



Council of the
European Union

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Eingelangt am 21/05/19

Brussels, 21 May 2019
(OR. en)

9224/19
PV CONS 23
AGRI 253
PECHE 241

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Agriculture and Fisheries)
14 May 2019

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1. Adoption of the agenda

The Council adopted the agenda set out in 9124/19.

2. Approval of "A" items

a) Non-legislative list

9125/19

The Council adopted the "A" items listed in 9125/19 including COR and REV documents presented for adoption. Statements related to these items are set out in the Addendum.

For the following items the documents should read as follows:

EU positions for international negotiations

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 8. Council Decision on the EU position in the annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea
<i>Adoption</i>
approved by Coreper, Part 1, on 08.05.2019 | ☐ 8706/19
8330/19 + ADD 1
<u>+ REV 1 (es)</u>
PECHE |
| 9. Council Decision on the EU position in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)
<i>Adoption</i>
approved by Coreper, Part 1, on 08.05.2019 | ☐ 8707/19 + ADD 1
8331/19 + ADD 1
<u>+ REV 1 (es)</u>
PECHE |

Delegated or Implementing Acts

Agriculture

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| 26. Commission Delegated Regulation supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council on protective measures against pests of plants, authorising Member States to provide for temporary derogations in view or of testing, scientific or educational purposes, trials, varietal selections, or breeding
<i>Delegated act - Intention not to raise objections</i>
approved by Coreper, Part 1, on 08.05.2019 | 8818/19 + ADD 1
7641/19 + ADD 1
<u>+ COR 1 (sk)</u>
PHYTOSAN |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|

Energy

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| 29. Commission Regulation (EU) .../... of XXX amending Regulation (EU) No 548/2014 of 21 May 2014 on implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to small, medium and large power transformers
<i>Decision not to oppose adoption</i>
approved by Coreper, Part 1, on 17.04.2019 | 8389/19
7292/19 + ADD 1
<u>+ REV 1 (el)</u>
ENER |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|

Economic and Financial Affairs

31. Conclusions on fighting fraud in EU spending (ECA SR No 1/2019)
Adoption
approved by Coreper, Part 2, on 02.05.2019
- 8646/19
+ COR 1 (it)
GAF

Justice and Home Affairs

32. Council Decision on the exercise of powers by the Secretary General on European Chief Prosecutor selection procedure
Adoption
approved by Coreper, Part 2, on 17.04.2019
- 7623/19
7626/19 + COR 1
+ REV 1 (cs)
JUR
EPPO
33. Cooperation Agreement Eurojust - Denmark
Adoption
approved by Coreper, Part 2, on 02.05.2019
- 8599/19
7770/19
+ REV 1 (et)
COPEN
34. eu-LISA Regulation: Council Decision on the conclusion of a complementary arrangement with Schengen Associated States
Adoption
approved by Coreper, Part 2, on 07.05.2019
- C** 7948/19
15832/1/18 REV 1
12367/18
+ COR 1 (it)
DAPIX

- b) **Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union)**
- 9126/19

Internal Market and Industry

1. Regulation on supplementary protection certificate for medical products
Adoption of the legislative act
approved by Coreper, Part 1, on 08.05.2019
- IC** 8734/1/19 REV 1
+ ADD 1 REV 1
PE-CONS 52/19
PI

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Denmark, Malta, Sweden and the United Kingdom voting against and Austria and Czechia abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU). Statements to this item are set out in the Annex.

Fisheries

2. Regulation laying down conservation and control measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (NAFO) 🗳️ 8751/19
PE-CONS 34/19
PECHE
Adoption of the legislative act
approved by Coreper, Part 1, on 08.05.2019

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)

Economic and Financial Affairs

3. Capital Requirements Regulation (CRR) 🗳️ 8667/19
PE-CONS 15/19
EF
Adoption of the legislative act
approved by Coreper, Part 2, on 07.05.2019


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)

4. Capital Requirements Directive (CRD) 🗳️ 8725/19
PE-CONS 16/19
EF
Adoption of the legislative act
approved by Coreper, Part 2, on 07.05.2019


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 53(1) TFEU)

5. Bank Recovery and Resolution Directive (BRRD) 🗳️ 8729/19
PE-CONS 48/19
EF
Adoption of the legislative act
approved by Coreper, Part 2, on 07.05.2019

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)

6. Single Resolution Mechanism Regulation (SRMR)  8726/19
Adoption of the legislative act PE-CONS 47/19
approved by Coreper, Part 2, on 07.05.2019 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)

7. Emir Refit Regulation  8748/19
Adoption of the legislative act PE-CONS 73/19
approved by Coreper, Part 2, on 07.05.2019 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)

Justice and Home Affairs

8. Interoperability Regulation (borders and visa)  8731/19
Adoption of the legislative act PE-CONS 30/19
approved by Coreper, Part 2, on 07.05.2019 COSI

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. In accordance with the relevant Protocols annexed to the Treaties, the Danish, Irish and United Kingdom delegations did not participate in the vote. (Legal basis: Article Article 16(2), Article 74 and Article 77(2)(a), (b), (d) and (e) TFEU)

9. Interoperability Regulation (police and judicial cooperation, asylum and migration) 1C 8733/1/19 REV1
+ REV1 ADD 1
PE-CONS 31/19
COSI
Adoption of the legislative act
approved by Coreper, Part 2, on 07.05.2019

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the United Kingdom delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish and Irish delegations did not participate in the vote. (Legal basis: Article 16(2), Article 74, Article 78(2)(e), Article 79(2)(c), Article 82(1)(d), Article 85(1), Article 87(2)(a) and Article 88(2) TFEU TFEU)

AGRICULTURE

Legislative deliberations

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

3. **Post-2020 CAP reform package** 1C 8933/1/19 REV 1
Regulation on CAP strategic plans
Exchange of views on the new delivery model

Based on the Presidency discussion paper set out in doc. 8933/1/19 REV 1, the Council exchanged views on the new delivery model of the CAP Strategic Plans Regulation and took note of delegations' and the Commission's comments.

