



Council of the
European Union

Brussels, 20 July 2021
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PECHE 236

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Agriculture and Fisheries)
28 and 29 June 2021

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MEETING ON MONDAY 28 JUNE 2021

1. Adoption of the agenda

The Council adopted the agenda set out in 9876/1/21 REV 1.

2. Approval of "A" items

a) Non-legislative list

9963/21

The Council adopted the "A" items listed in 9963/21 including COR and REV documents presented for adoption. Statements to these items are set out in the Addendum.

For the following items the documents should read as follows:

Delegated or Implementing Acts

4. Commission Regulation (EU) .../... of XXX amending Regulation (EC) No 1881/2006 as regards maximum levels of lead in certain foodstuffs
Decision not to oppose adoption
approved by Coreper, Part 1, on 16.06.2021
- 9537/21
8275/21
+ REV 1 (fr)
+ ADD 1
+ ADD 1 REV 1 (cs)
DENLEG

Fisheries

11. Council Decision on the signing and provisional application of the Protocol on the implementation of the Fisheries Partnership Agreement with Gabon
Adoption
approved by Coreper, Part 1, on 23.06.2021
- 9383/21 + ADD 1
9170/21
9171/21
+ COR 1 (bg,cs,pt,ro)
PECHE

Transport

18. Council Decision on the signing and provisional application of the Agreement on Air Transport between the EU and its Member States and the State of Qatar
Adoption
approved by Coreper, Part 1, on 23.06.2021
- 9690/21
8457/21
7744/21
+ COR 1 (pl)
AVIATION

General Affairs

27. Conclusions on the European Personnel Selection Office (EPSO) (CoA SR No 23/2020)
Approval
approved by Coreper, Part 1, on 23.06.2021
- 9761/21
+ COR 1 (cs)
+ REV 1 (sv)
STAT

Justice and Home Affairs

28. Council Decision on implementing rules concerning the DPO and restrictions of certain data subjects' rights
Adoption
approved by Coreper, Part 2, on 16.06.2021
- 9040/21
9148/21
+ COR 1 (sl)
DATAPROTECT
- b) **Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union)**
- 9964/21 + **COR 1**

Environment

1. **Regulation on European Climate Law**  10125/21 + ADD 1
Adoption of the legislative act
approved by Coreper, Part 1, on 23.06.2021
PE-CONS 27/21
CLIMA
- The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Bulgaria abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 192(1) TFEU). A statement to this item is set out in the Annex.

Justice and Home Affairs

2. **ETIAS Consequential amendments:
Regulation for consequential amendments of ETIAS
regarding Borders and Visa**  9823/21
Adoption of the legislative act
approved by Coreper, Part 1, on 23.06.2021
PE-CONS 17/21
IXIM
- 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 77(2) TFEU).

3. **ETIAS Consequential amendments:
Regulation for consequential amendments of ETIAS
regarding ECRIS-TCN**  9822/21
PE-CONS 16/21
IXIM
Adoption of the legislative act
approved by Coreper, Part 1, on 23.06.2021

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: Articles 82(1) and 87(2) TFEU).

4. **ETIAS Consequential amendments:
Regulation for consequential amendments of ETIAS
regarding police and judicial cooperation**  9821/21
PE-CONS 15/21
IXIM
Adoption of the legislative act
approved by Coreper, Part 1, on 23.06.2021

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: Articles 82(1) and 87(2) TFEU).

Research

5. **Council Decision establishing the measures necessary for the
implementation of the Protocol, annexed to the Treaty
establishing the European Community, on the financial
consequences of the expiry of the ECSC Treaty and on the
Research Fund for Coal and Steel**  9714/21 + ADD 1
9399/21
RECH
Agreement in principle
Request for the consent of the European Parliament
approved by Coreper, Part 1, on 23.06.2021

The Council agreed in principle on the draft Council Decision as finalised by the lawyer-linguists and set out in 9399/21, and decided to forward the draft Council Decision to the European Parliament for its consent. A statement to this item is set out in the Annex.

