



Council of the
European Union

Brussels, 22 November 2023
(OR. en)

15452/23
PV CONS 55
RELEX 1319

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Foreign Affairs)
13 and 14 November 2023

MONDAY 13 NOVEMBER 2023

Foreign Affairs Council with Foreign Affairs Ministers

1. Adoption of the agenda

The Council adopted the agenda set out in document 15066/23.

2. Approval of "A" items

a) Non-legislative list

15259/23

The Council adopted all "A" items listed in the document above, including all linguistic COR and REV documents presented for adoption.

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

15260/23

Justice and Home Affairs

1. Regulation on the digitalisation of the visa procedure



14501/23

Adoption of the legislative act

PE-CONS 41/23

approved by Coreper, Part 2, on 8.11.2023

VISA

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), point (a), and Article 79(2), point (a) TFEU). In accordance with the relevant Protocols annexed to the Treaties, Denmark and Ireland did not participate in the vote.

2. Regulation amending the visa sticker Regulation



14502/23

Adoption of the legislative act

PE-CONS 45/23

approved by Coreper, Part 2, on 8.11.2023

VISA

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), point (a), and Article 79(2), point (a) TFEU). In accordance with the relevant Protocols annexed to the Treaties, Ireland did not participate in the vote.

3. **Decision amending Decision No 1313/2013/EU on a Union Civil Protection Mechanism**  14500/23
Adoption of the legislative act PE-CONS 55/23
approved by Coreper, Part 2, on 8.11.2023 PROCIV

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 196 TFEU).

Agriculture

4. **Regulation to convert the Farm Accountancy Data Network (FADN) into a Farm Sustainability Data Network (FSDN)**  14670/23 + ADD 1
Adoption of the legislative act PE-CONS 53/23
approved by SCA, on 30.10.2023 AGRI

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 43(2) TFEU). A statement to this item is set out in the Annex.

Fisheries

5. **Regulation amending various Regulations as regards fisheries control**  14669/23 + ADD 1
Adoption of the legislative act + **ADD 1 COR 1**
approved by Coreper, Part 1, on 8.11.2023 **(en)**
PE-CONS 38/23
PECHE

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, with Finland and Italy voting against and Latvia and Portugal abstaining (legal basis: Article 43(2) TFEU). Statements to this item are set out in the Annex.

Non-legislative activities

3. Current affairs
4. Russian aggression against Ukraine
Exchange of views
5. Armenia/Azerbaijan
Exchange of views
6. Situation in Israel and in the region
Exchange of views
7. Foreign policy dimension of economic security
Exchange of views
8. Any other business

TUESDAY 14 NOVEMBER 2023

Foreign Affairs Council with Defence Ministers

Non-legislative activities

9. Current affairs
10. EU support to Ukraine
Exchange of views
11. Any other business



First reading



Item based on a Commission proposal

Statements to the legislative "A" items set out in doc. 15260/23

Ad "A" item 4: **Regulation to convert the Farm Accountancy Data Network (FADN)
into a Farm Sustainability Data Network (FSDN)**
Adoption of the legislative act

STATEMENT BY THE COMMISSION

“The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5(4), subparagraph 2, point b), in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle, which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5(4), recourse to subparagraph 2, point b), cannot be simply seen as a discretionary power of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.”

Ad "A" item 5: **Regulation amending various Regulations as regards fisheries control**
Adoption of the legislative act

STATEMENT BY AUSTRIA

“Austria considers the amended control regulation as an important instrument for the implementation of the Common Fisheries Policy. Strict traceability requirements are an essential tool in the fight against illegal, unreported and unregulated fisheries. Therefore, Austria regrets that traceability requirements for processed products will only be implemented after a long transition period via a delegated act.”

STATEMENT BY DENMARK

“Denmark supports the objective of an effective control that contributes to sustainable fishing and aquaculture activities that create economic, social and employment benefits.

At the same time, Denmark stresses that the use of modern technology in fisheries control should support sustainable management and ensure better regulation, including more flexibility for fishers, for example in their choice and development of gears.

Denmark stresses the necessity of only adopting rules with which fishers may reasonably be capable of complying. Denmark regrets that this objective was not achieved with respect to the rules on margin of tolerance (MOT) for estimates to be recorded in the logbook of catches of small pelagic species and industrial species kept on board fresh and unsorted in bulk. In our opinion, it is the efficient weighing procedures upon landing that ensure a solid quota management, not the estimates in the logbook. Parts of the Danish pelagic fleet has initiated a project with CCTV and fishers’ participating in this project and other initiatives such as the CCTV project in Kattegat to promote the use of modern technology. Denmark finds that they should be able to benefit from more flexibility in the MOT, and regrets that this is not part of the final compromise text.

