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3104th Council meeting

Agriculture and Fisheries

Luxembourg, 28 June 2011

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Main results of the Council

*Concerning fisheries, the ministers held an exchange of views on a consultation concerning **fishing opportunities**.*

*As regards agriculture, the Council was briefed on the follow-up to the extraordinary Council meeting on 7 June 2011 on the **E. coli outbreak**.*

*Finally, ministers were briefed on the **mackerel fishing by Iceland and the Faroe Islands**, a conference on the **future of the Common fisheries policy**, **EU funding for the fishery sector after 2013**, the **future of the aid for the most deprived persons in the EU**, on the outcome of the **G20 ministerial meeting**, a conference on the **European animal sector** and a conference on **organic farming**.*

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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

FISHERIES

Consultation on fishing opportunities

The Council was briefed and held an exchange of views on a Commission communication concerning a consultation on fishing opportunities ([10836/11](#)).

While praising the general approach proposed by the Commission in its communication, most of the member states stressed that the objective of maximum sustainable yield (MSY) by 2015 should be assessed on a case-by-case basis. Furthermore, a majority of delegations expressed also concerns about the Commission's intention to reduce TACs by 25% when there was no scientific advice or when only poor information was available. They stressed that a systematic reduction of this type did not take into account the specificity of each stock and the socio-economic aspects of the question. They wanted to improve the availability of scientific advice instead. Finally, concerning the suggestion of splitting the current negotiation on the "TAC and quotas" proposal into two, most of the member states noted that an early discussion on this package could provide a diplomatic advantage for Norway in the negotiations later in the year.

The Commission communication explains the progress achieved in the Common fisheries policy (CFP) over the last years and sets out a way forward for the next years. The purpose is to initiate a broad public consultation to find out the views of European citizens and other stakeholders on the ways in which total allowable catches (TACs) should be fixed for fisheries in European waters and for European fishermen.

TACs are catch limits set for most significant commercial fish stocks. TACs are decided on by the Council on a proposal drafted by the Commission on the basis of scientific advice on the state of the stocks concerned. TACs are set annually for most stocks and every two years for deep sea species. For an increasing number of stocks, TACs are set in line with multi-annual plans setting clear goals for sustainable management of specific stocks in the long term. The TACs are shared between EU countries under a system known as 'relative stability' which keeps national quotas stable in relation to each other, even when the total quantity of fish that can be caught varies with the productivity of the fish stocks.

The communication points out that the aim of setting TACs and quotas and fishing effort levels for European fisheries for 2012 should be to phase out overfishing. The scientific advice on which the TACs and quotas are established should be brought more into line with the aim of reaching the objective of maximum sustainable yield (MSY) by 2015, to which the Commission and the member states are committed.

The communication explains that fish stocks in European waters are generally improving thanks to TACs and quotas, which remain an essential conservation tool. However, the state of some stocks in the Mediterranean Sea and deep-sea resources is still worrying.

The communication reports on the state of resources based on current knowledge of the state of fish stocks and gives an economic analysis indicating that the economic profitability of the EU fishing sector is weak and has been slowly deteriorating over the last few years. Potential future policy directions are suggested:

- The absence of appropriate scientific information on overfishing affects about two-thirds of TACs. This should be an incentive to set more cautious TACs, for example a 25% reduction in TACs when there is no scientific advice available, or the advice is incomplete.
- Fishing effort (i.e. limits on time at sea for fishing vessels) has been managed alongside TACs to reduce discards and reduce the opportunity for illegal catches. However, this management tool is still complicated to implement and needs careful assessment.
- Several of the current multi-annual management plans were developed to help stocks recover from a depleted condition rather than with the objective of managing them towards good stock conditions. This should be reviewed to improve the efficiency of these plans.
- Where long-term plans governing TACs or effort levels exist, these have to be followed. This is the best approach to sustainability in the long-term.
- In recent years TAC decisions for most EU stocks have been taken in December on the basis of proposals published in mid to late October. For some areas an earlier proposal and an earlier decision could be possible. The Commission offers to present two proposals this year splitting the current "TAC and quotas" proposal into two: one on internal stocks to be submitted to the Council in September and the second on shared and international stocks to be submitted in November.

The Commission will present its proposals for the reform of the CFP at the next Council on 19 July 2011, under the Polish presidency.

