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THE EUROPEAN UNION**



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3234th Council meeting

Agriculture and Fisheries

Luxembourg, 22 April 2013

President

Simon Coveney

Minister for Agriculture, Food and the Marine of Ireland

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Main results of the Council

*As regards agriculture, ministers were briefed by the Presidency on the state of play of the informal trilogue process on the **reform of the common agricultural policy (CAP)**. The general approach reached by Council on 19 March gave a negotiating mandate to the Presidency for the trilogues on the CAP reform package with the other EU institutions with a view to reaching political agreement in June this year.*

*Ministers were also briefed on the Commission proposal for **CAP transitional measures for 2014**, extending current CAP measures as adjusted to reflect the European Council conclusions on the MFF 2014-2020.*

*Concerning **fisheries issues**, the Council held a debate on the outcome of the first trilogues on the **reform of the common fisheries policy (CFP)** and on outstanding issues concerning the **basic regulation of the CFP**. On the basis of the support of the member states, the Presidency will prepare an adjustment of the negotiating mandate for finalising an agreement at the end of May.*

*A communication for an **action plan for reducing incidental catches of seabirds in fishing gears** was also presented by the Commission. This plan proposes five specific actions in line with the CFP objective to minimise the impact of fisheries on the environment. Many member states agreed with the action proposed but pointed out the need for scientific data before any measure is proposed.*

*Finally member states expressed concerns about the current state of play of **EU partnership agreements with Mauritania and Morocco**.*

*Without discussion, the Council adopted a decision derogating temporarily from directive 2003/87/EC establishing the EU scheme for **greenhouse gas emission allowance trading**. The decision seeks to reinforce the positive momentum within the International Civil Aviation Organisation towards a global market-based approach to reducing greenhouse gas emissions in the aviation sector.*

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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 Minister for Agriculture, Food, Fisheries and
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Commission:

Ms Maria DAMANAKI

Member

Mr Dacian CIOLOȘ

Member

The Government of the Acceding State was represented as follows:

Croatia:

Mr Tihomir JAKOVINA

Minister for Agriculture

ITEMS DEBATED

AGRICULTURE

Reform of the common agricultural policy (CAP)

Ministers were briefed on the state of play of the reform of the common agricultural policy (CAP). An intensive series of informal trilogue discussions between the Council, the European Parliament and the Commission on the CAP reform was launched in April.

Member states supported the Presidency's work in the negotiations process., ministers expressed diverging views during the discussion, especially on the threshold for the application of the financial discipline measure on direct payments.

The trilogues cover the four main texts of the CAP reform:

- the proposal for a regulation establishing rules for direct payments to farmers ([15396/3/11](#)). The draft 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 draft 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 inter-branch organisations;
- the proposal for a regulation on support for rural development (rural development regulation) ([15425/1/11](#)). The draft 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 within 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 draft 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.

On 19 March, the Council reached a general approach on the reform of the CAP ([8005/13](#); [7183/13](#), [7329/13](#), [7303/13](#), [7304/13](#); [7539/13](#) + [ADD1](#)). This general approach constituted the Presidency's negotiating mandate on the CAP reform package for the informal trilogues between the Council, the European Parliament and the Commission with a view to a political agreement in June this year.

The European Parliament voted its amendments on the CAP reform package on 13 March 2013.

At this meeting, the Commission also presented its proposal for CAP transitional measures for the year 2014 (see "Any other business").

FISHERIES

Reform of the common fisheries policy (CFP)

The Council held a public debate on the outcome of the first trilogue discussions with the European Parliament and the Commission on two proposals within the reform of the common fisheries policy (CFP) ([7959/13](#)).

- Proposal for a regulation on the CFP ([12514/11](#)) replacing the basic provisions of the CFP (basic regulation);
- Proposal for a regulation on the common organisation of the markets (CMO) in fishery and aquaculture products ([12516/11](#)), focusing on market policy issues (market regulation).

Basic regulation

The Presidency informed the ministers of the progress from the trilogues discussions to date and outlined the key political issues where the Parliament and the Council expressed different views.

Member states indicated that they were prepared to support the intensive work programme planned by the Presidency over the coming weeks in order to allow for consideration of the Council mandate by COREPER on 2 May and if necessary, by the Council on 13/14 May.

