Council of the
European Union

Brussels, 12 May 2021
(OR. en)

7396/21
ADD 1 REV 1
PV CONS 3
AGRI 159
PECHE 104

DRAFT MINUTES

COUNCIL OF THE EUROPEAN UNION

(**Agriculture and Fisheries**)

22 and 23 March 2021

CONTENTS

Page

Any other business

9. Agriculture
b) Need for additional funds to support the wine sector affected by the COVID-19 crisis and US tariffs 3

ANNEX - Statements for the Council minutes 4

***

Any other business

9. Agriculture

b) Need for additional funds to support the wine sector affected by the COVID-19 crisis and US tariffs 7048/21
Information from the Spanish delegation, on behalf of the Austrian, Bulgarian, Croatian, Cyprus, Czech, French, Greek, Hungarian, Italian, Maltese, Romanian, Slovak, Slovenian and Spanish delegations

The Council took note of the declaration by Austria, Bulgaria, Croatia, Cyprus, Czech Republic, France, Greece, Hungary, Italy, Malta, Romania, Slovakia, Slovenia and Spain on the need for additional funds to support the wine sector affected by the COVID-19 crisis and US tariffs (doc. 7048/21).

The Council also took note of the additional comments made by some delegations and the response by the Commission.

C Item based on a Commission proposal

ANNEX

Statements to the non-legislative "B" items set out in 6866/21

Ad "B" item 3: **Council Regulation amending Regulation (EU) 2021/92 as regards certain fishing opportunities for 2021 in Union and non-Union waters**
(Legal basis proposed by the Commission: Art. 43(3) TFEU)
Political agreement

STATEMENTS BY THE COMMISSION
On shared stocks managed under provisional TACs

"Provisional TACs have been established to allow fishing activities of EU fleets to continue while not prejudging the outcome of ongoing consultations with the United Kingdom. In April 2021, the Commission will assess the situation of the stocks shared with the United Kingdom subject to provisional TACs. The Commission, on the basis of the uptake of quotas reported by Member States, will come up with stock-taking and relevant suggestions for the way forward and possible revisions of the provisional TAC levels, especially concerning the seasonality of fishing activities and "choke situations", in order to address Member States' needs, and/or to establish definitive TACs".

On exemption deductions for certain TACs in the North Sea and Skagerrak

"Following further clarification by Denmark, Germany, the Netherlands and Belgium, of their 2020 landings and discards of catches of certain stocks, including plaice and whiting by vessels that shall be exempted from the landing obligation in the North Sea and Skagerrak in 2021, the Commission will consider, if appropriate, submitting a proposal for an in-year amendment to the 2021 fishing opportunities regulation adjusting the level of the relevant TACs to take into account the revised permitted discard rate".

On Norway Pout

"Following the outcome of the agreement between the European Union and Norway, no transfers of Norway pout to Norway were agreed. The amount reserved for Norway has therefore not been allocated. Following the outcome of the EU-UK consultations the Commission will reassess and, if appropriate, propose the allocation of the remaining Norway Pout to allow fishing to start in September".

On Malta's Bluefin tuna farming capacity

"The Commission can confirm that it has completed its examination of Malta's request to increase the input capacity for its Bluefin tuna farms and that it is prepared to revise the farming capacity for Malta in the next in-year Fishing Opportunity amendment.

The Commission at the same time strongly encourages Malta to take all necessary measures to ensure effective control and enforcement over the Bluefin tuna farming activities".

JOINT STATEMENT BY POLAND AND THE COMMISSION
On Svalbard cod

"Poland and the European Commission recognise that the year 2020 was a turning point in the context of management and access to fishing rights in the North Atlantic, in particular due to the impact of Brexit and the consequences of the new quota share allocation under the TCA, including for Svalbard cod.

The European Commission will jointly with Poland cooperate in a constructive spirit, including with the other Member States, and will explore appropriate solutions in order to reflect on Member States' rights, while bearing in mind the principle of relative stability".

