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Agriculture and Fisheries

Brussels, 18-19 March 2013

President

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Minister for Agriculture, Food and the Marine

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Main results of the Council

*As regards agriculture, ministers reached agreement on a general approach on the proposals for the **direct payments** regulation, the **single common market organisation (CMO)** regulation, the **rural development** regulation and the **horizontal** regulation within the framework of **reform of the common agricultural policy (CAP)**.*

*Finally, ministers were briefed on **the Russian embargo on EU potato seeds and on the proposed ban on certain insecticides with regard to bees**.*

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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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Deputy Permanent Representative

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State Secretary, Ministry of Rural Development

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Mr Risto ARTJOKI

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Mr Owen PATERSON

Secretary of State for Environment, Food and Rural
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Lord de MAULEY

Parliamentary Under Secretary of State

Mr Richard LOCHHEAD

Cabinet Secretary for Rural Affairs and Environment
(Scottish Government)

Mr Alun DAVIES

Minister for Natural Resources and Food (Welsh
Assembly Government)

Ms Michelle O'NEILL

Minister for Agriculture and Rural Development
(Northern Ireland Assembly)**Commission:**

Ms Maria DAMANAKI

Member

Mr Dacian CIOLOȘ

Member

Mr Tonio BORG

Member

.....

The government of the acceding state was represented as follows:

Croatia:

Ms Snježana ŠPANJOL

Deputy Minister for Agriculture

Ms Irena ANDRASSY

Deputy Permanent Representative

ITEMS DEBATED

AGRICULTURE

Reform of the common agricultural policy (CAP)

The Council reached agreement on a general approach on the four main proposals for regulations within the framework of reform of the common agricultural policy (CAP):

- the proposal for a regulation establishing rules for direct payments to farmers (([15396/3/11](#)). The direct payment regulation seeks to better target support for specific actions, areas or beneficiaries, as well as to pave the way for convergence of the support level within and across member states;
- the proposal for a regulation establishing a common organisation of the markets in agricultural products ([15397/2/11](#)). The single common market organisation (CMO) regulation aims to streamline, expand and simplify the current provisions on public intervention, private storage, exceptional or emergency measures and aid to specific sectors, as well as to facilitate cooperation through producer and interbranch organisations;
- the proposal for a regulation on support for rural development (rural development regulation) ([15425/1/11](#)). The rural development regulation covers voluntary measures for rural development, adapted to national and regional specificities, whereby member states draw up and co-finance multiannual programmes under a common framework in cooperation with the EU;
- the proposal for a regulation on the financing, management and monitoring of the CAP (horizontal regulation) ([15426/1/11](#)). The horizontal regulation lays down rules concerning expenditure, the farm advisory system, the management and control systems to be put in place by member states, the cross-compliance system and the clearance of accounts.

This general approach constitutes a political agreement in the Council on the CAP reform package. This will enable negotiations to be launched between the Parliament and the Council with a view to a political agreement in June this year.

The European Parliament voted on its position at first reading on the CAP reform package on 13 March 2013.

The agreement is based on a Presidency proposal on the CAP reform package including amendments aimed at taking account of as many of the member states' concerns as could reasonably be accommodated ([7183/13](#), [7329/13](#), [7303/13](#), [7304/13](#); 7539/13 + ADD1).

Direct payments

As regards the basic payment scheme, the agreement is based on the Presidency compromise package considered by the Council in February this year ([6638/13](#)). It provides in particular for increased flexibility on convergence of the level of direct payments at national or regional level by allowing member states to move towards partial rather than full convergence by 2019, to limit the first convergence step to 10% of the national or regional ceiling, to employ alternative convergence options, and to apply convergence to the greening payment.

A voluntary extension of the Single Area Payment Scheme (SAPS) until 2020 in the member states applying the system is now provided for. A provision to allow them the option to grant transitional national aid in the period 2015 to 2020 has been included.

