



Council of the
European Union

Brussels, 15 November 2023
(OR. en)

14692/23
PV CONS 50
AGRI 648
PECHE 475

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Agriculture and Fisheries)
23 and 24 October 2023

MEETING ON MONDAY 23 OCTOBER 2023

1. Adoption of the agenda

The Council adopted the agenda set out in document 14003/23 + COR 1.

2. Approval of "A" items


a) **Non-legislative list** 14239/23

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.


b) **Legislative list** (Public deliberation in accordance with Article 16(8) of the Treaty on European Union) 14241/23

Transport

1. **Revision of the Directive on the framework for the deployment of Intelligent Transport Systems (ITS)**  14005/23
Adoption of the legislative act PE-CONS 35/23
approved by Coreper, Part 1, on 18.10.2023 TRANS

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 91 TFEU).

Employment and Social Policy

2. **Directive on the protection of workers from the risks related to exposure to asbestos at work**  13888/23 + ADD 1
Adoption of the legislative act PE-CONS 48/23
approved by Coreper, Part 1, on 18.10.2023 SOC

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 153(2), point (b), in conjunction with Article 153(1), point (a) TFEU), with Bulgaria, Hungary and Poland abstaining. A statement to this item is set out in the Annex.

Internal Market and Industry

3. **Directive concerning financial services contracts concluded at distance**  13942/1/23 REV 1
Adoption of the legislative act + REV 1 ADD 1
approved by Coreper, Part 1, on 18.10.2023 PE-CONS 37/23
CONSOM

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 114 TFEU). A statement to this item is set out in the Annex.

Economic and Financial Affairs

4. **European Green Bonds Regulation (EuGB)**  13940/23
Adoption of the legislative act + ADD 1
approved by Coreper, Part 2, on 18.10.2023 + ADD 2 REV 1
PE-CONS 27/23
EF

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 114 TFEU), with Germany, Luxembourg and Austria abstaining. Statements to this item are set out in the Annex.

Foreign Affairs

5. Extension of the Generalised Scheme of Preferences Regulation

Adoption of the legislative act

approved by Coreper, Part 2, on 18.10.2023



13941/23
PE-CONS 54/23
POLCOM

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 207(2) TFEU).

6. Anti-coercion instrument (ACI) Regulation

Adoption of the legislative act

approved by Coreper, Part 2, on 18.10.2023



13939/23
+ ADD 1-2
PE-CONS 34/23
COMER

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 207(2) TFEU). Statements to this item are set out in the Annex.

Non-legislative activities

FISHERIES

3. **Council Regulation fixing for 2024 the fishing opportunities applicable in the Baltic Sea** ☐ C 14259/23
12451/23 + ADD 1
14024/1/23 REV 1
(Legal basis proposed by the Commission: Art. 43(3) TFEU)
Political agreement

The Council reached a political agreement on the Regulation fixing for 2024 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea.

4. ICCAT Annual Meeting 13780/23 + COR 1
(New Cairo, Egypt, 13-20 November 2023)
Exchange of views

Legislative deliberations

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

AGRICULTURE

5. **Waste Framework Directive – food related aspects** ☐☐ C 13994/23
Information from the Presidency and the Commission
Exchange of views

The Council took note of the presentation by the Commission on the food related aspects of the Waste Framework Directive, and exchanged views on these aspects on the basis of the Presidency note (13994/23).

Non-legislative activities

6. Market Situation in particular following the invasion of Ukraine¹ 14087/1/23 REV 1
Information from the Commission and the Member States
Exchange of views

Any other business

Agriculture

7. a) **Impact of the EU carbon market on the agricultural sector and the agri-food industry**  13930/23
Information from the Polish delegation

The Council took note of the information provided by the Polish delegation on the impact of the EU carbon market on the agricultural sector and the agri-food industry. The Council also took note of the Commission's and of delegations' reactions.