AGRICULTURE

Follow-up to the *E. coli* outbreak

Ministers followed-up on the extraordinary Council of 7 June 2011 on the *Escherichia coli* (*E. coli*) outbreak.

The Council deplored the high level of fatalities resulting from the *E. coli* outbreak. Many delegations praised the Commission for its rapid intervention to compensate the vegetable producers affected by the outbreak (see below). They regretted that specific situations, such as where producers had had to sell their production at a very low price, had not been taken into account in the measure. Several delegations insisted that lessons should be drawn from the current crisis and that the future proposals on the reform of the CAP should take this into account. Concerning the rapid alert system some member states noted that communication and coordination should be improved, in order to avoid such a catastrophic impact on the market. The majority of member states requested a rapid EU promotion campaign to help restore consumer confidence in the fruit and vegetables sector. Finally, most of the exporting countries affected supported the Commission in its efforts to reach full implementation of the agreement with Russia to remove its ban on fresh fruit and vegetables.

During the extraordinary agriculture Council convened by the Presidency on 7 June 2011 ministers debated the EU food safety and market implications of the recent outbreak of *E. coli* in northern Germany.

At that meeting the Commission confirmed that all existing EU mechanisms for information sharing and response coordination on food safety and human health were triggered as soon as the first cases were reported on 22 May. However, considering the high level of fatalities, and problems in the dissemination of information submitted by member states through these systems, the Commission announced its intention to review the system in the light of the current crisis and improve these information mechanisms if necessary.

Some days after this extraordinary meeting, the source of the *E. coli* outbreak was identified by the German authorities, as bean sprouts originating from a farm in the north of the country. The warning about other fresh vegetables was lifted. The Commission has raised the budget for the promotion of these products and announced its intention to initiate a large-scale information campaign as soon as possible.

As regards the impact of the outbreak on the market, the Commission allocated an emergency overall budget envelope of € 210 million to partially compensate producers of cucumbers, tomatoes, lettuce, courgettes and sweet peppers in the EU¹.

¹ Implementing Regulation (EU) No. 585/2011 OJEU L160, 18.6.2011, p.71

The Commission has announced its intentions to assess the national demands for compensation from the members states in the days to come and have a first overview of the complete situation at the end of July 2011. In addition it noted also that vegetable prices were partially recovering from the low levels they reached during the crisis.

Finally, concerning the implications of the crisis for international trade, Russia's ban on EU exports of vegetables and fruit which caused major economic losses to farmers and traders, was rejected by EU members as scientifically unjustified and disproportionate.

Since the extraordinary meeting, the Commission informed Council that it had come to an agreement with the Russian authorities, which would accept a certification of the food safety of the products. The Russian ban has now been lifted for some exporting member states.

OTHER BUSINESS

Mackerel fishing by Iceland and the Faroe Islands

The Council was briefed by the Irish delegation on the current state of play and the possible options concerning the unrestricted fishing of mackerel by Iceland and the Faroe Islands.

Ireland considers that despite numerous attempts, Iceland and the Faroe Islands have refused to enter into an appropriate management framework and are recklessly exploiting the mackerel stock in the North East Atlantic, putting at risk the long term sustainability of the stock and the viability of the EU industry dependent on it. The Irish delegation believe that the EU should impose sanctions impacting significantly on the economics of this unilateral fishing.

The North East Atlantic stock of mackerel has a wide distribution area from waters off the north coast of Spain to waters around the Faroe Islands and Norway. Recently it is also to be found in Icelandic waters. This fishing resource is a hugely important fishery for Ireland and many other member states.

With the setting of huge unilateral TACs by Iceland and the Faroe Islands in 2011 the outtake of mackerel is now expected to approach 1,000,000 tonnes in the context of a scientifically advised TAC of 646,000t. If continued, this level of fishing will have a detrimental impact on the stock and potentially catastrophic impacts on the industry dependent on this fishing.

Ireland's request that sanctions be envisaged against Iceland and the Faroe Islands was supported by several other member states. Some member states pointed out that this particular issue should not impede the current accession negotiations with Iceland.

At the agriculture and fisheries Council on June 2010, member states already asked for strong actions to be taken against both Iceland and the Faroe Islands ([11428/10](#)).

