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## OUTCOME OF THE COUNCIL MEETING

3562nd Council meeting

### Agriculture and Fisheries

Luxembourg, 9 October 2017

Presidents **Mr. Siim Kiisler**  
Minister of Environment of the Republic of Estonia  
**Tarmo Tamm**  
Minister of Rural Affairs of the Republic of Estonia

# P R E S S

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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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## **ITEMS DEBATED**

### **AGRICULTURE**

#### **Market developments**

The Commission informed the Council about the latest developments in the most important agricultural markets. Ministers largely agreed with the Commission's assessment that markets were in the process of recovering, but also restated the need to keep a close eye on future developments linked to, among others, the end of EU sugar quotas, challenging climatic conditions in several member states, African swine fever, and rice imports. Concerning the dairy market the Commission drew the attention of ministers to the skimmed milk powder (SMP) situation and the risks linked to the amount of public intervention stocks that built up during the recent dairy crisis and that will have to be released on the market in the future.

Ministers largely agreed with the Commission assessment of the risks related to the current level of SMP stocks. They thanked the Commission for its efforts in stabilising the situation in the dairy sector and stressed the importance of releasing SMP stocks with great care to avoid undermining the still fragile market balances.

Several agricultural sectors have experienced difficulties in the past few years, particularly between summer 2014, when the Russian embargo on EU agrifood products was introduced, and mid-2016. In response to these difficulties, the EU adopted a series of support measures worth more than €1.5 billion in September 2015, March 2016 and July 2016.

Since the introduction and implementation of the last aid package, the situation has improved in most markets (especially in the pig meat, dairy and beef sectors) and prices have increased, especially in 2017, driven by exports. However, some national segments or specific sectors are still suffering, e.g. poultry, or are about to experience significant market transitions, e.g. sugar.

The last Council discussion on the topic took place in June 2017. On that occasion the Commission confirmed the recovery of most markets and some ministers drew attention to particular sectors which were still experiencing difficulties due to seasonal oversupply, bad weather or veterinary restrictions.

## **2030 Agenda for Sustainable Development and agriculture**

Ministers exchanged views on the implementation of the 2030 Agenda for Sustainable Development and its implications for EU agriculture, especially looking ahead to the future Common Agricultural Policy (CAP).

In particular they were asked to answer the following questions:

- To what extent do the current policy instruments contribute to achieving the agriculture-relevant Sustainable development goals (SDGs) and which would be the best ways to further integrate the 2030 Agenda goals into the EU policy framework from the agricultural perspective?
- What are the areas in which the member states and the EU institutions could cooperate more efficiently, at EU level and in the international fora, in order to achieve the agriculture-relevant SDGs both within and outside the EU?

In the subsequent debate ministers generally agreed that agriculture was central to achieving a number of sustainable development goals and that its policy instruments, though good, could be further improved in future, both to achieve the SDGs and to face new challenges linked to food security and climate change.

Ministers stressed the necessity for an adequate budget for the CAP in order to reach the SDGs and to meet the new challenges.

Ministers also highlighted the importance of working together within the EU and improving cooperation and coherence outside the EU in international fora.

The 2030 Agenda for Sustainable Development represents a commitment to eradicating poverty and hunger and achieving sustainable development worldwide by 2030. It was adopted by the UN Sustainable Development Summit in September 2015 and sets out a single set of 17 global SDGs covering key areas such as: poverty, inequality, food security, health, sustainable consumption and production, growth, employment, infrastructure, sustainable management of natural resources, oceans, climate change and gender equality.

Some SDGs are especially relevant for agriculture, such as: SDG 2 (end hunger, achieve food security and improved nutrition and promote sustainable agriculture); SDG 6 (sustainable management of water); SDG 12 (ensure sustainable consumption and production patterns), especially SDG 12.3 (by 2030, halve per capita global food waste at the retail and consumer levels and reduce food losses along production and supply chains, including post-harvest losses); SDG 14 (sustainably use the oceans, seas and marine resources); SDG 15 (sustainable management of forests, combat land degradation).