- b) Outcomes of the V4 meeting of the Ministers responsible for agriculture 14236/23
(Znojmo, Czech Republic, 26 September 2023)
Information from the Czech delegation on behalf of the Czech, Hungarian, Polish and Slovak delegations
- c) Prospects of organic farming 14304/23
Information from the Lithuanian delegation, supported by the Bulgarian, Croatian, Cyprus, Czech, Danish, Finnish, Hungarian, Latvian, Maltese, Romanian and Swedish delegations
- d) The establishment of an efficient, flexible and simple "ad hoc" financial support mechanism in case of crisis 14350/23
Information from the Croatian and Slovenian delegations, supported by the Bulgarian, Cyprus, Greek, Hungarian, Maltese and Portuguese delegations

¹ In the presence of the Ukrainian Minister for Agrarian Policy and Food

- e) **A new Deal for Farmers – how to tackle the current challenges for the EU farming sector**  14320/23
Information from the Austrian delegation

The Council took note of the information provided by the Austrian delegation on how to tackle the current challenges for the EU farming sector. The Council also took note of the Commission's and of delegations' reactions.

- f) **Current legislative proposals**
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

**Regulation on the certification of carbon removals:
Agricultural and forestry aspects – state of play**   14367/23
Information from the Presidency

The Council took note of the information provided by the Presidency on the latest developments in the discussions in the Council and the European Parliament on the agriculture- and forestry-related aspects of the proposal for a Regulation establishing an EU certification framework for carbon removals. It also took note of the information provided by the Commission and of delegations' comments.

- g) Commission Work Programme for 2024 on the EU promotion policy for agri-food products 14469/23
Information from the Italian delegation

MEETING ON TUESDAY 24 OCTOBER 2023

FISHERIES

3. **(continuation) Council Regulation fixing for 2024 the fishing opportunities applicable in the Baltic Sea**
(Legal basis proposed by the Commission: Art. 43(3) TFEU)
Political agreement

☐ 14259/23
12451/23 + ADD 1
14024/1/23 REV 1

See page 4.

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- ① First reading
- ☐ Item based on a Commission proposal
- ☐¹ Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)
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Statements to the legislative "A" items set out in doc. 14241/23

Ad "A" item 2:

Directive on the protection of workers from the risks related to exposure to asbestos at work
Adoption of the legislative act

STATEMENT BY GERMANY

“The amendment to the EU Directive on the protection of workers from the risks related to exposure to asbestos at work introduces a new regulatory reference to ‘fibres with a diameter of less than 0.2 micrometres’. Since, once the six-year transitional period has ended, the number of fibres will be determined by the numerical value of the lower diameter, it would have been helpful to define that value too within the framework of the Directive, rather than leaving it to the individual Member States.

This is because, in the absence of a specified lower diameter, different monitoring stations will obtain different measurement results, depending on the national definition and method of evaluation. Since determinations are made only on a national basis, the results of analyses obtained by one Member State cannot be used in another.

Therefore, in order to maintain EU-wide legal certainty and comparability of asbestos fibre concentrations, and to be able to complete the development of national methods and measurement programmes for the new, higher-resolution counting method for thin asbestos fibres within the six-year transitional period, it would have been desirable to specify a lower fibre diameter at EU level. Although this is not the case now, we advocate a coordinated joint approach by the Member States in that regard. In our opinion, 50 nm could be set as the value for the lower diameter. This would take account of analytical as well as toxicological and socio-economic concerns.”

Ad "A" item 3:

Directive concerning financial services contracts concluded at distance
Adoption of the legislative act

STATEMENT BY ITALY

“Italy confirms its support for the compromise agreement reached by the institutions on the draft Directive amending Directive 2011/83/EU as regards financial services contracts concluded at a distance and repealing Directive 2002/65/EC, which is reflected in the outcome of the vote in the European Parliament on 5 October 2023.

Although we are not fully satisfied with all of the rules provided for by the draft Directive, we consider it to be a sound and balanced legislative text overall.

