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THE EUROPEAN UNION**



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3087th Council meeting

Agriculture and Fisheries

Brussels, 17 May 2011

President

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Main results of the Council

*As regards agriculture, the Council could not agree at this meeting on the participation of the EU and its member states in the opening of negotiations on a **legally binding agreement on forests in Europe**.*

*Ministers were briefed on the **protection of animals during transport**, on a conference on **animal welfare in the Baltic region**, on **Codex Alimentarius negotiations**, on a conference on **sustainable food consumption and production**, on the **pig meat sector**, on the **intervention price for cereals**, on **sugar production quotas**, on a **G20 ministerial meeting on agriculture** and on the **drought situation in Northern Europe**.*

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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>).
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Member

Member

ITEMS DEBATED

Legally binding agreement on forests in Europe

The Council could not agree at this meeting on the participation of the EU and its member states in the opening of negotiations on a legally binding agreement (LBA) on forests in Europe during the next Forest Europe ministerial conference on 14 to 16 June 2011.

Any agreement on forests in Europe falls under both EU and national competences. This means that the opening of negotiations on an LBA in this area would have to be concluded by both the EU and the member states in the form of:

- a decision authorising the Commission to participate, on behalf of the EU, in the negotiations on an LBA on forests in Europe;
- a decision of the representatives of the member states, meeting within the Council, authorising the Presidency to negotiate an LBA on behalf of the member states.

A vast majority of delegations, supported by the Commission, insisted on the importance of reaching a consensus between member states on both decisions considered as a "package" in order to reinforce the EU's image in this area in international forums. However, some member states are very reluctant about an LBA in this area, taking the view that the current level of negotiations is sufficient in Forest Europe and fearing that an LBA could add a layer of administrative burden and would entail both financial and political costs.

Coreper has been invited to continue exploring the possibility of reaching an agreement before the meeting of Forest Europe scheduled for mid-June.

Forest Europe is an intergovernmental policy process based on common strategies, which started in 1990 and is aimed at ensuring the sustainable management of Europe's forests. This process includes 46 European member countries (including Norway, Turkey, Russia and Ukraine) and the EU. The priorities of Forest Europe include: strengthening the role of forests in mitigating climate change, securing the supply of good-quality fresh water, enhancing and preserving forest biodiversity, providing forest products, developing a framework for future forest collaboration and exploring the possibility for a legally binding agreement on forests in Europe.

At the last ministerial conference of the Forest Europe process in Warsaw in 2007, it was decided to explore the possibility of establishing a legally binding instrument on forests in the pan-European region. The possible decision on launching negotiations on an LBA on forests in Europe should be taken at the next Forest Europe ministerial conference, which will be held in Oslo from 14 to 16 June 2011.

On March 2011 draft documents were adopted by the representatives of the Forest Europe countries, including those from all member states and the Commission to be presented for decision in Oslo in June. On this occasion, all non-EU Forest Europe countries expressed their support for the opening of negotiations including Russia, Turkey, Ukraine, Norway and Switzerland.

In June, ministers could sign a mandate for opening negotiations on an LBA on forests in Europe. After the mandate is signed, negotiations on an LBA on forests in Europe are expected to begin no later than 31 December 2011 and are to be concluded by 30 June 2013.

ANY OTHER BUSINESS

Protection of animals during transport

The Swedish delegation briefed the Council on the forthcoming Commission's report on the protection of animals during transport ([9538/11](#)).

Sweden hopes that legislative proposals concerning long journeys, resting periods and space allowances will follow the publication of the Commission report on the transport of live animals, which is expected in September 2011. In this connection, the scientific opinion from the European Food Safety Authority (EFSA) on the welfare of animals during transport, which was published on 1 January 2011, could also help to inform such proposals. Several member states supported Sweden, while several others insisted on the proper implementation and the enforcement of the current legislation, and an evaluation of the provisions in place before any new proposals were made.

In 2004, after intense discussion, the Council adopted Regulation 1/2005 on the protection of animals during transport. It was decided at the time to favour a "step by step" approach, by increasing the control of requirements and leaving for a later stage the controversial questions of travel time and density of loading. The regulation provides that the Commission will draw up by 2011 a report on the regulation's impact on the welfare of animals being transported and on the trade flows of live animals within the EU.

Animal welfare and responsible ownership

The Lithuanian delegation briefed ministers on the outcome of the "First international conference on animal welfare in the Baltic region – Responsible ownership and best practices", which took place in Vilnius on 5 and 6 May 2011 ([10021/11](#)).

