



Council of the
European Union

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Eingelangt am 10/04/24

Brussels, 10 April 2024
(OR. en)

8350/24
PV CONS 17
AGRI 296
PECHE 133

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(**Agriculture and Fisheries**)
26 March 2024

1. Adoption of the agenda

The Council adopted the agenda set out in document 7899/24.

2. Approval of 'A' items

(a) Non-legislative list

7982/24

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)

7984/24

Agriculture

1. Regulation on geographical indications and quality schemes *Adoption of the legislative act*



7418/24 + ADD 1
PE-CONS 72/23

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) and the first paragraph of Article 118 TFEU).

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

Research

2. Decision amending Decision (EU) 2017/1324 as regards the continuation of the Union's participation in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) under Horizon Europe *Adoption of the legislative act*



7609/24
PE-CONS 98/23
RECH

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 185 and the second paragraph of Article 188 TFEU).

Telecommunications

3. Regulation amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity

Adoption of the legislative act



7570/24
PE-CONS 68/23
+ COR 1
TELECOM

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).

Culture/Audiovisual Matters

4. Regulation on the European Media Freedom Act

Adoption of the legislative act



7962/1/24 REV 1
+ ADD 1 REV 1
PE-CONS 4/24
AUDIO

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, with Hungary voting against (legal basis: Article 114 TFEU).

Statements to this item are set out in the Annex.

Economic and Financial Affairs

5. Daisy Chains Directive

Adoption of the legislative act



7608/24
PE-CONS 94/23
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).

Justice and Home Affairs

6. Directive on the protection of the environment through criminal law

Adoption of the legislative act



7649/24 + ADD 1
+ ADD 1 COR 1
PE-CONS 82/23
+ COR 2
COPEN

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with Germany abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union (legal basis: Article 83(2) TFEU).

In accordance with the relevant Protocols annexed to the Treaties, Denmark and Ireland did not participate in the vote.

Statements to this item are set out in the Annex.

AGRICULTURE

Non-legislative activities

- | | | |
|----|--|---------|
| 3. | Rapid and structural responses to the current crisis situation in the agricultural sector: follow-up to decisions taken by the Commission
<i>Information from the Presidency and the Commission</i>
<i>Exchange of views</i> | 8027/24 |
| 4. | Market situation in particular following the invasion of Ukraine ¹
<i>Information from the Commission and the Member States</i>
<i>Exchange of views</i> | 8058/24 |

Any other business


5. Agriculture

- | | | |
|----|--|--|
| a) | Urgent Call For Action: Challenges for European agriculture and forestry businesses posed by the Deforestation Regulation in the context of the current agricultural crisis
<i>Information from the Austrian delegation, supported by the Finnish, Italian, Polish, Slovak, Slovenian and Swedish delegations</i> | 8028/24 |
| b) | Outcome of the meeting of Nordic-Baltic ministers responsible for agriculture (Trakai, Lithuania, 21 February 2024)
<i>Information from the Lithuanian delegation, on behalf of the Danish, Estonian, Finnish, Latvian, Lithuanian and Swedish delegations</i> | 8018/24 |
| c) | Outcome of Presidency events on the future of agriculture and the CAP
<i>Information from the Presidency</i> | <div style="border: 1px solid black; padding: 2px; display: inline-block;">2</div> 8021/24 |

The Council took note of the information provided by the Presidency on the outcome of the events that it had organised on the future of agriculture and the CAP. It also took note of the Commission's reply as well as of delegations' comments.

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

d) French candidacy for the post of Director-General of the World Organisation for Animal Health (WOAH)
Information from the French delegation 7978/24

e) **Symposium ‘Call to Care for Animal Welfare’ (Brussels, 29 January 2024): lessons learned and way forward**
Information from the Presidency  8025/24

The Council took note of the information provided by the Presidency on the symposium entitled ‘Call to Care for Animal Welfare’. It also took note of the comments made by some delegations and the Commission.

f) **Current legislative proposals**
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)
(Regulation on plants obtained by certain new genomic techniques and their food and feed)

The importance of providing the agrifood sector with new plant breeding strategies, based on genome editing techniques, to strengthen its sustainability, resilience and profitability  8035/1/24 REV 1
Information from the Spanish delegation, supported by the Czech, Danish, Estonian, Finnish, Italian, Irish Netherlands, Portuguese, and Swedish delegations

The Council took note of the information provided by the Spanish delegation, supported by the Czech, Danish, Estonian, Irish, Italian, Netherlands, Portuguese, Finnish and Swedish delegations on the importance of providing the agrifood sector with new plant breeding strategies, based on genome editing techniques, to strengthen its sustainability, resilience, and profitability. The Council also took note of the reactions of several delegations and of the Commission.

