



**COUNCIL OF
THE EUROPEAN UNION**



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3140th Council meeting

Agriculture and Fisheries

Brussels, 23 January 2012

President

Ms Mette GJERSKOV

Minister for Food, Agriculture and Fisheries of Denmark

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Main results of the Council

*The Presidency presented its **agriculture and fisheries work programme** for the next six months in public session.*

*As regards agriculture, ministers had an exchange of views on the CAP reform proposal for a regulation on the **single common market organisation**.*

*Finally, the Council was briefed on an **EU strategy for the protection and welfare of animals** and on the **outbreak of the Schmallenberg virus**.*

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
 - Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
 - Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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PARTICIPANTS

The governments of the member states and the European Commission were represented as follows:

Belgium:

Mme Sabine LARUELLE

M. Carlo DI ANTONIO

Minister for the Middle Classes, SMEs,
the Self-Employed and Agriculture
Minister for Public Works, Agriculture, Rural Affairs,
Nature, Forests and Heritage

Bulgaria:

M. Tzvetan DIMITROV

Deputy Minister for Agriculture and Food

Czech Republic:

M. Martin HLAVÁČEK

Deputy Minister for Agriculture

Denmark:

Ms Mette GJERSKOV

Ms Hanne LAUGER

Minister for Food, Agriculture and Fisheries
Head of Office, Ministry for Food, Agriculture and
Fisheries

Germany:

Mr Robert KLOOS

State Secretary, Federal Ministry of Food, Agriculture and
Consumer Protection

Estonia:

Mr Helir-Valdor SEEDER

Minister for Agriculture

Ireland:

Mr Simon COVENEY

Minister for Agriculture, Food and the Marine

Greece:

Ms Georgia BAZOTI-MITSONI

Secretary-General for Food and Agriculture

Spain:

Mr. Miguel ARIAS CAÑETE

Minister for Agriculture, Food and Environment

France:

Mr Philippe LEGLISE-COSTA

Deputy Permanent Representative

Italy

Mr Mario CATANIA

Minister for Agricultural, Food and Forestry Policy

Cyprus:

Mr Sofoclis ALETRARIS

Minister of Agriculture, Natural Resources and
Environment

Latvia:

Ms Laimdota STRAUJUMA

Minister for Agriculture

Lithuania:

M. Kazys STARKEVIČIUS

Mr Mindaugas KUKLIERIUS

Minister for Agriculture
Deputy Minister for Agriculture

Luxembourg:

Mr Romain SCHNEIDER

Minister for Agriculture, Viticulture and Rural
Development

Hungary:

M. Zsolt V. NÉMETH

State Secretary, Ministry of Foreign Affairs

Malta:

Mr Patrick MIFSUD

Deputy Permanent Representative

Netherlands:

Mr Henk BLEKER

Mr Derk OLDENBURG

Minister for Agriculture and Foreign Trade
Deputy Permanent Representative

Austria:

Mr Nikolaus BERLAKOVICH

Federal Minister for Agriculture, Forestry, the
Environment and Water Management

Poland:

Mr Marek SAWICKI

Minister for Agriculture and Rural Development

Portugal:

Ms Assunção CRISTAS

Minister for Agriculture, Maritime Affairs, Environment
and Regional Planning
State Secretary for Agriculture

Mr José DIOGO ALBUQUERQUE

Romania:

Mr Christian BĂDESCU

Mr Achim IRIMESCU

Deputy Permanent Representative
Minister Counsellor, Permanent Representation of
Romania**Slovenia:**

Ms Tanja STRNIŠA

State Secretary, Ministry of Agriculture, Forestry and
Food**Slovakia:**

Mr. Gabriel CSICSAI

State Secretary, Ministry of Agriculture and Rural
Development**Finland:**

Mr Risto ARTJOKI

State Secretary, Ministry of Agriculture

Sweden:

Mr Eskil ERLANDSSON

Minister for Rural Affairs

United Kingdom:

Jim PAICE

Minister of State for Agriculture and Food

Commission:

Mr John DALLI

Member

Mr Dacian CIOLOȘ

Member

The Government of the Acceding State was represented as follows:

Croatia:

Mrs Snježana ŠPANJOL

Deputy Minister for Agriculture

ITEMS DEBATED

Presidency work programme

The Presidency gave a public presentation on its work programme in the agriculture and fisheries sectors ([5196/12](#)).

