



Council of the  
European Union

Brussels, 23 July 2021  
(OR. en)

10950/21  
ADD 1  
LIMITE  
PV CONS 23  
AGRI 359  
PECHE 266

**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
**(Agriculture and Fisheries)**  
19 July 2021

## **CONTENTS**

**Page**

### **Non-legislative activities**

5.	Trade-related agricultural issues.....	3
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### **AGRICULTURE**

#### **Any other business**

6.	a)	Situation in the livestock sector with regard to the cost of feed .....	3
	b)	Joint proposal on supporting the health conditions of bee colonies through the national apiculture programmes .....	3
	c)	Recent wildfire that caused serious damage to the environment and the agricultural sector.....	4
	d)	Significant reduction in the fruiting of olive trees due to extreme weather conditions .....	4
	h)	(New item) Catastrophic floods following extreme rainfall .....	4
	i)	(New item) African swine fever in kept porcine animals .....	4
		ANNEX - Statements for the Council minutes.....	5

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## Non-legislative activities

### AGRICULTURE

#### **5. Trade-related agricultural issues**

10784/21

*Information from the Commission*

*Exchange of views*

The Council conducted a strategic discussion on the direction of EU trade relations and negotiations in relation to agriculture with third countries and in the framework of the preparation of the WTO's twelfth ministerial conference (MC12).

The Council noted the need to maintain an appropriate balance between establishing solid trade relations at bilateral and multilateral level and maintaining a robust, sustainable and environmentally friendly agriculture sector in the EU, in fulfilment of the relevant treaty provisions.

The Presidency will regularly invite the Commission to update the Council on international agri-cultural trade issues. In this regard, the Council will come back to this issue during its October session, in particular regarding the MC12 preparation.

The Council also took note of the information provided by the Croatian delegation on the issue of feed costs, of the comments from other delegations and of the reply from the Commission.

#### Any other business

#### **6. a) Situation in the livestock sector with regard to the cost of feed**

10809/21

*Information from the Croatian delegation*

Item 6(a) was addressed under item 5.

#### **b) Joint proposal on supporting the health conditions of bee colonies through the national apiculture programmes**

10795/21

*Information from the Hungarian delegation, supported by the Croatian, French, Greek, Italian and Romanian delegations*

The Council took note of the information provided by the Hungarian delegation on the joint proposal set out in document 10795/21 and of the response of the Commission.

- c) **Recent wildfire that caused serious damage to the environment and the agricultural sector** 10722/21  
*Information from the Cyprus delegation*

The Council took note of the information provided by the Cyprus delegation on the recent wildfire that caused serious damage to the environment and the agricultural sector of the island.

The Council also took note of the information provided by the German delegation on the recent floods that caused serious damage to the affected areas, including to agriculture, and of the information subsequently provided by other affected Member States (Belgium, Luxembourg and the Netherlands).

On both items, the Council took note of the response by the Commission and the solidarity expressed by other delegations.

- d) **Significant reduction in the fruiting of olive trees due to extreme weather conditions** 10808/21  
*Information from the Greek delegation*

The Council took note of the information provided by the Greek delegation on the situation of its olive oil sector and the significant reduction in the fruiting of olive trees due to extreme weather conditions. The Council also took note of the response by the Commission.

- h) **(New item)** 10992/21  
**Catastrophic floods following extreme rainfall**  
*Information from the German delegation*

Item 6(h) was addressed under item 6(c).

- i) **(New item)** 10986/21  
**African swine fever in kept porcine animals**  
*Information from the German delegation*

The Council took note of the information provided by the German delegation on African swine fever in kept porcine animals, as set out in document 10986/21. The Council also took note of comments made by some other delegations and by the Commission.

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**Statements to the non-legislative "A" items set out in doc. 10712/21**

**Ad "A" item 12:**      **Council Decision authorising the opening of negotiations on an  
EU-Interpol cooperation agreement**  
*Adoption*

**STATEMENTS BY THE COMMISSION****Statement (1/3)**

“The Commission considers it legally incorrect that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.

The Decision authorising the opening of negotiations is premised solely on the existence of conferred powers of the Union and not on a determination of a specific competence. Its effect is limited to authorising the Commission or the High Representative, as the case may be, to use its prerogatives under the EU Treaties in order to start negotiations. The scope of these negotiations is therefore determined by the scope of the powers of the Union. Besides, the freedom of the envisaged treaty partner of the Union as regards the determination of the scope of the negotiations cannot be limited by the Council Decision authorising the opening of the negotiations. Thus, the precise legal basis for the future agreement can only be determined after the content of the agreement is known.

The Commission reserves all its rights in this regard.”

**Statement (2/3)**

“The Commission considers that Interpol, while not being a “competent authority” within the meaning of Article 3(7) of Directive 2016/680 (cf. judgment in case C 505/19, *WS v. Bundesrepublik Deutschland*, para 117), may be considered as an international organisation for certain matters within the scope of this Council decision and for the purpose and effects of Article 220 TFEU.

The Commission also considers that there is a clear dividing line between matters that fall within the scope of cooperation based on Article 220 TFEU and those that a sui generis international actor such as Interpol is entitled to enter into under an international agreement based on Article 218 TFEU. The establishment of all appropriate forms of cooperation with the United Nations and its specialised agencies, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development and maintaining such relations as are appropriate with other international organisations allows the Commission to conclude legally-binding instruments that ensure that the EU legislation and norms applicable to the security of the EU institutions and on the exchange of personal data are fully respected by Interpol.”

Statement (3/3)

“The Commission considers it legally incorrect that a Council Decision authorising the opening of negotiations gives the Council power to issue guidelines or instructions during the negotiations, while the Treaties and Court’s jurisprudence reserves this right to the negotiator. The Commission reserves all its rights in this regard.”

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