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European Union

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**DRAFT MINUTES**  
COUNCIL OF THE EUROPEAN UNION  
**(Agriculture and Fisheries)**  
12 and 13 December 2021

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## MEETING ON SUNDAY 12 DECEMBER 2021

### 1. Adoption of the agenda

The Council adopted the agenda set out in 14791/21.

### 2. Approval of "A" items

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

14807/21

#### Agriculture

### 1. Regulation as regards the Union contribution for the integrated farm statistics under the 2021-2027 financial framework



14415/21  
PE-CONS 70/21  
AGRI

*Adoption of the legislative act*  
approved by SCA, on 06.12.2021

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 338 TFEU).

### b) Non-legislative list

14806/1/21 REV 1

The Council adopted the "A" items listed in 14806/1/21 REV 1, including COR and REV documents presented for adoption.

## FISHERIES

### Non-legislative activities

### 3. Council Regulation fixing fishing opportunities for 2022 in Union and non-Union waters



14318/21  
13316/21  
+ ADD 1-2

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

The Council reached a unanimous political agreement on the Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters.

4. **Council Regulation fixing for 2022 the fishing opportunities in the Mediterranean and Black Seas** ☐ 14319/21  
11955/21 + ADD 1  
(Legal basis proposed by the Commission: Art. 43(3) TFEU)  
*Political agreement*

The Council reached a political agreement on the Regulation fixing for 2022 the fishing opportunities in the Mediterranean and Black Seas.

#### **Any other business**

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

**Regulation amending various Regulations as regards fisheries control** ☐☐ 9317/18 + ADD 1  
*Information from the Presidency on the state of play*

The Council took note of the state of play of the inter-institutional negotiations on the revision of various Regulations relating to the Union's fisheries control system and the progress achieved since the start of negotiations in July 2021.

- b) EMFAF programming: a strategic approach to maximise the added value of public investment 14604/21  
*Information from the Commission*

### **MEETING ON MONDAY 13 DECEMBER 2021**

#### **Non-legislative activities**

#### **FISHERIES**

3. **(continuation) Council Regulation fixing fishing opportunities for 2022 in Union and non-Union waters** ☐ 14318/21  
13316/21  
+ ADD 1-2  
(Legal basis proposed by the Commission: Art. 43(3) TFEU)  
*Political agreement*

See page 4.

4. **(continuation) Council Regulation fixing for 2022 the fishing opportunities in the Mediterranean and Black Seas** ☐ 14319/21  
11955/21 + ADD 1  
(Legal basis proposed by the Commission: Art. 43(3) TFEU)  
*Political agreement*

See item 5 above.

6. **Bilateral EU-UK consultations on fishing opportunities for 2022** ☐ 14671/21  
*Approval of the specification of the Union position*

The Presidency informed the Council on the state of play of the negotiations with the UK and on the next steps.

## AGRICULTURE

7. **Conclusions on a contingency plan for ensuring food supply and food security in times of crisis** ☐ 14741/21  
*Approval*

The Council approved the text of Council conclusions on the contingency plan for ensuring food supply and food security in times of crisis as set out in 14741/21 and took note of the comments of the Commission and of Member States.

8. **Unfair trading practices in the food supply chain** ☐ 14611/21  
*Policy debate*

The Council held a public debate on unfair trading practices (UTPs) in the agricultural and food supply chain on the basis of a recent report from the Commission on the transposition and implementation of the 2019 UTP Directive, of a Presidency discussion paper prepared to steer the debate, and of a related paper from the Slovak delegation on sustainable food supply chains.

The Council took note of the interventions from Ministers and the Commission on the transposition and implementation of the UTP Directive and on the challenges ahead with regard to the elimination of UTPs and the achievement of sustainable food supply chains.

## Any other business

### 9. Agriculture

#### a) **Current legislative proposals**

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

#### **Regulation on the making available on the EU market and export of products associated with deforestation and forest degradation**



14151/21 + ADD 1

*Presentation by the Commission*

The Council took note of the information provided by the Commission on the main elements of the new legislative proposal for a Regulation of the European Parliament and of the Council on the making available on the Union market as well as export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010 which is set out in 14151/21 + ADD 1. The Council also noted the comments made by delegations.