Non-legislative activities

4. Clean Planet for all: Strategic long-term vision for a climate neutral economy - agricultural aspects 2 7672/2/19 REV 2
Presentation by the Commission
Exchange of views
5. Trade-related agricultural issues 8914/1/19 REV 1
Information from the Commission
Exchange of views

Any other business

Fisheries

6. a) **Current legislative proposal**
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

Joint declaration of Spain, France and Italy in regard to the **1****C** 8941/1/19 REV 1
proposal on the European Maritime and Fisheries Fund for
the Period 2021-2027

*Information from the Spanish, French and Italian
delegations*

The Council took note of the common position of the Spanish, French and Italian
delegations (doc. 8941/1/19 REV 1), as well as of the comments made by most
delegations. The Council also took note of the comments of the Commission.

Agriculture

- b) Follow up to the judgment of the Court of Justice in **8134/19**
Case C-528/16

*Information from the Netherlands delegation, supported
by the Estonian delegation*

- c) Situation on the European apple and pear market – **9108/19**
exceptional market conditions

*Information from the Belgian delegation, on behalf of the
Belgian and Polish delegations*

1 First reading

C Item based on a Commission proposal

2 Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of
Procedure)

Statements to the legislative "A" items set out in 9126/19

Ad "A" item 1: **Regulation on supplementary protection certificate for medical products**
Adoption of the legislative act)

STATEMENT BY DENMARK

"The European Commission presented on 28 May 2018 the Proposal for a Regulation amending Regulation (EC) No 469/2009 concerning the supplementary protection certificate for medicinal products.

Since the beginning of the negotiations, Denmark has focused on maintaining a balanced approach, where the interests of one industry are not emphasised at the cost of another. Unfortunately, Denmark does not believe that this has been achieved.

The purpose of the proposal is to increase the competitiveness of EU-established generic and biosimilar producers in third countries and not to lower the standards of intellectual property protection in the EU. In principle, Denmark believes that a re-balance of the competitiveness level playing field for the EU-established generic and biosimilar pharmaceutical industry versus the non EU-established generic and biosimilar pharmaceutical industry should be achieved without undermining the strong competitive position of the EU established innovative pharmaceutical industry.

While reflecting a compromise, the final text of the regulation presents wide implications that may potentially benefit one side of the pharmaceutical industry in the future but may generate significant damage today for the other. By allowing storing of medicinal products and affecting acquired rights of the SPC holders, Denmark believes that the result is disproportionate and goes far beyond what is necessary in order to achieve with the objective of the proposal.

The absence of meaningful safeguards for storing will undermine legal certainty for the generic, biosimilar and innovative industry. It will also further deteriorate market conditions for investments in research and innovation, which are, by far, higher than any benefit that the SPC waiver proposal can generate.

Therefore, Denmark cannot support the regulation.

We expect the EU Commission to monitor closely the implementation of this legislation and will encourage it to take the appropriate measures in order to ensure legal certainty and to protect Europe's attractiveness as a hub for innovation and manufacturing."

STATEMENT BY CZECHIA

"Czechia recognizes the need to keep a balance between the imperative to ensure the attractiveness of Europe for innovative pharmaceutical companies and the urgency to allow EU based generics and biosimilars to compete on the global markets.

Nevertheless, we are concerned about the consequences of the proposed limitation of the rights of SPC holders. Any such weakening of intellectual property rights in Europe might undermine investment in research and development of new medicinal products. As a result, Europe might lose its attractiveness as a center of research and development, which might have a negative impact in particular on EU patients who are dependent on the supply of innovative medicinal products.

Against this background, we are of the view that any restriction of exclusive rights of SPC holders should only be permissible in exceptional circumstances such as humanitarian reasons addressing public health problems in developing countries. Consequently, the geographical scope of export countries should be more proportionate and limited only to those that are least developed and other developing countries."

JOINT STATEMENT BY BELGIUM, FRANCE, IRELAND, PORTUGAL, SPAIN AND THE NETHERLANDS

"The undersigned Member States can support the political compromise regarding this regulation that provides carefully crafted exceptions to the supplementary protection certificate within the remit of intellectual property. We insist that future legislative initiatives also include incentives to promote research and development and that these initiatives should aim at strengthening the necessary conditions in the European Union that allow for the enhancement of intellectual property rights and innovation by the pharmaceutical sector."

STATEMENT BY MALTA

Malta reiterates the same position conveyed during the Competitiveness Council of 18 February 2019 and the COREPER I meeting of 20 February 2019, that it is against the introduction of stockpiling within the Export Waiver dossier. Furthermore, Malta is not satisfied with the necessary safeguards placed in the text."

Ad "A" item 9: **Interoperability Regulation (police and judicial cooperation, asylum and migration)**
Adoption of the legislative act)

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom (UK):

- Notes the intensive efforts by the Romanian Presidency, and preceding presidencies, to bring this file to a conclusion.
- Considers that the establishment of an interoperable architecture between EU information systems in the fields of police and judicial cooperation, asylum and migration to be a significant and necessary step towards greater European security. The UK remains strongly committed to our shared aim of a safer and more secure Europe for all our people. As such, the UK supported the Commission's interoperability proposal.
- Notes however that the text for adoption today falls short of that proposal's ambition in several key areas. It also differs significantly from the recommendations of the High Level Expert Group.
- Nonetheless, recognises that adoption of this file represents a step forward on important and shared priorities, and hopes that there is scope for the ambition of the original Commission proposal to be fully realised in the future."
