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## **PRESS RELEASE**

3120th Council meeting

### **Agriculture and Fisheries**

Luxembourg, 20 and 21 October 2011

President            **Mr Marek SAWICKI**  
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# **P R E S S**

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## **Main results of the Council**

*As regards agriculture, the Council heard a presentation by the Commission on the **common agricultural policy (CAP) reform package** and held a first exchange of views.*

*In addition, the Council held a policy debate on the **distribution of food products to the most deprived persons in the Union**. Ministers could not secure a majority in favour of the Commission proposal.*

*A qualified majority in favour of a decision on the Union position in the framework of the **International Organisation of Vine and Wine (OIV)** could not be reached.*

*Concerning fisheries, the ministers reached a political agreement on **fishing opportunities for 2012 for certain fish stocks in the Baltic Sea**.*

*The Council then had an exchange of views on the **annual consultations for 2012 between the EU and Norway**.*

*Finally, the Council was briefed on the implementation of the **directive concerning the welfare of laying hens**.*

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Member

## **ITEMS DEBATED**

### **AGRICULTURE**

#### **The CAP reform package**

The Commission presented its proposals on the common agricultural policy (CAP) reform package after which Council held an exchange of views.

As regards direct payments, several member states raised concerns or stated their opposition to the proposed redistribution of payments between member states. On the proposed greening of the first pillar while they generally could agree with the introduction of "greening" measures in the first pillar, several questioned the compulsory character of the proposed measures or challenged the proposed 30% proportion of direct payment envelopes devoted to this "greening". In addition some delegations expressed their opposition to progressive reduction and capping of direct payments amounts. The proposed definition of "active farmer" also raised many questions. Actions proposed in favour of small farms and young farmers were generally well received.

Moreover, a vast majority of delegations raised concerns that the direct payments and rural development proposals seemed to run counter to the important objective of simplification of the CAP.

On the market management mechanisms, most of the member states acknowledged the measures proposed by the Commission. They noted in particular the importance of extending the existing possibilities to allow the Commission to take emergency measures. Some member states regretted the Commission's intention to stick to the abolition of the sugar quota system for 2015, while others welcomed the confirmation that the sugar sector would be liberalised after 2015. Several delegations welcomed the proposals to strengthen the role of the farmer in the food supply chain with mandatory recognition of producers and interbranch organisations, while others were concerned that this would imply the risk of competition distortion.

The Council will hold two more policy debates on the CAP reform proposals before the end of the year: one on direct payments in November and another on rural development in December.

The CAP reform package presented by the Commission consists of:

- Four main proposals for regulations co-decided by ordinary legislative procedure (OLP) between the Council and the European Parliament:
  - regulation establishing rules for direct payment to farmers ([15396/11](#));
  - regulation establishing a common organisation of the market in agricultural products ([15397/11](#));
  - regulation on rural development ([15425/11](#));

- regulation on the financing, management and monitoring of the CAP ([15426/11](#)).
- One proposal for a Council regulation:
  - regulation determining measures on fixing certain aids and refunds ([15400/11](#))
- Two proposals to be co-decided by OLP for adjusting existing legislation:
  - regulation amending regulation 73/2009 as regards the application of transitional measures in respect of the year 2013 ([15398/11](#))
  - regulation modifying regulation 1234/2007 (Single CMO regulation) as regards the regime of the single payment scheme and support to vine-growers ([15399/11](#)).

The Commission prepared the CAP reform package following the interinstitutional debate initiated by its communication *The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future* ([16348/10](#)) and on the basis of impact assessments for the various policies. The new rules should enter into force on 1 January 2014.

In March 2011, the Council took note of the Presidency conclusions on the Commission communication ([7921/11](#)) supported by a very large number of member states.

The Presidency conclusions on the communication followed an initial exchange of views in November 2010 and three policy debates which took place at the Agriculture Councils in December 2010, January and February 2011 and the Environment Council in March 2011. The policy debates were centred on the three main objectives of the future CAP identified in the Commission communication, namely:

- viable food production,
- sustainable management of natural resources and climate action, and
- balanced territorial development.



