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Eingelangt am 20/07/11

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 May 2011

**6852/11
ADD 1**

**PV/CONS 10
AGRI 153
PECHE 54**

ADDENDUM to DRAFT MINUTES

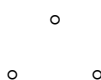
Subject: **3070th** meeting of the COUNCIL OF THE EUROPEAN UNION
(AGRICULTURE AND FISHERIES), held in Brussels, 21 February 2011

PUBLIC DELIBERATION ITEMS ¹

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- Item 3. Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 and repealing Directives 87/250/EEC, 90/496/EEC, 1999/10/EC, 2000/13/EC, 2002/67/EC, 2008/5/EC and Regulation (EC) No 608/20045



¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

"A" ITEMS

- 1. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 708/2007 concerning use of alien and locally absent species in aquaculture**

PE-CONS 61/10 PECHE 322 ENV 820 CODEC 1405
+ REV 1

The Council approved the amendment set out in the European's Parliament position in first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 43(2) of the TFUE)

- 2. Proposal for a Directive of the European Parliament and of the Council repealing Council Directives 71/317/EEC, 71/347/EEC, 71/349/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC, and 86/217/EEC regarding metrology**

PE-CONS 67/10 MI 565 ENT 222 CODEC 1574

The Council approved the amendment set out in the European's Parliament position in first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFUE)

Statement by the European Parliament, the Council and the Commission

"According to Article 25 of Directive 2004/22/EC on measuring instruments, the Commission is invited, by the European Parliament and by the Council, to report, before 30 April 2011, on the implementation of that Directive and to submit, where appropriate, a legislative proposal.

In that context, and in accordance with principles of better law-making (including, where appropriate, impact assessment and open consultation), an assessment will be carried out to determine whether and, if so, to what extent, the scope of Directive 2004/22/EC should be extended so as to include any of the measuring instruments currently regulated by Directives 71/317/EEC, 71/347/EEC, 74/148/EEC, 75/33/EEC, 76/765/EEC, 76/766/EEC and 86/217/EEC.

The date set for the repeal of those Directives will also be re-examined, in accordance with the outcome of that assessment, with a view to ensuring consistency in the Union's legislative action in the field of measuring instruments."

Joint statement from the Bulgarian, French, Austrian and Portuguese delegations

"Decisions for deregulation should be based on comprehensive analysis for their effect on regulatory needs of the Member States and the effect of such deregulation on functioning of the Internal Market. Bulgaria, France, Austria and Portugal consider that harmonisation within the Internal Market is an efficient tool to ensure smooth intra-EU exchanges which offers guarantees to the consumers and other users in terms of security and accuracy of instruments. In this regard, the removal of harmonising tools which may remain useful for the economic operators represents a step back with regard to the Internal Market "acquis" and cannot be compensated only by mutual recognition. As a result, Member States could be led to introduce diverging regulations for instruments for which rules were until then identical.

With a view to ensure that the foreseen repeals do not weaken the effective functioning of the Internal Market and European consumers trust, Bulgaria, France, Austria and Portugal underline the importance, in this context, to examine, when reviewing Directive 2004/22/EC on measuring instruments, the opportunity to include the instruments currently covered by the repealed directives. The Commission assessment report should take into account, in particular:

- the impact of the removal of EEC pattern approval and EEC verification markings on market surveillance,
- the need of the Member States to regulate these products and the economic consequences on manufacturers stemming from the application of a significant number of national regulations with ad hoc markings,
- the opportunity to set common essential requirements with a presumption of conformity based on harmonised standards or international recommendations, with the aim to preventing fragmentation on internal market."

Statement by the Netherlands on Metrology

"As indicated during discussion in Coreper, the Netherlands are not in favour of the repeal of Directive 71/349/EEC (ship tanks) with effect from 1 July 2011, while the other seven directives are repealed with effect from 1 December 2015.

New Union legislation, if any as a result of the public consultation on the Measuring Instrument Directive, is not foreseen until 2015. In order to avoid a legal void the Netherlands consider drawing up national legislation for the period 2011 – 2015.

In the Netherlands 100 till 150 certificates concerning ship tanks are issued on a yearly basis."

