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THE EUROPEAN UNION**



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3033rd Council Meeting

Agriculture and Fisheries

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Main results of the Council

*On fisheries, ministers were briefed on the state of play with regard to **mackerel management in the North-East Atlantic**.*

*As regards agriculture, Council held an exchange of views on a Commission communication on the **freedom for Member States to decide on the cultivation of genetically modified crops**.*

*Over lunch, ministers discussed the **financing of animal health**.*

*The Council was briefed by the Commission on a proposal for **a regulation on distribution of food products for the most deprived persons**. Ministers also held an exchange of views on a report and a proposal for a regulation on **specific measures for agriculture in the outermost regions of the Union**.*

*Finally, the Ministers adopted Presidency conclusions on the **report of the High Level Group on milk** and the Commission briefed the Council of its latest quarterly **report on the dairy market**.*

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PARTICIPANTS

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

Belgium:

Ms Sabine LARUELLE

Minister for SMEs, the Self-Employed, Agriculture and Science Policy

Mr Kris PEETERS

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

Mr Benoît LUTGEN

Walloon Minister for Public Works, Agriculture, Rural Affairs, Nature, Forests and Heritage

Bulgaria:

Mr Miroslaw NAYDENOV

Minister for Agriculture and Food

Czech Republic:

Mr Juraj CHMIEL

Deputy Minister for Agriculture

Denmark:

Mr Henrik HØEGH

Minister for Food, Agriculture and Fisheries

Germany:

Mr Robert KLOOS

State Secretary

Estonia:

Mr Gert ANTSU

Deputy Permanent Representative

Ireland:

Mr Brendan SMITH

Minister for Agriculture, Fisheries and Food

Mr Sean CONNICK

Minister of State for Fisheries

Greece:

Mr Konstantinos SKANDALIDIS

Minister for Agriculture

Spain:

Ms Elena ESPINOSA

Minister for Agriculture and Fisheries

Mr Juan Manuel VAZQUEZ

Minister for Agriculture and Rural Development of the Autonomous Community of Extremadura

France:

Mr Bruno LE MAIRE

Minister for Food, Agriculture and Fisheries

Italy

Mr Giancarlo GALAN

Minister for Agriculture

Cyprus:

Ms Egly PANTELAKIS

General Secretary, Ministry of Agriculture, Natural Resources and Environment

Latvia:

Ms Lelde LICE-LICITE

Deputy Permanent Representative

Lithuania:

Mr Mindaugas KUKLIERIUS

Deputy Minister for Agriculture

Luxembourg:

Mr Romain SCHNEIDER

Minister for Agriculture, Viticulture and Rural Development

Hungary:

Mr Sándor FAZEKAS

Minister for Rural Development

Malta:

Mr George PULLICINO

Minister for Resources and Rural Affairs

Netherlands:

Ms Gerda VERBURG

Minister for Agriculture, Nature and Food Quality

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:

Mr António SERRANO

Minister for Agriculture, Rural Development and Fisheries

Romania:

Mr Barna TÁNCZOS

State Secretary, Ministry of Regional Development and Tourism

Slovenia:

Mr Dejan ŽIDAN

Minister for Agriculture, Forestry and Food

Slovakia:

Mr Zsolt SIMON

Minister of Agriculture

Finland:

Ms Sirkka-Liisa ANTTILA

Ms Minna-Mari KAILA

Minister for Agriculture and Forestry

State Secretary, Ministry of Agriculture and Forestry

Sweden:

Mr Eskil ERLANDSSON

Minister for Agriculture

United Kingdom:

Mr Jim PAICE

Mr Richard LOCHHEAD

Minister of State for Agriculture and Food

Minister for Fisheries and Rural Affairs

Commission:

Mr Dacian CIOLOȘ

Ms Maria DAMANAKI

Mr John DALLI

Member

Member

Member

ITEMS DEBATED

DISTRIBUTION OF FOOD PRODUCTS TO THE MOST DEPRIVED PERSONS IN THE UNION

Ministers were briefed by the Commission on a proposal for a regulation concerning distribution of food products to the most deprived persons in the Union ([13435/10](#)).

