



Council of the
European Union

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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Environment)
5 March 2020

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Non-legislative activities

4. **Long-term strategy submission to the United Nations Framework Convention on Climate Change (UNFCCC)** 6348/20
Adoption

The Council adopted the submission as set out in doc. 6612/20 + COR 1.

7. **Greening the European Semester** 5993/20
Exchange of views 15321/19

The Council held an exchange of views on the greening of the European Semester on the basis of questions prepared by the Presidency as set out in doc. 5993/20.

Any other business

8. d) **Implementation of full auctioning for aviation sector under EU ETS**  6116/20
Information from the Polish delegation

The Council took note of the information provided by the Polish delegation as well as the interventions by other delegations and the Commission.

- e) **High-Level Symposium on Water - Bridging SDG 6 and SDG 14 (Lisbon, 2 June 2020)** 6439/20
Information from the Portuguese delegation

The Council took note of the information provided by the Portuguese delegation.

- f) **By-catch of common dolphins, harbour porpoises and other protected species in fishing gear - a call for urgent action** 6464/20
Information from the Commission

The Council took note of the information provided by the Commission as well as the interventions by other delegations.

Statements to the non-legislative "A" items set out in 6202/20

Ad "A" item 3: **Council Decision on the conclusion of a Sustainable Fisheries Partnership Agreement (SFPA) with the Republic of The Gambia and of the Implementation Protocol thereto**
Adoption

COMMISSION STATEMENT

"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 decision on the conclusion of the Sustainable Fisheries Partnership Agreement between the European Union and the Republic of The Gambia and the Implementation Protocol thereto, 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."