For the Danish Presidency, the EU should promote the transition to a green economy and enhance its focus on sustainability. An agricultural sector that embraces environmentally-, nature- and climate-friendly farming methods is part of the solution. Similarly, action is to be taken to bring about a sustainable reform of the EU fisheries policy.

The agricultural policy priorities will include:

- The common agricultural policy (CAP) reform package by:
 - Identifying key elements for a compromise on the four main regulations (direct payments, rural development, single common market organisation (CMO) and financing the CAP);
 - Organising focused debates on thematic issues such as innovation, greening or simplification;
 - Seeking agreement with the European Parliament on the proposals concerning transitional measures for the direct payments and the wine sector.
- The alignment of the agricultural legislation with the Lisbon Treaty, for which the Presidency hopes to reach an agreement with the European Parliament;
- A presentation and orientation debate on amending the financing the CAP in relation to transparency and a Commission communication on the promotion of agricultural products;
- Research and innovation in the agricultural sector (Commission conference on 7/03/2012).

The priorities for fisheries policy will focus on:

- The reform of the common fisheries policy (CFP) by:
 - Continuing the discussion and concluding the debate on certain parts of the CFP reform package (new basic regulation, new common market organisation and new European maritime and fisheries fund 2014-2020);
 - Working on diminishing unwanted catches and effectively bringing discards to an end;
 - Promoting the sustainability of the external dimension of the CFP;
- The conclusion of proposals for the renewal of several bilateral protocols to fisheries partnership agreements;
- Other important proposals:
 - Specific conditions for fishing for deep-sea stocks;
 - Debate about the yearly communication from the Commission on fishing opportunities for 2013.

As regards food and veterinary issues the Presidency intends to work on:

- Ensuring and improving the existing high food safety standards and providing adequate information to consumers by:
 - Reaching agreement with the European Parliament on the proposal on food intended for infants and young children and on food for special medical purposes;
 - Prioritizing organic production and confidence with organic products;
 - Working on the Commission package on food quality for reaching and agreement with the European Parliament;

- Focusing on antimicrobial resistance and on the use of antimicrobials in both human and veterinary medicine (Presidency conference on 14-15/03/2012 - Copenhagen);
- Working on the modernisation of the official meat control systems towards a risk assessment-based approach (Presidency conference on 2-3/02/2012 - Copenhagen);
- Making a priority of animal welfare and health by:
 - working on the EU strategy for animal welfare (Presidency and Commission conference on 29/02-1/03/2012 - Brussels);
 - seeking to reach consensus on Council conclusions on the protection of animals during transport.

CAP reform - Single common market organisation

Ministers held an exchange of views on the proposal for a regulation establishing a common organisation of the markets in agricultural products (Single CMO regulation) within the framework of the common agricultural policy (CAP) ([15397/11](#); [5240/12](#)).

The debate was structured around a Presidency Questionnaire focussing on exceptional measures in the case of market crises and on the proposed measures aimed at a more competitive and properly functioning food supply chain, in particular through the reinforcement of producer organisations.

As regards measures to respond rapidly to an agricultural market crisis, most of the Member States considered the proposals to go in the right direction. While some delegations welcomed the creation of a specific crisis reserve to respond to major disturbances in all agricultural sectors, some others highlighted the need for this fund to be used only in exceptional circumstances which should be clearly defined. In addition, some Member States questioned the financing of this crisis reserve.