As regards greening, the agreement reflects the European Council conclusions of 7-8 February 2013 on the Multiannual Financial Framework (MFF)¹ and

- adjusts and clarifies the scope of 'equivalent practices' (practices which yield an equivalent or higher benefit for the climate and the environment compared to the greening practices proposed by the Commission);
- provides for a progressive application of the crop diversification requirements and clarifies the exemptions to that requirement;
- adjusts the applicable minimum ratios of permanent grassland in relation to the total agricultural area;
- allows for a graduated application of the Ecological Focus Area (EFA) requirement, starting with 5%, and adjusts the scope of eligible EFA after an evaluation report from the Commission (2017), in order to increase it to 7% in 2018 if appropriate;
- allows for 50% of the EFA requirements to be applied at regional level and/or collectively by groups of farmers, and clarifies the weighting factors and exemptions.

¹ Point 67.

Some exemptions to the crop diversification requirements, and further adjustments to the scope of eligible EFA (and the exemptions) have been better defined.

With regard to the European Council conclusions on the MFF, provisions on capping and flexibility between pillars have also been introduced.

The agreement introduces a voluntary 'redistributive payment', which would allow member states to grant a top-up on the basic payment for the first hectares of each farm, thereby taking account of the greater labour intensity on smaller farms and the economies of scale of larger farms.

To finance the voluntary coupled support, a provision is included that gives member states the possibility of using up to 7% of their annual national ceiling, or 12% of this ceiling if they apply the SAPS system.

Single CMO

As regards sugar, the agreement extends the quota regime until the 2016/2017 marketing year.

Specific provisions for the hops sector have been included in the current provisions of the text.

Provisions on vine plantings reflect the outcome of the High Level Group on vine planting rights:

- the introduction of a new authorisations system for the regulation of vine plantings for all categories of wine, applying to all wine-producing member states for 6 years (1 January 2019 to 31 December 2024);
- free, non-transferable authorisations granted on request by applicants, and expiring after three years if not used;
- annual authorisations for new plantings granted by member states corresponding to 1% of the planted vine areas.

The provisions on measures against market disturbance will ensure that the Commission has tools at its disposal which are sufficiently flexible to deal with significant disturbances in the market where the deployment of more traditional market support instruments appears inadequate.

Horizontal regulation

With regard to penalty, the agreement provides that the administrative penalty imposed on farmers for non-compliance with the "greening" requirements shall not exceed 25% of the "green" payment.

Rural development

Concerning agri-environment-climate payments, the "greening" payments have been excluded from the baseline (with a change to article 29 of the horizontal regulation to reflect this decision).

As regards areas with natural constraints, the agreement includes flexibility by suggesting that the phasing out of payments should become degressive by 2016 at the latest and member states may decide to start, and finish, the phasing out earlier.

The aggregation threshold for the new delimitation has been maintained at 60%. Furthermore, when carrying out the fine-tuning exercise to exclude areas in which significant natural constraints have been overcome, member states can also consider evidence of normal land productivity.

Greater flexibility has also been provided regarding areas which were eligible during the current programming period. In those areas, Member States may apply a combination of two biophysical criteria at a lower threshold for the delimitation

Lastly, the support rates (in Annex I) have been adapted in order to take into account the introduction of transition regions, and to increase the rates for measures related to forestry technology and crop, animal and plant insurance.

FISHERIES**Management of sandeel - Establishment of a TAC for 2013**

An agreement on the establishment of a total allowable catch (TAC) for sandeel for 2013 ([7296/13](#)) is expected to be reached in the Council by written procedure as part of an amendment to the regulation 40/2013 on fishing opportunities, which implements the result of the consultations for a fisheries agreement between Norway and the EU for 2013.

This issue is of particular importance for Denmark, which is the main stakeholder in the sandeel fisheries. Given the short-lived nature of this species, the fishing season has to open on 1 April. The scientific advice for this stock generally becomes available just before the beginning of the fishing season. This year the scientific advice for 2013 was published on 28 February, leaving very little time to prepare and adopt a specific decision.

In December 2012, the Council invited the Commission to submit separate TAC proposals for each stock of short-lived species, including sandeel.

ANY OTHER BUSINESS

Russian ban on European potatoes

The Netherlands delegation briefed the Council about the ban which Russia could impose on European seed potatoes and other plant products.

