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THE EUROPEAN UNION**



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3025th Council meeting

Agriculture and Fisheries

Luxembourg, 29 June 2010

President **Elena ESPINOSA MANGANA**
Minister for Agriculture and Fisheries of Spain

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Main results of the Council

*Concerning Fisheries, ministers exchanged their views on the **Commission's communication on fishing opportunities for 2011** and on the **reform of the Common Fisheries Policy**.*

*During lunch, ministers had a discussion on **the reform of the Common Market Organisation for fishery and aquaculture products**.*

*As regards Agriculture, proposals for decisions authorizing the use of six **genetically modified maize varieties** in food and feed were presented to the Council for adoption. No qualified majority in favour or against the authorisations could be obtained.,*

*Ministers also held an exchange of views on the **simplification of agriculture and veterinary legislation**.*

*Furthermore, the Commission informed the Council of its latest quarterly **report on the dairy market**.*

*Without discussion, the Council adopted conclusions on the **International competitiveness of the European agri-food model** have.*

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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:

Mr Kris PEETERS

Minister-President of the Flemish Government and
Minister for Institutional Reform, Ports, Agriculture, Sea
Fisheries and Rural Policy
Minister for SMEs, the Self-Employed, Agriculture and
Science Policy

Ms Sabine LARUELLE

Bulgaria:

Mr Tzvetan DIMITROV

Deputy Minister for Agriculture and Food

Czech Republic:

MR Stanislav KOZÁK

Deputy Minister for Agriculture

Denmark:

Mr Henrik HØEGH

Minister for Food, Agriculture and Fisheries

Germany:

Mr Robert KLOOS

Permanent State Secretary

Estonia:

Mr Helir-Valdor SEEDER

Mr Gert ANTSU

Minister for Agriculture
Deputy Permanent Representative

Ireland:

Mr Sean CONNICK

Minister of State for Fisheries

Greece:

Ms Katerina BATZELI

Minister for Rural Development and Food

Spain:

Ms Elena ESPINOSA MANGANA

Mr Juan Carlos MARTÍN FRAGUEIRO

Minister for the Environment and the Rural and Marine
Environment
Secretary General

France:

Mr Philippe LEGLISE-COSTA

Deputy Permanent Representative

Italy

Mr Giancarlo GALAN

Minister for Agriculture

Cyprus:

Mr Demetris ELIADES

Minister of Agriculture, Natural Resources and
Environment

Latvia:

Ms Dace LUCAUA

State Secretary, Ministry of Agriculture

Lithuania:

Mr Ausrys MACIJASKAS

Deputy Minister for Agriculture

Luxembourg:

Mr Romain SCHNEIDER

Minister for Agriculture, Viticulture and Rural
Development

Hungary:

Ms Ágnes VARGHA

Mr Zsolt HORVARTH

Deputy Permanent Representative
Deputy State Secretary

Malta:

Mr George PULLICINO

Minister for Resources and Rural Affairs

Netherlands:

Ms Gerda VERBURG

Minister for Agriculture, Nature and Food Quality

Austria:

Mr Harald GÜNTHER

Deputy Permanent Representative

Poland:

Mr Artur ŁAWNICZAK

Deputy Minister of Agriculture and Rural Development

Portugal:

Mr António SERRANO

Mr Luis VIEIRA

Minister for Agriculture, Rural Development and Fisheries
State Secretary for Agriculture and Fisheries

Romania:

Mr Christian BĂDESCU

Deputy Permanent Representative

Slovenia:

Ms Tanja STRNISA

Secretary of State for Agriculture

Slovakia:

Mr Vladimír CHOVAN

Minister for Agriculture

Finland:

Ms Sirkka-Liisa ANTTILA

Minister for Agriculture and Forestry

Sweden:

Mr Eskil ERLANDSSON

Minister for Agriculture

United Kingdom:

Mr Richard BENYON

Mr Jim PAICE

Mr Richard LOCHHEAD

Fisheries Minister
Minister of State for Agriculture and Food
Cabinet Secretary for Rural Affairs and the Environment

Commission:

Ms Maria DAMANAKI

Mr Dacian CIOLOȘ

Mr John DALLI

Member

Member

Member

ITEMS DEBATED

Fishing opportunities for 2011

The Council has hold an exchange of views on fishing opportunities for 2011 on the basis of the Commission's communication ([9888/10](#); [10913/10](#)).

