



**COUNCIL OF
THE EUROPEAN UNION**



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3216th Council meeting

Agriculture and Fisheries

Brussels, 28 January 2013

President

Mr Simon COVENEY
Minister for Agriculture, Food and the Marine

P R E S S

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Main results of the Council

*As regards **fisheries issues**, the Presidency presented its **work programme** and priorities to the Council. Ministers also held an exchange of views on the **common fisheries policy (CFP) reform "package"** and an orientation debate on **certain technical and control measures in the Skagerrak**. The Council was then briefed on the state of play following the recent discussions on the **EU/Norway fisheries arrangements**.*

*Concerning agriculture, the Presidency presented its **work programme and a roadmap for CAP reform** and the Council held an exchange of views on these priorities and plans.*

*Finally the ministers were briefed on **group housing of sows**, the **EFSA risk assessment of neonicotinoids with regard to bees**, the **use of polyphosphates in wet salted fish**, the **European school fruit scheme**, the **trade agreements with Singapore and Canada**, and the preparation of the **WTO Ministerial Conference in December 2013**.*

*Over lunch, ministers had a discussion on issues relating to **fisheries multiannual management plans**.*

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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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Secretary of State for Environment, Food and Rural
Affairs

Mr Richard BENYON

Parliamentary Under Secretary of State for Environment,
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Mr Richard LOCHHEAD

Cabinet Secretary for Rural Affairs and the Environment
(Scottish Government)

Mr Alun DAVIES

Deputy Minister for Agriculture, Food, Fisheries and
European Programmes (Welsh Assembly Government)

Commission:

Mr Dacian CIOLOȘ
Ms Maria DAMANAKI

Member
Member

The government of the acceding state was represented as follows:

Croatia:

Mr Tihomir JAKOVINA

Minister for Agriculture

ITEMS DEBATED

FISHERIES

Work programme of the Presidency and common fisheries policy (CFP) reform package

The Presidency presented its work programme and priorities on fisheries issues to the Council.

There was a broad support among member states for the Presidency proposal to continue with the work on fisheries issues carried out during the Polish, Danish and Cyprus Presidencies, with the objective of reaching a political agreement on the common fisheries policy (CFP) reform package by the end of June 2013.

A large number of delegations supported the general objective of landing obligations and the discard ban, but many favoured a gradual approach for implementing these measures according to the specific features of the regions or the fisheries involved. They linked the discard ban to the concept of regionalisation.

Another key issue identified by the delegations was the need for a clear definition of inter-institutional responsibilities in relation to multi-annual management plans.

Many delegations pointed out the need for simplification of the European maritime and fisheries fund (EMFF). While some members would like to keep the national historic rate of expenses in the European fisheries fund (EFF), others would prefer to set up new criteria for financial distribution. A number of delegations pointed out the need for specific financing of aquaculture activities. Several member states highlighted the need for support for small-scale fisheries.

The three main proposals for regulations in the common fisheries policy (CFP) reform "package" are:

- a proposal for a regulation on the CFP ([12514/11](#)) replacing the basic provisions of the CFP (basic regulation);
- a proposal for a regulation on the common organisation of the markets (CMO) in fishery and aquaculture products ([12516/11](#)), focusing on market policy issues (market regulation);

- a proposal for a regulation on the European maritime and fisheries fund (EMFF) ([17870/11](#)) replacing the existing European Fisheries Fund.

The reform of the current basic regulation for the CFP is linked to the overhaul of the financial instrument (EMFF), which itself is linked to the Multi-annual Financial Framework (MFF) 2014-2020), and an overhaul of the markets regulation.

On 12 June 2012, the Agriculture and Fisheries Council agreed on a general approach for the basic regulation ([11322/12](#)) and the markets regulation ([10415/12](#)), while a partial general approach was for the EMFF was agreed in October 2012 ([15458/12](#)).