Some delegations expressed a reservation on this text, as was the case for the first proposal presented by the Commission in 2008, as regards the legal basis for this text, which in their view should be drawn from social policy rather than agricultural policy. Other delegations were also concerned with the co-financing of the measure.

The Special Committee for Agriculture (SCA) will work on this proposal.

The first proposal on this issue presented to the Council in 2008 did not secure a majority.

The Commission originally proposed to amend the current rules under which the European Union can supply food from intervention stocks to the most deprived persons. In this proposal, food would be sourced either from intervention stocks or from the market but the latter source would no longer be limited to situations of temporary unavailability of intervention stocks, as is currently the case. Moreover, the fade-out of intervention stocks, due to the reframing of the common agricultural policy (CAP) has already increased the current scheme's reliance on market purchases for the provision of food. In addition, to optimise the nutritional balance, the choice of distributed foods would be extended to those for which intervention does not apply. The proposal also introduces co-financing of the scheme and a ceiling for the financial contribution of the Union.

In this new version, the Commission has introduced a reshaping of the text to bring it into line with the provisions of the Lisbon Treaty and to take into account amendments from the European Parliament. The rules for cofinancing have also been changed, increasing the Union's contribution. Financing sources in the Member States can be either public-sector or private.

The current regulation as regards distribution of food to the most deprived persons was laid down by a regulation in 1987 and finally incorporated into the Single Common Market Organisation regulation in 2007.

SPECIFIC MEASURES FOR AGRICULTURE IN THE OUTERMOST REGIONS OF THE UNION

Ministers held an exchange of views following a presentation by the Commission of a proposal for a regulation laying down specific measures for agriculture in the outermost regions of the Union ([13575/10](#)). The Commission also presented the first report on the effects of the 2006 reform of the Programme of Options Specifically Relating to Remoteness and Insularity (POSEI) regime ([13576/10](#)).

Some delegation noted the importance of these measures for the regions concerned and questioned the legal basis of the Commission proposal. The Special Agriculture Committee will work on this subject before the proposal is re-presented to ministers.

The Commission proposes a reshaping of the Regulation 247/2006 laying down specific measures for agriculture in the outermost regions of the Union in order to bring it into conformity with the Lisbon Treaty. The original text has also been cleaned up and updated to include the most recent changes to the common market organisations (CMOs).

Moreover, two changes in the new text come from recommendations included in the report on the implementation of the reform of the POSEI regime presented during this session. The first concerns the budget for specific supply arrangements (SSAs) for France and Portugal; the second relates to the liberalisation of trade between the French overseas departments on products covered by SSAs.

Since 1991, agriculture in the outermost regions of the European Union (EU) has benefited from POSEI, the aim of which is to allow specific measures for the implementation of the Common Agricultural Policy that take into consideration the geographical and economic disadvantages of these regions. The POSEI agricultural measures are divided into two main categories: the first concerns the supply of products which are essential for human consumption, for processing or as agricultural inputs. The second concerns specific support measures for the production and marketing of local agricultural products.

COMMUNICATION FROM THE COMMISSION ON THE FREEDOM FOR MEMBER STATES TO DECIDE ON THE CULTIVATION OF GENETICALLY MODIFIED CROPS

The Council held an exchange of views on the Communication on the freedom for Member States to decide on the cultivation of genetically modified organisms (GMOs) (13511/10).

The delegations addressed the following questions:

- What economic impact and what consequences for the internal market are these Commission proposals likely to have?
- What steps need to be taken to ensure that the Commission proposals comply with WTO rules and internal market rules?