The conference initiated by Lithuania focused on the responsible ownership of companion animals in the Baltic region. The conference brought together representatives of national authorities in the region, professional organisations, NGOs for animal protection, representatives of the European institutions and other stakeholders. The concept of "responsible ownership" was disseminated through the website of the CAROdog project and other similar initiatives offering tools for political strategies and concrete projects to build up a Europe-wide culture of responsible dog ownership.

In November 2010 the Council adopted conclusions ([15620/10 ADD1 REV 2](#) + [ADD 2](#)) in the framework of the new EU strategy 2011-2015 for the protection and welfare of animals presented by the Commission. On the occasion of the conference in Lithuania, the Commission presented ideas on how to consider the welfare of pets in its own strategy and to answer the Council conclusions.

Codex Alimentarius negotiations

The Presidency reported to the Council on the progress and prospects of the Codex Alimentarius negotiations ([9859/11](#)).

During the Codex Alimentarius Committee meetings which took place during the 1st Semester of 2011, many achievements were obtained, such as the setting of maximum levels for melamine (a chemical substance fraudulently introduced in infant formula), the promotion of the EU approach on food additives and pesticide residues, the preservation of characteristics of natural mineral waters, including microbiological criteria and contaminants, and the setting of several other food standards.

The Presidency noted that the annual Codex Alimentarius Commission (CAC) session of July will have to deal with a sensitive issue, namely the setting of maximum residue levels for ractopamine, a chemical whose use for growth promotion in pigs and cattle in certain third countries is refused by the EU.

In addition, the Commission noted that another sensitive issue – the establishment of guidelines on GM labelling, on which the US and the EU have disagreed since 1996 – was about to be resolved.

The CAC, jointly established in 1962 by the UN Food and Agriculture Organization (FAO) and the World Health Organization (WHO), develops international food standards to protect consumers and to ensure fair practices in the food trade. In many cases, Codex standards have even acquired a certain legal relevance, as they are considered to be a point of reference in the case of trade disputes between WTO members.

Conference on sustainable food consumption and production

The ministers were briefed by the Presidency on the output of a conference on "Transition towards sustainable food consumption and production in a resource constrained world", which took place in Budapest on 4 and 5 May 2011 ([10138/11](#))

The conference was organised by the Presidency in coordination with the Commission and brought together major European and worldwide stakeholders from the fields of agriculture, food, forestry, aquaculture, rural development, consumer science, economics, etc.

The event was part of a wide Foresight process initiated in 2006 by the EU Standing Committee on Agricultural Research (SCAR) with the aim of identifying emerging and innovative solutions which would enable agriculture to cope with a range of complex and interlinked challenges, such as rapidly increasing globalisation, climate change and the unsustainable consumption of natural resources. The main conclusions of the conference are summarized in the "Budapest declaration" (annexed to the document mentioned above), which could be adopted at the next plenary meeting of SCAR in June 2011.

Pig meat sector

The Commission briefed the Council on the conclusions of the enlarged advisory group on pigmeat ([10022/11](#)).

Several delegations supported the main conclusions made by the enlarged advisory group on pigmeat establishing the role of innovation in the competitiveness of this sector and the importance of a better integration of the pig industry. The Commission expects to consider a large number of measures for this sector in the context of the future CAP, including putting in place a mechanism to better anticipate crises, reinforcing promotion in the EU and outside the EU and seeking a better balance in the power of producers in this sector. The current market tools available have shown their efficiency and should be kept but possibly improved. However, some member states considered that the conclusions of the enlarged advisory group did not provide sufficient concrete replies to the causes of the crisis in this sector.

On 13 December 2010, Belgium presented to the Council the outcome of a reflection day on the "the pig meat sector towards 2020", which took place on 3 December 2010 ([17727/10](#)). Further to this reflection day, the Commission decided to convene an enlarged advisory group on pigmeat and invited agricultural non-governmental organisations belonging to the advisory group on pigmeat to four meetings held jointly with representatives of all member states during the first few months of 2011. The purpose of the group, chaired by the Commission, was to "analyse the situation in the pig sector in the light of the current crisis but also discussing the mid-term and long term perspectives of a competitive EU pig industry".

Intervention price of cereals

The Council took note of the request made by the Polish delegation to increase the intervention price of cereals ([9547/11](#)).