The communication sets out the general approach to be taken by the Commission in formulating its proposals for fishing opportunities in 2011. The objective of many measures proposed in this document is to reach by 2015, maximum sustainable yield (MSY) targets agreed in Johannesburg. The document outlines the state of the stocks, the need to reduce capacity, the commitment to long-term plans and possible new rules governing the setting of some total allowable catches (TAC). For many important stocks which are now under long-term plans, these plans should be implemented now. In addition, for stocks for which no long-term plans have yet been proposed, it would be appropriate to move towards MSY by specific measures detailed in the communication.

Most of the delegations agree on one hand on the objectives to preserve the stocks but regret on the other hand that the Commission proposes to reduce quotas for certain categories of fish although no scientific elements are provided to confirm this need. Some delegations pointed out that the implementation of new measures in this area should be flexible and progressive.

The Presidency insisted on the importance of scientific data and considered essential to have an exchange of views at Council level on this Communication in order to prepare the annual setting of the TACs and the allocation of quotas scheduled to be decided in the last quarter of the year.

Reform of the common fisheries policy

Ministers had an exchange of views on the available policy options for the reform of the common fisheries policy (CFP) following a presentation by Commissioner Damanaki.

In preparation of the reform of the CFP, the Commission issued a Green Paper on April 2009 ([8977/09](#)). This document analysed the outcome of the last CFP reform in 2002 and identified structural failings and main issues to be addressed in the future. It addresses issues such as: differentiated management regimes for industrial and small-scale coastal fleets, management tools, relative stability, trade and market, integration of the CFP in a broader maritime policy context, knowledge base of the policy, structural policy and public funding, the external dimension of the CFP and aquaculture.

Commission's presentation to the Council underscored the necessity of an appropriate review of the CFP by explaining that in absence of a reform, the outlook for the future would be catastrophic for preservation of fish stocks and economic situation of fisheries affecting strongly the social situation of people living from this activity.

Following the Commission's presentation, three delegations, while mentioning the importance of a sustainable fishery, proposed a common declaration highlighting their attachment to the fundamentals of the CFP, in particular the management by national quotas and their opposition to the introduction of individual tradable rights (ITR) at EU level.

Other delegations identified a number of elements to be taken into account in subsequent discussions on the CFP reform in particular:

- devolution of decision-making to regional/national levels,
- differentiated approach for industrial and costal / small-scale fleets,
- discards reduction through development of more selective fishing gear,
- better adaptation of fleet capacity to fish stocks availability,
- responsible behaviour all along the fishery chain,
- improved efficiency of controls,
- promotion of aquaculture development.

Some of these elements had been already raised during a preliminary exchange of views on the subject on 25 May 2009.

The introduction of individual tradable rights (ITR) at EU level was largely discussed, some delegations expressing their interest in ITR at national level.

The results of the large consultation process initiated on the reform will be followed by legislative proposals to be addressed by the Commission to the Council and the European Parliament early in 2011.

See also: <http://ec.europa.eu/fisheries/reform/>

Authorisation of six genetically modified maize varieties for food and feed

Proposals for decisions authorizing the use of six genetically modified maize varieties in food and feed, excluding cultivation, have been presented to the Council for adoption. No agreement in favour or against the authorisations was reached.

Following the submission of initial applications for authorising these genetically modified varieties the European Food Safety Authority (EFSA) was initially consulted, as provided for by regulation 1829/2003, and issued favourable scientific opinions. On this basis, the European Commission drew up proposals for authorising these varieties which were presented to the Standing Committee on the Food Chain and Animal Health (SCoFCAH). At its meetings on 9 February and 19 April 2010, the SCoFCAH was unable to gather the qualified majority necessary to deliver an opinion in favour or against the authorisation measures proposed by the Commission. In the absence of an opinion it was to the Council to act on the Commission proposals within a three month period.

Today, the Council noted the absence of a qualified majority necessary to reach a decision in favour or against the following 6 proposals:

- proposal for a decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified **maize 1507x59122** ([10499/10](#))
- proposal for a decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified **maize 59122x1507xNK603** ([10500/10](#))
- proposal for a decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified **maize MON 88017 x MON 810** ([10501/10](#))
- proposal for a decision renewing the authorisation for continued marketing of products containing, consisting of, or produced from genetically modified **maize Bt11**, authorising foods and food ingredients containing or consisting of field maize Bt11 ([10503/10](#))
- proposal for a decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified **maize Bt11xGA21** ([10505/10](#)), and
- proposal for a decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified **maize MON89034xNK603** ([10502/10](#))

The Council having concluded its proceedings on this file, the Commission is now entitled to finalise the decision-making procedure on both issues.