Some of the delegations welcomed the proposal as an attempt to solve the current situation while others expressed strong reservations. However, most delegations, expressed their concerns on the two issues raised in the questions from the Presidency and are awaiting for an opinion from the Council legal service on the issue of the compatibility of the proposal with World Trade Organisation (WTO) and internal market rules. Many Member States would like the conclusions from the December 2008 Council to be taken into account - in particular, the review of the evaluation procedure for GMOs.

In this context, several delegations recalled the request presented in 2009 by the Dutch and the Austrian delegations supported by eleven other Member States regarding the cultivation of GMOs.

An exchange of views will also take place at the next Environment Council on 14 October 2010. The further legislative work will be dealt with within the Environment Council. The ad hoc working party on GMOs will continue to evaluate the Commission proposal.

On 13 July 2010, following a request made by Hungary and supported by 11 other Member States, the Commission proposed this new GMO package.

The package presented by the Commission on 13 July 2010 comprises a communication, a new recommendation on the co-existence of genetically modified crops with conventional and organic farming and a legislative proposal amending Directive 2001/18/EC. The new recommendation on co-existence allows Member States greater flexibility in the development of national co-existence measures and allows them to define GM-free areas. Directive 2001/18/EC would be amended to include an article allowing Member States to restrict or prohibit the cultivation in all or part of their territory of GMOs authorised at European level. This restriction should be based on grounds other than those related to the adverse effect on health and the environment, in order to retain the value of the scientific evaluation conducted at the European level by the European Food Safety Authority and stay compatible with the WTO rules.

REPORT OF THE HIGH LEVEL GROUP ON MILK

The Council took note of the Presidency conclusions on the report of the High Level Group (HLG) on Milk ([13570/10](#)) as supported by a large majority of delegations.

Following an initial exchange of views at the Council meeting on 12 July, Presidency conclusions were supported by 22 delegations, with 1 abstention and 4 delegations maintaining their reservations. These conclusions follow-on from the HLG recommendations and invite in particular the Commission to submit before the end of the year its response to the first three recommendations, concerning:

- enhanced contractual relations between milk producers and dairies;
- producers' collective bargaining power; and
- the possible role of interprofessional organisations in the dairy sector

In response to the crisis in the dairy sector in 2009, in October of that year the Commission set up an HLG on Milk to discuss mid-term and long-term arrangements for the dairy sector, given that quotas are due to end on 1 April 2015.

The HLG published its report mid-June and recommended seven groups of measures ([11935/10](#) + [11758/10](#)). In addition to those related to the contractual relations between milk producers and dairies, producers' collective bargaining power and the role of interprofessional organisations, the recommendations also cover price transparency, market instruments, quality and labelling as well as innovation and research.

The Group, comprising senior national experts, met about ten times between October 2009 and June 2010. Its discussions drew on oral and written contributions from the main European stakeholders in the dairy supply chain. In addition, it received contributions on certain specific questions from invited academics, third country representatives and various Commission departments.

SITUATION ON THE DAIRY MARKET

The Council took note of the Commission's quarterly report on the dairy market ([13947/10](#)), presented by the Commissioner in charge of Agriculture and Rural Development, Dacian Cioloș.

The overall situation of the dairy market has been continuously improving in the second half of 2009 and the first half of 2010. In the EU, the main dairy commodities continue to be priced well above intervention levels (real or virtual). After a steady recovery from May 2009 to November 2009 and a stabilisation in the 1st quarter of 2010, milk prices have been increasing month after month from April onwards, to reach an estimated EU average price of 30 c/kg in July. No negative impact has been observed on the market so far from the release of butter and SMP intervention stocks that started at the beginning of May under the most deprived persons' programme and by open tender.

As a reaction to the crisis in the dairy sector, in addition to the creation of a High Level Group (HLG) in October 2009, the Commission undertook in May 2009 to report to the Council on the situation on the dairy market every three months.

OTHER BUSINESS

FISHERIES

Management of mackerel in the North-East Atlantic

The Council was briefed by the Commission on the current state of play as regards mackerel management in the North-East Atlantic.