Nevertheless, we would ask the Commission to support Member States during the transposition process in order to further explore any issues that may arise at that stage. The effectiveness of the new rules will depend on their proper application, and support from the Commission can promote the adoption of uniform approaches, thereby avoiding instances of unintended regulatory arbitrage that could fragment the internal market. Indeed, we would point out that in addition to strengthening trust in financial markets by protecting consumers from the risks associated with digitalisation, the other major objective of this legislative proposal is to further enhance the free movement of financial services in the single market, creating a level playing field for similar activities and risks among the various operators.”

Ad "A" item 4: **European Green Bonds Regulation (EuGB)**
Adoption of the legislative act

STATEMENT BY THE COUNCIL

“Given the need to prevent greenwashing in the bond market, to avoid arbitrage among different categories of non-equity securities, and in the absence of a harmonised disclosure regime for bonds, derivatives, and other non-equity securities that are advertised as taking into account ESG-factors or pursuing ESG objectives, the Council affirms its intention to examine thoroughly the Commission’s proposal for a requirement to provide information on ESG matters in the Prospectus for non-equity securities in the context of the negotiations on the Listing Act.”

STATEMENT BY GERMANY

“Germany maintains the view that nuclear energy is not sustainable. While we acknowledge that the European green bond standard is linked to the Taxonomy Regulation, we do not consider the inclusion of nuclear energy to be appropriate for the purposes of creating a gold standard for green bonds. Therefore, Germany cannot support the political agreement on the European Green Bond Regulation in its entirety.”

STATEMENT BY AUSTRIA

“We support measures that will help to channel financial resources towards sustainability. Therefore, Austria also takes a positive view of the European Green Bond Standard. However, we have always pursued the goal of establishing a credible and science-based taxonomy and we reject that nuclear investments can qualify as transition activities. We welcome the disclosure obligations for such investments included in the text, even though they could have been more prominent. We fully respect national sovereignty as well as European and international law regarding national energy policies, but we consider it green washing to classify economic activities in the context of nuclear power as sustainable.”

STATEMENT BY THE COMMISSION

“The Commission confirms its intention to treat any potential mandates to develop standardised annexes for the disclosure of Environmental, Social and Governance (ESG)-related information in the EU Prospectus with swiftness, taking into account the experience with the voluntary guidelines prepared for green bonds in the European Green Bond Regulation.”

Ad "A" item 6: **Anti-coercion instrument (ACI) Regulation**
Adoption of the legislative act

Joint Statement of the European Parliament, the Council and the Commission on Regulation (EU) 2023/... on the protection of the Union and its Member States from economic coercion by third countries

“Economic coercion may affect any area of the Union’s or a Member State’s activities and may have complex political, economic and legal implications. This Regulation is a necessary and effective response to economic coercion and operates through deterrence but can lead to the adoption of countermeasures, where necessary in the last resort. This Regulation has no precedent, it is designed carefully and with due regard to the significant implications of cases of economic coercion. It follows that this Regulation and approaches therein, in particular the conferral of implementing powers to the Council under Article 4, are strictly subject-specific and they do not present a precedent for other legislative files based on Article 207 TFEU, or for proposing such acts. Equally, the rules on the use of the examination procedure in relation to Union response measures agreed in this instrument do not prejudice the outcome of other ongoing or future legislative negotiations and are not to be seen as precedent for other legislative files. This Regulation therefore shall not be considered as a precedent for other acts..”

Statement by the Commission on the use of examination procedure for Union response measures under Regulation (EU) 2023/XXX on the protection of the Union and its Member States from economic coercion by third countries

“The Commission is committed to cooperate closely with the European Parliament, with the Council and with the EU Member States in the application of the EU Anti-Coercion Instrument, at all stages, following applicable rules and best practices. The Commission notes that delivering a united EU response will support the key features of the instrument, namely, deterrence and effectiveness, and will be the most appropriate in light of the sensitive nature of the instrument.

The Commission underlines that, in the context of this regulation, arriving at solutions which command the widest possible support is achievable given the nature and impact of the Union action under the regulation. The application of this regulation requires an assessment of complex economic, policy and legal matters, which provides a substantial margin for selecting solutions, and notably those which have the widest possible support from EU Member States.

