



Council of the
European Union

Brussels, 20 December 2023
(OR. en)

16457/23
PV CONS 65
AGRI 800
PECHE 574

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Agriculture and Fisheries)
10 and 11 December 2023

MEETING ON SUNDAY 10 DECEMBER 2023

1. Adoption of the agenda

The Council adopted the agenda set out in document 16274/1/23 REV 1.

FISHERIES

Non-legislative activities

2. **Council Regulation fixing for 2024, 2025 and 2026 the fishing opportunities in the Atlantic and the North Sea** ☐(*) 16444/23
16305/2/23 REV 2
16311/23
+ ADD 1-2
(Legal basis proposed by the Commission: Article 43(3) TFEU)
Political agreement

The Council reached a political agreement on the Regulation fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters and amending Regulation (EU) 2023/194 as regards deep-sea fish stocks.

Statements to this item are set out in the Annex.

3. **Council Regulation fixing for 2024 the fishing opportunities in the Mediterranean and the Black Sea** ☐(*) 16442/23
16305/2/23 REV 2
15715/23
+ ADD 1 REV 1
(Legal basis proposed by the Commission: Article 43(3) TFEU)
Political agreement

The Council reached a political agreement on the Regulation fixing for 2024 the fishing opportunities in the Mediterranean and Black Seas.

Statements to this item are set out in the Annex.

Any other business

4. a) **European Maritime, Fisheries and Aquaculture Fund and Support – Compensation in Case of Exceptional Events** [2] 16421/23

Information from the Portuguese delegation, on behalf of the Bulgarian, Czech, Cyprus, French, Greek, Italian, Hungarian, Maltese and Portuguese delegations

- b) **The Greater North Sea Basin Initiative (GNSBI)** [2] 16422/23
*Information from the **French delegation**, on behalf of the French and the Netherlands delegations*

- c) **Current legislative proposals** [1][C]
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

- **Directive on Corporate sustainability due diligence**
- **Regulation on prohibiting products made with forced labour on the Union market:**

Forced labour on Chinese fishing vessels, aquaculture and fish processing industry

16423/23 + COR 1

Information from the Netherlands delegation

The Council took note of the information provided by Bulgaria, Cyprus, Czech Republic, France, Greece, Hungary, Italy, Malta and Portugal on European Maritime, Fisheries and Aquaculture Fund and support – compensation in case of exceptional events, the information from France and the Netherlands on the Greater North Sea Basin Initiative, as well as the information provided by the Netherlands on Forced labour on Chinese fishing vessels, aquaculture and fish processing industry.

The Council also took note of the Commission's and delegations' reactions.

MEETING ON MONDAY 11 DECEMBER 2023

5. Approval of "A" items

Non-legislative list

16322/23

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

Statements to these items are set out in the Addendum.

AGRICULTURE

Legislative deliberations

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

6. **Regulation on plants obtained by certain new genomic techniques and their food and feed products**  16443/23
General approach

The Council discussed the text of the General Approach as proposed by the Presidency. The Presidency, while noting the absence of sufficient support at that stage, recalled the importance of the file and informed delegations about its intention to continue to work with a view to gathering sufficient support on the text as soon as possible.

Statements by Greece and Austria to this item are set out in the Annex.

7. **Regulation on the production and marketing of plant reproductive material**  16040/23
Progress report + **COR 1 (pl)**

8. **Regulation on the production and marketing of forest reproductive material**  16142/23 + COR 1
Progress report

The Council took note of the progress reports on the Regulations on the production and marketing of plant reproductive material and of forest reproductive material. The Council also took note of the observations made by delegations and by the Commission.

9. **Regulation on the sustainable use of plant protection products** 16044/23
Progress report

The Council took note of the progress report. The Council also took note of the observations made by delegations and by the Commission.

Non-legislative activities

10. **Stocktaking of the first year of implementation of the CAP Strategic Plans** 15989/23 + COR 1
Information from the Presidency
Exchange of views

The Presidency informed the Council on the stocktaking of the first year of implementation of the CAP Strategic Plans. The Council then held an exchange of views to take stock of the first year of implementing Member States' Strategic Plans under the common agricultural policy.

The Council took note of the request from Italy and France on difficulties for the wine sector arising from the Commission's recent interpretation concerning the information to be provided by electronic means on wine labelling.

The Council also took note of the information provided by Slovakia, with the support of Bulgaria, Estonia, Latvia, Lithuania, Poland and Romania, on external convergence.

