Federal Ministry
Republic of Austria
Agriculture, Forestry, Regions
and Water Management

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Norbert Totschnig, MSc
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His Excellency
Peter Kullgren
Minister for Rural Affairs
Herkulesgatan 17
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Stronger Involvement of the AGRIFISH Council

Vienna, 27 January

Dear President, dear Peter,

Healthy, sustainable soils and their role in carbon and carbon storage in particular have recently become the focus of interest when targeting climate protection. We, the co-signing Ministers, would like to point out that it lies within the fundamental self-interest of our farmers and foresters to maintain and promote biodiversity while equally contributing to climate protection, since these two sectors are also massively affected by climate change. Soil protection is thus a key concern for farmers and foresters. The Common Agricultural Policy is undoubtedly the most important instrument to protect soil fertility and to meet the future challenges that agriculture and forestry face, in particular towards climate change and biodiversity loss.

The CAP foresees multiple objectives laid down in **Article 39 TFEU**. For instance, the availability of food supplies and a fair standard of living for farmers that must be guaranteed. Article 11 TFEU states furthermore that environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, while **Article 191 TFEU** lays down the Union's objectives regarding its environmental policies, such as preserving, protecting, and improving the quality of the domain. **All objectives** embedded in the Treaties have to be **equally taken into account** without giving priority to a single aspect. Instead, a **balancing of interests** is required that **weighs the respective legitimate interests**. This is the basis of the rule of law.

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Currently we are witnessing a **disproportionate shift of priorities**, lacking the required coherence and equivalence between different but legitimate Union objectives. Particularly, in **times of crisis** where the Union quite rightly seeks more and more **independence of supply and open strategic autonomy** in the context of ensuring long-term food security and resilience of food systems, we would like to highlight that a substantial part of the current legislative files (e.g.: LULUCF, Nature Restoration law, Soil Health Law, RED III, Carbon Farming, IED), can potentially lead among others, to a considerable extensification or abandonment of agricultural and forestry land in the Union. This in turn, will most likely have a negative impact on food security, supply with renewable raw material (for wood construction or the bioeconomy) and renewable energy sources, such as locally available biomass.

Dear Peter,

as president of the AGRIFISH Council, we would like to urge you to initiate a **legal review of competence** on the current and upcoming Commission proposals addressing soil, agricultural and forest land and thus claiming scrutiny rights and a stronger involvement **of the AGRIFISH Council and its preparatory and working bodies**, such as the SCA or the CWP Forestry. To guarantee the coherence of the different Union targets as well as coherence with the CAP 2023-2027 it is of utmost importance that these legislative proposals, such as **carbon farming** as part of the carbon removals framework, **nature restauration targets** and the **soil health law**, are also under the scrutiny of agricultural ministers.

Against this backdrop, we deem it moreover necessary to implement an **ad-hoc working group** that adequately reflects the horizontal nature of the aforementioned regulations, also consisting of AGRI experts in order to discuss and scrutinize the relevant aspects and articles. This approach has proven to be successful as in the case of the regulation of deforestation-free products. Furthermore, we want to express the need to update the AGRIFISH Council on the state of play on a regular basis with the possibility of providing input to other colleagues of relevant Council formations on the agriculture and forest-related aspects.

The co-signing Ministers would be very grateful if you took this proposal into serious consideration. The full set of present and upcoming legislative proposals will significantly impact and shape the agricultural and forestry sector for decades to come. For this reason, it is of utmost importance to be actively involved in the legislative process, together with the respective leading Council formation.

Norbert Totschnig
Austrian Federal Minister for Agriculture, Forestry, Regions and Water Management

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Czech Minister of Agriculture

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Francesco Lollobrigida
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