Concerning the reinforcement of producer organisations and the role to be given to inter-branch organisations, many delegations backed the proposals from the Commission. They considered that this would help to better balance the bargaining power in the food chain. However, a number of delegations stressed that the new rules concerning producer organisations should be voluntary in order to adapt to the different national situations. Some Member States insisted that this should not lead to competition distortion.

Many delegations mentioned that the end of sugar quotas scheduled for 2015 should be postponed to allow the sector to better adapt. Concerning the vine plantation rights that several would like to be maintained after 2018, the Commission announced the setting up of a high level group (HLG) for the purpose of discussing the measures needed in the wine sector. Recommendations from this HLG are expected before the end of this year.

In 2008, the single CMO regulation replaced the 21 existing CMOs for different agricultural products. It constituted a major step in the process of streamlining and simplifying the CAP by putting all market measures in a single text. In the 2009 CAP Health Check Council made further adjustments aiming to ensure the full effectiveness of the market management measures.

The proposal for a new single CMO is part of the CAP reform package which was presented by the Commission at the Agriculture Council meeting in October 2011. On that occasion, the Council held an initial public debate on the whole package.

Like the proposals on direct payments, on rural development and on the financing of the CAP, the single CMO proposal has to be adopted by the Council and the European Parliament (ordinary legislative procedure).

Concerning the CAP reform, the Council has already held a first round of policy debates on direct payments in November and on rural development in December last year. The debate on the single CMO was the last one of this round.

In the coming months, the Danish Presidency intends to begin another round of policy debates more focused on specific thematic issues. The first debate of this kind will be organised in March and will concern direct payments and simplification of the CAP. Later other issues such as the greening of the CAP, the notion of "active farmer" or innovation should also be discussed.

OTHER BUSINESS

EU animal welfare strategy

The Council was briefed by the Commission on an EU strategy for the protection and welfare of animals 2012-2015 ([5398/12](#)).

Several Member States welcomed the main elements proposed in this strategy, such as having an harmonised implementation of the current legislative framework in this area, keeping consumers or better informed or optimising synergies with the CAP. However, some delegations pointed out the need for measures to ensure the global competitiveness of EU operators vis-à-vis third countries that do not apply the same animal welfare standards.

This new four-year strategy is aimed at further improving the protection and welfare of animals in the EU primarily through the possibility of establishing a new comprehensive legislative framework for animal welfare and via the reinforcement of existing actions.

The diversity of farming systems, climatic conditions, land realities in the different Member States have led to considerable difficulties in agreeing on unitary rules and even more difficulties in ensuring their correct implementation. This result in an uneven playing field as far as animal welfare conditions are concerned.

Problems such as the lack of enforcement of EU legislation at the national level or insufficient incentives to comply with animal welfare rules persist. In addition, it appears that many of the parties involved lack sufficient knowledge of or training in animal welfare and that there is a lack of specific EU legislation in this area for some categories of animal.

In order to address these issues the strategy proposes a two-fold approach consisting of:

- the setting up of a comprehensive animal welfare legislative framework focusing on the welfare outcome and on the education of all parties concerned; and
- the reinforcement or better use of actions already in place such as measures to strengthen Member State compliance with the legal requirements, enhance the existing international cooperation or provide consumers with better information.

The first animal welfare strategy was adopted in 2006. The proposed new strategy builds on the old one, in particular on lessons learned during the five-year implementation period of the first action plan.

The Council was also informed that the Danish Presidency and the Commission would host a conference on animal welfare on 29 February and 1 March 2012 in Brussels and it took note of the Presidency's intentions to further discuss this matter at a forthcoming session. This issue is one of the priorities of the Danish Presidency (See point on the work programme).

Schmallenberg Virus

The Dutch delegation briefed the Council on the outbreak of the Schmallenberg virus ([5511/12](#)).

Several delegations supported the Dutch request for a coordinated EU approach regarding this new disease, including rapid exchange of information on the detected cases, combined research efforts on diagnostics, epidemiology and vaccine development, and financial support by the Commission for monitoring and research.