11. **Market situation in particular following the invasion of Ukraine** 16388/23
Information from the Commission and the Member States
Exchange of views

FISHERIES

Non-legislative activities

2. **(continuation) Council Regulation fixing for 2024, 2025 and 2026 the fishing opportunities in the Atlantic and the North Sea** 16444/23
(Legal basis proposed by the Commission: Article 43(3) TFEU) 16305/2/23 REV 2
Political agreement 16311/23
See page 2. + ADD 1-2

3. **(continuation) Council Regulation fixing for 2024 the fishing opportunities in the Mediterranean and the Black Sea** [C](*) 16442/23
16305/2/23 REV 2
15715/23
+ ADD 1 REV 1
(Legal basis proposed by the Commission: Article 43(3) TFEU)
Political agreement
See page 2.

Any other business

Agriculture

12. a) **Animal Welfare Package** 16509/23
- i) **Current legislative proposals** [1][C]
(Public deliberation in accordance with Article 16(8)
of the Treaty on European Union)
- (a) **Regulation on the protection of animals during transport** 16405/23 + ADD 1
- (b) **Regulation on the welfare of dogs and cats** 16406/23 + ADD 1
- ii) **Communication on the European Citizens' Initiative (ECI) "Fur Free Europe"** [2] 16599/23
Presentation by the Commission

The Council took note of the presentation by the Commission of the animal welfare package.
The Council also took note of the comments made by delegations and of the response of the Commission.

- b) **Derogation from GAEC7 and GAEC 8 in 2024** 16387/23
Information from the Romanian delegation, supported by the Bulgarian, Hungarian, Italian, Latvian, Polish and Slovak delegations
- c) **Preparing European agriculture for the accession of Ukraine to the EU** 16386/23
Information from the Polish delegation

d) The future of food and agriculture – external convergence

 16372/23

Information from the Slovak delegation, supported by the Bulgarian, Estonian, Latvian, Lithuanian, Polish and Romanian delegations

Item 12 (d) was taken together with item 10.

e) Current legislative proposals

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

Revision of the Breakfast Directives – agricultural products – state of play

  16389/23
15106/2/23 REV 2

Information from the Presidency

The Presidency informed the Council about the state of play in the discussions on the Directive amending Council Directives relating to honey, fruit juices, jams and dehydrated milk. The Council took note of Commission's and delegations' comments.



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 "B" items set out in doc. 16274/1/23 REV 1**Ad "B" item 2:****Council Regulation fixing for 2024, 2025 and 2026 the fishing opportunities in the Atlantic and the North Sea**

(Legal basis proposed by the Commission: Article 43(3) TFEU)

*Political agreement***STATEMENT BY THE COUNCIL**

“The Council takes note of the fact that on the 11th January 2024, the Court of Justice of the European Union will issue a judgment in case C-330/22, *Friends of the Irish Environment*. Insofar as that judgment will contain elements of interpretation of the legal framework relevant for the yearly exercise of fixing fishing opportunities, the Council will analyse the impact of that judgment and take, if necessary, the appropriate measures.”

STATEMENT BY BELGIUM, DENMARK, FRANCE, GERMANY, IRELAND, THE NETHERLANDS, LITHUANIA, ESTONIA, SPAIN, PORTUGAL AND SWEDEN on the application of Article 15(9) in the Basic Regulation COD/03AS; RNG/03-; BLI/12INT-; BLI/24-; BLI/03A; COD/07A; COD/7XAD34; HER/7G-K; JAX/2A-14; JAX/08C; POL/56-14; POL/07; SBR/678; SOL/07A and WHG/07A in 2024.

“Given that the biomass of the stocks of COD/03AS; RNG/03-; BLI/12INT-; BLI/24-; BLI/03A; COD/07A; COD/7XAD34; HER/7G-K; JAX/2A-14; JAX/08C; POL/56-14; POL/07; SBR/678; SOL/07A and WHG/07A is below Blim and that only by-catch and scientific fisheries will be permitted in 2024, in order to ensure the recovery of the stocks in accordance with Regulations (EU) 2018/973 and (EU) 2019/472, Belgium, Denmark, France, Germany, Ireland, the Netherlands, Lithuania, Estonia, Spain, Portugal and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to these stocks in 2024. This undertaking is a response to the current exceptional circumstances for these stocks.”