6. **Regulation amending Regulation (EC) 168/2007 establishing a  10090/21**
EU Agency for Fundamental Rights 9827/21
Agreement in principle JAI
Request for the consent of the European Parliament
approved by Coreper, Part 2, on 23.06.2021

The Council agreed in principle on the text of the draft Council Regulation amending Regulation (EC) No 168/2007 establishing the European Agency for Fundamental Rights (FRA), revised by the lawyer-linguists, as set out in 9827/21, and decided to request the consent of the European Parliament on the draft Regulation, in accordance with Article 352 TFEU.

Legislative deliberations

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

AGRICULTURE

3. **Post 2020 CAP reform package**  10048/21
- a) **Regulation on CAP Strategic Plans**
 - b) **Regulation on financing, management and monitoring of the CAP**
 - c) **Regulation on common market organisation (CMO) of agricultural products**
- Policy debate*

The Council took note of the information provided by the Presidency on the "super-trilogue" held on 24 and 25 June 2021 and held a policy debate on that basis.

The debate showed that there was sufficient support in the Council for the provisional agreements reached with the co-legislator on the main political points. Work would need to continue at technical level to finalise the outstanding technical elements of the proposals.

The draft statement on the simplification of the CAP contained in 10048/21 would be annexed to the minutes of this meeting as a Council statement.

The Council took note of the intention of the Bulgarian delegation to table a statement on coupled support for table potatoes, which would be supported by the Romanian and Slovak delegations. This statement is set out in the Annex to the minutes of this meeting.

FISHERIES

4. **Regulation amending various Regulations as regards fisheries control** 🗳️ 9390/2/21 REV 2
+ REV 2 ADD 1-2
+ **REV 2 ADD 2**
COR 1
9317/18 + ADD 1
General approach

The Council adopted a General approach on the Regulation amending various Regulations as regards fisheries control as set out in 9390/2/21 REV 2 ADD 1.

The Council took note of the Statement made by the Spanish delegation.

Non-legislative activities

FISHERIES

5. Communication on the state of play of the Common Fisheries Policy (CFP) and consultation on the Fishing Opportunities for 2022 9515/21
Presentation by the Commission
Exchange of views

AGRICULTURE

6. **Council Decision requesting the Commission to submit a study on the Union's situation and options regarding the introduction, evaluation, production, marketing and use of invertebrate biological control agents within the territory of the Union and a Proposal, if appropriate in view of the outcomes of the study** 🗳️ 9928/21
9112/21
(Legal basis: Article 241 TFEU)
Adoption

The Council adopted the Council Decision as revised by the lawyer-linguists and set out in 9112/21.

7. **Setting a protection goal for honey bees in the context of the review of the 2013 EFSA Bee Guidance Document** [2] 9687/21
Exchange of views

The Council exchanged views on the need to set an EU-wide single protection goal for the protection of honey-bees, reflecting an acceptable reduction in honeybee colony size due to the use of pesticides. Most Ministers agreed that urgent action for the protection of bees is necessary and that 10% was an ambitious but feasible protection threshold for the whole EU.

Any other business

8. Fisheries

- a) Implementation of the Maritime Spatial Planning Directive 10092/21
Information from the Commission
- b) European Maritime, Fisheries and Aquaculture Fund (EMFAF) programming: Maximising the added value of public investment in fisheries and aquaculture 9975/21
Information from the Commission
- c) Current situation in the North Eastern Atlantic 10131/21
Information from the French, Irish and Spanish delegations

Agriculture

- d) **Presidency report on "Food supplements in the Union market - a way forward"** [2] 10055/21
Information from the Presidency

The Council took note of the report on the legal framework applicable to food supplements placed on the Union market presented by the Presidency.

