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## OUTCOME OF THE COUNCIL MEETING

3788th Council meeting

### Agriculture and Fisheries

Brussels, 22 and 23 March 2021

Presidents      **Ricardo Serrão Santos**  
Minister of the Sea of Portugal  
**Maria do Céu Antunes**  
Minister for Agriculture of Portugal

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<sup>1</sup> • Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.  
 • Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).  
 • Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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## **ITEMS DEBATED**

### **FISHERIES**

Ministers took stock of the EU-UK consultations on fixing the fishing opportunities for 2021, and for deep-sea stocks for 2021 and 2022. Given the possibility that the two parties might not reach an agreement by the end of March (when the provisional and limited fishing opportunities expire), ministers agreed on a contingency plan on extending provisional EU-UK fishing opportunities until 31 July 2021. This plan ensures uninterrupted fishing activity for EU fleets until the EU and UK reach an agreement on definite fishing opportunities for 2021 and for deep-sea stocks for 2021 and 2022.

The contingency plan sets provisional and limited fishing opportunities, in line with the scientific advice provided by the International Council for the Exploration of the Sea (ICES) for 2021 and the framework of the EU-UK trade and cooperation agreement.

Ministers also expressed their satisfaction regarding the informal conclusion of the EU-Norway and EU-Norway-UK consultations for setting definite fishing opportunities in the North Sea and in areas of Skagerrak and Kattegat for 2021.

### **AGRICULTURE**

#### **Preparedness concerning phytosanitary measures to protect against plant pests**

Ministers held an exchange of views on the EU's preparedness concerning phytosanitary measures to protect against plant pests that threaten agriculture. Ministers underlined the importance of raising awareness around plant health and the need to be able to identify dangerous pests early and eradicate them as effectively as possible.

Several ministers mentioned that digital capabilities (e.g. development of digital databases) and innovation can play a key role in addressing current and future challenges related to plant health and pests. Ministers also highlighted ways to strengthen Europe's preparedness against pests, e.g. developing contingency plans and implementing strict border-control checks.

#### **Use of biological control agents against pests**

Ministers held a policy debate on the use of biological control agents (BCAs) on macroorganisms against plant pests. There was consensus among ministers that BCAs represent a viable alternative to chemical pesticides and can contribute to achieving certain goals of the Green Deal and the farm to fork strategy.

There was also broad support for the presidency's initiative of putting forward a proposal for a Council decision asking the Commission to carry out a study on the situation in the Union and the options regarding the import, evaluation, production and marketing of BCAs.

## **CAP reform package**

The presidency provided ministers with an update on the ongoing interinstitutional negotiations on the three regulations constituting the common agricultural policy (CAP) reform package (for the period 2023-2027). The presidency took note of the different views expressed by ministers on several aspects of the reform package. The presidency, with renewed political guidance from the ministers, will now aim at advancing further the interinstitutional negotiations, notably by means of a 'super trilogue' on Friday 26 March 2021.

The ministerial discussions on the three regulations touched on topics such as:

- strategic plans
- a new delivery model
- targeting of payments
- market management and exceptional measures

### Strategic plans

Ministers exchanged views on the preparation of the CAP strategic plans. Member states are currently designing their national strategic plans, also based on the Commission's non-legally binding and country-specific recommendations.

Ministers thanked the Commission for providing the country-specific recommendations. Many ministers explained that these recommendations are a good starting point for designing the strategic plans. Nevertheless they highlighted that these plans would be primarily based on national priorities, specificities and SWOT analyses.

Delegations expressed divergent views about the extent to which the Green Deal and the objectives of the farm to fork strategy should be integrated into the CAP strategic plans; some ministers asked for an impact assessment from the European Commission on linking these strategies with CAP.

### New delivery model

Ministers emphatically reiterated their preference for a new delivery model (as envisaged in the strategic plans regulation and horizontal regulation) that provides enough flexibility to member states on how to design their funding interventions while guaranteeing a simplified process. On grounds of ensuring simplification and cutting down on red tape, many ministers opposed a proposal for a two-layer system which would introduce both compliance and performance-based obligations.

Targeting of payments

The presidency outlined the compromise suggestions for a number of outstanding issues, mainly around the obligatory character (or not) of provisions including the definitions of ‘active farmer’ and ‘new farmer’, the reduction of payments (capping), payments for small farmers, and redistributive payments. While views on the different provisions varied, several ministers highlighted the need for flexibility on different measures (opting mostly for voluntary provisions).