The Schmallenberg virus is the causative agent of a previously unknown animal disease and it is probably transmitted by insects. It affects goats, sheep and cattle, causing the birth of deformed lambs and calves, abortions, severe diarrhoea, fever and milk drop. Confirmed cases of this new animal disease have been reported in the Netherlands, Germany, Belgium and now the United Kingdom.

Zoonotic transmission (from animal to human) cannot be excluded but is considered most unlikely by the European centre for disease prevention and control (ECDC).

According to the Commission, EU could finance research in this area. The Commission underlines the need for a unified, proportionate approach and encourages voluntary reporting of this disease and monitoring by the Member States.

OTHER ITEMS APPROVED

AGRICULTURE

Food for the most deprived persons of the EU*

The Council adopted its first-reading position on a regulation concerning the distribution of food products to the most deprived persons in the EU. The Swedish, Danish and United Kingdom delegations voted against and the Czech delegation abstained ([18733/11](#) + [ADD 1](#)).

At the December Agriculture Council last year, a political agreement within the Council guaranteed the continuation of the programme for the distribution of food to the most deprived persons in 2012 and 2013. The Council's position at first reading was adopted on the basis of this political agreement. This position was pre-negotiated with the European Parliament with the aim of reaching an early second-reading agreement in order to allow the entry into force of the new rules as soon as possible. This regulation provides for retroactivity as from 1 January 2012 since it was impossible to adopt it before the end of year 2011.

The new provisions of the programme enlarge the scope of products - now market purchases are made a regular source of supply for the scheme to complement intervention stocks which previously constituted the core of the programme. It also gives preference to products of EU origin.

The programme will be fully financed by the EU. Actions eligible for receiving financing will be: costs of transport, storage and administrative costs directly linked with the implementation of the scheme.

The annual budget line of the programme is around 500 million euro in 2012 and 2013. More than 18 million EU citizens are currently benefiting from this programme.

The current programme under which the European Union can supply food from intervention stocks to the most deprived persons was created in 1987. It was incorporated into the "single common market organisation" regulation in 2007. Current rules also allow products to be purchased by way of exception on the open market for the purposes of the scheme where there is a temporary shortfall in the availability of that product in intervention stocks, or where transfer would be required in small quantities from the intervention stocks of a Member State other than the one in which the product is to be distributed. However, for 2012 and 2013 the market purchases would no longer be limited to situations of temporary unavailability of intervention stocks. This is linked to the fade-out of intervention stocks due to the reframing of the CAP and high prices of agricultural commodities. The new rules stipulate that for optimising the nutritional balance, the choice of foods distributed has been extended to those to which intervention does not apply.

Council conclusions on a Court of Auditors report - Agri-environment support

The Council adopted conclusions on special report No 7/2011 from the European Court of Auditors entitled "Is agri-environment support well designed and managed?" ([18556/11](#)).

The Court acknowledges that significant progress has been made since the introduction of agri-environment payments. However, the Council takes note of the recommendations while pointing out that the actual environmental benefits of these measures can be seen only after a certain period of time following their implementation and emphasising that measures may aim at improving farming practices but also at maintaining environment-friendly practices.

In October 2011, the Commission adopted a proposal for a regulation on rural development in the framework of the CAP reform. This proposal is currently being examined in Council and by the Council's preparatory bodies ([15425/11](#)).

Council conclusions on a Court of Auditors report - Recovery of undue payments

The Council adopted conclusions on special report No 8/2011 from the European Court of Auditors entitled "Recovery of undue payments made under the Common Agricultural Policy" ([18558/11](#)).

While the Council welcomes the Court's acknowledgement that the system established in 2006 has led to an improvement in the situation, it also notes the recommendations in the report. These recommendations should be taken into account in the proceedings as regards the proposal for a regulation on the financing of the CAP adopted by the Commission in October 2011 in the framework of the CAP reform ([15426/11](#)). This proposal is currently being examined in Council and by the Council's preparatory bodies.