Technical and control measures in the Skagerrak

The Council held an orientation debate on the proposal for a regulation on certain technical and control measures in the Skagerrak ([13264/12](#)).

Most member states welcomed the proposal and considered it as a regional experiment on the actual implementation of a discard ban, where regionalisation and discard ban constitute two pillars of the proposed CFP reform. However many delegations highlighted that these provisions should not set a precedent for the reform of the CFP. They considered that the content of arrangements for the landing of all catches should be tailored to specific regional circumstances.

A number of member states questioned the obligation to have fully documented fisheries and closed circuit TV (CCTV) cameras installed on board vessels to monitor fisheries, in particular because this was not an obligation for Norwegian vessels when fishing in EU waters. Several delegations mentioned other provisions to explore as alternatives to CCTV, such as selectivity, monitoring at ports or observers on board

The proposal aims to implement the agreement with Norway to introduce a discard ban in the Skagerrak (the waters between the North Sea and the Baltic bound by Denmark, Sweden and Norway). At the same time, the proposal can be seen as a regional experiment on a discard ban, where regionalisation and discard bans are two pillars in the proposed reform of the CFP.

The Skagerrak is a small area where vessels often cross between EU and Norwegian waters, so there was a need to harmonise technical and other measures, including a discard ban, which is law in Norway. An EU/Norway working group has been tasked with making recommendations on harmonising technical measures. This proposal is based on those recommendations. To implement the discard ban, the proposal provides for remote electronic monitoring of fishing activities and, more specifically, a sufficient number of closed circuit TV (CCTV) cameras on board for fishing vessels 12 metres or more in overall length.

Norway would be applying the discard ban and harmonised technical measures from 1 January 2013. It had been agreed with Norway that the EU could apply them from 1 January 2014. Denmark and Sweden would apply the harmonised technical measures at national level from 1 February 2013.

EU/Norway bilateral discussions

The Council was briefed by the Commission about the conclusion of an agreement between the EU and Norway for the management of shared fish stocks during the last round which took place between 15 and 18 January this year in Clonakilty, Ireland.

Most member states welcomed the agreement highlighting the positive outcome of the balance of quotas transferred between Norway and the EU.

In the light of the failure of the negotiations of the EU and Norway with Iceland and the Faroe Islands about the management of mackerel stocks in the North-East Atlantic, many member states would like the Commission to activate the trade instrument which was adopted last year by the EU. The Commission would study the conditions under which this instrument could be activated, but considered that the high level of total allowable catches (TACs) adopted by Norway and the EU could undermine the process of establishing trade sanctions.

The agreement concluded between the EU and Norway covers:

- the TACs for stocks that are managed by both EU and Norway,
- the sharing of these stocks between EU and Norway, and
- the transfer of quotas between EU and Norway as part of a balanced deal in the interests of EU and Norwegian fishermen.

AGRICULTURE

Work programme of the Presidency and CAP reform roadmap

The Presidency presented its work programme and priorities on agriculture and a roadmap for common agricultural policy (CAP) reform to the Council.

During its Presidency, Ireland will focus on securing inter-institutional political agreement on the reform of the CAP by the end of June this year. To that end, the Presidency expects to achieve a comprehensive Council position by the end of March 2013.

Delegations endorsed the tight schedule proposed by the Presidency for the CAP reform. Many noted that this work programme was ambitious but realistic, considering that the European Parliament's committee for agriculture recently voted on its amendments to the CAP reform proposals. However, they emphasised that any advancement on the CAP reform was linked to an agreement at the next meeting of the European Council on the Multi-annual financial framework (MFF) 2014-2020.

The Presidency will also continue to work with the European Parliament on the alignment of other aspects of the agricultural legal framework with the provisions of the Treaty of Lisbon.

Under the current Presidency, the Council will also provide political direction as regards the Commission report on the regulation for organic production.