Furthermore, Denmark finds it unfortunate that our input into the process revising the EU fisheries control system has not been taken sufficiently into account.”

STATEMENT BY ESTONIA

“Estonia finds that the overall aim to collect fishing data electronically is the right direction and improves operational control. Nevertheless, Estonia remains hesitant about some of the aspects of the agreement, questioning specifically on the proportionality of some of the measures.

We find that several provisions that affect control on small-scale fleet will have a disproportionately high resource demand compared to the effect that fleet have on the fish stocks. Estonia firmly believes that even though there are advances in e-governance, technology and AI, administrations will still work with limited resources. Thus, prioritising is clearly necessary in order to be able to tackle the most pressing issues and with that, to safeguard the health of fish stocks. One of such provisions that we find disproportionate is the obligation to start tracking all the vessels, regardless of their size. Our internal experience so far shows that implementing such a measure is not without problems. Solving them is of course possible, but requires resources that could be put to better use in tightening control on segments that have a bigger impact on fish stocks.

In addition to the burden to the administration, some of the new provisions will be difficult for the fishers to implement in their daily practice. We are very worried about the new obligation for the small-scale fleet to submit logbook data before landing. Taken together with the rules on margins of tolerance, it will likely prove highly problematic for the fishers of small vessels (e.g. less than 8 m) to remove the catch from gear, sort it by species and assess the amounts accurately enough, all while still in a small boat.”

STATEMENT BY FINLAND

“Finland considers that effective and cost-effective fisheries control is a necessary and important part of the Common Fisheries Policy, which aims to ensure the sustainability of fish stocks. However, the costs of control must be proportional to the verifiable benefits of control, and the costs must be considered from the perspective of the different types of fishing and groups of fishermen so that control requirements do not become unreasonable for fishermen and the authorities.

Finland welcomes the positive changes made to the Commission's original proposal during the negotiations. However, the result achieved does not correspond to Finland's negotiating objectives and Finland cannot support it. In particular, monitoring obligations for small vessels are unreasonable and unnecessary.

Finland is concerned about the obligations related to the permitted margin of tolerance between the estimated and weighed amounts of catches. It is good that, in the case of unsorted pelagic fisheries, the 10% tolerance can be calculated on a species-by-species basis in proportion to the total catch. However, the use of this derogation should not be jeopardised by excessive control obligations limiting landings to a limited number of ports.

In addition, Finland considers that the control of recreational fishing and the sanctions for infringements go too far. It is particularly difficult to accept that the sale of catch from recreational fishing is considered a serious infringement at a very low threshold.

The outcome of the negotiations does not take sufficient account of the fact that fishing and associated conditions are very different in different sea areas, both commercial and recreational. Finland is very disappointed that an article on regionalisation is not included in the regulation as it is an accepted basic principle of the CFP.”

STATEMENT BY ITALY

“The revision of the European rules on the system of fisheries controls arose from the need for simplification referred to in the conclusions of a report by the European Court of Auditors into Regulation (EC) No 1224/2009 (Control Regulation). According to the report, the Controls Regulation was difficult for operators to understand and difficult for national control authorities to implement. In 2018, the European Commission presented its proposal for an amending Regulation (COM (2018) 368 final), which seemed to go in exactly the opposite direction.

Since its publication, Italy has been actively involved in the negotiations and has made numerous proposals for amendments to improve the text and make it more understandable and workable.

Some of the proposals were accepted, but most were rejected.

In particular, Italy called for measures that could be alternatives to installing cameras on board fishing vessels for control of the landing obligation, such as the use of control observers. It also opposed inspections on national territory by inspectors from other Member States, which undermines the sovereignty of the state. Nor should we forget Italy’s opposition to the new rules on recreational fishing, which create a very heavy administrative burden for national administrations and continual changes to margin-of-tolerance measures.

The current text is certainly better than the original text, but for the reasons set out above, Italy confirms its **vote against**.”

STATEMENT BY PORTUGAL

“Portugal recognises the importance and necessity of the revision of the fisheries control system, which is an essential tool to ensure that fishing and aquaculture activities are sustainable in the long term.

Portugal is of the opinion that overall the compromise is well matched to the challenges the fisheries sector is currently facing and constitutes a significant improvement compared to the existing measures.

