



Council of the
European Union

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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(**Agriculture and Fisheries**)
11 and 12 December 2022

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MEETING ON MONDAY 12 DECEMBER 2022

Non-legislative activities

AGRICULTURE

6. Market situation in particular following the invasion of Ukraine

15475/1/22 REV 1

*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.

Statements to the non-legislative "A" items set out in 15377/22**Ad "A" item 4:**

Note Verbale to the United States of America notifying the decision of the Council concerning the extension of the agreement on Galileo and GPS between the European Community and its Member States and the United States of America
Approval

STATEMENT BY AUSTRIA

"The basis for the extension, which is to be effected by the exchange of notes submitted, is Council Decision (EU) 2022/1089 of 27 June 2022 on the extension of the Agreement on the promotion, provision and use of Galileo and GPS satellite-based navigation systems and related applications between the European Community and its Member States, of the one part, and the United States of America, of the other part. Austria supports the extension itself. However, Austria would recall its position that this agreement was concluded on the Union side as a 'mixed' agreement of the European Community (later the European Union) *and* its Member States, and should therefore also remain a 'mixed' agreement in the event of any extension. This also holds true for any successor agreements in the future, as long as the subject matter and legal situation remain essentially the same. The agreement also covers national security issues. Yet national security, in particular, is the sole responsibility of the Member States (under Article 4(2) TEU), meaning that the agreement should have been extended as a 'mixed' agreement. The case-law of the Court of Justice of the European Union offers no contrary interpretation of the Treaties either. For these reasons, Austria votes **against**."

Ad "A" item 7:

Council Decision on the EU position within the EU-Singapore FTA
Committee on Customs
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."

Agreement with Brazil regarding the modifications of the EU's TRQs in the WTO schedule following Brexit

Ad "A" item 9:

- a) **Council Decision on the signing**
Adoption
- b) **Council Decision on the conclusion**
Request for the consent of the European Parliament

STATEMENT BY THE COMMISSION

"The Commission considers that the Decision on the signing of the agreement should refer to the person designated by the negotiator as the one to be empowered to sign. Therefore, the changes that provide for the President of the Council to designate the person who is to sign the agreement on behalf of the Union are not in accordance with the Treaties.

All acts of external representation in the process of treaty-making, including the signature of an international agreement and the subsequent expression of the consent to be bound by it are in accordance with Article 17(1) TEU the institutional prerogatives of the Commission, with the exception of such acts pertaining to agreements falling exclusively or predominantly within the common foreign and security policy of the Union. When the Commission and another actor designated by the Council co-sign an international agreement on behalf of the Union, only the signature of the Commission commits the Union.

The Court of Justice has emphasized that consistent practice by Union institutions that is not in accordance with the EU Treaties 'cannot alter the rules of the Treaties that the institutions are obliged to respect' (Case C-687/15 Commission v Council, EU:C:2017:803, para. 42).

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."