JOINT STATEMENT BY SPAIN, FRANCE, GERMANY, PORTUGAL AND THE COMMISSION
On Svalbard cod

"Spain, France, Germany, and Portugal and the European Commission recognise that the year 2020 was a turning point in the context of management and access to fishing rights in the North Atlantic, in particular due to the impact of Brexit and the consequences of the new quota share allocation under the TCA, including for Svalbard cod.

The European Commission will jointly with Spain, France, Germany, and Portugal cooperate in a constructive spirit, including with the other Member States, and will explore appropriate solutions in order to reflect on Member States' rights, respecting the principle of relative stability".

STATEMENT BY THE COMMISSION AND THE COUNCIL

"The Trade and Cooperation Agreement between the UK and the EU (hereafter the TCA) provisionally entered into force 1 January 2021.

The TCA sets out, in its Annex FISH.2, the shares agreed between the UK and EU, of what were previously EU total allowable catches in various fisheries. This included shares in four fisheries for ICCAT-regulated stocks, and notably resulted in a transfer of 0,25% to UK of the EU quota share for Northeast Atlantic Bluefin tuna stock.

In order to facilitate a swift implementation of the TCA with regards to the transfer of ICCAT shares for Bluefin tuna to the UK, the Presidency compromise is to be implemented for 2021 only and the methodology applied shall not in any way constitute a precedent".

JOINT STATEMENT BY GERMANY AND THE COMMISSION
On quantities reserved for bilateral consultations with the Faroe Islands

"The quantities reserved for bilateral consultations with the Faroe Islands are without prejudice to the quantities that may be actually used for exchanges, which will be determined according to the appropriate procedures. The unused quantities of Greenland halibut will be allocated to Germany in line with principle of relative stability in the next amendment to the 2021 Fishing Opportunities Regulation".

STATEMENT BY BELGIUM, DENMARK, FRANCE, GERMANY AND THE NETHERLANDS
On top-down deductions for trilateral stocks and bilateral stocks with Norway

"The Member States (Belgium, Denmark, France, Germany, the Netherlands) regret that the Commission presented its approach and calculations on top-down deductions for trilateral stocks and bilateral stocks with Norway at a late stage. The methodology used by the Commission has direct effects on fishing opportunities and should therefore be discussed at the technical level first.

The Member States conclude that they do not approve the calculation method used for plaice and whiting stocks because it will lead to disproportionate deductions and choke species situations.

They request that technical discussions take place between the Commission and Member States concerned, in order to discuss the methodology and the results. The level of these TACs shall then be revised accordingly as soon as possible and, at the latest, when the agreement with the UK will be concluded and transposed into EU-legislation by an amendment to the TAC and quota regulation. The Member States request that the Commission takes due note of the methodology used by Norway and UK to ensure a level playing field for EU fishermen".

ANNEX

Statements to the non-legislative "A" items set out in 6973/21

Ad "A" item 8: **Commission Delegated Regulation (EU) …/... of 29.1.2021 supplementing Regulation (EU) 2019/6 of the European Parliament and of the Council with regard to requirements for the collection of data on the volume of sales and on the use of antimicrobial medicinal products in animals**
Delegated act - Intention not to raise objections

STATEMENT BY THE CZECH REPUBLIC

"The Czech Republic is fully aware of the seriousness of the risks associated with the resistance of microorganisms to antimicrobial medicaments in veterinary and human medicine. We have long been actively involved in international activities aimed at eliminating this phenomenon.

In this context, we fully appreciate the importance of data collection on sales and use of antimicrobials for the use rationalization and the use reduction at this category of medicines. Therefore, reducing the risk of microbe resistance to available medicines. In conformity with this approach, the Czech Republic welcomes any progress reached in the system of the data collection on sales and use of antimicrobials in the veterinary medicine both at the national and international level. We appreciate the contribution of Regulation (EU) 2019/6 and its delegated and implementing acts to harmonization of collection practices in different Member States. This includes the **COMMISSION DELEGATED REGULATION (EU) …/... of 29.1.2021 supplementing Regulation (EU) 2019/6 of the European Parliament and of the Council with regard to requirements for the collection of data on the volume of sales and on the use of antimicrobial medicinal products in animals**, which the Czech Republic can finally support.