Fisheries

- g) **Examination of the socio-economic pillar in fisheries management in the light of the judgment in Case C-330/22** [2] 7846/2/24 REV 2
Information from the Spanish delegation, supported by the Bulgarian, Lithuanian, Polish and Portuguese delegations

The Council took note of the information provided by the Spanish delegation, and supported by the Bulgarian, Lithuanian, Polish and Portuguese delegations, on socio-economic considerations in fisheries management in light of the judgment in court case C-330/22, as well as of comments made by other delegations and by the Commission.

- h) **European Maritime, Fisheries and Aquaculture Fund and Support – Compensation in Case of Exceptional Events - follow-up** [2] 8077/24
Information from the Portuguese delegation, on behalf of the Bulgarian, Cyprus, Czech, French, Hungarian, Maltese, Polish, Portuguese and Spanish delegations

The Council took note of the information provided by the Portuguese delegation, on behalf of the Bulgarian, Cyprus, Czech, French, Hungarian, Maltese, Polish, Portuguese and Spanish delegations, on the follow-up to the European Maritime, Fisheries and Aquaculture Fund and Support – Compensation in Case of Exceptional Events, as well as of the comments made by other delegations and by the Commission.



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 legislative "A" items set out in doc. 7984/24**Ad "A" item 1:** **Regulation on geographical indications and quality schemes**
*Adoption of the legislative act***JOINT STATEMENT BY THE EUROPEAN PARLIAMENT AND THE COUNCIL**

“The European Parliament and the Council underline that all the procedures relating to geographical indications governed by this Regulation shall remain under the sole responsibility of the Commission.

The European Parliament and the Council note that the Commission may be assisted, only with regard to the execution of administrative tasks, if and to the extent that it is possible under the existing legal framework.

For the purpose of transparency, the Commission is urged to inform each year the European Parliament and the Council on the assistance received in the exercise of those tasks.”

Ad "A" item 4: **Regulation on the European Media Freedom Act**
*Adoption of the legislative act***STATEMENT BY FRANCE**

“France reiterates its unwavering dedication to the freedom, independence and pluralism of the media, which are pillars of democracy and the rule of law, and its steadfast commitment to protecting the principles and fundamental values of the European Union.

The protection of these values is provided for by the Treaties, in particular Article 2 of the Treaty on European Union, and is without prejudice to Article 4(2) of the Treaty on European Union and its implementation.”

In this regard, the Union ‘shall respect their [the Member States’] essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State.’

In this spirit, and in line with Article 4(9) of this Regulation, France would point out that it is for Member States alone to safeguard their national security. The provisions of this Regulation should therefore in no way affect the full exercise of that responsibility and the measures taken in that context.

Furthermore, France notes that this Regulation, based on Article 114 of the Treaty on the Functioning of the European Union, may not result in the harmonisation of rules of criminal procedure. Consequently, the key concepts of criminal procedure, including serious crime, and the competent authorities mentioned in Article 4(3) and (4), are and must remain defined by the law of each Member State.“

STATEMENT BY ITALY

“Italy firmly supports the European Union’s initiatives to promote the freedom, independence and pluralism of the media, as well as to counteract disinformation and attempts by third countries to interfere in the information system.

The protection of these values falls within the framework established in the Treaties, in particular Article 2 of the Treaty on European Union, without prejudice to the provisions of Article 4(2) of the Treaty on European Union and its implementation, which states that the Union ‘shall respect ... essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security. In particular, national security remains the sole responsibility of each Member State’.

In keeping with this spirit, and in accordance with Article 4 of the Media Freedom Regulation, Italy recalls that it is exclusively within the remit of the Member States to ensure the protection of their national security. Therefore, the provisions of this Regulation cannot in any way affect the full exercise of this responsibility and any measures taken in that context.

Moreover, as highlighted by the European Commission in a statement interpreting the Regulation, Italy notes that the Regulation, based on Article 114 of the Treaty on the Functioning of the European Union, cannot have the effect of harmonising rules relating to criminal procedure. Accordingly, the key concepts of criminal procedure, including relating to serious criminal offences, and of the competent authorities referred to in Articles 4(3) and 4(5) are and must remain defined in accordance with the law of each Member State.“

STATEMENT BY HUNGARY

“Hungary is committed to the appropriate handling of the issues regulated in the EMFA proposal, such as ensuring editorial independence, excluding secret surveillance of journalists in relation to journalistic sources, or reforming the provisions on public media. We consider unrestricted access to diverse media contents as an important value. We welcome the regulation on giant platforms appearing in the proposal.

However, given the different media structures of the Member States, we still maintain our repeatedly stated position that it would be desirable to create only general, guaranteeing rules and principles for the legal areas regulated in the EMFA. Thus, a directive or a recommendation would be a more appropriate regulatory instrument than a regulation.