In the context of the positions of the Parliament and the Council, member states gave their views on the scope for flexibility on the following key issues: the maximum sustainable yield (MSY), the discards ban, regionalisation and capacity management and related measures or sanctions. As regards regionalisation, many member states said that the reform being discussed now should not envisage a renationalisation of the CFP. Several countries noted also that the Council general approach reached in February proposed solutions to balance sustainability of the fisheries and applicability by the fishermen in particular with regard to MSY and the discards ban. On the capacity management enabling the fleet size to be adapted to fishing possibilities, some delegations said that taking into account too many parameters for the definition of the capacity fleet could limit the efficiency of the measures and the possibilities of control.

Member states also supported the Presidency in its view that the Council should work to deliver both a reformed CFP and make progress where possible on multi-annual plans. On this issue relating to inter-institutional responsibilities, they urged a legally neutral approach that respected the positions of both the Parliament and the Council.

The Presidency will use the elements of this debate for possible ways forward on the outstanding issues concerning the basic regulation of the CFP. On this basis, it intends to present Coreper with an adjustment of the negotiating mandate, and give final orientation to it, when necessary, at the next Council meeting in May with a view to reaching a political agreement during the Irish Presidency.

The Council reached a general approach on the basic provisions of the CFP on 26 February this year ([11322/1/12](#)), which constitutes a negotiating mandate for the trilogue discussions. The European Parliament voted on its position at the plenary session on 6 February. This enabled negotiations to be launched between the Council, the Parliament and the Commission in mid-March.

Market regulation

During the two trilogues discussions on market regulation which have taken place since the end of February, the positions of the Council and the European Parliament converged towards compromises on the great majority of political and technical issues.

The main outstanding issues concerning market regulation relate to mandatory consumer information and delegated acts.

The Presidency expects to reach agreement on this regulation with the Parliament and the Commission next month.

After a policy debate held on 19 March 2012, the Council agreed on a general approach for the market regulation ([10415/12](#)) on 12 June 2012. The European Parliament voted its first-reading position for this regulation on 12 September 2012.

Incidental catches of seabirds in fishing gears

The Council was briefed by the Commission on a communication relating to an action plan for reducing incidental catches of seabirds in fishing gears ([16518/12](#)).

Member states supported the action plan proposed by the Commission but some delegations pointed to the need for an impact assessment of these measures and for scientific data on the extent of the problem.

Interaction between fisheries and seabirds is widespread and nowadays incidental catches of seabirds are reaching levels which threaten several seabird populations. The measures taken so far have been largely ineffective in reducing seabird mortality except in some isolated cases. In the Commission's view, it is therefore necessary to provide a management framework to reduce seabird by-catch to as low a level as practically possible.

Longlines and static nets are traditionally the gears causing the highest seabird by-catch. However, some incidental catches of seabirds have also been reported with other fishing gears, mainly trawl and purse seine.

The plan of action now presented is in line with one of the CFP objectives, which points to the need to minimise the impact of fishing activities on marine ecosystems and progressively implement an ecosystem-based approach to fisheries management. This plan proposes to address five specific objectives:

- Ensuring the consistency and effectiveness of current management measures in EU and non-EU waters.
- Collecting data on seabird by-catch in fisheries in EU and non-EU waters.
- Implementing mitigation measures.
- Raising awareness of this problem in the fishing sector;
- Encouraging and funding meaningful research to minimise seabirds by-catch.

To be implemented effectively, the EU action plan needs the participation of everyone at EU member state and regional levels. Some actions in favour of seabirds could be partially funded by the EU.

ANY OTHER BUSINESS**Common Agricultural Policy - transitional measures for 2014**

Ministers were briefed by the Commission on its proposal for transitional measures for the implementation of the CAP in 2014 ([8340/13](#)).

In the exchange of views that followed, Ministers highlighted the need for a smooth transition of measures for direct payments and rural development from the existing framework towards the provisions foreseen by the CAP reform.

The CAP reform regulations and related implementing acts were initially expected to be adopted ahead of the scheduled entry into force on 1st January 2014. Given the need for Member States to implement the new administrative procedures, it will not be possible for the new measures to come into force at the beginning of 2014.

As the new expected date of entry into force of the CAP reform is now 1st January 2015, the Commission is proposing transitional arrangements that could allow the current CAP provisions to be extended until the end of 2014 under the budget envisaged by the European Council conclusions on the MFF.

The European Council agreed on conclusions on the Multiannual Financial Framework (MFF) on 7 and 8 February this year ([EUCO 37/13](#)); on 13 March the European Parliament voted its position on the CAP reform and on 19 March the Council reached a general approach. Trilogues between the European Parliament, the Council and the Commission on the CAP reform began in April with a view to reaching an agreement in June (see item on "CAP reform" above).