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

- e) **Joint action on antimicrobial resistance and healthcare-associated infections (JAMRAI) and state of play on antimicrobial resistance**
Information from the Commission

9774/21

The Council took note of the information provided by the Commission on Joint action on antimicrobial resistance and healthcare-associated infections (JAMRAI) and state of play on antimicrobial resistance. The Council also took note of the comments made by some delegations and of the Commission's response.

- f) **Fur Farming in the European Union**
Information from the Netherlands and Austrian delegations, supported by the Belgian, German, Luxembourg and Slovak delegations

10111/21

The Council took note of the information provided by the Netherlands and Austrian delegations on fur farming in the European Union, supported by the Belgian, German, Luxembourg and Slovak delegations. The Council also took note of the comments made by some delegations and of the Commission's response.

MEETING ON TUESDAY 29 JUNE 2021

AGRICULTURE

Non-legislative activities

9. Market situation
Information from the Commission
Exchange of views

9912/1/21 REV 1

Legislative deliberations

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

3. **(poss. continuation) Post 2020 CAP reform package**  10048/21
- a) **Regulation on CAP Strategic Plans**
 - b) **Regulation on financing, management and monitoring of the CAP**
 - c) **Regulation on common market organisation (CMO) of agricultural products**

Policy debate

See page 7.

Any other business

10. a) 49th Conference of Directors of EU Paying Agencies 9858/21
(online conference, 9 June 2021)
Information from the Presidency
- b) **Current legislative proposals** 
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)
- i) **Regulation amending Regulation (EC) No 138/2004 as regards regional economic accounts for agriculture** 10053/21
9917/21 + ADD 1
 - ii) **Regulation on statistics on agricultural input and output and repealing Regulations (EC) No 1165/2008, (EC) No 543/2009, (EC) No 1185/2009 and Council Directive 96/16/EC** 9977/21

Information from the Presidency on the state of play

The Council took note of the information provided by the Presidency and of the reaction of the Commission.

- c) **Fourth African Union-European Union Agriculture Ministerial Conference (Videoconference, 22 June 2021)** ☐ 10122/21
Information from the Commission

The Council took note of the information provided by the Commission on the main outcomes of the Ministerial Conference and also noted the comments from the Presidency and delegations.

- d) Recent natural catastrophe and serious damage caused to the agricultural sector 10223/21
Information from the Czech delegation



First reading



Item based on a Commission proposal



Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)

Statements to the legislative "B" items set out in 9876/21 REV 1**Post 2020 CAP reform package****Ad "B" item 3:**

- a) **Regulation on CAP Strategic Plans**
- b) **Regulation on financing, management and monitoring of the CAP**
- c) **Regulation on common market organisation (CMO) of agricultural products**

Policy debate

**STATEMENT BY THE COUNCIL
on the simplification of the CAP – 10048/21**

“The New Delivery Model (NDM) should allow the replacement of compliance-based clearance of expenditure by a performance-based clearance of expenditure, leaving the conception of control and sanction systems at national level, which is a matter of subsidiarity left to the Member States. The Council requests that the provisions to be issued by the Commission in the future guidelines take full account of the rationale of the New Delivery Model. They should not lead to the reintroduction of compliance requirements that go beyond the scope defined by Article 35 of the horizontal regulation.

In particular, they should provide a better framework for the procedure to determine the amounts to be excluded from EU financing, in line with the current programming, taking into account the nature of the infringement in order to ensure that they are proportionate to the level of financial damage caused to the EU, particularly for the impacts of conditionality-related anomalies. In this regard, we would urge that the definition of serious deficiencies in the governance systems be further clarified. A deficiency can be detected when assessing the functioning of the governance bodies and the basic Union requirements including the reporting systems. This can be done by a review of the internal control system, including compliance testing. Financial corrections should be limited to scenarios where serious systematic deficiencies in the governance systems are detected. The amount to be excluded should be related to the amount unduly spent or to the administrative sanctions that would have been applied. The use of flat rate corrections should be limited to cases where it is impossible to calculate the exact amount unduly spent.

