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**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
**(Agriculture and Fisheries)**  
15 November 2021

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## AGRICULTURE

### Non-legislative activities

#### **4. Market situation**

13702/1/21 REV 1

*Information from the Commission  
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, questions and requests.

Delegations referred to the effects of various factors and uncertainties impacting the EU agri-food sector, including the high cost of agriculture inputs, in particular energy, fertiliser and feed, but also unfavourable weather conditions, veterinary diseases and uncertainties related to our trading relations with third countries.

In addition, the Council took note of the Commission's response to Member States' comments and requests. It would return to this issue when necessary.

### Any other business

#### Fisheries

##### **b) Fishing opportunities 2022: Fish stocks shared with the UK**

13666/21

*Information from the Presidency and the Commission*

The Council took note of the information provided by the Slovenian Presidency and the Commission on the main developments with regards to the start of the EU-UK bilateral consultations on the fishing opportunities for shared stocks for 2022 and of the comments made by delegations and the Commission.

#### Agriculture

##### **d) Crisis in the pigmeat sector**

13773/21

*Information from the Lithuanian delegation, supported by the Austrian, Belgian, Bulgarian, Croatian, Cyprus, Czech, Estonian, French, Greek, Hungarian, Latvian, Polish and Slovak delegations*

Item 5(d) was addressed under item 4.

- e) **Communication on a contingency plan for ensuring food supply and food security in times of crisis** 13761/21  
*Presentation by the Commission*
- The Council took note of the information provided by the Commission on its Communication on a contingency plan for ensuring food supply and food security. The Council also took note of delegations' reactions.
- f) **Update on negotiations for agriculture running up to the 12th WTO Ministerial Conference (Geneva, 30 November - 3 December 2021)** 13468/1/21 REV 1  
*Information from the Commission*
- The Council took note of the information provided by the Commission and of the comments made by delegations.
- g) **Effects of the volcanic eruption on the island of La Palma on local agriculture, and need for support to farmers** 13347/21  
*Information from the Spanish delegation*
- The Council took note of the information provided by the Spanish delegation on the effects of the volcanic eruption on the Island of La Palma on local agriculture, and the need for support to farmers. The Council also took note of delegations' and the Commission's reactions.
- h) **Difficulties handling the populations of brown bears and wolves** 13175/21  
*Information from the Slovak delegation, supported by the Austrian, Czech, Finnish, German and Romanian delegations*
- The Council took note of the information provided by the Slovak delegation, supported by the Austrian, Czech, Finnish, German and Romanian delegations, on the difficulties of handling the populations of brown bears and wolves, as set out in 13175/21. The Council also took note of the reactions of the Commission and of Member States.

- i) **Joint Declaration of the Ministers of Agriculture of the Visegrad Group (Czech Republic, Hungary, Poland, Slovakia) and Bulgaria, Croatia and Romania on the need for a transparent procedure for the adoption of the CAP strategic plans and to make the new delivery model functional**

13652/21

*Information from the Hungarian delegation, on behalf of the Bulgarian, Croatian, Czech, Hungarian, Polish, Romanian and Slovak delegations*

The Council took note of the information provided by the Hungarian delegation, on behalf of the Czech, Hungarian, Polish, Slovak, Bulgarian, Croatian and Romanian delegations, on the need for a transparent procedure for the adoption of the CAP Strategic Plans and to make the new delivery model functional, as set out in 13652/21. The Council also took note of the reactions of the Commission and of Member States.

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**Statements to the non-legislative "A" items set out in doc. 13601/21**

**Ad "A" item 7:**                      **Council Decision on the EU position on trade standards - November 2021 session of the International Olive Council**  
*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 3 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.”

**Ad "A" item 8:**                      **Complaint 717/2021/DL to the European Ombudsman - Solution**  
*Approval of a letter*

**JOINT STATEMENT BY THE NETHERLANDS, BELGIUM, DENMARK, ESTONIA, LATVIA, FINLAND AND SWEDEN**

“The Netherlands, Belgium, Denmark, Estonia, Latvia, Finland and Sweden cannot concur with the draft reply to the solution proposed by the Ombudsman as regards the inquiry of the European Ombudsman into complaint 717/2021/DL. The Netherlands, Belgium, Denmark, Estonia, Latvia, Finland and Sweden believe that there is no reasonably foreseeable and not purely hypothetical risk that full disclosure of the CLS opinion would specifically and actually undermine the institution's ongoing decision-making process, the protection of legal advice and the protection of the public interest as regards the international relations (in light of the case law of the Court of Justice and in particular joined cases C-39/05 P and C-52/05, Kingdom of Sweden and Turco/Council and case C-350/12 P, Council/in ‘t Veld).

Moreover, in the case that, contrary to our view, full disclosure would undermine the decision-making process and the protection of legal advice, the Netherlands, Belgium, Denmark, Estonia, Latvia, Finland and Sweden believe there would be an overriding public interest in full disclosure of the CLS opinion on the nature of the TCA and the exercise of the EU of its competence. Such openness contributes to proving the legitimacy of the decision making process in the Council with regard to the TCA, while reflecting the unusual circumstances under which it has taken place (e.g. joined Cases C-39/05 P and C-52/05 and Case C-506/08 P, Sweden/My Travel Group and Commission).”