Concerning food and veterinary issues, the Presidency intends to work on the revision of the hygiene package and the regulation on official controls, as well as the new animal and plant health laws. The Presidency will also aim at securing first reading agreements on the non-commercial movement of pets and bovine electronic identification/ voluntary beef labelling.

ANY OTHER BUSINESS

Animal welfare: group housing of sows

The Commission presented to the Council with an update on the implementation of animal welfare requirements on group housing of sows across the EU, based on the latest data and information sent by Member States ([5464/13](#)).

Some delegations noted the importance of all member states implementing these animal welfare requirements in order to avoid unfair competition between countries where pig producers comply with the requirements and those where some of the producers do not comply. The Commission intends to launch infringement proceedings against non-complying member states.

The new housing requirements were introduced by directive 2001/88. They include mandatory group housing requirements, in particular that sows and gilts (young female pigs that have not farrowed) be kept in groups during part of their pregnancy in all pig holdings keeping ten sows or more. They also require permanent access to materials for rooting for sows and gilts, and new minimum requirement for flooring surfaces.

This requirement on group housing should have been implemented by all Member States as from 1st January 2013.

EFSA risk assessment of neonicotinoids

At the request of the Dutch delegation, the Commission reported to the Council on the European Food Safety Authority (EFSA) risk assessment of neonicotinoid insecticides with regard to bees ([5667/13](#)).

Many member states supported the suggestion from the Netherlands to initiate an action at community level where high risks have been identified or could not be excluded in relation to certain aspects of the risk assessment for honey bees. Some member states considered however that further scientific advice should be sought before taking any action. The Commission expects soon to present proposals to apply both the precautionary and the proportionality principles to this issue.

The Commission requested the EFSA to perform a risk assessment of neonicotinoids, in relation to the potential threat to bees. On 16 January EFSA reported that scientists have identified a number of risks posed to bees by three pesticides from the neonicotinoid group (imidacloprid, thiamethoxam and clothianidin) for a certain number of crops. EFSA based its conclusions on the evaluation of the uses of the substances currently authorised in Europe when applied as seed treatments or granules to a variety of crops.

Use of polyphosphate in wet salted fish

The Portuguese delegation briefed the ministers about the use of polyphosphate in wet salted cod ([5739/13](#)).

Portugal raised concerns about a proposal authorising the use of phosphates for preparing wet salted fish. The delegation considered that this practice could endanger the survival of a traditional gastronomic product which is normally prepared only with salt in Portugal. In the Commission's view, once the preservative is properly authorised this mostly constitutes a labelling issue.

European school fruit scheme

The Commission presented a report to the ministers about the implementation of the European school fruit scheme ([18070/12](#) + [ADD 1](#)).

The content of the report will be studied carefully at a next meeting of the Special Committee for Agriculture (SCA).

The report shows that more than 8 million children and 54,000 schools benefited from the school fruit scheme in 2010/11. The EU budget of this scheme is currently set at EUR 90 millions per year; the implementation of the scheme is based on co-financing.

Although the scheme only started in the autumn of 2009, initial results show that it has been successfully embedded in Member States that have chosen to implement it and that its efficiency is increasing. The short-term results indicate that the scheme has led to an increase in the amount of fruit and vegetables consumed by children and the report concludes that in the long-term, it could constitute an appropriate tool to exercise a positive influence on children's eating habits.

On 28 January 2013 the Commission launched a public consultation on the review of the School Fruit Scheme and of the School Milk Scheme in order to assess the impact of both programmes and to analyse how they should evolve in the future, in terms of choice of products offered to children or supporting educational measures.

The Commission intends to present the outcome of this analysis, possibly accompanied by a legislative proposal, at the end of this year to Council.

Free trade agreement with Singapore

The Council was briefed by the Commission about the conclusion of negotiations on a free trade agreement (FTA) with Singapore ([5535/13](#)).