## **Distribution of food to the most deprived persons**

The Council held a policy debate on a proposal for a regulation amending regulation 1290/2005 and regulation 1234/2007 as regards distribution of food products to the most deprived persons in the Union ([15054/11](#)).

A qualified majority in favour of guaranteeing the effective functioning of the programme until the end of 2013 could not be reached. The Presidency took note of the positions of the delegations and undertook to reflect the way forward.

The initial proposal on this matter was presented to the Council in 2008. In 2010, the Commission submitted an amended proposal on the same subject which was discussed twice in September 2010 and September 2011 ([13900/1/11](#)). On all these three occasions, a blocking minority emerged against the proposal.

Compared with the initial proposals made in 2008 and 2010, the Commission now proposes a dual legal basis in the light of the contribution of food distribution programmes to the fulfilment of the objectives of the CAP (articles 42 and 43(2) of the Treaty on the Functioning of the European Union (TFEU)) and to strengthening the EU's social cohesion (article 175(3) of the TFEU).

The Commission's proposals of 2008 and 2010 provided for co-financing of the measure by member states. This new amended proposal retains for the future the current rate of 100% EU funding for the scheme, maintaining an annual ceiling of € 500 million for the EU's financial contribution.

The current programme under which the European Union can supply food from intervention stocks to the most deprived persons was created in 1987. It was incorporated into the "single common market organisation" regulation in 2007. Current legislation also allows products to be exceptionally purchased on the open market for the purposes of the scheme where there is a temporary shortfall in the availability of that product in intervention stocks, or where transfer would be required in small quantities from the intervention stocks of a Member State other than the one in which the product is to be distributed.

In 2008, the Commission proposed changes to the current rules. According to its proposal, food would be sourced either from intervention stocks or from the market but market purchases 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) and high prices of agricultural commodities, have 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 foods distributed would be extended to those to which intervention does not apply. The proposal also introduced national co-financing of the scheme and a ceiling for the Union's financial contribution.

In 2010, a newly amended proposal introduced a reshaping of the text to bring it into line with the provisions of the Lisbon Treaty. It proposed also a change in the rules for cofinancing with an increase in the Union's contribution, and provided that financing sources in the member states can be either public or private.

## **Union position at the International Organisation of Vine and Wine**

The Council could not secure a qualified majority in favour of a decision establishing the position to be adopted on behalf of the EU with regard to resolutions to be discussed and voted in the framework of the International Organisation of Vine and Wine (OIV).

In its proposal the Commission suggests formalising the coordination of the Union position on OIV draft resolutions falling within the EU's field of competence. This proposal is based on Article 218(9) of the Lisbon Treaty concerning international agreements.

The OIV is an intergovernmental scientific and technical organisation made up of members, observers and international organisations with a particular status active in the vines, wine, wine-based drinks, table grapes, raisins and other vine products sectors.

The general assembly - the OIV's plenary body - generally meets once a year but extraordinary sessions may be convened (an extraordinary general assembly is scheduled for 28 October 2011). The OIV has 43 members but only 21 EU member states are also OIV members.

The EU is not a member of the OIV. At present, the Commission is authorised to attend and take part in expert groups and technical commissions meetings of the OIV.

## **FISHERIES**

### **Fishing opportunities in the Baltic Sea for 2012**

Ministers reached political agreement on fishing opportunities for 2012 for certain fish stocks in the Baltic Sea.

This item will be included, following finalisation by the Legal/Linguistic Experts, in part "A" of the agenda for a forthcoming Council meeting.

This agreement lays down for 2012 the maximum quantities of fish from specific stocks that can be caught in the Baltic Sea (total allowable catches (TACs) and quotas), as well as the fishing effort limits for Baltic cod stocks. The proposed measures have been established taking into account available scientific advice and, in particular, the reports drawn up by the International Council for the exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF). However, catch limits and fishing effort limits for cod stocks in the Baltic Sea are established in accordance with the rules laid down in regulation 1098/2007 establishing a multi-annual plan.