The current situation is that Iceland and the Faroe Islands have unilaterally increased their mackerel quotas and there is currently no agreement between the coastal states (EU, Norway, the Faroe Islands and Iceland) on the allocation share for this stock. As the negotiations this autumn (12-14 October in London) are aimed at reaching an agreement, the Commission is seeking political guidance. Ministers gave their opinion on three questions:

- Do Member States want a coastal states agreement?
- Should the EU provide access to the Faroe and/or Iceland?
- What should be done if no coastal states agreement is reached?

Most of the delegations expressed their support for the Commission on this issue. An agreement is always desirable, specifically as regards the sustainability of the mackerel stock, but this agreement should not be accepted at any cost. The question of the access given to Iceland and the Faroe Islands raised strong reservations on the part some delegations. The range of options to be decided among if no agreement is reached should be clarified.

AGRICULTURE

BSE monitoring programme

The ministers were informed by the Latvian delegation of its request to the Commission to allow a rapid revision of the Bovine Spongiform Encephalopathy (BSE) monitoring programme in Latvia in line with its epidemiological situation. Several countries strongly supported the Latvian request. The Commission confirmed that the process of evaluating the Latvian situation as regards BSE is still ongoing and should be completed as soon as the scientific opinion of the European Food Safety Authority, expected at the end of this year, has been issued. ([13911/10](#)).

Tomato market

The Italian delegation expressed concern about the impact of tomato concentrate imports used in European processed products without any mention of their origin. In its view these cheap imports are of mediocre quality and severely affect the tomato market, which is already in critical situation. Italy therefore requested the Commission to adopt marketing standards for processed food which would require the origin of the raw product to appear on the label. While some delegations supported this request by highlighting the need to inform consumers appropriately, others had reserves including the question of compulsory labelling. The Commission confirmed that its proposals reviewing Europe's agricultural product quality to be submitted at the end of the year would give the opportunity to consider this issue further. ([13763/10](#)).

Prolongation of temporary state aid

Ministers were briefed by the Hungarian delegation on the need for a prolongation of the temporary state aid in favour of agricultural producers. Considering that, in addition to natural disasters, the economic crisis is not over yet and has had important consequences for the producers' access to finance, this measure, scheduled to end on 31 December 2010, should be extended at least until the end of 2011. Some member states supported the Hungarian request. The Commission will review the Hungarian request making it clear that this state aid covers the impact of the economic crisis and not natural disasters ([13838/10](#)).

Situation of the cereals market - Impact on animal production

The Polish delegation expressed concern in Council about the consequences of the increase in the price of cereals on animal production, in particular pig meat and poultry. Poland requested the Commission to sell cereals from intervention stocks and increase the intervention price in the framework of the Single Common Market Organisation regulation. (13893/10)

Situation of the cereals markets - Stabilisation measures

Following the Polish request, the Greek delegation also briefed ministers on its request for the Commission to take measures to mitigate the current instability on the international cereals market and price volatility. ([13914/10](#))

A number of delegations shared the Polish and Greek concerns. The Commission confirmed that it intended to release the cereals from intervention. However the increase in the intervention price would not be appropriate.

OTHER ITEMS APPROVED

AGRICULTURE

Partnership agreement against illegal logging between the EU and Cameroon

The Council adopted a decision on the signing of a voluntary partnership agreement between the EU and the Republic of Cameroon on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT) ([12795/10](#) + [13187/10](#)). The agreement is the third to be signed, after those concluded with Ghana in November 2009 and with the Congo in May 2010.

FISHERIES

Cape Verde - Renewal of agreement

The Council authorised the Commission to open negotiations for the renewal of the protocol to the fisheries partnership agreement with Cape Verde ([12600/10](#)).

Guinea Bissau - Renewal of agreement

The Council authorised the Commission to open negotiations for the renewal of the protocol to the fisheries partnership agreement with Guinea Bissau ([12601/10](#)).