#### b) **Common approach in order to reduce the number of keel bone fractures in laying hens**



14413/21

*Information from the Danish delegation*

On the basis of the information note submitted by the Danish delegation, set out in document 14413/21, the Council exchanged views on the occurrence of keel bone fractures in laying hens and the possibility to include breeding strategies in the on-going revision of the EU legislation on animal welfare. The Council took note of the views expressed by delegations and the Commission.

#### c) **Transforming the food supply chain towards sustainability - lessons learned from the EU Code of Conduct**



14804/1/21 REV 1

*Information from the Slovak delegation, supported by the Bulgarian, Czech, Greek, Hungarian, Polish, Portuguese and Spanish delegations*

This point was taken together with point 8.

d) **Preparation of the CAP Strategic Plans and implementation of the new CAP reform**

 14792/21

*Information from the Czech delegation, supported by the Hungarian and Luxembourg delegations*

The Council took note of the information provided by the Czech delegation on the preparation of the CAP Strategic Plans and the implementation of the CAP reform, as set out in 14792/21.

The Council also took note of the support expressed by the Austrian, Belgian, Bulgarian, Croatian, Danish, Estonian, French, German, Greek, Hungarian, Irish, Latvian, Luxembourg, Maltese, Polish, Romanian, Slovak, Spanish and Swedish delegations, and the reaction of the Commission.

e) **Critical situation of the pig sector in the EU**

 14781/1/21 REV 1

*Information from the Czech delegation, supported by the Austrian, Belgian, Bulgarian, Croatian, Estonian, French, Greek, Hungarian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian and Slovak delegations*

The Council took note of the information provided by the Czech delegation, supported by the Austrian, Belgian, Bulgarian, Croatian, Estonian, French, Greek, Hungarian, Latvian, Lithuanian, Polish, Portuguese and Slovak delegations, on the critical situation of the pig sector in the EU, as well as of the information from the Spanish delegation, on behalf of the Austrian, Belgian, Bulgarian, Croatian Czech, Estonian, Finnish, French, Greek, Hungarian, Irish, Italian, Latvian, Maltese, Polish, Portuguese, Romanian and Slovak delegations, on the rising costs of fertilizers and raw materials for animal feed and their impact on the agricultural sector, and their related request.

The Council also took note of the Commission's response. It will return to this issue when necessary.



- f) **Rising costs of fertilizers and raw materials for animal feed and their impact on the agricultural sector** 14782/21  
*Information from the Spanish delegation, on behalf of the Austrian, Belgian, Bulgarian, Croatian, Czech, Estonian, Finnish, French, Greek, Hungarian, Irish, Italian, Latvian, Maltese, Polish, Portuguese, Romanian, Slovak and Spanish delegations*

This point was taken together with point 9 e).

- g) Lithuania - China relations 14852/21  
*Information from the Lithuanian delegation*
- h) Conclusions of the virtual high-level BIOEAST Foresight Conference (27 September 2021) 14624/21  
*Information from the Presidency*
- i) Joint festive declaration of the Ministers of Agriculture of the Visegrad Group (Czech Republic, Hungary, Poland and Slovakia), Bulgaria, Croatia, Estonia, Latvia, Lithuania, Romania and Slovenia on the five-year anniversary of the BIOEAST Initiative 14249/21  
*Information from the Hungarian delegation, on behalf of the Bulgarian, Croatian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Polish, Romanian, Slovak and Slovenian delegations*

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- 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)
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Statements to the legislative or public "B" items set out in doc. 14791/21

- Ad "B" item 3:** **Council Regulation fixing fishing opportunities for 2022 in Union and non-Union waters**  
(Legal basis proposed by the Commission: Art. 43(3) TFEU)  
*Political agreement*
- Ad "B" item 4:** **Council Regulation fixing for 2022 the fishing opportunities in the Mediterranean and Black Seas**  
(Legal basis proposed by the Commission: Art. 43(3) TFEU)  
*Political agreement*

**STATEMENT BY BELGIUM, DENMARK, FRANCE, GERMANY, IRELAND, THE NETHERLANDS AND SWEDEN**  
**on the application of Article 15(9) in the Basic Regulation for COD/03AS; COD/5BE6A; WHG/56-14; WHG/07A and PLE/7HJK in 2021**

“Given that the biomass of the stocks of COD/03AS; COD/5BE6A; WHG/56-14; WHG/07A and PLE/7HJK is below Blim and that only by-catch and scientific fisheries will be permitted in 2022, in order to ensure the recovery of the stocks in accordance with Regulations (EU) 2018/973 and (EU) 2019/472, Belgium, Denmark, France, Germany, Ireland, the Netherlands 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 2022. This undertaking is a response to the current exceptional circumstances for these stocks.”

