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3225th Council meeting

Agriculture and Fisheries

Brussels, 25-26 February 2013

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Main results of the Council

The Council meeting addressed agricultural and fisheries issues.

*As regards agriculture, ministers held a public debate on the **direct payments regulation** and the **horizontal regulation** within the framework of the common agricultural policy (CAP) reform. Specific issues discussed included the **basic payment scheme** and **transparency as to the beneficiaries of CAP payments**.*

*Concerning **fisheries issues**, ministers reached an agreement for a general approach on the **basic provisions of the common fisheries policy (CFP)**. The Council was then briefed on the state of play of the negotiations on the **EU/Morocco fisheries partnership agreement**.*

*Finally ministers were briefed on **mislabelling of beef products** and a **new European protein strategy**.*

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¹ • 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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Member

Mr Dacian CIOLOȘ

Member

Mr Tonio BORG

Member

The Government of the Acceding State was represented as follows:

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Ms Irena ANDRASSY

Minister for Agriculture
Deputy Permanent Representative

ITEMS DEBATED

AGRICULTURE

Reform of the common agricultural policy (CAP)

Ministers held two policy debates within the framework of the common agricultural policy (CAP) reform. The discussions focused on:

- the proposal for a regulation establishing rules for direct payments to farmers (direct payments regulation) ([15396/3/11](#));
- the proposal for a regulation on the financing, management and monitoring of the CAP (horizontal regulation) ([15426/1/11](#)).

Direct payments

The Council was generally comfortable with the Presidency proposal on the basic payment scheme ([6638/13](#)) as a step towards a Council position on a final package. Several delegations noted in this regard that the principle "nothing is agreed until everything is agreed" should apply to the elements presented. The Presidency will reflect on the issues identified by delegations with a view to finalising a Council position at the next Council meeting in March.

As regards internal convergence most delegations welcomed the greater flexibility offered both for member states applying the Single payment scheme (SPS) or the Single area payment scheme (SAPS). Member states would have the option to reach partial rather than full convergence. However, some member states applying the SAPS linked their support for the Presidency compromise to the possibility of phasing out this transitional system over a longer period.

There were diverging views on coupled aid among delegations, some considering that any flexibility on internal convergence should imply less generous possibilities for coupled aid, while others considered that coupled aid could facilitate internal convergence.

As regards the voluntary redistributive payment many member states supported the suggested Presidency amendments. This would allow them to grant a top-up on the basic payment for the first hectares of each farm and in so doing to take account of the greater labour intensity on smaller farms and the economies of scale of larger farms.

In its proposal, the Commission suggests that in order to reach internal convergence which is a key issue for the basic payment scheme, member states should achieve a uniform level of direct payments at regional or national level by 2019.

Transparency on CAP beneficiaries

With regard to the amendments on the publication of beneficiaries' names proposed by the Commission ([14314/12](#)), the President concluded that the Council accepted the objectives and considered that the means proposed by the Commission to achieve that objective are appropriate and proportionate.

However some member states still argued that the *de minimis* threshold was not necessary and should be abandoned for the sake of transparency: in their view, all beneficiaries of CAP payments should be listed. Some others expressed concerns about the details given on the beneficiaries, fearing that the process might interfere with data on their private lives. They questioned whether the proposal complied with the Court of Justice ruling. Some delegations believed that further consideration of this issue was needed in order to assess, whether the same objective could not be attained in a less intrusive way.

Amendments in the proposal for an horizontal regulation include new rules on the publication of information on all beneficiaries of the EU agricultural funds. This takes account of the objections raised by the Court of Justice to the former rules to the extent that they were applicable to natural persons. The proposed new rules differ from those declared invalid by the Court in so far as they:

- are based on a revised detailed justification, centring on the need for public control of the use of European agricultural funds to protect the Union's financial interests;
- require more detailed information to be given on the nature and description of the measures for which the funds are disbursed;
- include a *de minimis* threshold below which the name of the beneficiary will not be published.

At the request of some delegations, a legal opinion was presented to the Special Committee on Agriculture (SCA) on 11 February and was discussed by the SCA on 18 February, on the basis of a Presidency questionnaire. On this basis, the Presidency had prepared a further paper to clarify the position of the Council on this issue ([6640/13](#)).

FISHERIES

Reform of the common fisheries policy

The Council adopted a second general approach on the proposal for a regulation on the common fisheries policy (CFP) ([12514/11](#)) replacing the basic provisions of the CFP as part of the CFP reform "package":

This political agreement on the CFP basic provisions follows up on the first general approach agreed by the Council in June 2012 ([11322/12](#)). It specifies the Council position on the implementation of the discards ban and the possibility of by-catch quotas.