**15th Annual Conference of the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, virtual meeting, 20 September – 1 October 2010 -
*Council conclusions***

The Council adopted the conclusions set out in document [13662/10](#).

COMMON FOREIGN AND SECURITY POLICY

Weapons of mass destruction - International Atomic Energy Agency activities

The Council adopted a decision on support for International Atomic Energy Agency (IAEA) activities in the areas of nuclear security and verification (8680/10).

The decision is taken in the framework of the implementation of the 2003 EU strategy against proliferation of weapons of mass destruction, which provides that particular attention should be paid to undertaking efforts aimed at strengthening international organisations in charge of verification activities.

In recent years, the Council has adopted joint actions 2004/495/CFSP, 2005/574/CFSP, 2006/418/CFSP and 2008/314/CFSP on support for IAEA activities in the areas of nuclear security and verification.

Republic of Moldova - Restrictive measures against the leadership of the Transnistrian region

The Council adopted a decision concerning restrictive measures (visa ban) against the Transnistrian leadership (13623/10).

The decision extends the restrictive measures until 30 September 2011. It also extends the suspension of the measures for a further period of 6 months (until 31 March 2011), in order to encourage progress in reaching a political settlement to the Transnistrian conflict, addressing the remaining problems of the Latin-script schools and restoring free movement of persons.

At the end of the suspension period, the Council will review the restrictive measures in the light of developments.

The EU is committed to continuing its efforts in order to contribute to a viable settlement of the Transnistria conflict, based on the principles of the sovereignty and territorial integrity of the Republic of Moldova. It also re-affirms the EU's call for a resumption of formal settlement talks in the 5+2 format as early as possible.

FOREIGN AFFAIRS

Economic Partnership Agreement between the EU and the CARIFORUM States

The Council adopted a decision on the position to be taken by the European Union in the Joint CARIFORUM-EU Council established by the Economic Partnership Agreement between the CARIFORUM States and the EU, with regard to the amendment of Annex IV to the Agreement ([12433/10](#)). The Council's position seeks to introduce commitments in services and investment for the Commonwealth of The Bahamas and to provide for the provisional application of those amendments until the entry into force of the Agreement.

Prolongation of appropriate measures against Fiji Islands

The Council adopted a decision extending by six months the measures in place since 2007 for the Republic of the Fiji Islands in order to assist the country's return to democracy, respect for human rights and the rule of law ([13283/10](#)). This decision follows the continued lack of progress in implementing key commitments Fiji had agreed with the EU in 2007. These commitments mainly concern respect for democratic principles, the rule of law, human rights and fundamental freedoms.

For more details see press release [14086/10](#).

The revised draft Code of Conduct for Outer Space Activities - *Council conclusions*

The Council adopted the conclusions set out in document *13743/10*.

ECONOMIC AND FINANCIAL AFFAIRS

Derogation from the VAT directive for eight member states

The Council adopted the following decisions authorising France, Germany, Italy, Latvia, Luxembourg, the Netherlands, Poland and Romania to derogate from the directive 2006/112 on the common system of value added tax (VAT):