EU fishery protocols: Morocco and Mauritania

Spain asked the Commission for a briefing on the state of play of the negotiations concerning the EU-Morocco fisheries protocol and its position with regard to the results of the joint scientific committee meeting held recently under the EU/Mauritania fisheries protocol ([8367/13](#)). Both fisheries partnership agreements are especially important to Spain and some other member states which supported these request.

As regards Morocco, on the basis of a mandate granted to the Commission by the Council, negotiations for a new protocol to the fisheries partnership agreement were opened in early November 2012. A fifth round took place on 11-12 February 2013 and ended inconclusively. No dates have yet been scheduled for a sixth round. Progress has been slow and seems to be stalled especially on the issue of the financial counterpart from the EU and the issue of inserting a human rights clause. For the Commission, the financial aspects are about to be resolved and the EU is waiting for Morocco to set a date for a new round of negotiations.

Concerning Mauritania, on 3 December 2012 the Council decided to sign and provisionally apply the new protocol to the fisheries partnership agreement with Mauritania. This decision was taken by qualified majority as some member states did not support the signing and provisional application. Spain considered for example that the protocol did not provide for fishing opportunities for cephalopods. The protocol contains a revision clause which would enable the joint EU/Mauritania committee to change the current fishing opportunities on the basis of scientific advice. The last meeting of this committee did not provide fishing opportunities for cephalopods but led to the convening of the EU/Mauritania joint scientific committee, which met from 2 to 5 April 2013. That committee envisaged possible adjustments of the protocol only for pelagic fishes and crustaceans.

OTHER ITEMS APPROVED**FISHERIES****Illegal, unreported and unregulated fishing - draft joint statement with Canada**

The Council endorsed a draft joint statement between the Canada and the EU on efforts to combat illegal, unreported and unregulated (IUU) fishing.

As Canada and the EU play a key role in the commercial exploitation of fishery products globally, they both consider IUU fishing to be one of the most serious threats to the conservation and sustainable exploitation of resources in the world's oceans. IUU fishing is a global phenomenon with devastating environmental and socio-economic consequences, particularly for coastal communities in developing countries which rely on fisheries for their earnings or for nutrition.

Both sides consider that IUU fishing is best prevented through international cooperation. They recognize the importance of working collaboratively in regional and global fora.

Canada and the EU have already put in place legal instruments to combat IUU fishing (e.g. EU Regulation 1005/2008 on IUU) and they recognise that voluntary cooperation and sharing of information on IUU fishing will maximise the effectiveness of the global fight against IUU fishing.

With this endorsement, the Commission will be able to sign the joint statement on behalf of the EU at a future meeting with Canada.

TRADE POLICY**Anti-dumping - Hand pallet trucks - China**

The Council adopted a regulation amending regulation 1008/2011 imposing a definitive anti-dumping duty on imports of hand pallet trucks and their essential parts originating in China following a partial interim review pursuant to regulation 1225/2009 ([8162/13](#)).

ENERGY**Ecodesign requirements for computers and computer servers**

The Council decided not to oppose the adoption of a Commission regulation implementing directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for computers and computer servers ([6831/13](#)).

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

Ecodesign requirements for vacuum cleaners

The Council decided not to oppose the adoption of a Commission regulation implementing directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for vacuum cleaners ([7331/13](#)).

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

ENVIRONMENT

Accounting rules for land use, land use change and forestry sector

The Council adopted a decision on accounting rules and information on actions concerning greenhouse gas emissions and removals resulting from activities related to land use, land use change and forestry (LULUCF) ([2/13](#)).

The aim of the decision is to establish a harmonised legal framework for comprehensive and robust accounting rules for this sector which are consistent with relevant decisions adopted within the United Nations Framework Convention on Climate Change (UNFCCC) framework. The decision represents a first step towards the inclusion of LULUCF activities in the EU's greenhouse gas emission reduction commitments.

For more details see press release [8624/13](#).

New mechanism for monitoring and reporting greenhouse gas emissions*

The Council adopted the regulation on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change, which will replace the current monitoring mechanism established under decision 280/2004/EC¹ ([1/13](#), [7699/13 ADD1](#)).