Council conclusions on a Court of Auditors report - School Milk and School Fruit Schemes

The Council adopted conclusions on special report No 10/2011 from the European Court of Auditors entitled "Are the School Milk and School Fruit Schemes effective?" ([18553/11](#)).

If the Court's conclusions with regard to the school fruit scheme are generally positive, the Council looks forward to the outcome of the evaluation of this scheme and the evaluation of the school milk scheme. The Council notes also that ways of further simplifying and reducing unnecessary administrative burdens caused by these schemes should be evaluated.

In October 2011, the Commission adopted a proposal for a regulation establishing a common organisation of the markets in agricultural products (single CMO regulation) in the framework of the CAP reform ([15397/11](#)). This proposal is currently being examined in Council and by the Council's preparatory bodies.

FISHERIES

New partnership agreement with Mauritius - Opening of negotiations

The Council adopted a decision authorising the Commission to open negotiations on behalf of the EU for the conclusion of a fisheries partnership agreement and protocol with the Republic of Mauritius.

This new fisheries partnership agreement and protocol will be concluded in line with the 15 July 2004 Council conclusions on fisheries partnership agreements. The protocol will define the fishing opportunities to be granted to EU vessels, the financial compensation, the framework for the implementation of the sectoral support and the clauses related to the duration and the revision of the protocol.

Partnership agreement between EU and Mozambique - New protocol

The Council adopted a decision on the signing, on behalf of the EU, and provisional application of a protocol setting out the fishing opportunities and financial contribution provided for in the fisheries partnership agreement between the EU and the Republic of Mozambique ([18058/11](#)).

The partnership agreement in the fisheries sector between the EU and Mozambique was concluded in 2007. The main objective of the protocol to this agreement is to define the fishing opportunities offered to EU vessels as well as the financial contribution due, separately, for access rights and for sectoral support. Following the negotiations, a new protocol was initialled on 2 June 2011, with the the previous protocol due to expire on 31 December 2011. In order to allow EU vessels to carry out fishing activities, the new protocol should be signed and applied on a provisional basis, pending the completion of the procedures for its formal conclusion.

In addition to the the signing and provisional application of this new protocol, the Council adopted also a regulation concerning the allocation of fishing opportunities between member states ([18060/11](#)).

ECONOMIC AND FINANCIAL AFFAIRS

Macro-financial assistance to Georgia

The Council approved its position at first reading on a draft decision on the provision of macro-financial assistance to Georgia.

In response to a request in view of the worsening economic situation in Georgia, the draft decision provides for a maximum of EUR 46 million to stabilise the country's economy and cover its balance of payments needs, supplementing resources from the IMF and the World Bank.

Georgia's economy has been affected by financial crisis since the third quarter of 2008, when the international community pledged support at a donors' conference. The EU announced that it would provide up to EUR 500 million in financial assistance, and the IMF agreed a stand-by arrangement of USD 750 million (in 2009, it agreed to a loan increase of USD 424 million).

Macro-financial assistance is considered appropriate given that there is still a residual financing gap. Economic policy and financial conditions will be attached to the EU's assistance, to be laid down in a memorandum of understanding.

The Council's position will now be sent to the European Parliament for a second reading.

ENLARGEMENT

Instrument for pre-accession assistance

The Council adopted a regulation amending rules on implementation of the EU's instrument for pre-accession assistance, as laid down in regulation 1085/2006.

The amendments are aimed at clarifying the rules for participation in the award of cross-border cooperation and ensuring consistency with other EU external aid instruments, in particular its neighbourhood and partnership instrument.

The instrument for pre-accession assistance provides assistance to candidate countries and potential candidate countries in their progressive alignment with the EU's standards and policies, with a view to their membership of the EU.

In adopting the regulation, the Council approved all amendments voted by the European Parliament following an agreement reached at first reading.