**STATEMENT BY THE COMMISSION**  
**on Norway lobster, 8c, FU25**

“The Commission will submit a request to ICES to evaluate the sentinel fishery for 2022 for FU 25 with a view to increasing the sentinel TAC. Following the advice of ICES, the Commission may submit an appropriate amendment to the fishing opportunities for 2022.”

**STATEMENT BY THE COMMISSION**  
**on Norway lobster, 9 and 10, FU26 and FU27**

“The Commission will submit a request to ICES on the appropriateness of conducting a sentinel fishery in FU26 and FU27 and under what conditions. Following the advice of ICES, the Commission may submit an appropriate amendment to the fishing opportunities for 2022.”

## **JOINT STATEMENT BY THE COUNCIL AND THE COMMISSION on ICCAT stocks**

“The Council and the Commission acknowledge that, under several ICCAT recommendations, the Union may, upon request, carry over a percentage of its unused quota of ICCAT stocks in the period of two years.

The Commission will do its utmost to take the necessary steps to implement the adjustments to the Northern albacore quotas of individual Member States to reflect any carry-overs and deductions by 30 June 2022 at the latest, on the basis and within the limits of the legal instruments available.”

## **JOINT STATEMENT BY THE COMMISSION AND FRANCE on the option of support of the temporary cessation of fishing activities by the European Maritime and Fisheries Fund (EMFF) or the European Maritime, Fisheries and Aquaculture Fund (EMFAF)**

“Given the assessment of the International Council for the Exploration of the Sea (ICES) on common sole (*Solea solea*) in the Bay of Biscay (ICES divisions 8.a-b), France considers that the protection of common sole requires the temporary cessation of activity, in addition to the fishing opportunities for that stock established in Annex I to the Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters.

The Commission and France agree that the temporary cessation of activity is eligible for funding from the EMFF or the EMFAF, provided that it is in accordance with the conditions set out in Article 33(1)(a) of Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and Article 21(2)(c) of 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.”

## **STATEMENT BY THE COMMISSION AND THE COUNCIL on mackerel**

“The Commission and the Council reaffirm the need acknowledged during the October 2021 Council to assess all elements relevant for the methodology applied for allocation and distribution of the Union’s fishing opportunities for mackerel in waters of 4a and Norwegian waters of 2a (MAC/2A4A-N).

Taking into account the information submitted to the Commission and the Council by the Member States concerned by 15 January 2022, the Commission will do its utmost to propose, by 31 March 2022 and by way of a non-paper, a methodology applicable to the allocation and distribution of the fishing opportunities in question that would uphold the principle of relative stability.

The Commission and the Council will in any event do their utmost to take the necessary steps to establish the fishing opportunities in question before 30 September 2022.”

**STATEMENT BY THE COMMISSION  
on Southern Horse Mackerel Inter-area Flexibility**

“In light of the new definition of Fpa for horse mackerel (*Trachurus trachurus*) in division 9a, the Commission commits to asking ICES to review the level of inter-area flexibilities between 9a and 8c that would remain precautionary.

Should ICES produce an updated advice in 2022, the Commission would consider proposing an amendment of the Regulation fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters to include suitable inter-area flexibilities.”

**STATEMENT BY THE COMMISSION  
on shared stocks managed under provisional TACs**

“Provisional TACs are established to allow fishing activities of EU fleets to continue while not prejudging the outcome of ongoing international consultations. The Commission will monitor the situation of the stocks shared with the United Kingdom and subject to provisional TACs. On the basis of the uptake of quotas reported by Member States and taking into account the results of consultations, the Commission will take stock and will present relevant suggestions for the way forward and possible revisions of the provisional TAC levels, especially concerning the seasonality of fishing activities, in order to address Member States’ needs, or to establish definitive TACs.”

**STATEMENT BY FRANCE AND SPAIN  
on commitments regarding conservation measures for the seabass fishery in the Bay of Biscay (8a,b)**

“France and Spain welcome the good state of the seabass stock in the Bay of Biscay (8a,b) and the responsible measures implemented at national level.

Considering that the MSY value is set by ICES at a level of 3156 tons, France commits to maintain its national management scheme in 2022, which consists in fishing licences and individual yearly and periodic ceilings per vessels.”

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