However, Portugal regrets that the new rules on the margin of tolerance for catches of small pelagic species are not suited to the reality of fishing activities.

Throughout the negotiation process, Portugal has consistently pointed out that these measures are not practicable for the sector, given the nature of small pelagic fisheries.

In this context, given the difficulty that the new rules on margin of tolerance will create for the daily activity of national fleets, Portugal abstains.”

STATEMENT BY SLOVENIA

“The revision of the Regulation on the control system of the Common Fisheries Policy is important and necessary in order to achieve a uniform approach to ensuring the control of the implementation of the Common Fisheries Policy, thereby preserving the marine environment and the sustainable management of fisheries stocks, particularly taking into account the global changes affecting European fisheries.

Republic of Slovenia welcomes, that the Regulation amending various Regulations regarding fisheries control takes into account the specific characteristics of smaller fishing sectors, small-scale coastal fishing as well as Slovenian fisheries. This is reflected in the proposal as last adopted in the trilogue, which is why Slovenia supports the final compromise text.

However, we remain concerned about the shorter transitional period of only two years for the introduction of electronic systems (electronic logbooks and landing declarations) for vessels between 12 and 15 meters of length, as this might lead to difficulties in implementation and reduced cost efficiency.

We also remain concerned about the additional costs and administrative burdens that the obligatory introduction of digital traceability for fisheries products could bring for operators that are micro and small enterprises.”

STATEMENTS BY THE COMMISSION

Statement on Article 6 and Article 7 (Entry into force/date of application)

“The Commission is empowered to adopt the delegated and implementing acts provided for in this Regulation which will apply at the dates of application set out in the Regulation.

The Commission will endeavour to adopt those acts sufficiently in advance of the dates on which they are supposed to become applicable.

When preparing such acts, the Commission will review Implementing Regulation (EU) 404/2011 in the light of this Regulation and of any implementing or delegated acts adopted and will repeal those provisions of Regulation (EU) 404/2011 which are superseded by this Regulation or by any implementing or delegated act.”

Statement on the implementing powers granted to the Commission as regards the derogations from rules on the margin of tolerance

“The Commission is empowered to adopt an implementing act providing further detail in relation to the content of the legislative act in order to ensure that it is implemented under uniform conditions in all Member States in particular to the designation of ports and facilities for landing and weighing of catches of unsorted small pelagic, industrial and tropical tuna purse seine fisheries, that allow benefiting from derogations from rules on the margin of tolerance in order to ensure uniform, implementation of the applicable provisions.

The Commission will start working on the draft implementing regulation on the basis of the objectives and requirements of the relevant provisions immediately after the political agreement on the Control Regulation is reached by the European Parliament and the Council.

The Commission will endeavour to submit the draft implementing act without delay after the entry into force of the Control Regulation for the opinion of the Committee for fisheries and aquaculture with a view to facilitate the adoption before the date of application of the provisions relating to the margin of tolerance, i.e. within 6 months from the date of entry into force of the Regulation on the revision of the EU fisheries control system.”

Statement on the new control rules and level playing field with third countries

“In accordance with Article 28 of the Common Fisheries Policy Regulation, the Commission will promote a level-playing field for Union operators vis-à-vis third country operators, both at bilateral and multilateral level, as regards the new control rules that will be implemented under the revised fisheries control system, such as remote electronic monitoring and control of small scale and recreational fisheries. The Commission will also continue to promote and support, in all international spheres, action necessary to eradicate IUU-fishing.”

Statement on the resource implications of the outcome of the inter-institutional negotiations on the revision of the EU fisheries control system

“The Commission recalls that the final agreement reached on the revision of the EU fisheries control system, in particular on the electronic reporting of catches and on the tracking for small scale vessels, on the recording and reporting of catches from recreational fishers, on the traceability of fishery and aquaculture products, but also on annual reports and on the need to adopt implementing and delegated acts, including on the margin of tolerance, has evolved significantly compared to the initial Commission proposal (COM(2018)368 final of 30.05.2018).

The agreement substantially increases the number of tasks and obligations for the Commission and the workload associated, both in the short and in the long-term i.e. beyond the current programming period. These include the adoption of implementing and delegated acts, which the Commission had instead proposed to be included in the basic act, the performance of a feasibility study on the traceability of prepared and preserved products, the development, deployment and future maintenance and upgrades of uniform IT tools for small scale fisheries and recreational fisheries, along with various compilations of annual reports to be published on the Commission’s website. This has a direct impact on the estimated resources required for the Commission services, which was not anticipated when the Commission submitted its proposal.”