The discussion on the 2030 Agenda is relevant in the context of the future review of the CAP.

## **FISHERIES**

### **Fishing opportunities in the Baltic Sea for 2018**

Ministers reached a political agreement on fishing opportunities for 2018 for certain fish stocks in the Baltic Sea.

In line with the Commission proposal based on scientific advice from the International Council for the Exploration of the Sea (ICES), the agreement includes a roll-over for Western cod and an increase in catches for central herring (+20%) and sprat (+1%). For the remaining stocks, ministers decided on a reduction for Gulf of Riga herring (-7%), salmon in the Gulf of Finland (-5%), main basin salmon (-5%), Eastern cod (-8%), Bothnian herring (-40%), Western herring (-39%) and plaice (-10%).

The agreed quantities take into account the commitment to the objectives of the Common Fisheries Policy (CFP), including the achievement of maximum sustainable yield (MSY), the principles of the multiannual management plan for the Baltic Sea, and scientific advice.

In addition to setting total allowable catches (TACs) and national quotas on some species, the Council confirmed the extension to 2018 of the management measures currently in place to improve the state of the Baltic cod stock (bag limitations in recreational fisheries and closure periods, with derogations for small coastal fisheries).

Ministers also decided to postpone discussions on measures on marine eel fisheries to a later stage in order to discuss a pan-European strategy to ensure the protection and sustainable use of the stock.

The fishing opportunities in the Baltic Sea for 2018 should be available to the member states as of 1 January next year.

According to article 43(3) of the TFEU it is incumbent upon the Council alone to adopt measures on the fixing and allocation of fishing opportunities in the framework of the CFP. The European Parliament's participation and the Economic and Social Committee's opinion are therefore not required in this case.

2018 EU TACs IN THE BALTIC SEA						
Name <i>Latin name</i>	ICES FISHING ZONES	COMMISSION proposal			COUNCIL agreement	
		TACs 2017 (tonnes)	2018 (tonnes)	2018 variation	TACs 2018 (tonnes)	variatio n (%)
<b>Bothnian herring</b> <i>Clupea harengus</i>	Baltic Sea subdivisions 30-31	140 998	70 617	-50%	<b>84 599</b>	<b>-40%</b>
<b>Western herring</b> <i>Clupea harengus</i>	Baltic Sea subdivisions 22-24	28 401	12 987	-54%	<b>17 309</b>	<b>-39%</b>
<b>Central herring</b> <i>Clupea harengus</i>	Baltic Sea subdivisions 25-27, 28.2, 29, 32	191 129	238 229	+25%	<b>229 355</b>	<b>+20%</b>
<b>Gulf of Riga herring</b> <i>Clupea harengus</i>	Baltic Sea subdivision 28-1	31 074	28 999	-7%	<b>28 999</b>	<b>-7%</b>
<b>Eastern cod</b> <i>Gadus morhua</i>	Baltic Sea subdivisions 25-32	30 857	22 275	-28%	<b>28 388</b>	<b>-8%</b>
<b>Western cod</b> <i>Gadus morhua</i>	Baltic Sea subdivisions 22-24	5 597	5 597	0%	<b>5 597</b>	<b>0%</b>
<b>Plaice</b> <i>Pleuronectes platessa</i>	Baltic Sea subdivisions 22-32	7 862	6 272	-20%	<b>7 076</b>	<b>-10%</b>
<b>Main basin salmon</b> <i>Salmo salar</i>	Baltic Sea subdivisions 22-31	95 928	106 096	+11%	<b>91 132</b>	<b>-5%</b>
<b>Gulf of Finland salmon</b> <i>Salmo salar</i>	Baltic Sea subdivision 32	10 485	10 003	-5%	<b>10 003</b>	<b>-5%</b>
<b>Sprat</b> <i>Sprattus sprattus</i>	Baltic Sea subdivisions 22-32	260 993	262 310	+1%	<b>262 310</b>	<b>+1%</b>

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

*Clupea harengus* - herring/ hareng/ Hering

*Gadus morhua* - cod/ morue/ Dorsch

*Pleuronectes platessa* - plaice/ plie/ Scholle

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

*Sprattus sprattus* - sprat/ sprat/ Sprotte

**EU/Norway: annual consultations for 2018**

The Council held an exchange of views on the position to be taken at the annual consultations between the EU and Norway under their bilateral fisheries agreement. The consultations for 2018 will be held in in Bergen, Norway, from 27 November to 1 December.

