



Council of the
European Union

Brussels, 23 September 2020
(OR. en)

11006/20
PV CONS 20
AGRI 290
PECHE 244

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Agriculture and Fisheries)
21 September 2020

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1. Adoption of the agenda

The Council adopted the agenda set out in 10498/20.


2. Approval of "A" items

a) Non-legislative list 10715/20

The Council adopted the "A" items listed in 10715/20 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) 10716/20

Internal Market and Industry

1. Directive on Representative Actions  9592/20 + COR 1
+ ADD 1
CONSOM
Political agreement
approved by Coreper, Part 1, on 22.07.2020

The Council approved the political agreement on the text of the Directive on Representative Actions as set out in the Annex to 9592/20. A statement by Estonia is set out in the Annex.

Legislative deliberations

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

3. Post 2020 CAP reform package 10729/20

Regulation on CAP Strategic Plans
Exchange of views

The Council exchanged views on the green architecture, MFF-related provisions and the New Delivery Model of the future Common Agricultural Policy, on the basis of the Presidency's discussion paper 10729/20.

The Presidency took note of delegations' and the Commission's comments and will further reflect on how to incorporate them in the legal text with a view of reaching a General Approach in October.

Non-legislative activities

4. Trade-related agricultural issues 10731/1/20 REV 1
Presentation by the Commission
Exchange of views

Any other business

5. a) **Current legislative proposals**


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

- i) Post 2020 CAP reform package:  10813/1/20 REV 1

Common Declaration of Bulgaria, Croatia, Cyprus, Czech Republic, France, Greece, Hungary, Italy, Latvia, Luxembourg, Poland, Romania, Slovakia, Slovenia and Spain on the need to develop plant proteins in European agriculture

Information from the French delegation, on behalf of the Bulgarian, Croatian, Cyprus, Czech, French, Greek, Hungarian, Italian, Latvian, Luxembourg, Polish, Romanian, Slovak, Slovenian and Spanish delegations

The Council took note of the information provided by the French delegation on the Common Declaration on the need to develop plant proteins in European agriculture (10813/1/20 REV 1) and of the reactions of the Member States and the Commission.

- ii) Regulation on CAP transitional rules:  10916/1/20 REV 1

Funding allocation of the POSEI in the next MFF
Information from the Spanish delegation, supported by the French delegation

The Council took note of the information provided by the Spanish delegation and of the reactions of Member States and the Commission.

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| b) | Front of Pack Nutrition Labelling
<i>Information from the Italian and the Czech delegations, on behalf of the Cyprus, Czech, Greek, Hungarian, Italian, Latvian and Romanian delegations</i> | 10846/20 |
| c) | Ban on laying hens in cages
<i>Information from the Czech delegation</i> | 10844/20 |
| d) | Recent occurrence of African Swine Fever in wild boar in Germany
<i>Information from the German delegation</i> | 10825/20 |
| e) | Current situation in the pig-farming sector
<i>Information from the Czech delegation</i> | 10904/20 |

I First reading

C Item based on a Commission proposal

Statement to the legislative "A" item set out in 10716/20

Ad "A" item 1: **Directive on Representative Actions**
Political agreement

STATEMENT BY ESTONIA

"Estonia welcomes the aim of the Directive on representative actions for the protection of the collective interests of consumers to strengthen the mechanism for protection of collective interests of consumers in an increasingly globalised and digitalised marketplace.

Estonia, however, regrets that this sector specific Directive undermines Member States' civil procedural law and autonomy by introducing several rules that are horizontal in nature and exist already in all Member States. Such rules are, for example, the loser pays principle, *res judicata*, *lis pendens*, dismissal of an action. In our view, the procedural autonomy is of great value and should be respected when creating civil procedural law instruments.

Estonia is one of the Member States who supported the view that a Union procedure should cover cross-border situations, enabling the Member States to set up national systems themselves. We still believe that this would have been the proper approach. Union rules should be introduced only in situations where Member States cannot solve the problem on their own. In our view, the creation of a national system for representative actions is not such an issue.

Rules for funding of national qualified entities and its examination should be in the competence of a Member State. Unfortunately, the rules for funding in the final text are of horizontal nature. To this end, we would have preferred the General Approach, which concerned only the funding of cross-border qualified entities.

We are very concerned about the fact that the wording of Article 7 (1) does not distinguish between domestic and cross-border actions. Therefore, Estonia sees that the text does not preclude an interpretation according to which the forum Member State's national rules may make it impossible for a qualified entity of another Member State funded by a third party to file an action based only on the fact of a third party funding without even assessing the possible extent of the influence by funders. This is a result we cannot agree to. Such restriction is not in line with the objectives of the Directive and would make it unreasonably difficult and financially burdensome for small Member States to find cross-border qualified entities other than public bodies.

Estonia is of the view that determining the scope of a consumer law directive through a list of 68 instruments, including both directives and regulations, is unclear and overwhelmingly difficult to apply in practice. For example, we struggle to understand how to determine the scope in case of a minimum harmonising directive that has been transposed into national law where national rules go further than the ones in the Directive.

Furthermore, we are disappointed that the time for transposition and application of the Directive have been shortened substantially in comparison with the General Approach. The periods are not sufficient for a small Member State, such as Estonia, who does not have a system for representative actions in place, to set up this complex system.

Consequently, and again stressing its support to the aim of consumer protection, Estonia will abstain from voting on this Directive."