Market management and exceptional measures

The presidency explained that the positions of the Council and the European Parliament are relatively aligned on issues relating to wine and geographical indicators but remain apart when it comes to market management and crisis measures. Ministers called on the presidency to adhere closely to the principles agreed on and laid down in the Council's general approach (adopted in October 2020) and respect the EU's WTO commitments in the interinstitutional negotiations currently taking place. They also showed a willingness to take a step towards the Parliament on certain issues.

**OTHER BUSINESS****EU forest strategy post-2020**

The Austrian delegation, with the support of 11 other member states, expressed their concerns about the way various initiatives under the EU Green Deal address forest-related aspects, thereby potentially predetermining the scope of the upcoming EU forest strategy post-2020. The majority of ministers stressed the need to give greater prominence in the EU forest strategy to the sustainable management and multifunctional role of forests. They also called on the Commission to acknowledge the contribution of forests to biodiversity and climate change mitigation in the upcoming EU post-2020 forest strategy.

**Proposals to make CAP implementation simpler**

The French delegation, on behalf of 14 member states, presented a non-paper on limiting the administrative burden in the new CAP, making specific proposals on, among other things, the new delivery model, the content of the CAP strategic plans, and delegated acts.

**COVID-19 crisis and the wine sector**

The Spanish delegation, together with 13 other member states, told ministers of a need for additional funds to support the wine sector, which has been affected by the COVID-19 crisis and by US tariffs.

## **OTHER ITEMS APPROVED**

### **AGRICULTURE**

#### **Updated EU guidelines for the G20 Agriculture Ministers meeting**

The Council endorsed the updated EU guidelines for the G20 Agriculture Ministers meeting which will take place on 19-20 September 2021 in Florence, focusing, among other things, on the post-COVID recovery (6873/21).

#### **Requirements for the collection of data on the volume of sales and on the use of antimicrobial medicinal products in animals**

The Council decided not to object a Commission delegated regulation with regard to requirements for the collection of data on the volume of sales and on the use of antimicrobial medicinal products in animals.

The regulation is a delegated act pursuant to Article 290 of the Treaty on the Functioning of the European Union. It can now enter into force, unless the European Parliament objects.

([6878/21](#) + [ADD 1](#), [5850/21](#) + [ADD 1](#))

## **ECONOMIC AND FINANCIAL AFFAIRS**

### **Administrative cooperation in the field of taxation**

The Council adopted amendments to the directive on administrative cooperation in the field of taxation ('DAC7') in order to strengthen tax cooperation and address the challenges posed by the digital platform economy ([12908/20](#)).

The amendments create an obligation for digital platform operators to report the income earned by sellers on their platforms and for member states to automatically exchange this information. This will allow national tax authorities to detect income earned through digital platforms and determine the relevant tax obligations. The new rules cover digital platforms located both inside and outside the EU and will apply from 1 January 2023.

Other amendments to the directive on administrative cooperation in the field of taxation improve the exchange of information and cooperation between member states' tax authorities. For instance, it will become easier to obtain information on groups of tax payers. There will also be improvements in the rules for carrying out simultaneous controls and for allowing officials to be present in another member state during an enquiry. In addition, the new rules provide a framework for the competent authorities of two or more member states to conduct joint audits. This framework will be operational in all member states from 2024 at the latest.

For more details, see the [press release](#)

### **SURE – Estonia**

The Council adopted a decision to make available to Estonia a loan of up to €230 million under SURE, the European instrument for temporary support to mitigate unemployment risks in an emergency following the COVID-19 outbreak ([6603/21](#)).

Estonia may finance the following measures with the loan:

- a short-term labour market scheme for the preservation of jobs
- an allowance for the preservation of income for parents who, during the emergency situation, have had to stop working to take care of their children with special educational needs
- a short-term scheme for freelance artists, sports coaches and heads of choirs and dance groups
- a health-related measure, allowing government purchases of personal protective equipment, additional general supplies and consumables



- a short-term support scheme for hospitals to offset the costs of hiring temporary staff for COVID-19 units and intensive care units, and to pay for extended working hours for doctors, nurses and other staff
- compensation for employees for the first three days of sick leave

### **Retail payments strategy – Council conclusions**

The Council adopted conclusions on the retail payments strategy for the EU, presented by the Commission in September 2020 ([7225/21](#) – outcome of proceedings).