In this regard, in the exercise of its implementing powers under the regulation, and following the rules and general principles established by the European Parliament and the Council and laid down in Regulation (EU) No 182/2011, the Commission will pay particular attention to affording early and effective opportunities to the committee of EU Member States to examine any draft implementing act and express views before voting, and, at all times, to work towards solutions which command the widest possible support by the EU Member States within the committee. Subject to protection of confidential information, the Commission will make available to the European Parliament and the Council the analysis of the envisaged measures referred to in Article 13(4) promptly when submitted to the Member States. The Commission will draw the attention to the European Parliament and the Council where the envisaged Union response measures relate to those described in Article 8(4).

Furthermore, in the event a committee delivers no opinion on a draft implementing act, the Commission will take the utmost account of the views expressed within the committee and will prioritise return to the committee with an amended draft act, in order to ensure the widest possible support for a positive opinion by consensus or qualified majority in favour in relation to an amended draft act. Should it be necessary to have recourse to the appeal committee, the Commission will take the utmost account of the views expressed within the appeal committee and work towards the adoption of measures which are based on the widest possible support for a positive opinion by consensus or qualified majority in favour. In the event that the appeal committee delivers a no opinion on a draft implementing act, the Commission will act in such a way as to avoid going against any predominant position within the appeal committee against the appropriateness of the draft implementing act.”

Statements to the "B" items

Council Regulation fixing for 2024 the fishing opportunities applicable in the Baltic Sea

Ad "B" item 3:

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

Political agreement

Commission statement on Bothnian herring and central Baltic herring

“The Commission takes note of the decision of the Council to set total allowable catches (TACs) for Bothnian herring and central Baltic herring at low levels, together with remedial measures aimed at rebuilding those stocks to levels above MSY Btrigger.

However, the Commission regrets that the Council did not decide to close the targeted fisheries for both stocks for 2024, which would have allowed a more rapid recovery of the stocks.”

Commission statement on the multiannual plans

“The Commission understands the reasons for the Member States’ requests to submit a proposal for a targeted amendment of the multiannual plan for the Baltic Sea, the North Sea and the Western Waters. The Commission recalls that according to the Treaty, it has the right of legislative initiative. It is notably for the Commission to appreciate the timing and the content of any such proposal to be submitted.”

Declaration by Commission, Finland and Sweden on the management of salmon fisheries in sub-divisions 29N and 30

“Finland and Sweden consider that the Ljungan salmon stock has suffered from a disease, but that the situation for the stock has however developed positively in 2023 with a larger spawning run and larger estimated smolt numbers.

Finland and Sweden also consider that the probability of reaching Blim for the Ljungan salmon stock to a lesser degree depends on fishing mortality. Therefore, they consider that targeted management measures are more effective for the recovery of the Ljungan salmon stock.

Finland and Sweden consider that a delayed start of commercial and recreational salmon fishing until 20 May 2024 would be a significant restriction compared to a start at 1 May as advised by ICES. They consider that this would allow for early migrating and valuable large wild salmon including individuals from the Ljungan salmon stock to migrate towards their spawning rivers before the salmon fisheries commence. Sweden would be ready to furthermore implement regional restrictions on salmon fishing in and outside the Ljungan River.

Finland and Sweden also agree that a reduced TAC to 53 967 salmon is a significant measure for the conservation of salmon stocks.

The Commission, in close cooperation with Finland and Sweden, will urgently request ICES to provide scientific advice as soon as possible, on the management measures that Finland and Sweden are ready to put in place for salmon fisheries in sub-divisions 29N and 30. Finland and Sweden will provide ICES and the Commission the necessary scientific information and expertise needed for such advice. On the basis of that ICES advice, the Commission will, if appropriate, submit a proposal for an amendment to the Baltic Fishing Opportunities Regulation.”