The Commission is currently examining all the possibilities for negotiating an agreement for 2012 with these coastal third countries but does not exclude sanctions if necessary.

Conference on the future of the Common fisheries policy

The Netherlands briefed ministers on the report of the high level conference on the future of the Common fisheries policy (CFP), which was held in Noordwijk from 9 to 11 March 2011 ([11866/11](#)).

The aim of the conference was to hold a discussion on important questions about the future of the CFP amongst representatives from the member states and the Commission, with input from experts from the policy field.

The conference enabled the participants to reflect on three topics that are fundamental to the CFP:

- The role of the market in the new CFP and how it can contribute to sustainability and profitability,
- Financing the new CFP,
- The way forward with regard to regionalisation.

No formal conclusions were drawn at the end of this meeting. The report of the conference was made available as a hard-copy booklet during the Council meeting. It contains the major considerations raised during the discussion.

European funding for the fisheries sector post-2013

The Council was informed of a joint declaration by Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland and Romania concerning European funding for the fisheries sector post-2013 ([11904/11](#)).

These delegations acknowledge the role of European fisheries in providing food safety while ensuring sustainable management of natural resources, and the potential to contribute to smart, sustainable and inclusive growth in line with the Europe 2020 Strategy. They point to the need for appropriate funding of the fisheries policy. Furthermore, they acknowledge the need for CFP reform in order to secure sustainable management of natural resources, but urge on the need to keep sufficient funding available for the support measures of the future CFP. Some specific sectors such as marine or freshwater aquaculture should be supported by such funding. The declaration points out the needs of the "new" member states, which were not able to fully benefit from the EU funds available before that date.

Six member states (Belgium, Spain, France, Italy, Ireland and Portugal) had already submitted a common declaration to the Commission in May 2011, highlighting the importance of the future financial instrument of the CFP.

Aid programme for the most deprived persons

Ministers were briefed by the Presidency and the Italian delegation on the future for a regulation concerning distribution of food products to the most deprived persons in the Union ([11681/11](#)).

Considering the importance of this support scheme, (i.e. in 2008, more than 13 million people living in 18 member states benefited from this programme), the Presidency and the Italian delegation asked the Commission to submit, as soon as possible, proposals to amend the current system to ensure its future continuity. This request has the support of the Belgian, Bulgarian, Estonian, Spanish, French, Latvian, Lithuanian, Hungarian, Maltese, Polish, Portuguese, Romanian, Slovene and Slovak delegations and some others.

The original rules provide that the EU can supply food from agricultural intervention stocks to those most in need. However, the phase-out of intervention stocks under the reform of the CAP has made this framework obsolete: the current scheme's reliance on market purchases for the provision of food has significantly increased, although it was originally supposed to be confined to situations of temporary unavailability of intervention stocks. Consequently, on April 2011, the European Court of Justice ruled that the current legal framework of this programme provided that amounts used for the scheme should come from intervention stocks and only marginal amounts should come from the open market.

The Commission presented a proposal on this subject to the Council in September 2010 ([13435/10](#)) but some delegations expressed reservations on this text, as was the case for the first proposal presented by the Commission in 2008, as regards the legal basis, which in their view should be drawn from social policy rather than agricultural policy. The Commission indicated its willingness to discuss on the basis of its revised proposal tabled in 2010 as soon as possible in order to limit the impact of the judicial decision on this programme.

The current regulation as regards distribution of food to the most deprived persons was laid down in 1987 and finally incorporated into the Single Common Market Organisation regulation in 2007.

NGO conference on the European animal sector

The Hungarian delegation briefed the Council on the outcome of the NGO conference: "*Creating coherence on trade, development and sustainability: the European animal sector in focus*" ([11700/11](#)).

The conference studied how the future CAP can contribute to a sustainable animal husbandry sector in Europe with special reference to the CAP's connection with the European trade policy agenda and the consistency of both with European development goals. This conference was held in Debrecen (Hungary) between 27 and 29 May 2011 as a side event to the informal "Agriculture and Fisheries" meeting. The three main agenda items for the ministerial meeting were discussed from a new angle:

- Effects of the lifting of the dairy quota regime
- Increasing feed prices
- Environmental and animal welfare standards

The event was organised by "Create Coherence on trade and development" which is a consortium of European NGOs and fair trade organizations. This consortium would like to initiate public debate on the impact of EU trade and aid on trade policies, on development and on the environment and local communities. This involves engaging a broad range of European civil society groups in awareness raising in particular by building capacity on these issues in Eastern Europe.