STATEMENT BY BELGIUM, DENMARK, FRANCE, GERMANY, THE NETHERLANDS AND SWEDEN on the application of Article 15(9) in the CFP Regulation for COD/2A3AX4 and COD/03AN in 2024

“On 8 December 2023, the EU, the UK and Norway agreed on the fishing opportunities for the six shared and jointly managed stocks for 2024. Given that the biomass of the TACs of COD/2A3AX4 and COD/03A is estimated to be below Bpa in both the TAC year and the year thereafter, the Parties excluded under that agreement inter-annual flexibility for those stocks in 2024. In line with that agreement, Belgium, Denmark, France, Germany, the Netherlands and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to those stocks in 2024.”

STATEMENT BY BELGIUM, DENMARK, FRANCE, THE NETHERLANDS AND GERMANY on Hague Preferences

“Belgium, Denmark, Germany, The Netherlands and France are of the opinion that the scales for the allocation of quotas for Member States were agreed upon in 1983. These scales constitute the basis of relative stability, which is a principle established by the Basic Regulation governing the Common Fisheries Policy. It is our opinion that Hague preferences are contrary to the principle of relative stability.”

STATEMENT BY THE NETHERLANDS on socioeconomic impact

“According to Communication of the Commission on sustainable fishing in the EU: State of Play 2024 (SWD(2023) 172), following commitments by the European Parliament, Council and Commission to manage fisheries responsibly, fishing has become more sustainable and far fewer stocks are now overfished in the EU. Despite this, fishers are confronted with a trend of decreasing fishing opportunities. In the Netherlands, especially the TAC on North Sea sole will lead to an early closure of this fisheries in 2024. In our decision making an adequate balance between the ecological, social and economic sustainability pillars of the Common Fisheries Policy should be reached. Only by doing so, a long term perspective can be provided for both food security and the socioeconomic situation of fishers and their communities. Especially in current times where they are facing difficulties, such as the long term effects of Covid, Brexit and the multiple use of space and the spatial squeeze fishers are confronted with. We call upon both the Commission and the Member States to continue discussions and further explore the possibilities to restore the balance. We have the joint responsibility to address this next year.”

STATEMENT BY THE COMMISSION on sole in Skagerrak and Kattegat

“The Commission takes note of the decision of the Council to set the total allowable catches (TAC) for sole (*Solea solea*) in Skagerrak and Kattegat at MSY point lower.

The Commission regrets the political agreement reached by the Council for the TAC for sole in Skagerrak and Kattegat to set that TAC at a higher level. A lower TAC would have allowed a more rapid recovery of the stock. At the same time, the Commission has proposed to amend the Baltic, North Sea and Western Waters multiannual plans and that proposal will now be examined by the European Parliament and the Council under the ordinary legislative procedure.”

STATEMENT BY THE COMMISSION AND PORTUGAL on scientific information on sole in 8cde, 9 and 10

“Currently in ICES divisions 8c, 8d, 8e, 9 and 10, three sole species are managed under a combined TAC and ICES only provides MSY advice for common sole (*Solea solea*) in divisions 8c and 9a and for the other two species does not provide any advice. In November 2023 Portugal informed the Commission that more complete scientific data for the two other sole species (*Solea senegalensis* and *Pegusa lascaris*) in ICES subarea 9 are available and that that data might allow stock assessments also for *Solea senegalensis* and *Pegusa lascaris*.

Portugal commits to providing ICES with such new scientific data by 31 March 2024, and the Commission will ask ICES to produce advice for all relevant sole stocks in that area.”

STATEMENT BY THE COMMISSION on pollack in the Bay of Biscay and in Iberian waters

“Article 5(3) of the Western Waters multiannual plan provides for management of mixed fisheries with regards to by-catch stocks taking into account the difficulty of fishing all stocks at MSY at the same time, especially in situations where that leads to a premature closure of the fishery. Such difficulty should be demonstrated and supported by specific, reliable and verifiable socio-economic data. Where the difficulty to fish all stocks at MSY occurs, the Commission invites the Member States to submit socio-economic data from verifiable sources, in particular obtained through the EU Data Collection Framework.