Joint Statement by Denmark, Estonia, Germany, Poland and Sweden on recreational fisheries for Western cod

“Denmark, Estonia, Germany, Poland and Sweden continue to be worried about the status of Western cod and remain committed to its recovery. At the same time, they acknowledge the socio-economic and cultural importance of recreational fisheries. The aforementioned Member States call on the Commission to consider reopening recreational fisheries for Western cod in future proposals, as soon as the scientific advices allow for reintroducing an appropriate bag limit. Further common measures for recreational cod fishery could also be considered to protect the Western cod stock, such as minimum and maximum reference sizes.”

Joint Statement by Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden on the application of Article 15(9) of the Basic Regulation as regards eastern Baltic cod and western Baltic cod in 2024

“Given that the biomass of the stocks of eastern Baltic cod and western Baltic cod are below B_{lim} , and in order to ensure the recovery of the stock in accordance with Regulation (EU) 2016/1139, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland 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 the eastern Baltic cod and western Baltic cod stocks.”

Joint Statement by Denmark, Finland, Germany, Poland and Sweden on the application of Article 15(9) in the Basic Regulation as regards western Baltic herring in 2024

“Given that the biomass of the stock of western Baltic herring is below B_{lim} , and in order to ensure the recovery of the stock in accordance with Regulation (EU) 2016/1139, Denmark, Finland, Germany, Poland and Sweden undertake not to make use of inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 with regard to this stock in 2024. This undertaking is a response to the current exceptional circumstances for the western Baltic herring stock.”

Joint Statement by Denmark, Estonia, Germany, Latvia, Lithuania and Poland on the application of Article 15(9) in the Basic Regulation as regards main basin salmon in 2024

“Given that in ICES subdivisions 22-30 almost all wild salmon river stocks are well below R_{lim} , and in order to ensure the recovery of the stocks, Denmark, Estonia, Germany, Latvia, Lithuania and Poland 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 commitment is a response to the current exceptional circumstances for the wild salmon river stocks in ICES subdivisions 22-30.”

Joint Statement by the Commission, and Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland and Sweden on exchanges of eastern and western Baltic cod quotas

“In a spirit of solidarity, a Member State not needing its entire by-catch quota for eastern or western Baltic cod will seek to agree on quota exchanges with a Member State that can demonstrate it will be confronted with a choke effect due to its limited eastern or western Baltic cod quota.”

Joint Statement by Denmark, Estonia, Germany, Lithuania and Poland on transfers of Main Basin salmon quotas

“In a spirit of solidarity and recognising the conservation efforts made by Finland and Sweden, which have led to healthy stocks in their waters, a Member State which cannot use its entire quota for Main Basin salmon will consider a voluntary transfer of the unused or unusable part of that quota to Finland and/or Sweden.”

Joint Statement by the Commission and Germany on the option of support for the temporary cessation of fishing activities by the European Maritime, Fisheries and Aquaculture Fund (EMFAF)

1. “According to Article 5(3), point (a) of Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, remedial measures for the purpose of Article 5 of that Regulation may include Member State emergency measures pursuant to Article 13 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, under certain conditions.
2. Given the assessment of the International Council for the Exploration of the Sea (ICES) on cod and herring in subdivisions 22-24 Germany therefore deems it necessary to adopt emergency measures pursuant to Article 13(1) of Regulation (EU) No 1380/2013. The emergency measures in subdivisions 22-24 for German fishing vessels consist in introducing a closure of 30 days for the protection of cod in addition to the cod spawning closure established by Article 7(3) of the Regulation fixing for 2024 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea during which the exemption contained in Article 7 (4)(b) shall not apply, and limiting by additional 30 days the herring fishery during which the exemption for certain small-scale coastal fisheries from the prohibition to target western herring is interrupted and fisheries with substantial by-catches of herring.
3. The Commission and Germany agree that this emergency measure is eligible for funding from Regulation (EU) 2021/1139 of the European Parliament and the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 provided that it is in accordance with the conditions set out in Article 21(2)(c) of that Regulation.”