However, at the same time, we are aware that the process of unifying data collection systems is not without its pitfalls, it affects a wide range of stakeholders with different backgrounds in terms of time-tested practice and strategic interests. Our long-term aim is to shape a data collection system geared towards effective achievement of the goal to enable in particular the direct or indirect evaluation of the use of such products in food-producing animals at farm level (as envisaged in the Regulation 2019/6, Article 57) with really necessary administrative burden and financial costs only. In this context, it has caused concerns on provision of Article 11, Par. 2, where sufficient space for discussion was not given to the experts during preparation of delegated act. We expressed our reservations in a note WK 2860/2021 REV 1.

We would like to thank hereby to the Presidency for providing opportunity to discuss on the delegated regulation in question during the CVO WP meeting held on 10 March 2021. The Commission explanation of the wording of the mentioned Article, as well as its application in practice, given at this meeting allayed our concerns and the Czech Republic can support the above-mentioned delegated act. We consider the declared flexibility in method of data collection retained to the MS to be essential element of the provision. The Czech Republic will certainly make use of declared flexibility at data retrieval and collection and will also make use in the future of the current functional system of the retrieval and collection of data on the consumption of veterinary antimicrobials, in particular via distributors. This will enable us to retain the continuity of the system and the retrieval and collection of data in the required quality without any extra burdens, which we find essential."

Ad "A" item 12: **Commission Regulation (EU) …/… of XXX amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council 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**
Decision not to oppose adoption

STATEMENT BY GERMANY
"Regarding the decision:

Germany voted against this restriction in the REACH Committee for reasons related to the content. However, in our view the Commission has not exceeded its competences or violated the objectives of the basic legislative act or infringed the principles of subsidiarity and proportionality. The Council therefore has no justifiable grounds to object to the legislative act.

Regarding the German translation:

Germany assumes that the German translation of the recitals will be amended as follows:

In recital 3, the word ‘zusammengefasst’ is to be replaced by ‘aufaddiert’.

In recital 5, the first sentence is to be amended to read: ‘Der Gefahren-Endpunkt der bei diesen acht PAK für die menschliche Gesundheit die größte Besorgnis bereitet ist Karzinogenität und die Fähigkeit, genotoxische Wirkungen auszulösen.’

In the first sentence of recital 9, ‘und’ is to be added after ‘durchführen’. In the last sentence of the same recital, the word ‘Vertreiber’ is to be replaced by ‘Händler’ and the words ‘weiter verwenden’ are to be replaced by ‘weiterverwenden’.

In the first sentence of recital 10, ‘da’ is to be replaced by ‘und’ and ‘allgemeinen’ is to be replaced by ‘breiten’. In the last sentence of the same recital, ‘allgemeine’ is to be changed to ‘breite’.

In recital 11, ‘wonach’ is to be replaced by ‘dass’.

In the second sentence of recital 12, ‘zu’ is to be added after ‘Materials’.

In addition, Germany assumes that in the last sentence of paragraph 13 in the right-hand column of the addition to entry 5 of Annex XVII the words ‘genannten Zweck weiter verwendet werden’ will be replaced by ‘gleichen Zweck weiterverwendet werden’. Also, the word ‘polymerischen’ in 14 a) and b) is to be replaced by ‘polymeren’."

Ad "A" item 14: **Council implementing Decision granting temporary support under Regulation (EU) 2020/672 to Estonia to mitigate unemployment risks in the emergency following the COVID-19 outbreak**
Adoption

STATEMENT BY DENMARK

"Denmark can approve the adoption of the Council Implementing Decision granting temporary support to Estonia under the SURE Regulation, based on the understanding of the Commission's answers to questions raised during the technical discussions, that the implementing act and bilateral loan agreement will comply with the EU's fundamental rights, including non-discrimination, which is a priority for Denmark."