G20 - Outcome of the ministerial meeting on agriculture

The Council was briefed by France, as Presidency of the G20, as well as by the Commission on the outcome of the G20 agriculture ministers meeting held in Paris on 22 and 23 June which agreed on a Action Plan on the volatility of agricultural prices. This will be submitted for endorsement by the G20 Heads of State Summit scheduled for 3 and 4 November 2011 in Cannes.

In Council, France presented the main points of the action plan agreed by the G20 agriculture ministers, as follows:

- developing agricultural production in the long run in order to match increasing demand and 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 crises more efficiently, e.g. by setting up a specific world forum able to respond quickly in the event of a crisis;
- developing risk management tools for the most vulnerable in order to cope with excessive food volatility; and,
- better organising the agricultural markets.

The Commissioner welcomed the Action Plan as an important first step and thanked France as G20 Presidency for the way in which it managed the discussions leading to the adoption of the Action Plan.

NGO congress on organic farming

Ministers were briefed by Hungary on a NGO congress on "*Organic farming as opportunity for European agriculture*" ([12160/11](#)).

The congress offered many opportunities for debates about the future of food and farming in the EU, organic action plans and the development of organic markets in new member states. The event was organised by the Presidency in cooperation with the IFOAM EU Group (International federation of organic agricultural movements) and Hungarian organic sector organisations and took place on 31 May and 1 June in Gödöllő (Hungary).

The participants drew several conclusions during the congress:

- Organic farming can be considered as an engine for rural economies in new member states.
- In the framework of the future CAP, organic farming is a valuable element for developing sustainable agriculture.
- A consistent policy framework should accompany the development of organic farming.
- In the future food and farming can benefit from local supply chains where organic farming plays a key role. It was also established that organic farming is now ready to face the new challenges that agriculture will have to overcome, in particular sustainability. Organic farming should be protected against GMO contamination in order to maintain a low-input and sustainable farm system.

OTHER ITEMS APPROVED

AGRICULTURE

Greenland and EU - Simplified sanitary controls

The Council adopted a decision laying down simplified rules and procedures on sanitary controls of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods, by-products thereof and products derived from these by-products coming from Greenland ([11240/11](#)).

With a view of an arrangement between Greenland and the EU on sanitary controls on several fishery and seafood products which would facilitate trade in these commodities from Greenland, this country has to transpose EU sanitary and, where appropriate, animal health rules on these products

As Greenland is one of the overseas countries and territories (OCT) of the EU, the strengthening of the relationship and the cooperation between this country and the EU implied by this arrangement involves the EU, on the one hand, and the Government of Greenland and the Government of Denmark on the other.

Agreement between EU and Chile - Sanitary and phytosanitary issues

The Council adopted a decision on a EU position on decision 1/2011 of the joint management committee for sanitary and phytosanitary (SPS) matters regarding the amendment of annex IV to the agreement establishing an association between the EU and Chile ([11091/11](#))

The decision is aimed at defining the position to be taken by the EU on the introduction of the "fish products" sector and the "bivalve molluscs" sub-sector in the list of priorities in annex IV for which equivalence may be recognised. This would allow an assessment of the equivalence of processing operations on fish or molluscs which are carried out in Chile but not currently recognised by EU law.

Annex IV to the agreement establishing an association between the EU and Chile lays down the SPS measures applicable to trade in animals and animal products, plants, plant products and other goods and animal welfare.

FISHERIES

Partnership agreement between EU and Gabon - Negotiations on renewal

The Council adopted a decision to authorize the Commission to open negotiations on behalf of the European Union for the renewal of the protocol to the fisheries partnership agreement with Gabon.

The current protocol, which entered into force on 3 December 2005, will expire on 2 December 2011.

ENVIRONMENT

Conservation of migratory species

The Council authorised the EU to become a signatory to two memoranda of understanding under the Convention on the conservation of migratory species of wild animals: one on the conservation of migratory sharks and one on the conservation of birds of prey.