Dates for implementing the discard ban have been set:

- from 1 January 2014 for pelagic fish;
- from 1 January 2015 for species defining the fisheries in the Baltic (and until 2018 for other species);
- from 1 January 2016 for species defining the fisheries in the North Sea, the North Western waters and the South Western waters (and until 2019 for other species);
- from 1 January 2017 for species defining the fisheries in the Mediterranean, in the Black Sea and in all EU waters and non-EU waters (and until 2019 for other species).

In addition, management tools have been introduced to help the fishing industry to adapt to the obligation to land all catches. The level proposed for *de minimis* exemptions through management plans should reach 7% in the final phase with a degressive rate (9% the first two years; 8% the two following years). These exemptions apply under strict conditions, in particular that all such catches should be fully recorded.

Finally a possibility has been introduced for using for charitable purposes catches of at least the minimum conservation size landed in the framework of the discard ban.

In addition, elements on definitions and on responsibilities for implementing environmental obligations that impact on fishing activities definitions have been also specified.

The proposal's general objective is to ensure fisheries and aquaculture activities that provide long-term sustainable environmental, economic and social conditions, and contribute to the availability of food supplies. New elements concern in particular:

- a landing obligation,
- maximum sustainable yield (MSY) as a compulsory reference for fisheries management,
- regionalised decision-making,
- individually transferable fishing quotas,
- EU measures accompanying member state obligations under environmental legislation.

The European Parliament voted on its position at first reading for this proposal on 6 February 2013. Now, on the basis of the general approach reached in the Council, the discussions between the Parliament and the Council will begin soon.

EU/Morocco fisheries agreement

The Council was briefed by the Commission on the state of play of the EU/Morocco bilateral negotiations to conclude a new protocol to their fisheries partnership agreement.

The Commission recalled that it negotiates in line with its mandate, CFP reform principles and in the light of the European Parliament resolution.

Some member states pointed out the need to conclude an agreement on a new protocol as soon as possible because of the difficult situation of certain segments of their fleet which have been tied up since the interruption of fishing activities in December 2011. However, many delegations underlined the need for a protocol containing a human rights clause and complying with international law. In addition, they outlined that this protocol should ensure the sustainability of the resource.

The current fisheries partnership agreement between the EU and Morocco entered into force in 2007. The first protocol to this agreement ran until 27 February 2011 and provided for a financial contribution of EUR 36.1 million, of which EUR 13.5 million was dedicated to the support of Morocco's fisheries policy. Vessels from 11 EU member states could obtain fishing authorisations from Morocco under the agreement and this protocol.

A second protocol, extending its predecessor by one year under essentially the same terms, was negotiated in February 2011 and provisionally applied until December 2011, when the European Parliament decided not to consent to its conclusion. Following this rejection, the Council decided in February 2012 to grant the Commission a mandate to open negotiations for a new protocol with Morocco. Negotiations were opened in early November 2012 in Rabat.

The 5th round of negotiations between the EU and Morocco took place in Rabat (Morocco) on 11 and 12 February 2013. The parties agreed to meet again for a 6th round in Brussels at a later stage. The first rounds essentially dealt with technical conditions that would apply to the EU fleet under the new protocol while the last discussion dealt with financial aspects and political issues. On the financial aspect, the Commission seeks an agreement representing better value for money than the previous protocol.

ANY OTHER BUSINESS

New European Protein Strategy

The Council was briefed by the Austrian delegation calling for a European protein strategy (6245/13).

Austria outlined that the undersupply of protein feed and the high demand for imports were long-standing issues in the EU where the rate of self-sufficiency amounted only to about 33%. The Austrian delegation also pointed to a joint project - the Danube Soya Initiative - which aimed to develop high-quality soy production and processing system in Europe.

Several delegations supported the Austrian delegation's suggestions for the development of a protein supply system specific to the EU. They considered this would help to decrease the EU dependency to imports as regards protein feed. Some delegations pointed out the need to comply with World Trade Organisation (WTO) requirements.

Delegations further considered that the positive environmental and climatic impacts of the cultivation of legumes and protein crops should be taken into account in the framework of the CAP reform by allowing the relevant areas planted with legumes and protein crops to qualify for the greening payment as part of ecological focus areas (EFA).

Mislabelling of processed beef products

At the request of the Presidency, the Commission gave an overview of the current situation regarding food products containing horsemeat mislabelled as beef ([6644/13](#)).