We have also indicated several times during the negotiations that in our opinion, the proposal represents an intervention in the sovereignty of the Member States at many points, and the specified legal basis does not provide sufficient justification for the adoption of the Regulation with regard to all its articles. The right of opinion of the European Board for Media Services to be established by the EMFA violates the competence of Member States’ authorities. In our opinion, the practical feasibility of the Board’s independence from the Commission also raises questions. The provisions of criminal law nature contained in Article 4 may cause legal uncertainty due to the different criminal procedure systems in the Member States. more flexibility and room for interpretation is needed in these provisions in order to deal with the differences in the criminal procedure systems of the Member States.”

STATEMENT BY THE COMMISSION

“The European Media Freedom Act (“EMFA”) does not aim to harmonise the key concepts of criminal procedure as referred to in Article 4(3) of EMFA, as explained in Recital 22 of EMFA. Judicial investigation authorities acting in an independent and impartial manner, as clarified in Recital 21 of EMFA, are competent decision-making authorities under national law to resort to the coercive measures referred to in Article 4(3) of EMFA.”

Ad "A" item 6: **Directive on the protection of the environment through criminal law**
Adoption of the legislative act

STATEMENT BY BULGARIA

“Bulgaria fully supports the objectives of the proposal for the Directive on the protection of the environment through criminal law.

However, with respect to the “qualified offence” under Art.3, paragraph 3 of the Directive that was introduced during the inter-institutional negotiations, we would like to express our concerns about the lack of clarity in the operative part as regards the *mens rea* element of the offence, i.e. whether it can be committed only intentionally or also by serious negligence. In addition, we are concerned about the lack of sufficient clarity in the operative part and the preamble as regards the correlation between the qualified offence and the aggravating circumstances under Art.8 and the level and type of sanctions or measures to be applied for the qualified offence (Art.7, paragraph 4). We are of the view that the above lack of clarity could lead to serious difficulties for the Member States in the transposition of the Directive and implementation of the respective national legislation.

We also regret that our concerns about the differentiated approach in sanctioning legal persons, depending on whether their liability is triggered under paragraph 1 or under paragraph 2 of Art.6, were not addressed during the negotiations (Art.7, paragraph 3). We have already pointed out that differentiated approach in sanctioning legal persons would have negative consequences, such as: conflict with the principle of unified sanctioning regime applied to legal persons which is established by the Council of Europe, UN and OECD conventions and further breach of the consistency and coherence of the EU legislation with respect to this issue; conceptual, legislative and practical confusion in the member states which have taken measures in conformity with the currently established international and European standards; message to the Member States that they could adopt less effective, proportionate and dissuasive corporate sanctions for environmental crimes committed by persons under authority, even if the crimes are committed for the benefit of the legal person and cause serious damages; possibility of misuse by the legal persons which could easily organize the commission of environmental crimes in a way to avoid effective sanctioning; and potential for forum shopping.

Finally, we express concerns that during the linguistic revision of the English text the term “sanctions” was replaced by the term “penalties” in the respective provisions and the preamble of the Directive without providing substantial linguistic or legal reasons for this important terminological change. With respect to this issue we mention that the term “sanctions” is consistently used in the criminal law directives and the international conventions adopted within the Council of Europe, UN and OECD, and until now has not caused misinterpretation or confusion at EU or national level. Moreover, the term “sanctions” is used in the provision of Art.83, paragraph 2 TFEU and therefore the above terminological change is inconsistent with the legal basis for the proposal for the Directive.”

STATEMENT BY FINLAND

“Finland is fully committed to striving for a high level of environmental protection and recognises criminal law as one of the means for pursuing this aim. Finland has, throughout the negotiations, fully supported the objectives of the proposal for the Directive on the protection of the environment through criminal law. However, Finland considers that the agreement on the new Directive includes obligations which do not adequately align with some of the basic principles of EU criminal law.

Firstly, Article 49 of the Charter of Fundamental Rights of the European Union lays down the principles of legality and proportionality of criminal offences and penalties. Under Article 49(3), the severity of penalties must not be disproportionate to the criminal offence. While Finland considers it important to include in the Directive solid provisions on criminal responsibility and penalties, Finland considers that the harmonization of penalties in the Directive goes partly beyond what is justified as regards the range and level of penalties and the existing systems of the Member States. When common sanctions levels are determined, due consideration should be given to the overall level of severity of the national sanctions regimes, as well as to the coherence of national systems as a whole.

In addition, the core of Article 83 of the Treaty on the Functioning of the European Union (TFEU) is establishing minimum rules concerning the definition of criminal offences and sanctions. The importance of safeguarding the legal traditions and fundamental aspects of national criminal justice systems is emphasised in Article 83 and in Article 67 of the TFEU. The new Directive includes some important points where the harmonization is not only very detailed but also horizontal in that it would significantly affect all other offence categories besides environmental offences. Finland considers it important to adhere to the nature of EU criminal law as minimum harmonization in the specific areas provided for in the TFEU.

For Finland, especially the provisions of the new Directive on penalties, and those on the penalties for legal persons and on the qualified offence in particular, do not seem to be fully consistent with the principle of proportionality and the premise of minimum harmonization.”
