



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 13 November 2012**

**14121/12  
ADD 1**

**PV/CONS 47  
AGRI 611  
PECHE 362**

**ADDENDUM to DRAFT MINUTES**

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Subject: **3186th** meeting of the COUNCIL OF THE EUROPEAN UNION  
(**AGRICULTURE AND FISHERIES**), held in Brussels on 24 and 25 September  
2012

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<sup>1</sup> Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

## **LEGISLATIVE DELIBERATIONS**

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

### **"A" ITEMS**

#### **Regulation of the European Parliament and of the Council on certain measures for the purpose of the conservation of fish stocks in relation to countries allowing non-sustainable fishing [First reading] (LA + S)**

PE-CONS 39/12 PECHE 253 CODEC 1794 OC 360

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, with the Danish and the German delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 43(2) and Article 207 of the TFEU).

#### **Statement by Denmark**

"Denmark assigns the highest importance at ensuring long-term sustainability in exploitation of fish stocks. This also applies to situations where cooperation with third countries is required in the joint management of joint stocks.

Agreement on management of joint stocks is often difficult to reach and requires willingness of all Parties concerned to cooperate and compromise. All efforts should be made in order to find an agreement in direct consultation amongst the relevant Parties, in accordance with international law, and based upon scientific evidence and generally accepted sharing criteria.

In situations when third parties do not genuinely cooperate with the EU in the adoption of necessary management measures on joint stocks, Denmark finds merits in providing the EU with the necessary means to use trade and other measures against those countries. As a strong supporter of free trade Denmark does, however, see such measures as drastic steps that should only be used as a last resort.

As the Council is well aware the background for the proposed measures is the dispute with the Faroe Islands and Iceland regarding the management of joint stock of mackerel in the North-East Atlantic. It is in this context and for this reason that Denmark raises its concern over adopting the present regulation.

Denmark reminds members of the Council that the Faroes is part of the Kingdom of Denmark and, hence, Denmark is responsible for the international relations of the Faroes, which is a territory outside the scope of EU-law. If concrete measures based on the present regulation are adopted against the Faroes, it is the assessment of Denmark that it will become even more difficult to reconcile the position of the European Union and the Faroes. Denmark reserves its right to take the appropriate measures in the interests of The Faroes as part of the Kingdom of Denmark, including the possibility to seek legal review under EU law of any concrete measures against the Faroes and the possibility - as reaffirmed in declaration 25 to the Maastricht Treaty - of initiating dispute settlement procedures in the framework of the WTO on such measures.

On these grounds Denmark abstains from voting on the Commission proposal."

### **Statement by Sweden**

"In support of the abovementioned proposal, Sweden underlines that the EU and third parties in first hand, and in accordance with international law, should reach agreements that guarantee sustainable fishing. The regulation should only be used as a last resort and sanctions must be compatible with WTO."

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### **AGENDA ITEMS**

#### **3. Proposal for a Regulation of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural development (EAFRD) (the Rural development Regulation) [First reading]**

- Orientation debate
  - 15425/11 AGRISTR 57 CODEC 1665
    - + REV 1 (en, fr, de)
  - 13631/12 AGRI 564 AGRISTR 116 CODEC 2098
    - + COR 1

The Council held an orientation debate on the CAP reform, with special focus on Areas with Natural Constraints (ANCs) in the context of the Rural Development Regulation. Delegations expressed broad support for greater flexibility as regards the starting date of the new system and the implementation of the fine-tuning process.

The Council instructed the Special Committee on Agriculture to work on this issue on the basis of the discussion held in Council with a view to reaching an agreement.

**4. Proposal for a Regulation of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (Single CMO Regulation) [First reading]**

- Orientation debate

15397/2/11 AGRI 680 AGRIFIN 88 AGRIORG 178 CODEC 1657 REV 2 (x)  
13747/12 AGRI 577 AGRIFIN 160 AGRIORG 146 CODEC 2132

The Council held an orientation debate on the proposed safety net of market management measures, based on the Presidency questionnaire set out in doc. 13747/12.

The Council noted the Presidency's intention to continue work on CAP reform at the next session of the Council "Agriculture and Fisheries" in October.

**6. Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy EMFF] [First reading]**

- Orientation debate

17870/11 PECHE 368 CADREFIN 162 CODEC 2255  
12833/1/12 PECHE 291 CADREFIN 364 CODEC 1965 REV 1

The Council held an orientation debate on the issues of flexibility of transfers within the different headings within shared management as well as any additional measures to be considered with a view to promoting sustainable and resource efficient fisheries and conditions of such possible measures.

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