- by way of derogation from article 5 of the VAT directive, France and Italy are allowed to consider the entire site of the existing Col de Tende road tunnel as being on the territory of Italy for the purposes of supplies of goods and services, as well as the operation, maintenance and safety of the tunnel ([12571/10](#));
- by way of derogation from article 5 of the VAT directive, Germany and Luxembourg are authorised to consider the border bridge over the river Mosel linking the German B 419 and the Luxembourg N1 motorways between Wellen and Grevenmacher as entirely on the territory of the Grand Duchy of Luxembourg for the purposes of supplies of goods and services, as well as the renovation and maintenance of that bridge ([9293/10](#));
- by way of derogation from article 287 of the VAT directive, Latvia is authorised to exempt from VAT taxable persons whose annual turnover is no higher than the equivalent in national currency of EUR 50 000 at the conversion rate on the day of its accession to the European Union ([12573/10](#));
- by way of derogation from article 193 of the VAT directive, the Netherlands are allowed to continue to apply, in the ready-to-wear clothing industry, a scheme for shifting the subcontractor's obligation to pay over VAT to the tax authorities from the subcontractor to the clothing firm. The derogation is limited until 31 December 2012 ([10327/10](#));
- by way of derogation from articles 26(1)(a) and 168, Poland is allowed to restrict, until 31 December 2013, the right to deduct VAT on the purchase, acquisition, import, hire or lease of certain vehicles ([12570/10](#));
- by way of derogation from article 193 of the VAT directive, Romania is allowed to designate the taxable person to whom certain supplies of goods and services are made as the person liable for payment of VAT; this applies to supplies of goods and services by a taxable person while under an insolvency procedure or subject to judicial oversight ([12572/10](#)).

BUDGETS

Emergency aid for the flooding victims in Pakistan and the "drought belt" in Africa

The Council approved additional financial resources for humanitarian aid in order to respond rapidly to the difficult situation in Pakistan and the deepening food crisis in Africa. In total, EUR 80 million in commitment appropriations are made available through two transfers from the emergency aid reserve. EUR 40 million will be used with a view to attenuate the effects of the food crisis in the "drought belt" stretching from the Sahel region of West Africa, including Chad and Northern Cameroun (EUR 30 million) to Sudan (EUR 10 million). Further EUR 30 million will be used to fund provision of food, shelter and basic health needs in Pakistan heavy flooding during August affected at least 15 million people, according to the estimates of the UN. Additional EUR 10 million will help to replenish the minimal operational reserve of the humanitarian aid chapter.

RESEARCH

EU/US agreement on nuclear material safeguards and security research

The Council adopted a decision approving the conclusion of an agreement between the United States Department of Energy and the Euratom (the European Atomic Energy Community) in the field of nuclear material safeguards and security research and development ([10872/10](#)).

ENVIRONMENT

Access to genetic resources and benefit-sharing

The Council prolonged the authorisation for the Commission to participate on behalf of the EU in the negotiations on the international regime on access to genetic resources and benefit-sharing to include the tenth Conference of the Parties to the Convention on Biological Diversity ([13537/10](#)).

TRADE POLICY

Anti-dumping: trichloroisocyanuric acid - ammonium nitrate - polyethylene terephthalate

The Council adopted regulations:

- amending regulation 1631/2005 imposing a definitive anti-dumping duty on imports of trichloroisocyanuric acid originating, inter alia, in China ([12986/10](#));
- terminating the partial interim review of regulation 661/2008 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia ([12994/10](#)); and
- imposing a definitive countervailing duty and collecting definitely the provisional duty imposed on imports of certain polyethylene terephthalate originating in Iran, Pakistan and the United Arab Emirates ([13057/10](#)).

DEVELOPMENT POLICY

Roadmap for development cooperation with Niger

The Council adopted a decision setting out a roadmap to gradually resume development cooperation with Niger during its return to constitutional order, thus concluding consultations under article 96 of the ACP-EU Cotonou Agreement ([13280/10](#)).

For more details see press release [14087/10](#).

APPOINTMENTS

Committee of the Regions

The Council adopted a decision appointing Ms Kirstine Helene BILLE (Denmark) as member of the Committee of the Regions for the remainder of the current term of office, which ends on 25 January 2015 ([13284/10](#)).

TRANSPARENCY

Public access to the documents

The Council adopted:

- the reply to the confirmatory application 16/c/01/10 ([12674/10](#)) ;
 - the reply to the confirmatory application 17/c/01/10, Danish, Finnish and Swedish delegations voting against ([12679/10](#)) ; and
 - the reply to the confirmatory application 18/c/01/10 ([12961/10](#)).
-