Many member states welcomed the testing programme proposed by the Commission which had been subsequently endorsed by all member states and adopted as a Commission recommendation. The tests, which have already been started in many member states, give an idea of the extent of the problem. On this basis, several delegations called for the Commission to anticipate the report on labelling of the origin of meat used as an ingredient of processed meat products, whose publication was scheduled for December this year, and considered that such mandatory labelling of origin could contribute positively to the re-establishment of consumers' confidence. Others reminded that the current cases of fraud would not have been prevented by more legislation.

Following the discovery in January of the presence of horse traces in beef burgers in Ireland, several other member states subsequently found horse meat in a range of processed beef products. Very specific tests had uncovered what appears to be a widespread fraud and mislabelling of certain processed products resulting in consumers being misled.

On 13 February, an informal ministerial meeting was called by the Presidency, firstly to establish the state of play in the ongoing investigations in the member states concerned, and secondly to establish how to improve the cooperation between member states in their response to this fraud. On that occasion, the Commission had outlined a proposed recommendation for a programme of tests to assess the extent of the use of horse meat in beef products.

The conditions under which the tests should be performed were better defined during an extraordinary meeting of the Standing committee on the food chain and animal health (SCOFAH) on 15 February 2013 where they were endorsed by unanimity. The Commission recommendation and the related Commission implementing decision regarding the co-financing of the testing programme were published in the Official Journal of the EU on 21.2.2013 (2013/99/EU, 2013/EU).

OTHER ITEMS APPROVED

AGRICULTURE

Agricultural measures for outermost regions and Aegean islands

Today the Council adopted regulations laying down specific measures for agriculture in the outermost regions of the EU ([67/12](#)) and in the smaller Aegean islands ([68/12](#)) following a first-reading agreement with the European Parliament.

Both regulations provide agricultural measures that are intended to remedy the difficulties caused by the remoteness of the specific territories. One covers the following outermost regions: Guadeloupe, French Guiana, Martinique, Réunion, Saint-Barthélemy, Saint-Martin, the Azores, Madeira and the Canary Islands. The other covers the smaller Aegean Islands facing difficulties due to their small size, their small population, their remoteness and the lack of transport lines.

For further details, see [6765/13](#).

Modification of tariff concessions with USA - accession of Bulgaria and Romania

The Council adopted a decision on the conclusion of an agreement in the form of an exchange of letters between the EU and the United States of America pursuant to Article XXIV:6 and Article XXVIII of the General Agreements on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the EU ([12213/12](#); [12214/12](#)).

With the accession of Bulgaria and Romania, the EU enlarged its customs union. Consequently, the EU was obliged under World Trade Organisation (WTO) rules (GATT Article XXIV:6) to enter into negotiations with WTO members having negotiating rights with the acceding members in order to agree on compensatory adjustment. Such adjustment is due if the adoption of the EU's external tariff regime results in an increase in tariff beyond the level for which the acceding country has bound itself at the WTO, whilst taking 'due account of reductions of duties on the same tariff line made by other constituents of the customs union upon its formation'.

On 29 January 2007, the Council authorised the Commission to open negotiations under Article XXIV:6 of GATT 1994. The Commission has negotiated with the members of the WTO.

Negotiations with the USA resulted in a draft agreement in the form of an exchange of letters which was initialled by the EU side on 21 December 2011 in Brussels and by the US side on 17 February in Washington D.C..

FISHERIES

Conservation of fishery resources - technical measures for the protection of juveniles

The Council adopted an amendment to regulation 850/98 concerning the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms and repealing regulation 1288/2009 ([64/12](#)), following a first-reading agreement with the European Parliament.

"Technical measures" is a general term for rules governing how and where fishermen may fish as opposed to how much they may fish (fishing effort) and/or catch (total allowable catches or TACs and quotas). In this case, these measures encourage selective fisheries targeted at the protection of juveniles in order to minimise the damage to the resource. Juveniles are defined as immature fish that have not reached sexual maturity, regardless of size or age. The existing technical measures for the protection of juveniles are important for sustainable fishing, and their continuity needs to be ensured.

Following the entry into force of the Treaty on the Functioning of the EU (TFEU), technical conservation measures could no longer be included in the annual regulation on fishing opportunities, as these technical measures would have to be adopted via co-decision.

ECONOMIC AND FINANCIAL AFFAIRS

Reform of the European Anti-Fraud Office

The Council adopted its first-reading position on reform of the European Anti-Fraud Office (OLAF) aimed at strengthening OLAF's capacity to tackle fraud ([17427/12](#) + [ADD 1](#) + [6387/13](#) + [6387/13 ADD 1](#)). This position is the result of the agreement reached at tri-partite meetings and confirmed by the chair of the European Parliament's Committee on Budgetary Control.