The main issues that ministers considered in order to form the EU position were the following:

- the approach to be taken by the EU on the 7 main jointly-managed stocks in the North Sea (cod, haddock, plaice, whiting, herring, mackerel and saithe) and Skagerrak (cod, haddock, whiting, plaice, shrimp, herring and sprat), involving in particular the establishment of TACs and quotas for the respective parties;
- how to exchange reciprocal fishing possibilities in order, inter alia, to enable a number of important fishing operations to continue (e.g. Arcto-Norwegian cod in Norwegian waters),
- other measures in fisheries of mutual interest.

The EU-Norway bilateral fisheries agreement dates from 1980 and covers joint stocks in the North Sea, some of which are jointly managed, others not. For the jointly managed stocks, annual TACs are agreed between the EU and Norway. There are joint long-term management plans for cod, haddock, herring, saithe and whiting and basic principles for a long-term management plan for plaice. A ten-year agreement with Norway on mackerel was achieved in January 2010, including mutual access in the North Sea. This mackerel agreement is contingent on a satisfactory overall agreement.

## **ICCAT annual meeting, 14 to 21 November 2017 - Marrakech, Morocco**

Ministers exchanged views on the position to be taken by the EU at the annual meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT), scheduled for 14 to 21 November 2017 in Morocco.

The agenda of the meeting comprises, among others, the review of the various activities of the organisation, including the work of the ICCAT standing committee on research and statistics (SCRS), which regularly carries out a series of stock assessments and recommendations to the ICCAT Commission. These SCRS assessments and recommendations traditionally create the focus for the proposals for recommendations by the EU and other contracting parties.

This year several stock assessments are expected, including: Western and Eastern bluefin tuna, Northern and Southern Atlantic swordfish, Northern and Southern Atlantic shortfin mako and Mediterranean albacore. Moreover, the ICCAT meeting will be called upon to formally adopt the allocation key to decide on Mediterranean swordfish quotas.

Another important item for the EU on this year's ICCAT agenda is the review of the report of the ICCAT working group on amendments to the ICCAT Convention.

**Any other business****– *Ministerial conference on the follow-up to the Fipronil incident, 26 September 2017 - Brussels***

The Commission informed the Council about the outcome of the ministerial conference that took place in Brussels on 26 September 2017 on the follow-up to the Fipronil incident.

The Commission reported in particular on the conclusions agreed upon at the meeting, which are intended to reinforce EU action on food safety and against food fraud. The measures include a review of risk communication between member states and the Commission, a coordinated approach to risk management at EU level and increased response capacity at national level. The conclusions also recommend improved interaction between the rapid alert system for food and feed (RASFF) and the administrative assistance and cooperation system (AAC) through the creation of a single contact point for both these systems, as well as the establishment of food safety officers acting as single contact points for food and feed safety issues and food fraud in each member state.

Ministers generally welcomed these initiatives and emphasised the need for a more coherent and coordinated approach in order to prevent and avoid incidents like the Fipronil one in the future. Several were open to considering the establishment of food safety officers.

**– *Financing of the EU minor use coordination facility (EUMUCF)***

The German, French and Dutch delegations informed the Council about their initiative setting up the EUMUCF together with the European Commission. The EUMUCF is an instrument which aims to coordinate and support the development of appropriate solutions for pest control in the case of crops planted on a small scale (e.g. for horticulture), for which economic incentives to patent suitable pesticides are usually low. As the initial funding of the EUMUCF runs only until 2018, the delegations in question advocated the need to secure an appropriate budget for the facility to work in the future.