Simplification of agriculture legislation

Ministers held an exchange of views on the simplification of agriculture legislation following a presentation by the Commissioners in charge of Agriculture and Rural Development and Health and Consumer Policy, Dacian Cioloş and John Dalli, of the state of the play of the ongoing process in their respective area of responsibility ([11126/10](#)).

18 delegations pointed out in a common note the importance of simplification of legislation which in their view should be identified as a key issue in preparation of the reform of the Common Agricultural Policy scheduled for 2013. They considered simplification as an important way to diminish the administrative burden on European farmers, streamlining rules and regulations and improving the quality of the legislation adopted.

Several delegations raised, inter alia, the following points:

- the need to have more proportionate measures in particular as far as controls are concerned;
- the contribution of simplification in making eco-conditionality measures more easy to implement;
- the interest to have a risk based approach and an impact assessment of the legislative measures,
- the importance to have better integrated actions between agricultural area and other domains such as veterinary or environmental matter.

Commissioner John Dalli raised the importance of proportionality of the legislation and the need to have a clear evaluation of the costs of additional requirements. Commissioner Dacian Cioloş recalled that during the Agriculture and Fisheries Council on 24 April 2009, a number of delegations presented a list of 39 proposals aimed at simplifying various aspects of EU agricultural legislation. In response, a Commission staff working document was issued assessing the suggestions and finally keeping 25 of them. The follow-up prepared by the Commission indicates that several recommendations have been already implemented, in particular on direct payments and eco-conditionality; the implementation of many other simplification measures should be effective for the autumn 2010 and will play a role in the proposals for the reform of the CAP after 2013 (promotion of the agricultural products, rural development, etc.). The Commission launched in 2007 an overall action programme for reducing administrative burden identifying some possible actions in the area of the Common Agricultural Policy and food safety and animal health.

The Commission is expected to present to the Council in October another set of simplification measures.

Situation on the dairy market

The Council took note of a Commission quarterly report on the dairy market ([11015/10](#)), presented by the Commissioner in charge of Agriculture and Rural Development, Dacian Cioloş.

The opening, beginning of June 2010, of the sales of intervention stocks of butter and skimmed milk powder indicate that the market continued to recover since the last presentation at Council of the quarterly report in March 2010:

As a reaction to the crisis in the dairy sector, the Commission undertook in May 2009 to report every three months to the Council on the situation on the dairy market.

The High Level Group (HLG) established by the Commission in October 2009 was composed from representatives from all EU Member States. Major European stakeholder groups in the dairy supply chain were invited to provide oral and written input into the discussions and received contributions from academic experts and third country representatives. In the middle of June 2010, the HLG published its report recommending a broad range of measures including the enhancement of contractual relations between milk producers and milk processors, the improvement of producer organisation, the importance of developing instruments to reduce market volatility and the interest of innovation and research programmes.

(http://ec.europa.eu/agriculture/markets/milk/hlg/index_en.htm)

OTHER BUSINESS

Fisheries

– ***European Fisheries Fund***

The Council has been briefed by the Commission on major administrative delays in the implementation of the European Fisheries Fund by Member States. Delays in the process results in the level of payment application being very low ([11241/10](#)).

– ***Mackerel management negotiations with Iceland and Faroe Islands:***

The Irish delegation informed Ministers that the current management of the mackerel stock could be endangered by the high quotas on this fish decided unilaterally by Iceland and Faroe Islands. Ireland was supported by other countries sharing the same stock and the Commission will stand firm on the negotiations with Iceland and Faroe Islands. ([11428/10](#)).

Agriculture

– ***Conference on Agriculture, Food Security and Climate change***

The Council has been informed by the Dutch delegation about the organisation of a conference involving several stakeholders on Agriculture, Food security and Climate change in The Hague from 31 October to 5 November 2010 ([10887/10](#)).

– ***Floods in Poland***

The Polish delegation provided information to the ministers on the consequences of floods and damages for farms in 13 regions of Poland and indicated that it requested assistance of the Commission under a specific aid scheme ([11405/10](#)).

– ***Trade barriers from Argentina on Greek canned peaches***

The Council has been briefed by the Greek delegation on trade barriers imposed by Argentina to the imports of Greek canned peaches. Several delegations supported Greece and mentioned other trade barriers from Argentina on other agricultural products. Some delegation questioned the opportunity of re-opening of negotiations with MERCOSUR in these circumstances ([11496/10](#)).