Poland considered that the rapid increase in production costs (in particular due to the rise in of agricultural inputs prices) and the reform of cereal intervention in the Health Check had aggravated uncertainty and reduced the profitability of cereals production. Poland also noted that this had restricted the "safety net" function of the system. The Polish delegation therefore called for a considerable increase in the intervention price for cereals to EUR 130 per tonne, which in its view would improve the security of production sought by cereals producers and allow the creation of stocks to stabilize the market, in the event cereals prices were to grow rapidly.

The Commission noted that the current situation was not favourable for deciding such a measure. Firstly, cereal prices were high on the world market; a high intervention price would impede the competitiveness of EU cereals; secondly, as a safety net mechanism intervention should only be triggered when there was a serious crisis.

Sugar production quotas

Poland also briefed the ministers on its request to increase the sugar production quotas of each member state ([9550/11](#)).

Poland noted that in recent years, quota sugar production in the EU had been lower than actual consumption. This implied restrictions on production both for sugar-beet growers and sugar producers. In order to reinforce sugar production in the EU and make better use of the member states' production capacity, Poland requested that sugar production quotas be increased by 15% for each member state, starting from 2011/2012. An alternative solution could be a 5% increase for 3 subsequent marketing years starting from 2011/2012.

A number of delegations supported the Polish request but there were others which, together with the Commission, while acknowledging the report drawn up by Poland, noted that the current sugar regime had to take into account a number of aspects, notably the "Everything but arms" agreement, the agreement with ACP countries and the production and imports of cane sugar.

The Commission also recalled the recent measures it has taken to ease sugar supplies on the EU market, confirmed its intention to monitor the situation in the examination committee and to make any necessary proposals in the context of the post 2013 CAP reform exercise.

G20 - Ministerial meeting on Agriculture

The Council was briefed by France on the a meeting of G20 agriculture ministers to be held in Paris on 22 and 23 June to discuss the price volatility affecting agricultural commodities ([9956/11](#)).

The aim of the June meeting was to propose an action plan on the volatility of agricultural prices to be endorsed by the G20 Heads of State Summit scheduled for 3 and 4 November 2011 in Cannes.

France, which currently holds the presidency of the G20, identified the following themes for the meeting:

- developing agricultural production in the long run in order to match the increasing demand and to limit shortages;
- improving market information and transparency in the interests of governments and economic operators by creating a joint database on stocks and production;
- improving international coordination in order to enhance confidence in international markets and to prevent and manage food crisis more efficiently, e.g. by setting up a specific world forum able to respond quickly in the event of a crisis;
- develop risk management tools for the most vulnerable in order to cope with excessive food volatility; and,
- better organise the agricultural markets.

The French initiative was strongly supported by delegations, some of them insisting on the importance of setting up a specific mechanism to mitigate speculation on agricultural products.

In the coming weeks the Presidency will propose draft terms of reference for the EU's participation in the Paris meeting, to be approved by Council prior to the G20 agricultural ministerial meeting in June.

For information, on 10 March 2011 the Council adopted conclusions on tackling the challenges on raw materials and in commodity markets ([7029/11](#)). In addition the Council is scheduled to adopt a further set of conclusions on the financial challenges with regard to raw materials and commodity markets that are relevant for ongoing G20 discussions.

Drought situation in Northern Europe

The French delegation also briefed the Council on the consequences of the drought situation in Northern Europe ([10194/11](#)).

In recent weeks, France and several member states in northern Europe have been affected by a decrease in rainfall and high temperatures. This has affected agricultural production, with an expected general reduction of yields in several crops and severe difficulties in the animal farming sector, where feed normally stocked for summer has already been used. The French delegation asked the Commission for authorisation to put in place an advance on direct payments on 16 October and to put the level of the advance on the premium for maintaining suckler cow herds at 80%.

Several delegations reported the same situation and supported the French delegation. Some of these delegations also called for more flexibility or some standard regulation on advance payments.

The Commission took note of the request and recalled that according to regulation 73/2009 member states had the possibility to provide for advances of direct payments by 16 October, provided that the respective checks have been carried out. The Commission further indicated that it was working to address the suckler cow premium request.

OTHER ITEMS APPROVED

AGRICULTURE

Honeybee health

The Council adopted conclusions ([8606/11 ADD 1 REV 1](#)) on a Commission communication concerning honeybee health ([17608/10](#)). For more information see the press release [10292/11](#).