Delegations agreed on the usefulness of the EUMUCF to address the market gap concerning pesticides for minor use crops and on the importance of preserving different crops and landscapes in the EU. They were generally open to discussing the issue of the future financing of the facility.

– *Free trade agreement with Mercosur*

At the request of France, Austria, Hungary, Ireland, Luxembourg, Poland, Romania, Slovenia and Slovakia, the Council discussed the ongoing negotiations for a free trade agreement with Mercosur, in particular the strategy to be followed on sensitive agricultural products such as beef, ethanol, sugar and poultry. The above-mentioned delegations asked the Commission more particularly to devise a method to define, in cooperation with member states, the maximum level of concessions that could be made in all open trade negotiations for each product ('single pocket' approach). The Commission was also asked to ensure a level playing field between partners and to pay particular attention to products such as sugar and sugar syrups in the final Mercosur agreement.

The point was supported by several other member states, some of which mentioned the possibility of using safeguard mechanisms. Conversely, other delegations supported the idea of a timely and ambitious agreement with Mercosur. The Commission took note of delegations' concerns and said that it would continue to consult member states as much as possible during the negotiations.

This point was discussed jointly with the one on market developments.

– *Joint declaration of the extended Visegrad Group on the CAP post 2020*

The Visegrad Group (Czech Republic, Hungary, Poland and Slovakia), Latvia and Lithuania informed ministers about their joint declaration on the prospects for the CAP after 2020. Among other things, the declaration advocates for the full convergence of direct payments per hectare, and calls for the existing safety net to be strengthened and for the crisis management instruments to be made more effective.

In the debate that followed, several member states supported the request set out in the declaration for adequate funding for the future CAP. A number of delegations also supported the call for external convergence of direct payments in the future.

This point was discussed jointly with the one on market developments.

– *International conference on the future of mountain agriculture in the Alps*

The Austrian delegation informed the Council on the outcome of the conference held in Sankt Johann im Pongau (Austria) on 13 and 14 September 2017 on the challenges being faced by mountain agriculture. The event was also an opportunity to discuss perspectives of the CAP post 2020. In this context, a 'Memorandum of the Alpine regions on the development of mountain farming in the context of the Common Agricultural Policy' was adopted as a basis for negotiations on the next CAP 2020-2027.

This point was discussed jointly with the one on market developments.

– *Anti-subsidy and anti-dumping proceedings opened by the US against olives from Spain*

The Spanish delegation informed ministers about the procedure that the United States Department of Commerce opened in July against ripe olives from Spain, and the steps undertaken by the Spanish authorities and the European Commission to respond to the issue and defend the non-distorting character of green box aid. Spain also took the opportunity to share its concerns about the impact that this case may have on the CAP.

In the following debate ministers expressed solidarity with Spain and praised the steps taken by the Commission. They agreed on the need to follow closely these cases and coordinate action against measures that could negatively impact the CAP.

– *Conclusions of the 41st conference of directors of EU paying agencies, 18 and 19 May 2017 - Malta*

The Maltese delegation presented the conclusions of the 41st conference of directors of EU paying agencies, which took place in Malta on 18 and 19 May 2017.

The theme of the conference was, in line with the priorities of the then Maltese presidency, the simplification and the future of the CAP.

Conferences of the directors of paying agencies take place every six months, in the member state holding the EU presidency at the time. The aim of these conferences is to share experiences and make proposals to improve processes and outcomes in implementing the 2014-2020 CAP.

– ***Conclusions of the informal meeting of rural development directors, 22 to 24 March 2017 - Malta***

The Maltese delegation presented the conclusions of the informal meeting of rural development directors, which took place in Malta from 22 to 24 March 2017.

The purpose of the meeting was to provide a platform for a discussion on the role of Pillar II in assisting young farmers in recent years and how it can better address the needs of young farmers in the future.

Some other topics which were brought up during the discussion were generational renewal and market niches for young farmers.