The main features of this FTA are:

- improved opportunities for trade in services for both partners,
- investment protection at EU level,
- better access to public tenders in the framework of public procurement,
- reducing non-tariff barriers in key industries, and
- the implementation of sustainable development.

As regards agriculture, Singapore will introduce a new register for regionally-specific foodstuffs, wines and spirits covered by geographical indications. This would offer a high level of protection to these products on the Singaporean market. This is important in a regional area where there is considerable competition from third-country producers, in particular for meat and dairy products.

Singapore is the EU's largest trading partner in Southeast Asia and the EU is Singapore's biggest export destination, ahead of China, the US and other ASEAN countries.

The Council will decide on the initialling and provisional entry into force of the FTA on the basis of a proposal presented by the Commission. The FTA will then be transmitted to the European Parliament for consent with a view to signature possibly in May 2014.

Trade agreement with Canada and preparation of the WTO ministerial conference

The Commission briefed the Council about the negotiations on a comprehensive economic and trade agreement (CETA) with Canada and about the preparation of the ninth ministerial conference of the World Trade Organisation (WTO) to be held in Bali from 3 to 6 December ([5688/13](#)).

The EU is currently negotiating a CETA with Canada covering the key issues relevant to trade and investments. Negotiations were launched in May 2009. The negotiations are now in their final phase and the aim is to conclude them in the first quarter of 2013. Agricultural market access and tariff rate quotas for sensitive products such as beef, pork and dairy, remains the most difficult outstanding issue.

Many delegations had concerns about the current negotiations with Canada. They emphasised that any agreement with Canada on market access should be well balanced especially given the links with future negotiations with the USA.

On the preparations for the 9th ministerial conference of the WTO several delegations expressed concern about the agriculture part of the negotiations and underlined the need not to reopen already agreed texts and to work on a comprehensive, balanced and cautious approach towards a possible "early harvest". This included the need to maintain a level playing field for exports and for access by least developed countries (LDC).

Several member states considered they needed more in depth information before any agreement could be concluded. The Commission confirmed its intention to keep member states regularly informed in the Council Trade Policy Committee and, when appropriate, at the Council.

OTHER ITEMS APPROVED

INTERNAL MARKET

Tractors - new safety and environmental requirements for type-approval

The Council adopted a regulation laying down new safety and environmental requirements for the type-approval of tractors and other agricultural and forestry vehicles ([PE-CONS 51/12](#)).

The regulation is intended to increase the level of safety, to reduce air pollutant emissions, to simplify the current legal framework, to improve market surveillance and to adapt to technical progress for these categories of vehicles.

Its adoption follows an agreement with the European Parliament at first reading.

JUSTICE AND HOME AFFAIRS

Co-operation agreement between Liechtenstein and Europol

The Council approved the agreement on operation and strategic co-operation between the Principality of Liechtenstein and the European Police Office (Europol) ([17959/12](#)), following the consultation of the Management Board and the opinion of the Joint Supervisory Body of Europol, as required by the Council decision establishing the European Police Office¹.

The co-operation agreement aims at preventing and combating organised crime, terrorism and other forms of international crime and in addition to the exchange of information, may include in particular, general situation reports, results of strategic analysis, information on crime prevention methods, participation in training activities, as well as providing advice and support in individual criminal investigations.

¹ [OJ L 121, 15.5.2009](#).

NUCLEAR ENERGY**Convention on Nuclear safety - negotiation directives**

The Council adopted a decision issuing directives to the Commission for the negotiation of the review of the Convention on Nuclear Safety.

APPOINTMENTS**Committee of the Regions**

The Council appointed Mr Jean-Luc VANRAES (Belgium) and Mr Rosario CROCETTA (Italy) as members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([5424/13](#) and [5471/13](#)).

TRANSPARENCY**Public access to documents**

The Council approved:

- the reply to confirmatory application No 21/c/01/12 made by Mr Antpöhler, with the Danish, Estonian, Finnish and Swedish delegations voting against ([17553/12](#)).