OTHER ITEMS APPROVED

AGRICULTURE

Outermost regions of the EU - Specific measures for agriculture

The Council adopted a regulation amending regulation 247/2006 on specific measures for agriculture in the outermost regions of the EU ([23/10](#)). The new regulation provides for the extension of some derogations on agricultural products provided for by the initial regulation to the Azores, the Canary Islands, Madeira and the French outermost regions.

International competitiveness of the European agri-food model

The Council adopted Council conclusions highlighting the specificity of the European agri-food model based on important social, economic and environmental values ([conclusions](#)).

FISHERIES

Bluefin tuna catch documentation programme

The Council adopted a regulation establishing a catch documentation programme for bluefin tuna, following a first reading agreement with the European Parliament under the ordinary legislative procedure ([17/10](#)).

The regulation, which amends regulation 1984/2003, implements conservation and management measures adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT), by incorporating the provisions of the ICCAT bluefin tuna catch documentation programme with a view to identifying the origin of all bluefin tuna.

As part of the measures to regulate stocks of bluefin tuna, to improve the quality and reliability of statistical data and in order to prevent, deter and eliminate illegal fishing, ICCAT adopted at its annual meeting in Recife (Brazil), on 15 November 2009, amendments to the bluefin tuna catch documentation programme. These amendments entered into force on 1 June 2010 and need to be implemented by the EU.

GENERAL AFFAIRS

Committee of the Regions - Appointment

The Council adopted a decision appointing for the remainder of the current term of office, ending on 25 January 2015, as member of the Committee of the Regions Mr Di Romeo STAVARACHE, as proposed by the Romanian government ([11098/10](#)).

FOREIGN AFFAIRS

Cooperation in internal market between the EU and European Economic Area

The Council adopted a decision on the EU position to be taken in the joint committee of the European Economic Area (EEA) on the cooperation in actions funded from the EU budget regarding the implementation, operation and development of the internal market ([9848/10](#)). The decision aims at extending the existing cooperation between the EU on one hand and Iceland, Liechtenstein and Norway on the other beyond 31 December 2009.

COMMON FOREIGN AND SECURITY POLICY

North Korea - Restrictive measures

The Council adopted a regulation updating the list of goods and technology which could contribute to North Korea's nuclear-related, other weapons of mass destruction-related or ballistic missile-related programmes, by amending regulation 329/2007 ([9566/10](#)).

The list is revised in order to maintain its effectiveness.

Regulation 329/2007¹ restricts the supply, sale, transfer or export to the Democratic People's Republic of Korea of certain items, materials, equipment, goods and technology, that could contribute to North Korea's nuclear-related, other weapons of mass destruction-related or ballistic missiles-related programmes, in addition to those determined by the UN Security Council or the Sanctions Committee.

¹ OJ L 88, 29.3.2007, p. 1.

ECONOMIC AND FINANCIAL AFFAIRS**Macro-financial assistance to Ukraine***

The Council adopted a decision providing macro-financial assistance to Ukraine in the form of a loan facility with a maximum principal amount of EUR 500 million ([20/10](#) + [11144/10 ADD 1 REV 1](#)). The assistance is aimed at supporting Ukraine's economic stabilisation and alleviating its balance of payments and budgetary needs, as identified in the current programme of the International Monetary Fund (IMF). The Commission will verify at regular intervals that Ukraine's economic policies are in accordance with the objectives of the EU assistance and that the agreed economic policy conditions are being satisfactorily fulfilled.

Statistical classification of economic activities

The Council decided not to oppose the adoption of a Commission regulation amending regulation 2223/96 on the European system of national and regional account, following the revision of the statistical classification of economic activities and the statistical classification of products by activity in national accounts.

Under the regulatory procedure with scrutiny, the Council can oppose an act which exceeds the implementing powers of the Commission, is not compatible with the aim or content of the basic instrument or does not respect subsidiarity or proportionality if the regulatory committee previously supported the envisaged measures.

Implementing acts to EU rules for investment funds

The Council decided not to oppose the adoption of three Commission's legislative acts implementing directive 2009/65 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS). These acts are the following:

- a Commission directive concerning organisational requirements, conflicts of interest, conduct of business, risk management and content of the agreement between a depositary and a management company ([9829/10](#));
- a Commission regulation concerning key investor information and conditions to be met when providing key investor information or the prospectus in a durable medium other than paper or by means of a website ([9849/10](#));
- a Commission directive concerning fund mergers, master-feeder structures and notification procedure ([9860/10](#)).