– ***Sustainable and deforestation-free supply chains***

On behalf of the Danish, French, Italian, Dutch and United Kingdom delegations and the associated member Norway, Germany presented the work of the Amsterdam group and in particular the conclusions of the conference 'Approaches for sustainable and deforestation-free supply chains - cross-learning from palm oil, cocoa and soy' that was held in Berlin on 20 June 2017.

The Amsterdam group brings together a group of European countries in and outside of the EU whose aim is to achieve fully sustainable agro-commodities and related supply chains in Europe by 2020. The group would welcome EU-level action to achieve deforestation-free agricultural imports and reduce the associated expansion into the primary forests of producer countries.

– *Implementation of the European Maritime and Fisheries Fund (EMFF)*

The Commission informed the Council on the state of implementation of the EMFF and shared its concerns with regard to its low rate of execution. The Commission took the opportunity to encourage member states to make greater efforts to complete the designation process and process payment claims, and to speed up the launch of calls for proposals and the conclusion of financing agreements with beneficiaries.

Some delegations explained they were in the process of finalising these steps and welcomed the Commission's willingness to liaise closely with member states in this process. Others took the opportunity to elaborate on the administrative burden linked to EMFF rules and stressed the need for a genuine simplification of the CFP in the future.

## **OTHER ITEMS APPROVED**

### **AGRICULTURE**

#### **EU-Chile agreement on trade in organic products**

On 9 October 2017 the Council adopted a decision on the conclusion of the **agreement** between the **European Union** and the **Republic of Chile** on **trade in organic products**.

Read full [press release](#)

#### **Plant genetic resources for food and agriculture**

On 9 October 2017 the Council adopted conclusions setting out the EU's position for the seventh session of the **governing body of the international treaty on plant genetic resources for food and agriculture** (ITPGRFA), which will take place in Kigali (Rwanda) from 30 October to 3 November 2017.

Read full [press release](#)

#### **International Organisation of Vine and Wine - EU position**

The Council adopted a decision establishing the position to be adopted on behalf of the European Union in relation to the particular status of the European Union within the International Organisation of Vine and Wine (OIV) with a view to the OIV extraordinary general assembly to be held on 20 October 2017 in Strasbourg (France).

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 OIV has 46 members, of which 20 are member states of the EU.

### **Maximum levels for lead, mercury, melamine and decoquinate**

The Council decided not to oppose the adoption of a Commission regulation amending Annex I to directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for lead, mercury, melamine and decoquinate ([11730/17](#) + [ADD 1](#)).

Directive 2002/32/EC provides that the use of products intended for animal feed which contain levels of undesirable substances exceeding the maximum levels laid down in Annex I to that directive is prohibited.

The new Commission delegated act amends Annex I to the above-mentioned directive in order to change the maximum levels for lead, mercury, melamine and decoquinate as a consequence of scientific opinions from the European Food Safety Authority or developments in the sector.

### **Placing on the market and use of feed**

The Council decided not to oppose the adoption of a Commission regulation amending Annexes II, IV, VI, VII and VIII to regulation (EC) No 767/2009 on the placing on the market and use of feed ([11810/17](#)+ [ADD 1](#)).

Regulation 767/2009 lays down rules on the placing on the market and use of feed for food-producing animals or pets, as well as labelling, packaging and presentation requirements.

The new Commission delegated act amends regulation 767/2009 to take account of developments in the sector concerning: new specific expressions for pet food, revised tolerances for analytical constituents and feed additives, new maximum contents for additives and the newly established concept of a maximum recommended content of an additive in complete feed.

## **Reduction of the presence of acrylamide in food**

The Council decided not to oppose the adoption of a Commission regulation establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food ([11651/17 + ADD 1](#)).

In 2015 a scientific panel of the European Food Safety Authority (EFSA) adopted an opinion on acrylamide in food. The opinion stated that the presence of acrylamide in food potentially increased the risk of developing cancer for consumers in all age groups, especially children.