The agreement contains two sections for the management of the Baltic fisheries in 2012 through fishing opportunities: one section fixing the TACs and quotas and a second limiting the fishing effort, by imposing limits on their activity (number of days at sea).

The agreement primarily concerned the total allowable catches (TACs) and fishing quotas for Member States in Community waters of the Baltic region, the main changes to which – in terms of reduction, increase or roll-over of TACs as compared with 2011 – are summarised in the table below.

COMMUNITY TOTAL ALLOWABLE CATCHES (TACs) IN THE BALTIC SEA FOR 2012						
		COMMISSION proposal		COMMISSION targets	COUNCIL agreement	Difference from previous year
<i>Latin name</i>	ICES FISHING ZONES	TAC 2011	for 2012	for 2012	TAC 2012	
		in tonnes	in tonnes	in %	in tonnes	in %
		1	2	3	4	5**
<i>Clupea harengus</i>	Baltic Sea subdivisions 30-31 (Gulf of Bothnia)	104.369	106.000	2%	106.000	2%
<i>Clupea harengus</i>	Baltic Sea subdivisions 22-24 (Western Baltic)	15.884	20.900	32%	20.900	32%
<i>Clupea harengus</i>	Baltic Sea subdivisions 25-27, 28.2, 29, 32 (Eastern Baltic except Gulf of Bothnia)	107.420	72.178	-33%	78.417	-27%
<i>Clupea harengus</i>	Baltic Sea subdivision 28-1 (Gulf of Riga)	36.400	28.878	-21%	30.576	-16%
<i>Gadus morhua</i>	Baltic Sea subdivisions 25-32 (Eastern Baltic)	58.957	67.850	15%	67.850	15%
<i>Gadus morhua</i>	Baltic Sea subdivisions 22-24 (Western Baltic)	18.800	21.300	13%	21.300	13%
<i>Pleuronectes platessa</i>	Baltic Sea subdivisions 22-32	3.041	2.281	-25%	2.889	-5%
<i>Salmo salar</i> *	III bcd, except subdivision 32 (22-31)	250.109	52.904	-79%	122.553	-51%
<i>Salmo salar</i> *	Baltic Sea subdivision 32	15.419	10.884	-29%	15.419	0%
<i>Sprattus sprattus</i>	III bcd	288.766	213.110	-26%	225.237	-22%

**Legend:** *Latin name* - English name/ Nom français/ Deutsche name

*Gadus morhua* - cod/ morue/ Dorsch

*Pleuronectes platessa* - plaice/ plie/ Scholle

*Salmo salar* - Atlantic salmon/ saumon atlantique/ Lachs

*Sprattus sprattus* - sprat/ sprat/ Sprotte

\* AC expressed as number of individuals

\*\* a **negative** % indicates a **reduction** in the TAC, a **positive** % indicates an **increase** in the TAC and 0 % indicates a roll-over of the TAC

In accordance with the multiannual plan applicable to stocks of Baltic cod (*Gadhus morua*) adopted on 18 September 2007<sup>1</sup>, the Council endorsed a 15 % increase in the TACs in the Eastern Baltic, and a 13 % increase in the Western Baltic in view of the marked improvement in the stock status.

For herring (*Clupea harengus*), it was decided to increase significantly the TAC (by 30 %) for the Western Baltic and increase it slightly (by 2%) for the Gulf of Bothnia. However, TACs are reduced by 16 % for the Gulf of Riga and 27% for the Eastern Baltic (except the Gulf of Bothnia).

For Atlantic salmon (*Salmo salar*) a reduction was agreed except for subdivision 32 where a roll-over was agreed. For sprat (*Sprattus sprattus*), a reduction of 22% in the TACs was agreed.