Under the regulatory procedure with scrutiny, the Council can oppose an act which exceeds the implementing powers of the Commission, is not compatible with the aim or content of the basic instrument or does not respect subsidiarity or proportionality if the regulatory committee previously supported the envisaged measures.

JUSTICE AND HOME AFFAIRS**Schengen Information System - Bulgaria and Romania**

The Council adopted a decision on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Republic of Bulgaria and Romania ([8046/10](#)).

Schengen evaluation report

The Council took note of a report on the achievements of the various topics contained in the Spanish Presidency's Schengen evaluation work programme over the last six months, including an update of the state of play of member states' evaluations.

In December 2008, the Council adopted conclusions on implementing a new approach to Schengen evaluation and invited successive presidencies to report to the Council on the progress made in this respect.

TRANSPORT**Satellite navigation: opening of negotiations with Switzerland on a cooperation agreement**

The Council authorised the Commission to open negotiations with Switzerland on a cooperation agreement on global satellite navigation, in particular the European satellite programmes Galileo and EGNOS. The agreement is intended to cover issues such as regulatory and security measures, industrial, scientific and technical cooperation, procurement of supplies and financial participation in deployment and maintenance costs of the European systems.

HEALTH**Quality and safety standards of human organs for transplantation**

The Council adopted a directive setting out the basic quality and safety requirements for human organs intended for transplantation ([19/10](#) + [11143/10 ADD 1](#) + [11143/10 ADD 2](#)), following a first-reading agreement with the European Parliament. The directive aims to minimise the risk for the organ transplant recipients and to facilitate the exchange of human organs between member states. It indirectly also seeks to contribute to combating organ trafficking and increasing organ availability.

For more details see our press release ([10999/10](#)).

ENVIRONMENT**Hazardous substances in electrical and electronic equipment**

The Council decided not to oppose the adoption of a Commission decision amending, for the purposes of adaptation to technical progress, directive 2002/95 on the restriction of the use of certain hazardous substances in electrical and electronic equipment. The amendments concerned the use of lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls or polybrominated diphenyl ethers in specific applications, which are exempted from the general ban of these substances in electrical and electronic equipment.

Seal products

The Council decided not to oppose the adoption of a Commission regulation laying down implementing rules for regulation 2009/1007, which sets strict conditions for the marketing of seal products in the EU.

According to regulation 2009/1007, seal products, including fur, skins, organs, meat, oil and blubber, may only be placed on the market where the products result from hunts traditionally conducted by Inuit and other indigenous communities to ensure their subsistence. Goods that result from hunts conducted for the sole purpose of sustainably managing marine resources may only be marketed on a not-for-profit basis. This provision will become effective as of 20 August 2010, once the implementing measures are put in place. For more information, see press release 12370/09.

TRADE POLICY**Tariff quotas and tariff duties on certain products**

The Council adopted a regulation amending regulation 7/2010 opening and providing for the management of autonomous tariff quotas of the EU for certain agricultural and industrial products ([9332/10](#)). The new regulation aims at ensuring sufficient and uninterrupted supplies of certain goods insufficiently produced in the EU by opening for a certain product a new tariff quota at a zero duty rate and increasing the quota volumes for autonomous tariff quotas for other products.

The Council also adopted a regulation amending regulation 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products ([9333/10](#)).

Anti-dumping - Polyethylene terephthalate film from India - Ironing boards from Ukraine.

The Council adopted two regulations:

- amending regulation 367/2006 imposing a definitive countervailing duty on imports of polyethylene terephthalate (PET) film originating in India ([10893/10](#)); and
- amending regulation 452/2007 imposing a definitive anti-dumping duty on imports of ironing boards originating, inter alia, in Ukraine ([10898/10](#)).

CUSTOMS UNION**Euro-Mediterranean agreements - Originating products and administrative cooperation**

The Council approved decisions on the position to be taken by the EU as regards the definition of the concept of "originating products" and methods of administrative cooperation, within the Euro-Mediterranean agreements with Algeria, Egypt, Jordan, Morocco, the Palestinian Authority and Tunisia.

DEVELOPMENT POLICY

European Development Fund

The Council adopted a decision fixing the second instalment of financial contributions for 2010 to be paid by the member states contributing to the European Development Fund ([11227/10](#)).