The new Commission regulation therefore establishes mitigation measures which identify food processing steps susceptible to the formation of acrylamide in foods and sets out activities to reduce the levels of acrylamide in those foodstuffs. It also introduces benchmark levels, which are performance indicators used to verify the effectiveness of the mitigation measures.

## **FOREIGN AFFAIRS**

### **EU-Kyrgyz Republic cooperation**

The Council authorised the European Commission and the High Representative to open negotiations for a comprehensive agreement with the Kyrgyz Republic and adopted negotiating directives. The new agreement is expected to strengthen the cooperation between the two partners.

Read full [press release](#)

[EU-Kyrgyz Republic relations](#)

### **EU-Mongolia cooperation**

The Council adopted a decision on the conclusion of the framework agreement on comprehensive partnership and cooperation between the EU and Mongolia.

The agreement provides a general framework for promoting bilateral, regional and international cooperation between the EU and Mongolia. The Council decision on the conclusion of the agreement closes the ratification procedure and allows the agreement to enter into force.

[Factsheet on EU-Mongolia Framework Agreement on Comprehensive Partnership and Cooperation](#)

### **Terrorist list**

The Council reviewed its list of persons, groups and entities involved in terrorist acts and subject to restrictive measures under common position 2001/931/CFSP. It amended the statement of reasons related to 8 persons listed. No other changes were made.

[EU terrorist list](#)

### **TRADE**

#### **EU-Iceland: protection of geographical indications**

The Council adopted a decision on the conclusion of an agreement between the EU and Iceland on the protection of geographical indications for agricultural products and foodstuffs.

The agreement makes sure that the import, export and marketing of products protected through a EU geographical indication should be conducted in line with EU rules. The list of agricultural products concerned is provided in annex to the agreement.

### **ECONOMIC AND FINANCIAL AFFAIRS**

#### **Venture capital funds**

The Council adopted new EU rules on venture capital and social enterprises aimed at boosting investment in start-ups and innovation.

Read full [press release](#)

## **European statistical programme**

The Council adopted a regulation extending by three years the duration of the EU's 2013-17 statistical programme to cover the 2018-20 period ([12324/17](#) + [PE-CONS 29/17](#)).

The programme provides the legislative framework for the development, production and dissemination of European statistics. Implementation of EU policies requires high-quality, comparable and reliable statistical information about the economic, social, territorial and environmental situation and its components at national and regional level

The financing of the programme for the additional three years will amount to €18.1 million.

The adoption of the regulation follows an agreement reached with the European Parliament. The Parliament approved the text on 14 September 2017.

The decision was taken by qualified majority. The United Kingdom abstained.

## **Markets in financial instruments**

The Council decided not to object to a Commission regulation supplementing directives [2004/39/EC](#) and [2014/65/EU](#) on markets in financial instruments with regard to regulatory technical standards for an exhaustive list of information to be included when notifying a proposed acquisition of a qualifying holding in an investment firm ([11944/17](#) + [11222/17](#)).

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the European Union. It can now enter into force, unless the European Parliament objects.

## **INTERNAL MARKET**

### **Construction products - laminated timber and veneer lumber**

The Council decided not to object to a Commission regulation setting out the conditions for classification, without testing the reaction to fire, of cross-laminated timber products and laminated veneer lumber products ([11705/17](#) and [11705/17 ADD 1](#)).

The Commission regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. It can now enter into force, unless the European Parliament objects.

The Commission submitted the draft delegated act in accordance with the procedure set out in [regulation \(EU\) 305/2011](#) laying down harmonised conditions for the marketing of construction products.

## **JUSTICE AND HOME AFFAIRS**

### **Uniform format for residence permits**

The Council adopted a regulation amending regulation (EC) [1030/2002](#) laying down a uniform format for residence permits for third country nationals.

The amending regulation establishes a new common design for the residence permit card, improving its security features in order to prevent forgery.