Against the backdrop of rapid innovation and digitalisation of the economy, the conclusions welcomed the comprehensive strategy set out by the Commission for the further development of the retail payments market in the EU. The Council gave its full support to the overall aims of the strategy, such as ensuring a competitive and innovative retail payments market in the EU, promoting the uptake of instant payments, and creating the conditions for the development of EU-wide payment solutions to decrease the EU's dependency on major global players in this area.

The Council also highlighted the many challenges to be taken into account when further developing and regulating the market, e.g. financial inclusion, security and consumer protection, data protection, and anti-money laundering issues.

For more details, see the [press release](#)

### **INTERNAL MARKET AND INDUSTRY**

#### **Commission Directive amending Directive 2009/48/EC of the European Parliament and of the Council as regards specific limit values for aniline in certain toys**

The Council decided not to oppose the adoption of a Commission directive amending directive 2009/48 on the safety of toys.

The proposed directive sets a limit for aniline in textile toy material and leather toy material of 30 mg/kg after reductive cleavage and a limit for aniline in finger paints of 10 mg/kg as free aniline and 30 mg/kg after reductive cleavage.

The Commission directive is subject to the regulatory procedure with scrutiny. This means that, with the Council having given its consent, the Commission may adopt the directive, unless the European Parliament objects ([5636/21](#)).

### **Commission Regulation amending and correcting Annexes II, III, IV and VI to Regulation 1223/2009 on cosmetic products**

The Council decided not to oppose the adoption of a Commission regulation amending Annexes II, III, IV and VI to Regulation (EC) No 1223/2009 on cosmetic products.

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that, with the Council having given its consent, the Commission may adopt the regulation, unless the European Parliament objects ([5627/21](#) + [ADD 1](#)).

### **Inclusion of a new type of fertiliser in Annex I of regulation (EC) No 2003/2003 relating to fertilisers**

The Council decided not to oppose the adoption of a Commission regulation amending regulation (EC) No 2003/2003 relating to fertilisers.

The proposed regulation includes potassium formate water solution as a new type of fertiliser in Annex I to regulation (EC) No 2003/2003.

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that, with the Council having given its consent, the Commission may adopt the regulation, unless the European Parliament objects ([5524/21](#)+[ADD 1](#)).

### **Polycyclic-aromatic hydrocarbons (PAHs) in granules or mulches\***

The Council decided not to oppose the adoption of a Commission regulation amending Annex XVII to regulation as regards polycyclic-aromatic hydrocarbons (PAHs) in granules or mulches used as infill material in synthetic turf pitches or in loose form on playgrounds or in sport applications.

The proposed Commission regulation provides that granules or mulches used as infill material in synthetic turf pitches or in loose form on playgrounds or in sport applications should not contain more than 20 mg/kg (0,002 % by weight) of the sum of all listed PAHs.

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that, with the Council having given its consent, the Commission may adopt the regulation, unless the European Parliament objects ([5866/21](#) + [ADD 1](#)).

## **Commission Regulation amending Part 1 of Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures**

The Council decided not to object to a Commission regulation amending, for the purposes of its adaptation to technical and scientific progress, Part 1 of Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures.

Part 1 of Annex VI lists notes in subsection 1.1.3, which are assigned to a harmonised classification and labelling entry and relate to the identification, classification and labelling of substances as well as the classification and labelling of mixtures. These notes serve the purpose of providing legal clarity and certainty in applying harmonised classification and labelling. Member states and stakeholders had requested the amendment of certain notes on the basis of their current wording being inaccurate and introducing uncertainty as to the correct interpretation of legal obligations.

The regulation is a delegated act pursuant to Article 290 of the Treaty on the Functioning of the European Union. It can now enter into force, unless the European Parliament objects ([5977/21](#) + [ADD 1](#)).

### **TRANSPORT**

#### **Shifting more transalpine traffic from road to rail – Locarno declaration**

The Council authorised the Commission to sign, on behalf of the EU, the Locarno declaration on developing the railway system ([6471/21](#); [6471/21 ADD 1](#)). The declaration refers to the importance of international cooperation and coordination in helping shift more transalpine traffic from road to rail. The Council also approved the accompanying Council statement ([6471/21 ADD 2](#)).

### **TRANSPARENCY**

#### **Public access to documents**

On 22 March 2021, the Council approved the reply to confirmatory application No 05/c/01/21 (6254/21).