With a view to simplifying and clarifying the annual TAC and quota decisions, fishing opportunities in the Baltic Sea have been fixed by a separate regulation since 2006.

It should be noted that these fisheries should be open on 1 January 2012.

According to article 43(3) of the Lisbon Treaty it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities in the framework of the common fishery policy. The European Parliament's participation and the Economic and Social Committee's opinion are therefore not required for this species.

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<sup>1</sup> Regulation (EC) No 1098/2007, OJ L 248, 22.9.2007, p. 1.

## **EU/ Norway - annual consultations for 2012**

The Council will hold an exchange of views on the annual consultations between the EU and Norway under their bilateral fisheries agreement.

Most of the delegations recognise the utility of this agreement with Norway but would favour a cautious approach from the EU on the level of TACs and other associated measures for the main jointly-managed joint stocks in the North Sea. They would also recommend a cautious approach for other stocks that it might be worthwhile to identify and use for the reciprocal exchange of quotas.

In this regard, several delegations noted the importance of trying to solve the mackerel management issue with Iceland and Faroe Islands. These negotiations involve also Norway.

The first round of annual consultations with Norway will take place from 14 to 18 November 2011 in Brussels and the second round in Bergen, Norway from 28 November to 2 December 2011.

The main issues for the consultations this year are the following:

- Detailed management arrangements for seven jointly managed fish stocks (North Sea cod, haddock, plaice, whiting, herring, mackerel and Northern shelf saithe) in accordance with the long-term management plans, involving in particular the establishment of the TACs and quotas for the respective parties;
- Management arrangements for the jointly managed fish stocks in the Skagerrak and Kattegat (cod, haddock, whiting, plaice, mackerel, shrimp, herring and sprat);
- Review of long-term management plans for cod and herring as well as refinement of the interim management plan for North Sea whiting; and
- Agreement on exchanges of reciprocal fishing possibilities, which will enable the continuation of a number of important fishing operations for the fishermen of both Parties, including fishing opportunities for Arctic cod in Norwegian waters, as well as other measures in fisheries of mutual interest.

The 1980 bilateral fisheries agreement between the EC and Norway covers joint stocks in the North Sea, some jointly-managed, others not. Annual TACs are set jointly by the EC and Norway for the jointly managed joint stocks. There are joint long-term management plans for cod, haddock, herring and saithe and basic principles for a long-term management plan for plaice, based on the EU long-term management plan for sole and plaice in the North Sea (regulation 676/2007). A ten-year agreement with Norway on mackerel was agreed in January 2010, including mutual access in the North Sea. This agreement is contingent on a satisfactory overall bilateral agreement. The reciprocal exchange of quotas needs to be in overall balance across the agreement.

## **ANY OTHER BUSINESS**

### **Implementation of the laying hens directive**

Ministers were briefed by the Commission on the state of implementation of directive 1999/74 on the protection of laying hens ([15095/11](#)).

During the February Agriculture Council when this issue was discussed, most delegations were opposed to prolonging the deadline of 1 January 2012 for phasing out conventional cages. They generally considered that producers had made huge efforts on this important animal welfare issue and delaying implementation would be unfair on those farmers.

The Commission presented the assessment of the current state of implementation of the ban on conventional cages across the EU, based on the data received from member states, which shows that implementation is still incomplete in some member states and information is still partly missing. The Commission warned Member States of the negative consequences of such non-compliance and reconfirmed its determination not to postpone the ban and to act firmly against cases of non-compliance. In order to find practical solutions to prevent the illegal circulation of eggs not produced in compliance with the law, the Commission has convened a meeting with the member states on this issue at the end of October 2011 to avoid potential disruption of the egg market at the end of this year.

Directive 1999/74 provides that conventional cages will have to be phased out in the EU by 1 January 2012 because they have been found unacceptable for animal welfare reasons. Those cages have to be replaced either by enriched cages or alternative systems. Member states have been primarily responsible for the implementation of the directive since its adoption.