[Regulation amending Council regulation \(EC\) No 1030/2002 laying down a uniform format for residence permits for third-country nationals](#)

## **TELECOMMUNICATIONS**

### **Free WiFi4EU internet connectivity**

The Council adopted a regulation to promote internet connectivity in local communities ([PE-CONS 29/17](#); statements: [12325/17 ADD 1](#), [12325/17 ADD 2 REV 1](#)). Under the regulation, the EU will launch a new scheme called WiFi4EU to sponsor free wireless internet access points in town halls, libraries, parks and other centres of public life.

Sweden, Spain and the Netherlands voted against.

Read full [press release](#)

## **TRANSPORT**

### **Repeal of three obsolete regulations in the field of transport**

The Council adopted a regulation which repeals three regulations identified as being obsolete ([PE-CONS 44/17](#)). These three regulations cover arrangements for structural improvements in the inland waterway sector; distribution quotas for heavy goods vehicles which the EU received from Switzerland; and authorisations for access for member states to the haulage market in Bulgaria and Romania.

### **European Common Aviation Area**

The Council adopted a decision on the conclusion, on behalf of the EU, of the multilateral agreement between the EU, its member states, Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Iceland, Montenegro, Norway, Serbia and the United Nations interim administration mission in Kosovo, on the establishment of a European Common Aviation Area (ECAA) ([15654/16](#)).

The agreement ensures that ECAA airlines have open access to the enlarged European single market in aviation. It creates new market opportunities and ensures safety and security standards are of equally high quality throughout the area

## **ENERGY**

### **Security of gas supply**

The Council adopted a regulation concerning measures to safeguard the security of gas supply and repealing regulation (EU) No 994/2010. ([PE-CONS 22/17](#)).

Read full [press release](#)

### **Electricity balancing**

The Council decided not to oppose the adoption of a Commission regulation establishing a guideline on electricity balancing ([11198/17](#)).

The regulation establishes an EU-wide set of technical, operational and market rules to govern the functioning of electricity balancing markets in order to ensure the optimal management and coordinated operation of the European electricity transmission system.

It applies to transmission system operators (TSOs), distribution system operators (DSOs), regulatory authorities, the Agency for the Cooperation of Energy Regulators (ACER), the European Network of Transmission System Operators for Electricity ('ENTSO-E') and other market participants.

The Commission act is subject to what is known as the regulatory procedure with scrutiny.<sup>1</sup>

This means that now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects

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<sup>1</sup> Council decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999), as amended by decision 2006/512/EC (OJ L 200, 22.7.2006)

## **Radioactive waste management**

The Council endorsed the 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 ([12478/17](#) + [ADD 1](#)), with a view to the next review meeting of the contracting parties to be held in Vienna in May 2018.

The European Atomic Energy Community (Euratom) and its member states are contracting parties to the joint convention.

The report describes several developments and initiatives taken by Euratom since the last review meeting at EU and at international levels and outlines positive features in recent Euratom actions and practices.

## **TRANSPARENCY**

### **Open data policy: re-use of Council documents**

The Council established its open data policy by setting out conditions for the [re-use of Council documents](#).

This policy will improve the flow of information between the Council and the public. It will help ensure that information can be re-used for both commercial and non-commercial purposes.

The new decision embodies the principle that all citizens are allowed to re-use the information in Council documents free of charge and without the need to make individual applications.

The Council's open data policy will be applied in compliance with personal data protection rules and the security rules for protecting EU classified information.

Its development will be facilitated by the [EU Open Data Portal](#), which aims to be a single point of access to data from the EU institutions and bodies.

This portal contains a large number of data sets and links to the data portals of EU member states.

The Council has participated in this initiative since 2015 using the following three data sets:

- metadata of the Council's public register
- metadata of requests for public access to Council documents
- the Council's votes on legislative acts

The right of access to Council documents continues to be regulated by regulation (EC) 1049/2001.

Public sector information is an important source of knowledge and innovation in the private sector, supporting the creation of better digital services for citizens and companies across Europe.

### **Public access to documents**

On 9 October 2017, the Council approved the reply to confirmatory application No 17/c/01/17 ([11592/1/17 REV 1](#)).

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