Statistics on pesticides

The Council decided not to oppose to the adoption of the draft Commission regulation concerning statistics on pesticides, as regards definitions and list of active substances ([7038/11](#)).

The draft Commission regulation implements regulation 1185/2009 establishing a new framework for the production of comparable European statistics on pesticide sales and use. The draft proposes, firstly, the adoption of the definition of the term ‘area treated’ referred to in regulation 1185/2009, given that it should be understood and applied in a uniform manner throughout the EU. Secondly, the draft adapts for the period 2010 to 2015 the list of substances to be covered and their classification in categories of products and chemical classes as set out in Annex III of regulation 1185/2009.

Unless the European Parliament opposes the draft regulation within 3 months from its submission, the Commission may adopt it.

FISHERIES

Technical measures for the conservation of fisheries resources

The Council amended regulation 1288/2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011 ([9/11](#) + [9119/11 ADD1 REV1](#)) following a first-reading agreement with the European Parliament. The United Kingdom and Portugal voted against.

This text provides for an extension of the implementation period of the regulation for the conservation of fisheries resources through technical measures. Given that regulation 1288/2009 will expire on 30 June 2011, and that there is no current legal act that could provide for permanent technical measures, the text ensures legal certainty for these specific measures aiming at the conservation of marine resources by extending the validity of regulation 1288/2009 for another 18 months, until 1 January 2013. However, basic principles concerning technical measures will be considered by the new basic regulation for the ongoing reform of the common fisheries policy.

FOOD

Health claims made on food

The Council decided not to oppose the adoption of the following two Commission regulations concerning health claims made on food:

- a regulation refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health ([7785/11](#));
- a regulation on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk ([7784/11](#)).

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

ENVIRONMENT

EU Ecolabel

The Council did not oppose the proposals for updated criteria for awarding the EU Ecolabel to

- all-purpose cleaners and sanitary cleaners ([7717/11](#));
- hand dishwashing detergents ([7731/11](#));
- lubricants ([7735/11](#)).

The three draft Commission decisions are subject to the so-called 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.

Biocidal products

The Council did not oppose the proposed authorisation of three active substances in pest-control products:

- abamectin and imidacloprid for use in insecticides, acaricides and products to control other arthropods ([7744/11](#); [7772/11](#)); and
- 4,5-Dichloro-2-octyl-2H-isothiazol-3-one for use in wood preservatives ([7778/11](#))

These active substances will be permitted in the abovementioned products from 1 July 2013.

At the same time, the Council did not oppose the proposal concerning the non-inclusion of certain substances in Annex I, IA or IB to directive 98/8/EC ([7810/11](#)). Thus, certain types of biocidal products sold on the EU market may not more contain these active substances as of 1 July 2012. For instance, formaldehyde and sulphur dioxide will no longer be permitted in disinfectants for drinking water or human hygiene purposes.

The four draft Commission acts are subject to the so-called "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.

HEALTH

In vitro diagnostic medical devices

The Council opposed the adoption by the Commission of a draft directive establishing the procedure a manufacturer must follow in order to affix the CE marking to "Variant Creutzfeldt-Jakob disease" (vCJD) assays. The Danish delegation voted against this decision and the United Kingdom delegation abstained.

The Council supports the substance of the draft Commission directive. However, a qualified majority of delegations opposed its adoption on the grounds that, by requiring member states to draw up correlation tables, the Commission exceeds the implementing powers provided for in the basic act (directive 98/79/EC).

Under the regulatory procedure with scrutiny, the Council may oppose the adoption of new measures on the grounds that they exceed the implementing powers provided for in the basic act, are not compatible with the aim or the content of the basic act or do not comply with the principles of subsidiarity or proportionality.

DEVELOPMENT COOPERATION**Management of EU development assistance**

The Council adopted conclusions on two special reports by the EU Court of Auditors on the management of EU development assistance, i.e. on Special report No 11/201 concerning the Commission's management of general budget support in ACP, Latin American and Asian countries ([8996/11](#)) and on Special report No 12/2010 concerning the EU development assistance for basic education in sub-Saharan Africa and South Asia ([8905/11](#)).

TRADE**Trade in cocoa**

The Council authorised the signature on behalf of the European Union and provisional application of the international cocoa agreement 2010 ([8134/11](#)). It had been approved by the negotiating conference established under the auspices of the UN conference on trade and development on 25 June 2010. The date from which the agreement will be provisionally applied will be published in the Official Journal of the European Union.