## **OTHER ITEMS APPROVED**

### **AGRICULTURE**

#### **Alignment of CAP on Lisbon Treaty - Voluntary modulation of direct payments**

The Council adopted a regulation amending regulation 378/2007 as regards the rules for the implementation of voluntary modulation of direct payments under the CAP following a first-reading agreement with the European Parliament ([36/11](#)).

This amended regulation aligns the provisions of regulation 378/2007 on the Lisbon Treaty which makes a distinction between the powers delegated to the Commission. Provided that only two member states are covered by this regulation, the powers conferred on the Commission are classified as implementing acts covering the adoption of uniform conditions for implementing legally binding UE acts (as laid down in article 291(2) of the Treaty).

The modulation concerns the compulsory transfer of a proportion of direct payments to farmers made under the CAP from agricultural market support (Pillar 1) to rural development (Pillar 2). The scope of the amended regulation is the "voluntary modulation" which is the system allowing certain member states to modulate direct payments to farmers at a rate over and above that of the compulsory EU-wide modulation scheme. However, it should be noted that the substance of the regulation stays untouched by the amendment which entails only procedural changes.

#### **Regulation repealed - Trade in processed agricultural products with Greece**

The Council repealed regulation 3448/80 on the implementation of article 43 of the 1979 act of accession concerning the system of trade applicable to the goods covered by regulations 3033/80 and 3035/80 ([14505/11](#)).

This legal text concerns the repealing of the regulation which provided for transitional measures applicable in the period 1 November 1981 - 31 July 1982 to trade in non-Annex I goods (processed agricultural products) between the EC and Greece. That regulation has become obsolete.

The repeal process also concerns other acts which no longer have a real effect (see below). More generally, the EU has initiated the repeal of obsolete texts as a general strategy for improving the transparency and the clarity of EU law.

## **Regulation repealed - Imports of certain goods originating in Turkey**

The Council repealed regulation 429/73 making special provisions for imports into the EU of certain goods coming under regulation 1059/69 and originating in Turkey, following a first-reading agreement with the European Parliament ([32/11](#)).

Regulation 429/73 was adopted in order to determine the reduced fixed component of the import duties for processed agricultural products originating in Turkey and imported in the framework of the additional protocol to the agreement establishing an association between the European Economic Community and Turkey, signed on 23 November 1970.

Decision No 1/95 of the EC Turkey association council of 22 December 1995 on implementing the final phase of the Custom Union lays down the rules for determining the customs duties for processed agricultural products originating in Turkey and imported into the EU. Therefore regulation 429/73 has become obsolete. The repeal process also concerns other acts which no longer have a real effect (see above and below).

## **Acts repealed - common agricultural policy**

The Council adopted a regulation on repealing certain obsolete acts in the field of the common agricultural policy (CAP), following a first-reading agreement with the European Parliament ([33/11](#)).

A number of regulations relating to the CAP have become obsolete, even though they are formally still in force. The repeal process also concerns other acts which no longer have a real effect (see above and below).

## **Acts repealed - common commercial policy**

The Council adopted a regulation on repealing certain obsolete acts, following a first-reading agreement with the European Parliament ([35/11](#)).

A number of acts relating to the common commercial policy and concerning in general the import from third countries of certain raw or processed agricultural products have become obsolete, even though they are formally still in force. In addition, a number of similar acts concerning certain countries have also become obsolete following the accession of those countries to the EU. The repeal process also concerns other acts which no longer have a real effect (see above).

## **FISHERIES**

### **Partnership agreement between EU and Guinea Bissau - Negotiations on renewal**

The Council adopted a decision to authorize the Commission to open negotiations on behalf of the EU for the renewal of the protocol to the fisheries partnership agreement with Guinea Bissau.

The existing protocol expired on 15 June 2011. A new Protocol was initialled that would cover a one-year period until 15 June 2012. The Commission therefore wishes to open new negotiations in November 2011.