The aim of the new regulation is to enhance the monitoring and reporting framework within the EU, in the light of the lessons learned from the implementation of the current monitoring mechanism, to take account of developments at both Union and international level. In particular, the regulation incorporates new reporting and monitoring requirements arising from the 2009 Climate and Energy Package and from recent decisions adopted under the United Nations Framework Convention on Climate Change (UNFCCC).

The regulation will come into force 20 days after publication in the Official Journal of the EU.

¹ [OJ L 49, 19.02.2004](#).

Temporary derogation from the EU emissions trading system directive*

The Council adopted a decision derogating temporarily from directive 2003/87/EC establishing the EU scheme for greenhouse gas emission allowance trading ([11/13](#), [8352/13 ADD1](#), [8352/13 ADD2](#)). The Polish delegation abstained from voting.

The decision is intended to reinforce the positive momentum within the International Civil Aviation Organisation towards a global market-based approach to reducing greenhouse gas emissions in the aviation sector.

For more details see press release [8621/13](#).

Biocidal products - additional active substances

The Council decided not to oppose the adoption of a Commission regulation amending regulation (EC) No 1451/2007 as regards additional active substances of biocidal products to be examined under the review programme ([7141/13](#)).

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

Award of the EU Ecolabel - prolongation of the validity of the ecological criteria

The Council decided not to oppose the adoption of a Commission decision amending decisions 2006/799/EC, 2007/64/EC, 2009/300/EC, 2009/543/EC, 2009/544/EC, 2009/563/EC, 2009/564/EC, 2009/567/EC, 2009/568/EC, 2009/578/EC, 2009/598/EC, 2009/607/EC, 2009/894/EC, 2009/967/EC, 2010/18/EC and 2011/331/EU in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products ([7188/13](#)).

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

Basel Convention on the Control of Transboundary Movements of Hazardous Wastes

The Council adopted a decision on the position to be adopted, on behalf of the European Union, at the eleventh meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, with regard to amendments to the list of wastes in Annex IX (List B) of the Convention ([8033/13](#)). The conference will take place in Geneva from 28 April to 10 May 2013.

The EU is a Party to the Basel Convention, which came into force in 1992 and to the amendment to that convention prohibiting hazardous waste exports for final disposal and recycling from a list of developed (mostly OECD) countries to developing countries (the so-called "Ban Amendment"). The provisions of the Basel Convention and the Ban Amendment were transposed into EU law by regulation 1013/2006 on shipments of waste¹.

For more details on Basel Convention click [here](#).

Stockholm Convention on Persistent Organic Pollutants

The Council adopted a decision on the position to be taken, on behalf of the EU, at the sixth meeting of the Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants with regard to the proposal for an amendment to Annexes A and B ([8035/13](#)). The meeting will take place in Geneva from 28 April to 10 May 2013.

The Council also adopted a decision on the submission, on behalf of the EU, of a proposal for the listing of an additional chemical (dicofol (CAS number: 115-32-2)) in Annex A to the Stockholm Convention on Persistent Organic Pollutants ([8036/13](#)).

The Stockholm Convention on Persistent Organic Pollutants was adopted in May 2001. The EU and its member states are parties to the Convention and the provisions of the Convention have been implemented in Union law by regulation (EC) 850/2004² of the European Parliament and of the Council on persistent organics pollutants and amending directive 79/117/EEC.

For more details on the Stockholm Convention click [here](#).

¹ OJ L 190, 12.7.2006.

² OJ L 158, 30.4.2004, p. 7.

Rotterdam Convention - sixth meeting of the Conference of the Parties

The Council adopted a decision establishing the position to be adopted on behalf of the EU within the sixth meeting of the Conference of the Parties to the Rotterdam Convention as regards the amendments of Annex III to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ([6394/13](#)). The meeting will take place in Geneva from 28 April to 10 May 2013.

The Rotterdam Convention came into force on 24 February 2004. The commitments set out in the Convention have been implemented in EU law by Regulation (EC) No 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals¹.

For more details on the Rotterdam Convention click [here](#).

TELECOMMUNICATIONS

Notification of personal data breaches in electronic communications

The Council decided not to oppose the adoption by the Commission of a regulation setting out rules on the notification of personal data breaches in electronic communications and specifying in particular the information to be sent by electronic communications service providers to the competent national authority, on the one hand, and to the subscriber or individual concerned, on the other.

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.

¹ OJ L 204, 31.7.2008, p. 1

EMPLOYMENT

Employment guidelines

The Council adopted a decision approving the guidelines for the employment policies of the member states for 2013 ([7116/13](#)).