The Commission takes note of the submission made by France stating that the TACs set by the Council for the pollack stock in the Bay of Biscay and Iberian waters would result in the premature closure of mixed fisheries, leading to potentially serious socio-economic consequences. If and when France submits specific, reliable and verifiable socio-economic data to substantiate the choke effect for its fleet segments in the Bay of Biscay, the Commission will assess and consider, based on that assessment, submitting a proposal for an in-year amendment to adjust the POL 8ABDE, as appropriate. The same approach would be considered by the Commission for Spain and Portugal should they provide specific, reliable and verifiable socio-economic data regarding their relevant TAC.”

JOINT STATEMENT BY THE COUNCIL AND COMMISSION on ICCAT stocks

“The Council and the Commission acknowledge that, under several ICCAT recommendations, the Union may, upon request, carry over a percentage of its unused quota of ICCAT stocks in the period of two years.

On the basis and within the limits of the legal instruments available, the Commission will do its utmost to take the necessary steps as soon as possible in 2024 to implement the adjustments quotas of individual Member States to reflect any carry-overs and deductions for all eligible ICCAT stocks.”

STATEMENT BY GERMANY, SPAIN, FRANCE, POLAND AND PORTUGAL on Svalbard cod

“Germany, Spain, France, Poland and Portugal regret that Norway does not abide by the political understanding between the EU and Norway from April 2022, by not setting a quota for the EU for cod in Svalbard waters that corresponds to the historic EU rights and the EU share for this stock. The aforementioned Member States recall their long-standing historic fishing rights in the Svalbard area, as covered by the 1920 Treaty of Paris. They urge Norway to fully respect the EU and its Member States’ rights and interest in Svalbard, including fishing rights and to establish the full EU quota for 2024 in Svalbard waters. They also recall that in 2021, due to the fishing stops issued by Norway, a total of 5 143 tonnes of the EU cod quota could not be fished in the Norwegian Exclusive Economic Zone. The Member States express their disappointment that Norway has still not made that quantity available to the EU in the bilateral exchanges. This issue should be resolved as soon as possible.

Germany, Spain, France, Poland and Portugal appreciate that the Commission stands ready to continue consultations with Norway on the above issues.”

STATEMENT BY THE COUNCIL on the allocation of MAC/2A34-N

“In the context of creation of a new TAC (MAC/2A34-N), the Council acknowledges the transfers of part of the fishing opportunities allocated to the MAC/2A34-N by Denmark to the holders of quotas in the Western Waters TAC (MAC/2ACX14-), based on the existing relative stability key for that TAC, to represent 27,5% of that quota in 2025 and 25% from 2026 onwards.”

STATEMENT BY DENMARK on internal mackerel allocation

“Denmark loses a significant share of its mackerel quotas due to the new internal mackerel allocation with respect to MAC/2A4A-N. Denmark regrets its severe consequences.

Denmark reminds of the Danish Mackerel Exceptional Priority from the introduction of the Common Fisheries Policy ensuring Denmark a minimum of 25,000 tonnes of mackerel.

Therefore, should fishing opportunities for mackerel be included in a future agreement with third countries, this should be taken into account when allocating these fishing opportunities.”

STATEMENT BY THE COUNCIL

“The Council calls on the Commission to provide the necessary support, within its remit, in the interpretation of the relevant provisions of the Fishing Opportunities Regulation allocating a new quota MAC/2A34-N and transferring a part to Western Waters. In the event that the implementation of the new TAC creates interpretation or reporting challenges to Member States, the Council and the Commission should engage with a view to address those challenges.”

STATEMENT BY FRANCE on horse mackerel (JAX/2A-14).

“France notes that the ICES advice received is for one stock/species, (*Trachurus trachurus*) and this forms the basis of the TAC (JAX/2A-14). The TAC covers the *Trachurus spp*, of which there are three species in the Western waters which are all caught together with the main stock of horse mackerel (*Trachurus trachurus*). Catches of *Trachurus mediterraneus* (mediterranean horse mackerel) and *Trachurus picturatus* (blue jack mackerel) are relatively low, and for the blue jack mackerel, mainly caught further south together with the Southern horse mackerel stock. France supports ICES’ position to consider that the TAC and any other management regulations which might be established should be related only to *T. trachurus* s, and separate TACs should be established for the other species.”