By a written procedure concluded on 23 June, the Council also authorised the Commission to propose on behalf of the EU that the falcon species *Falco cherrug* and *Falco verspetinus* be added to the list of endangered migratory species protected under the same convention.

JUSTICE AND HOME AFFAIRS

Automated data exchange by Slovenia

The Council adopted a decision on the launch of automated data exchange concerning Vehicle Registration Data (VRD) by Slovenia ([11490/11](#)). The evaluation procedure required by decision 2008/616/JHA ([OJL 210, 6.8.2008](#)) concluded that the general provisions on data protection are fully implemented by the Republic of Slovenia and that the country is therefore entitled to receive and supply personal data as from the date of the entry into force of this decision.

DEVELOPMENT COOPERATION

Contribution to the European development fund

The Council set the revised annual amount of member states' contributions to the European development fund for 2011 at EUR 3.1 billion. At the same time, it set the second instalment to be paid by individual member states to the Commission and the European Investment Bank this year ([11689/11](#)).

Management of EU external assistance

The Council adopted conclusions in response to the Court of Auditors' special report No 1/2011 "Has the devolution of the Commission's management of external assistance from its headquarters to its delegations led to improved aid delivery". It welcomed the auditors' overall conclusion that devolution had contributed to improving aid delivery as a key part of the Commission's wider reform of its management of external assistance over the last decade. The conclusions are set out in 11309/11.

TRADE POLICY

Anti-dumping - Coumarin - Asian countries

The Council adopted a regulation repealing the anti-dumping measures currently in force on imports of coumarin from China, India, Thailand, Indonesia and Malaysia ([11546/11](#)).

RESEARCH

Euratom framework programme for nuclear research (2012-2013)

The Council adopted a general approach extending, for a two-year period, the current European Atomic Energy Community (Euratom) framework programme for nuclear research ([12009/11](#)).

The new decision will extend the Euratom programme, which expires at the end of 2011, until the end of 2013.

For more information see press release [12161/11](#).

ENERGY

Energy labelling of air conditioners

The Council did not oppose a draft Commission delegated regulation of 4.5.2011 supplementing directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of air conditioners ([9968/11](#)+ [ADD 1-19](#)).

The aim of this delegated regulation is to introduce new, more ambitious, energy efficiency classes for air conditioners in order to adapt them to technological developments and introduce more dynamism into the labelling scheme.

Energy Community Treaty - amendments

The Council authorised the Commission to negotiate amendments to the Energy Community Treaty on behalf of the EU in order to adapt its acquis on energy to the recent changes in EU law (third internal energy market package and directive 2009/28/EC on renewable energy sources).

The Treaty establishing the Energy Community entered into force in 2006. The Energy Community extends the EU internal energy market to South East Europe and beyond on the basis of a legally binding framework.

For more details see:

<http://www.energy-community.org/>

EDUCATION

Early school leaving

The Council adopted a recommendation on policies to reduce early school leaving ([10544/11](#)) which seeks to promote progress towards the Europe 2020 headline target of reducing school drop-out rates to less than 10% by 2020 (as compared with 14.4% in 2009). Reducing early school leaving addresses the Europe 2020 aims of both 'smart growth' - by improving education and training levels - and 'inclusive growth' - by tackling one of the major risk factors for unemployment, poverty and social exclusion.

Member states are called upon to ensure that comprehensive strategies on early school leaving are in place by the end of 2012 and that these are implemented in line with national priorities and the Europe 2020 objectives. Comprehensive strategies should include prevention measures, intervention measures and compensation measures, the latter being aimed at re-engaging people who have dropped out of education. These strategies must address both education and social policy, should be 'evidence-based' and be suited to local, regional and national conditions.

Learning mobility

The Council adopted a recommendation on promoting the learning mobility of young people ([11327/11](#)), which forms part of the Europe 2020 flagship initiative *Youth on the Move* ([13726/10](#)). Learning mobility, i.e. transnational mobility for the purpose of acquiring new skills, is one of the fundamental ways in which individuals, particularly young people, can improve their future employability, as well as their personal development.

The recommendation encourages member states to take appropriate steps in order to remove *inter alia* administrative and institutional obstacles which are still impeding progress in this area. At the same time, it fully respects member states' competences and responsibilities under national and European legislation.