### **Adjustment of fishing opportunities for certain fish stocks for 2011**

The Council adopted an amendment to regulations 57/2011 and 754/2009 as regards the protection of the species "porbeagle", certain total allowable catches (TACs) and certain fishing effort limits set for the United Kingdom, Germany and Ireland ([14490/11](#)).

Regulation 57/2011 fixes for 2011 the fishing opportunities for certain fish stocks applicable in EU waters and, for EU vessels, in certain non-EU waters. That regulation prohibits fishing for porbeagle in international waters. However in view of the possible change in the status of this species under the CITES convention (Convention on International Trade in Endangered Species) the amendment provides for consistent protection in some areas within EU waters where porbeagle catches had hitherto been unrestricted.

In addition, some provisions of the cod management plan (regulation 1342/2008) establishes an effort regime for this stock which is based on regular data to be provided by member states to the Commission and the Scientific, Technical and Economic Committee for Fisheries (STECF). On the basis of the STECF advice, a specific amendment excludes certain groups of vessels from this fishing effort regime. The amendment also implies a change in regulation 754/2009 regarding the inclusion or exclusion of vessel groups in this plan.

Finally minor amendments include an upward revision of the TAC for Celtic Sea cod and a technical correction regarding the scope of the temporary fishing restriction in the Porcupine Bank (Norway lobster).

## **TRANSPORT**

### **Rules on airborne collision avoidance**

The Council decided not to oppose adoption by the Commission of a regulation providing for an upgrade of the airborne collision avoidance system software, the equipment of aeroplanes with the new system and relevant operating procedures ([14044/11](#)).

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

### **Cooperation in civil aviation research and development with the US**

The Council authorised the conclusion of a memorandum of cooperation with the US ([9390/11](#)) aimed at promoting civil aviation research and development activities and ensuring interoperability between the future European air traffic management programme SESAR (Single European Sky ATM Research) and its American counterpart NextGen.

For more information see the press release on the signing of the memorandum, which took place on 3 March this year ([7055/11](#)). The memorandum has been published in the EU's Official Journal together with the decision on signature (OJ L 89, 5.4.2011, p. 3).

### **Air services agreement with Mexico\***

The Council authorised the conclusion of an air services agreement between the EU and Mexico, following the consent given by the European Parliament (decision on conclusion: [5735/11](#); statement: [14973/11](#); text of agreement: [7158/2/09](#)).

The agreement, which was signed in May 2010, supersedes or complements the existing bilateral agreements between individual member states and Mexico, bringing their provisions into line with EU law, in particular as regards non-discriminatory access of all EU air carriers to routes between the EU and Mexico and competition rules.

## **Interoperability of the trans-European rail system - control-command and signalling**

The Council decided not to oppose adoption by the Commission of a decision on the technical specification for interoperability relating to the trackside and on-board control-command and signalling subsystems of the trans-European rail system ([14244/11](#)).

The decision replaces the relevant technical specifications adopted separately in 2006 for the conventional and the high speed systems. It also provides in particular that, in the case of EU-funded projects new installations and upgrades of the train protection part of a control-command and signalling subsystem must be fitted with the European Rail Traffic Management System (ERTMS)/European Train Control System (ETCS).

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

## **ENERGY**

### **Euratom report - Joint Convention**

The Council took note of an Euratom report on the implementation of the obligations under the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management ([15365/11 ADD1](#)).

This Joint Convention is the first legal instrument to directly address these issues on a global scale. It was opened for signature in 1997 and it entered into force in 2001. Under the Joint Convention, each contracting party must submit a report on the measures it has taken to implement each of its obligations. Those reports will be examined at the next 4<sup>th</sup> review meeting, scheduled for May 2012.

*For more details see : <http://www.iaea.org/Publications/Documents/Conventions/jointconv.html>*

## **TRADE POLICY**

### **Protection of origin designations - Agreements with Switzerland and Liechtenstein**

The Council approved an agreement between the European Union and Switzerland on the protection of designations of origin and geographical indications for agricultural products and foodstuffs ([16198/10](#) + [16199/10](#)). It also approved an agreement extending to Liechtenstein the agreement with Switzerland on the protection of origin designations and geographical indications ([16209/10](#) + [16210/10](#)).