Several member states supported the Netherlands, requesting that the Commission give this issue special attention. The Commission has scheduled several meetings with the Russian authorities in the coming weeks in order to find a balanced solution for this mutual trade issue between the EU and Russia.

Russia is considering introducing a ban on importing seed potatoes from the EU, as well as other planting material. The implementation of this ban, which was originally scheduled from 1 April this year, has been postponed by the Russian authorities to 1 June, pending further discussion with the EU.

Large quantities of seed potatoes are currently exported from the EU to Russia from the Netherlands, Poland, Germany, Finland and the United Kingdom. The Russian Federation has become the world's largest importer of potatoes, with imports totalling around one million tonnes each year. In justifying its decision, Russia has pointed to a lack of information regarding the phytosanitary conditions of potato cultivation in the EU. In addition, the Russian authorities have a specific demand to be given access to the EU market for Siberian pine trees and potatoes.

Proposed ban on certain pesticides to protect bees

The British delegation briefed the Council about a Commission proposal for banning certain pesticides with regard to protecting bees as a follow-up of the European Food Safety Authority (EFSA) risk assessment ([5667/13](#)).

Some member states, in line with the United Kingdom, considered that further scientific advice should be sought before taking any action against the pesticides in question. However, many delegations supported the Commission proposal for immediate action on community level where high risks have been identified or could not be excluded in relation to certain aspects of the risk assessment for honey bees.

In January this year, at the request of the Netherlands, the Commission reported to the Council on the EFSA risk assessment in which scientists have identified a number of risks posed to bees by three pesticides from the neonicotinoid group (imidacloprid, thiamethoxam and clothianidin) used for certain crops. EFSA based its conclusions on the evaluation of the uses of the substances currently authorised in Europe when applied as seed treatments or granules to a variety of crops.

On 14 March this year, the Commission presented to the Standing Committee on the Food Chain and Animal Health (SCOFCAH) a proposal:

- amending the conditions of approval of the three pesticides covered in the EFSA study in order to restrict the use only to crops non attractive to bees and to winter cereals;
- prohibiting the sale and use of "seeds treated" with plant protection products containing these active substances;
- to review of both measures after 2 years.

However, no qualified majority was reached either in favour or against of the text. The Commission will now consider the next steps.

OTHER ITEMS APPROVED**APPOINTMENTS****Committee of the Regions**

The Council appointed Mr Iñigo URKULLU RENTERIA (Spain), Mr Tore HULT and Mr Anders ROSÉN (both from Sweden) as members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([7112/13](#) and [7264/13](#)).

FOREIGN AFFAIRS**Relations with the Palestinian Authority**

The Council agreed the EU position within the joint committee established by the interim association agreement on trade and co-operation between the European Community and the Palestine Liberation Organisation for the benefit of the Palestinian Authority: The EU will agree with the recommendation on the implementation of the new EU-Palestinian Authority European neighbourhood policy action plan, which reflects the privileged partnership between the Palestinian Authority and the EU.

EU Special Representative for the Sahel

The Council appointed Mr Michel Dominique Reveyrand-de Menthon as EU Special Representative for the Sahel. For more details, see press release [6653/13](#).

Bosnia and Herzegovina - Restrictive measures

The Council extended for 12 months the validity of Council decision 2011/173/CFSP concerning restrictive measures in view of the situation in Bosnia and Herzegovina. The decision makes it possible to impose asset freezes and travel bans on those undermining the sovereignty, territorial integrity and constitutional order of Bosnia and Herzegovina, or seriously threatening its security situation. .

TRADE POLICY

Anti-dumping measures - Gas pocket lighters - Vietnam

The Council adopted a regulation extending the anti-dumping duty on imports of gas-fuelled, non-refillable pocket flint lighters from China imposed by regulation 1458/2007, to imports consigned from Vietnam ([6760/13](#)).

Plurilateral agreement on trade in services

The Council approved a mandate for the Commission to negotiate, on behalf of the EU, a plurilateral agreement on trade in services.