Furthermore, the guidelines will have to provide that the verifications expected from the certification bodies are limited, as regards the evaluation of the governance systems, to the management of the Union rules by these systems without extending it to the conditions of eligibility of individual beneficiaries laid down in the CAP Strategic Plans.

The Council asks the Commission to ensure, in accordance with the announced objectives, that the new delivery model does not lead to a significant increase of the burden for the Member States, but rather to an overall simplification, while guaranteeing the protection of the financial interests of the Union, in particular through the approval procedure of the CAP Strategic Plans and the implementation of Article 57 of the horizontal regulation. The Council also asks the Commission not to cancel the administrative gains from the introduction of the new Delivery Model by demanding additional reporting for monitoring and evaluation.”

STATEMENT BY THE REPUBLIC OF BULGARIA, SUPPORTED BY ROMANIA AND SLOVAKIA

in relation to the exclusion of table potatoes from the scope of coupled support

“We share the necessity to achieve an agreement and finalise the CAP reform, aiming at guaranteeing certainty and predictability for all farmers in the EU. We strongly believe the compromise, which we will unite around, has to be fair and to provide equal treatment to the different sectors and shouldn’t harm any category of producers.

The potato growing sector is of significant importance especially in regions and areas with natural constraints such as the mountain regions. The sector provides livelihood and helps people stay in such often rural areas.

Keeping all currently available instruments of support for the potato producers is of crucial importance to us and it is also in line with the aims of the reform, which we all are aiming at. It provides much needed support to small and medium-sized producers, it helps prevent depopulation in ANC and also helps preserve nature from negative sequences for the environment and the landscape. It also has a very important social impact for numerous small farmers in remote areas.”

Statements to the legislative "A" items set out in doc. 9964/21

Ad "A" item 1: **Regulation on European Climate Law**
Adoption of the legislative act

STATEMENT BY THE COMMISSION – 10125/21 ADD 1
on LULUCF sink and 2030 target

“The EU land use, land use change and forestry (LULUCF) sector both emits greenhouse gases and absorbs CO₂ in its soil and biomass. Restoring and growing our land carbon sink – the ability to absorb CO₂ by our natural environment such as trees - is crucial to our climate goals.

We need a growing sink in order for the EU to achieve climate neutrality by 2050. Reversing the current trend requires significant short-term action. The Commission Communication “Stepping up Europe’s 2030 climate ambition - Investing in a climate-neutral future for the benefit of our people” estimates that it is needed and possible to reverse the current trend and increase the carbon sink to levels above 300 million tons CO₂eq. by 2030.

The Commission will make proposals to revise the LULUCF Regulation, in line with this ambition.”

STATEMENT BY THE COMMISSION – 10125/21 ADD 1
on Access to Justice

“The EU and its Member States are parties to the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 25 June 1998 (the ‘Aarhus Convention’).

When performing their obligations under Regulation (EU) 2018/1999 concerning the involvement of the public in the preparation of the national energy and climate plans and the consultations on the long-term strategies, Member States should ensure that the public concerned is granted access to justice in case of breach of such obligations. This shall be in line with the relevant case law of the Court of Justice of the European Union related to access to justice in environmental matters and in full respect of the obligations Member States have undertaken as parties to the Aarhus Convention.”¹

¹ See also Communication on ‘Improving access to justice in environmental matters in the EU and its Member States’ (11854/20 - COM(2020) 643).

Ad "A" item 5:

Council Decision establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel

Agreement in principle

Request for the consent of the European Parliament

STATEMENT BY THE COMMISSION – 9714/21 ADD 1

“Given the objective pursued by the legislator, the Commission understands that the term ‘revenue generated by selling part of the assets’ (or variations of the same expression) in recital 12 and article 4(1) of the amended Council Decision 2003/76, and in recital 3 and article 1, of the amended Council Decision 2003/77, and points 1 and 5 of the Annex to amended Council Decision 2003/77, is to be intended as the cash amount generated by selling part of the assets.”