The employment guidelines were adopted in 2010¹ in principle for a duration of four years. The guidelines for 2013 will be maintained unchanged and must be taken into account by the member states in their employment policies .

Youth guarantee schemes

The Council adopted a recommendation establishing "youth guarantee" schemes ([7123/13](#)).

The recommendation aims to ensure that all young people under the age of 25 who lose their job or do not find work after leaving education quickly receive a good-quality offer of employment, continued education, an apprenticeship or a traineeship. They should receive such an offer within four months of becoming unemployed or leaving formal education (for further information see also press release [8548/13](#)).

¹ Council decision 2010/707/UE of 21 October 2010 on guidelines for the employment policies of the member states (OJ L 308, 24.11.2010, p. 46).

COMPETITION

EU / Switzerland cooperation agreement on competition laws

The Council approved the signing of an EU/Switzerland cooperation agreement concerning the application of their respective competition laws ([12416/12](#)).

The purpose of the agreement ([12513/12](#)) is to contribute to the effective enforcement of the competition laws of each Party through cooperation and coordination, including the exchange of information, and to avoid or lessen the possibility of conflicts between the Parties in all matters concerning the application of the competition laws.

The text of the agreement will be forwarded to the European Parliament for its consent with a view to the conclusion of the agreement at a later stage.

NUCLEAR ENERGY

Prohibition of Nuclear Weapons in Latin America and the Caribbean/Negotiating directives

The Council adopted a decision issuing directives to the Commission for the negotiation of the proposed amendments to Protocols 1 and 2 to the Agreement between the French Republic, the European Atomic Energy Community and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

FOOD LAW

Specificities for food additives

The Council decided not to oppose the adoption of a Commission regulation amending and correcting regulation 231/2012 laying down specifications for food additives ([6508/13](#)).

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

Authorisation of food additives and health claims

The Council decided not to oppose the adoption of the three following Commission regulations amending regulation 1333/2008 on food additives:

- a regulation authorising the use of Iron oxides and hydroxides (E 172) and Hydroxypropyl methyl cellulose (E 464) for marking of citrus fruit, melons and pomegranates and Polysorbates (E 432 - 436) for use in the contrast enhancer preparation ([6821/13](#));
- a regulation allowing the use of several additives in certain alcoholic beverages as described in the Polish Decree of 12 May 2011 on manufacturing and bottling of wine products, trade of those products and market organisation ([6820/13](#));
- a regulation allowing certain health claims made on foods other than those referring to the reduction of disease risk and to children's development and health ([6875/13](#)).

The Commission regulations are subject to the "regulatory procedure with scrutiny". This means that now that the Council has given its consent, the Commission may adopt them, unless the European Parliament objects.

Rules on foods for vulnerable persons

The Council adopted its first-reading position on a draft regulation concerning foods considered essential for certain vulnerable persons such as babies and young children ([5394/13](#) + [ADD 1 REV 1](#)).¹ This position is the result of the agreement reached at tri-partite meetings with the European Parliament and the Commission on 14 November 2012.

If the European Parliament approves the Council's position without amendment, the new regulation will be considered having been adopted. It will come into force 20 days after its publication in the Official Journal of the European Union. The main provisions of the regulation must be applied three years after its entry into force, the rest being applicable from the date of entry into force of the regulation or of the delegated acts which have still to be adopted by the Commission.

The new regulation seeks to clarify the legal framework relating to foods considered essential for certain vulnerable persons by avoiding the overlap between the specific legislation applicable to such foods and the legislation applicable to normal food. It further aims at closing legal loopholes under the existing system and ensuring that EU rules on such foods are applied in the same manner in all member states. It thereby contributes to providing legal clarity in the interests of both consumers and producers and to preventing distortions in the internal market.

For details see [18003/12](#).

¹ The German delegation voted against.

CONSUMER PROTECTION

New Alternative Dispute Resolution system for consumers

The Council adopted a directive on Alternative Dispute Resolution (ADR) and a regulation on Online Dispute Resolution (ODR) ([PE-CONS 79/12](#) and [PE-CONS 80/12](#)).

The new system will provide for simple, fast and low-cost out-of-court settlement procedures designed to resolve disputes between consumers and traders arising from the sales of goods and services.

For more details see press release [8671/13](#).

STATISTICS

National and regional accounts

The Council adopted a regulation on the European system of national and regional accounts, following an agreement with the European Parliament at first reading ([77/12](#)).