AGRICULTURE

Extension of the Grains Trade Convention 1995 - Position of the EU

The Council adopted a decision establishing the position to be taken, on behalf of the EU, within the International Grains Council (IGC) with respect to the extension of the Grains Trade Convention 1995 (GTC) ([6516/13](#)).

The GTC applies to trade in wheat, coarse grains, (maize (corn), barley, sorghum and other grains) and rice. It seeks to further international cooperation in grains trade, to promote expansion, openness and fairness in the grains sector, to contribute to grain market stability and to enhance world food security. These objectives are sought by improving market transparency through information-sharing, analysis and consultation on grain market and policy developments. The Convention also establishes the IGC as an intergovernmental forum for cooperation in grains trade matters. The functions of the IGC are to oversee the implementation of the GTC, to discuss current and prospective world grain market developments, and to monitor changes in national grain policies and their market implications.

The GTC was approved by the EU and entered into force on 1 July 1995 for a period of three years until 30 June 1998. Since then, it has regularly been extended and is due to expire on 30 June 2013. A decision on its extension will be made at the next session of the IGC in London on 10 June 2013. The EU is in favour of an extension.

Extension of the International Sugar Agreement 1992 - Position of the EU

The Council adopted a decision establishing the position to be taken, on behalf of the EU, within the International Sugar Council (ISC) as regards the extension of the International Sugar Agreement 1992 (ISA) ([6517/13](#)).

The ISC was created in 1937, originally to deal with problems concerning sugar surpluses and sugar distribution through the International Sugar Organisation. This organisation aims to ensure enhanced international cooperation in connection with world sugar matters and to provide a forum for intergovernmental consultations on sugar so as to improve the world sugar economy, and to facilitate trade by collecting and providing information on the world sugar.

The ISA was concluded by the EU and entered into force on 1 January 1993. Since then, it has been regularly extended for periods of two years and is due to expire on 31 December 2013. A decision on its extension will be made at the next session of the ISC in Fiji on 6 June 2013. The EU is in favour of an extension for a two-year period.

FISHERIES

Partnership agreement between EU and Comoros - Negotiations on renewal of the protocol

The Council adopted a decision authorising the Commission to open negotiations on behalf of the EU for a new protocol to the fisheries partnership agreement (FPA) with the Union of the Comoros.

The EU and the Comoros have concluded a protocol to the FPA which was initialled by the two parties on 21 May 2010 and has been applied with effect from 31 December 2010. The protocol, which grants fishing opportunities for EU vessels and fixes the financial counterpart, is due to expire on 30 December 2013.

This new protocol to the fisheries partnership agreement between the EU and Comoros should be in line with the 19 March 2012 Council conclusions on the external dimension of the common fisheries policy.

ENVIRONMENT

Ecolabel for sanitary tapware

The Council decided not to oppose adoption by the Commission of a decision establishing the ecological criteria for the award of the EU Ecolabel for sanitary tapware ([5668/13](#)).

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.

TRANSPARENCY

Public access to documents

The Council approved the reply to confirmatory application No 03/c/01/13, with the Estonian, Finnish and Swedish delegations voting against and the Danish delegation abstaining (6633/13).

TRANSPORT

EU-wide emergency eCall¹

The Council decided not to object to a delegated regulation submitted by the Commission, setting out the specifications for the infrastructure required to enable emergency call response centres to properly receive and handle eCalls in the framework of a harmonised interoperable EU-wide eCall service ([17213/12](#)).

The eCall is a call to the European emergency call number 112, made automatically or manually from an in-vehicle device, carrying a standardised minimum set of data and establishing an audio channel between the vehicle and an emergency response centre.

¹ A number of member states, however, expressed their opposition to this delegated regulation (see [7195/13 + COR 1 REV 2 + ADD 1](#)).

The provision of such an eCall service is one of the priority actions listed in the 2010 directive on the deployment of Intelligent Transport Systems. Under that directive, the Commission has the power to adopt delegated legal acts in order to establish specifications for those priority actions. The Council and the European Parliament, however, have the right to object to the delegated act.

Since the Council did not object and unless the European Parliament does, the delegated regulation will enter into force on the twentieth day after its publication in the EU's Official Journal.