STATEMENT BY THE NETHERLANDS, FRANCE, ITALY, DENMARK AND PORTUGAL

“We note with concern a negative trend of declining fishing opportunities and increasing zero-catches. The socio-economic consequences for fishers and their communities are far-reaching, both in the short and long term. This situation is of major concern to us. We stress the need for a more balanced approach that takes into account the three main objectives of the Common Fisheries Policy (CFP), namely the environmental sustainability and preservation of fisheries resources, social sustainability of coastal communities, and promotion of fisheries activities giving full consideration to socio-economic aspects. Especially, the current data gathering and scientific methodology are to be looked at in order to improve the quality of the decision making process and the TAC setting. Only if we provide perspective for the fisheries sector, they can keep supplying the European market with sustainable and healthy food products for European food security and sovereignty. Early next year we aim to publish a joint non-paper on the issue. Also, we call upon the new Commission to reflect further how to follow up on this topic.”

STATEMENT BY FRANCE AND THE NETHERLANDS on top-down deductions

“We regret that the Commission did not transmit as detailed information as in previous years regarding the deduction linked to exemptions to the landing obligation. While the Commission invoked confidentiality reasons for not transmitting such information, we are concerned by the fact that Member states are deprived from their ability to verify these deductions.

Such lack of transparency could create a precedent for next years. We therefore call on the Commission to reform its methodology as soon as possible to ensure confidentiality while guaranteeing the ability for Member States to review the calculation. Such verifications should already be possible for the year 2024.”

Ad "B" item 3:

Council Regulation fixing for 2024 the fishing opportunities in the Mediterranean and the Black Sea

(Legal basis proposed by the Commission: Article 43(3) TFEU)
Political agreement

STATEMENT BY FRANCE AND ITALY regarding the voluntary basis of the implementation of the compensation mechanism regarding the West Med MAP

“In order to avoid any difficulties in the implementation of the provisions related to compensation mechanism, it is necessary to clarify that the measures reported in article 7 of the Draft proposal of the “*Council Regulation fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas for 2024*” are meant to be exclusively implemented on a voluntary basis and are not designed to be mandatory for Member States.

The Commission should consider this voluntary approach in the implementation of the compensation mechanism for every Member State.”

STATEMENT BY GREECE

“Category 1 New Genomic Techniques (NGT) plants should be treated as plants that have been produced by conventional breeding techniques. The biological material of plant breeding, which may also occur in nature, must be widely available for plant breeding. Patentability of Category 1 NGT plants poses the risk of increasing market concentration, the emergence of monopolies and therefore may affect the affordability and availability of food. Thus, Category 1 plants, their derived seed, their plant material, associated genetic material such as genes and gene sequences, and plant traits should be excluded from patentability.

To this end, the legal and regulatory framework should be re-evaluated as soon as possible to ensure that the relevant plant material is excluded from patentability.”

STATEMENT BY AUSTRIA on the occasion of the General Approach on the Regulation on plants obtained by certain new genomic techniques and their food and feed products

“Austria thanks the Spanish Presidency for its work on the legislative proposal and welcomes the efforts for reaching a compromise, in particular that an opt-out option is still provided for category 2 NGT plants.

Austria recognizes the possible potential of new genomic techniques (NGT), however, they are also associated with possible risks. From Austria's point of view, many questions requiring detailed discussions remain open. The current state of discussion, however, does not provide a sufficient basis for a General Approach. Therefore, Austria is opposing the adoption of the General Approach and asks the Presidency to schedule further consultations in order to clarify the open and unanswered questions.

We would like to critically reiterate the following points, which were already raised during the negotiations:

- From Austria's point of view, not carrying out a risk assessment of category 1 NGT plants and their products contradicts the precautionary principle.
- The exclusion of category 1 NGT plants from the application of Directive (EU) 2015/412 (Opt-Out) violates the principle of subsidiarity. It was precisely this room for maneuver that was a key reason for the adoption of this directive.
- Austria welcomes the intended ban on the use of NGT plants and their products in organic farming. However, the question arises as to how this is to be achieved without massive additional costs for agriculture if there are no plans to label the products of category 1 NGT plants including animal feed. Austria is a pioneer in the EU with 27.7% organic farming and fears this could be jeopardized by the current compromise proposal.
- Consumers have the right to information and freedom of choice. Therefore, labeling of products from category 1 NGT plants is essential from an Austrian perspective.

- For NGT1 it should be possible for Member States to put in place coexistence measures too. These need to be regulated uniformly in the EU to ensure that there is no distortion of competition.
- The possibility that NGT plants can be patented raises fears that a monopoly could be created and SMEs could be forced out of the market.

Furthermore, from an Austrian perspective, there is a risk that biodiversity and the availability of agricultural crops will be restricted.”