### **Liberalisation of agricultural trade between EU and Palestine**

The Council adopted a decision on the conclusion of an agreement between the EU and the Palestinian Authority of the West Bank and the Gaza Strip, providing for further liberalisation of agricultural products, processed agricultural products and fish and fishery products ([7770/11](#)).

## **FOREIGN AFFAIRS**

### **Restrictive measures - Democratic Republic of the Congo**

The Council updated the list of persons, groups, undertakings and entities subject to restrictive measures against the Democratic Republic of the Congo, implementing a decision by the UN.

### **EU Special Representative to the African Union**

The Council appointed Mr. Gary Quince as EU Special Representative to the African Union from 1 November 2011 until 30 June 2012.

### **International Criminal Tribunal for the former Yugoslavia**

The Council repealed regulation 1763/2004 giving effect to the restrictive measures intended to support the implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY). As the last ICTY indictee at large, Mr Goran Hadzic, was transferred to the custody of the ICTY on 22 July 2011, the Council revoked the measures.

## **Restrictive measures - Afghanistan**

Following a decision by the UN, the Council added three persons to the list of those subject to restrictive measures in view of the situation in Afghanistan. It amended decision 2011/486/CFSP and regulation 753/2011 to that effect.

## **JUSTICE AND HOME AFFAIRS**

### **Appointment of a deputy director of Europol**

The Council appointed Mr Oldrich Martinů as Deputy Director of Europol from 1 November 2011 to 31 October 2015 following the resignation from the post of Mr Antonius Driessen ([14946/11](#)).

According to the Council decision establishing the European Police Office (Europol)<sup>1</sup>, deputy directors are appointed by the Council, acting by qualified majority, from a list of at least three candidates presented by the management board.

OJ L 121, 15.5.2009, p. 37.

### **European Protection Order**

The Council adopted the text of new rules concerning a European Protection Order ([14471/11](#)) following the political agreement on the matter with the European Parliament.

The aim of the directive is to improve the protection granted to victims of crime, or possible victims of crime, who move between EU member states.

For the text to be finally adopted, the European Parliament will now need to endorse the text, thus allowing for a rapid conclusion of the legislative procedure ("early second reading agreement")

The directive, which was initially proposed by twelve member states in 2009, will then need to be transposed into national law by all member states within three years.

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<sup>1</sup> OJ L 121, 15.5.2009, p. 37.

The focus of the new rules is on crimes which may endanger the victims' life, physical, psychological and sexual integrity or their personal liberty. The ultimate goal is to avoid new criminal acts and to mitigate the consequences of previous criminal acts.

*For more information see page 9 of the press release of the latest Justice and Home Affairs Council ([14464/11](#)).*

## **TAXATION**

### **Negotiation mandate for tax cooperation with Saint-Barthélemy**

The Council adopted a decision authorising the Commission to negotiate on behalf of the European Union an agreement with the French Republic concerning taxation of savings and administrative cooperation in the field of taxation as regards its territory of Saint Barthélemy.

The negotiation of a new agreement is needed to ensure continued cooperation on taxation between the authorities of the EU member states and those from Saint Barthélemy after its forthcoming change in legal status, as of 1 January 2012, from an outermost region of the EU to that of an overseas territory.

## **DECISIONS BY WRITTEN PROCEDURE**

The Council adopted the following decisions by written procedure:

- On 13 October, the Council reinforced the EU's restrictive measures on Syria and froze the assets of one more entity ([15454/11](#)).
  - On 14 October, the Council extended the budget of the EU Rule of Law Mission in Kosovo, EULEX KOSOVO, until 14 December 2011.
  - On 17 October, the Council prolonged the mandate of the EU Special Representative for Kosovo, Fernando Gentilini, until 31 January 2012.
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