between women and men, in accordance with Articles 2 and 3 of the Treaty on European Union and Articles 8 and 157(3) of the Treaty on the Functioning of the European Union. In view of the above, Poland will interpret other expressions containing the term ‘gender’ as referring to ‘sex’, in accordance with Article 10, Article 19(1) and Article 157(2) and (4) of the Treaty on the Functioning of the European Union.”