OLAF was created in 1999 to step up the fight against fraud, corruption and any other illegal activity affecting the financial interests of the EU.

The main objectives of the reform are to increase the efficiency of OLAF's investigation, to strengthen cooperation between the office and the competent authorities of the member states and third countries, and to increase OLAF's accountability.

For details see [16922/12](#).

FOREIGN AFFAIRS

Côte d'Ivoire - restrictive measures

The Council approved preparations for the annual review of EU restrictive measures against Côte d'Ivoire.

COMMON SECURITY AND DEFENCE POLICY

EU training mission in Mali

The Council adopted a decision concerning the signing and conclusion of the agreement between the EU and the Republic of Mali on the status of the EU military mission to contribute to the training of the Malian Armed Forces (EUTM Mali).

JUSTICE AND HOME AFFAIRS

Co-financing rate of some European Funds relating to migration

The Council adopted two decisions

- amending decisions 573/2007/EC, 575/2007/EC and 2007/435/EC with a view to increasing the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the integration of third-country nationals as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability (PE-CONS 71/12);

- amending decision 574/2007/EC with a view to increasing the co-financing rate of the External Borders Fund for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability (PE-CONS [72/12](#)).

The aim of these legislative acts is to ensure that member states benefiting from a financial support mechanism (or any other member state which may be concerned by such assistance in the future) continue to implement on the ground the programmes adopted under these four funds, which are part of the General Programme on ‘Solidarity and Management of Migration Flows’¹.

TRADE POLICY

Colombia and Peru - trade agreement

The Council decided to notify Colombia and Peru of the completion of the EU's internal procedures required for the provisional application of the agreement, pending the full ratification of the agreement.

On 8 February, Peru sent notification of the completion of its own procedures for the entry into force of the agreement. Pursuant to the terms of the agreement, provisional application between the EU and Peru will therefore start on 1 March 2013. Provisional application between the EU and Colombia will start in the month following notification by Colombia of the completion of its internal procedures.

The agreement, signed on 26 June 2012, sets out to eliminate tariffs on all industrial products and fishery products, increase market access for agricultural products, tackle technical barriers to trade, liberalise service markets, protect geographical indications and open up public procurement markets. It includes commitments on the enforcement of labour and environmental standards, as well as procedures for the settlement of disputes, and establishes common disciplines in fields including intellectual property rights, transparency and competition.

For details, see press release [11869/12](#).

¹ See also Commission proposals: [14123/12](#) and [14181/12](#).

ENVIRONMENT

EU Ecolabel

The Council decided not to oppose the adoption by the Commission of a decision amending Decisions 2007/506/EC and 2007/742/EC in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products ([17212/12](#)).

The draft decision is subject to the regulatory procedure with scrutiny. Now that the Council has given its consent, the Commission may adopt the decision, unless the European Parliament objects.

Shipments of waste

The Council decided not to oppose the adoption by the Commission of a regulation amending, for the purposes of adaptation to scientific and technical progress, Annexes IC, VII and VIII to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste ([17245/12](#)).

The draft regulation is subject to the regulatory procedure with scrutiny. Now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

EDUCATION

International Standard Classification of Education

The Council decided not to oppose the adoption of a Commission regulation amending the annexes to regulations 1983/2003, 1738/2005, 698/2006, 377/2008 and 823/2010 as regards the International Standard Classification of Education ([18082/12](#)).

The Commission regulation is subject to the so called regulatory procedure with scrutiny¹. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) has revised the 1997 version of the International Standard Classification of Education (ISCED) in November 2011.

The international comparability of educational statistics requires that the member states and the Union's institutions use classifications of education which are compatible with those adopted by UNESCO, which implies amendments to a number of relevant instruments.

SPORT

World Anti-Doping Code

The Council approved the text of the EU contribution to the revision of the World Anti-Doping Code ([6427/13](#)) and authorised the Presidency to submit it to the World Anti-Doping Agency (WADA) with a view to the 4th World Conference on Doping in Sport, which will take place in Johannesburg, South Africa, in November 2013.

The World Anti-Doping Code provides the basic framework for harmonised anti-doping policies, rules and regulations within sport organisations and among public authorities. The European Union acquired a specific competence in the area of sport after the entry into force of the Lisbon Treaty on 1 December 2009.



¹ Article 5a(3)(a) of Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).