JUSTICE AND HOME AFFAIRS

Implementation of "Prüm Decisions" (automated data exchange)

The Council adopted two decisions on the implementation of the automated data exchange provisions of Council Decisions 2008/615/JHA and 2008/616/JHA ("Prüm Decisions"). One concerns the launch of automated data exchange with regard to DNA data in the Czech Republic ([17700/11](#)), the other the launch of automated data exchange with regard to dactyloscopic data in the Netherlands ([17702/11](#)).

The "Prüm Decisions" are the basis for automated data exchange between EU member states on three types of data: DNA, dactyloscopic (fingerprint) and vehicle registration data (VDR).

TRADE POLICY

EU-Chile association agreement - Rules of origin

The Council adopted a decision approving, on behalf of the EU, a draft decision aimed at clarifying the definition of "originating products" and methods of administrative cooperation on rules of origin under the EU-Chile association agreement.

By virtue of the decision, to be adopted by an EU-Chile special committee on customs cooperation and rules of origin, an explanatory note will be added to annex III to the association agreement.

The association agreement is aimed, amongst other things, at eliminating customs duties on products exported from one party to the other by referring to the rules of origin laid down in annex III.

INTERNAL MARKET

Traceability of explosives for civil uses - Update

The Council decided not to oppose the adoption by the Commission of a directive updating the conditions of the system for the identification and traceability of explosives for civil uses ([16909/11](#)).

The directive will amend directive 2008/43/EC setting up a system for the identification and traceability of explosives for civil uses, pursuant to directive 93/15/EEC.

Directive 93/15/EEC on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses provides that EU member states must ascertain whether undertakings in the explosives sector possess a system for keeping track of explosives that allows identification of persons holding explosives at any time.

The draft directive is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

EUROPEAN ECONOMIC AREA

Carriage of goods - Simplification of inspections and formalities

The Council adopted a decision aimed at creating a working party in order to monitor the simplification of inspections and formalities in respect of the carriage of goods provided for in the European Economic Area (EEA) agreement ([17310/11](#)).

Rules on air traffic flow management

The Council adopted a decision on the position to be taken by the EU within the EEA joint committee concerning an amendment to annex XIII (transport) to the EEA agreement ([18135/11](#)).

The decision is aimed at incorporating Commission regulation 255/2010 on common rules on air traffic flow management into the agreement.

FOOD LAW

Nutrition claims

The Council decided not to oppose the adoption of a Commission's regulation updating the list of authorised nutrition claims ([16766/11](#)). According to the draft Commission regulation, the claims "no added sodium/salt" and "now contains x% less [energy, fat, saturated fat, sodium/salt and/or sugars]" will be allowed under certain conditions.

The Commission regulation is subject to the so-called regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

DECISIONS ADOPTED BY WRITTEN PROCEDURE**Anti-dumping measures**– ***ferro-silicon - Russia***

On 16 January, the Council adopted a regulation terminating the partial interim review pursuant to regulation 1225/2009 of the anti-dumping measures applicable to imports of ferro-silicon originating, inter alia, in Russia ([18978/11](#)).

– ***molybdenum wires - China and Malaysia***

On 9 January, the Council adopted a regulation extending the definitive anti-dumping duty imposed by regulation 511/2010 on imports of certain molybdenum wires originating in China to imports of certain molybdenum wires consigned from Malaysia, and terminating the investigation in respect of imports consigned from Switzerland ([18560/1/11](#)).

– ***polyethylene terephthalate - India***

On 6 January, the Council adopted a regulation amending regulation 1292/2007 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate film originating in India ([18563/11](#)).

– ***steel fasteners - China and Taiwan***

On 4 January, the Council adopted a regulation imposing a definitive anti-dumping duty on imports of certain stainless steel fasteners and parts thereof originating in China and Taiwan following an expiry review pursuant to regulation 1225/2009 ([18364/11](#)).

TRANSPARENCY

Public access to Council documents

On 22 December 2011, the Council adopted by written procedure the reply to confirmatory application 25/c/01/11 ([18214/11](#)).

On 16 January 2012, the Council adopted by written procedure the reply to confirmatory application 27/c/01/11 ([18701/11](#)).