Statement by Austria on Metrology

"As indicated during discussion in Coreper, Austria is not in favour of the repeal of Directive 71/349/EEC (ship tanks) with effect from 1 July 2011, while the other seven directives are repealed with effect from 1 December 2015.

New Union legislation, if any as a result of the public consultation on the Measuring Instrument Directive, is not foreseen until 2015. In order to avoid a legal void Austria considers drawing up national legislation for the period 2011 – 2015."

Statement by France on Metrology

"France is not in favour of the repeal of Directive 71/349/EEC (ship tanks) with effect from 1 July 2011, while the other seven directives are repealed with effect from 1 December 2015.

New Union legislation, if any as a result of the public consultation on the Measuring Instrument Directive, is not foreseen until 2015. In order to avoid a legal void France will draw up national legislation with effect starting on July 2011."

3. Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 and repealing Directives 87/250/EEC, 90/496/EEC, 1999/10/EC, 2000/13/EC, 2002/67/EC, 2008/5/EC and Regulation (EC) No 608/2004

- Adoption of
 - a) the Council's position
 - 17602/10 DENLEG 149 SAN 294 CONSOM 119 CODEC 1479 AGRI 564
 - + COR 1 (nl)
 - b) the statement of the Council reasons
 - 17602/10 ADD 1 DENLEG 149 SAN 294 CONSOM 119 CODEC 1479
 - AGRI 564
 - + COR 1
 - + REV 1 (de)
 - + REV 1 COR 1 (de)
 - + COR 2
 - 5964/11 CODEC 143 DENLEG 17 SAN 13 CONSOM 5
 - + ADD 1

The Council approved its position at first reading, with the Italian delegation voting against, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union (Legal basis: Article 114 of the TFEU).

Statement by Germany, Denmark, Spain, the Netherlands and Sweden on Country of Origin

"Germany, Denmark, Spain, the Netherlands and Sweden can accept the proposal on the Regulation of Food Information to Consumers for political agreement. However, the envisaged mandatory labelling of origin of meat is deemed to be very problematic for the following reasons:

An introduction of mandatory labelling on the country of origin/place of provenance could disturb the functioning of the single market.

The far-reaching provision of the envisaged labelling of origin of meat should be based on a thorough cost/benefit analysis. Regrettably no impact assessment of the proposed mandatory labelling has been conducted. The provisions of this Regulation would rather create discrimination between sectors by imposing mandatory labelling on meat without prior analysis, whereas other products will be thoroughly examined before a possible extension of those mandatory provisions. A mere transfer of the concept of beef labelling to other types of meat does not appear justifiable.

No scientifically and sound consumer survey ascertains the extent to which consumers actually need this information, and what additional costs consumers are prepared to pay for it. The experiences with the labelling of beef rather raise doubts whether consumers actually request this information.

Work is ongoing on European Union and national level to reduce the administrative burden for businesses with the set target of 25% reduction by 2012. It is therefore of utmost importance that the implementation of provisions keeps the administrative burden on companies, in particular small and medium-sized ones, to a minimum and that costs are proportionate to the benefit.

Against this background Germany, Denmark, Spain, the Netherlands and Sweden believe that the possibility of introducing mandatory labelling of origin should be reserved to specific and justified cases only."

Statement by Austria, France, Greece, Italy and Portugal on Country of Origin

"According to the current legal framework, the indication of origin is mandatory for beef and beef products, fruits and vegetables, fish, olive oil and honey. It is voluntary for other agricultural products, except where failure to provide the indication might mislead the consumer as to the true origin or provenance of a food.

There is a strong demand from consumers to have more information on the country of origin or the place of provenance of food products, especially for non processed products and primary ingredients of processed products, and to be ensured that the indication of origin is provided in a manner that is not misleading.

Austria, France, Greece, Italy and Portugal deem it necessary to take into account consumers' demands for more origin labelling. These Member States recognize that the additional declaration of origin for fresh, chilled or frozen meat of swine, sheep and goat and poultry, as provided for in the Council first reading position, is a positive step.

However, they regret that the origin labelling for other types of products whose importance has been continuously stressed during the first reading could not be retained. These Member States expect that the discussion on origin labelling will continue in the context of the second reading."

Statement by Italy and Spain on additional forms of expression and presentation

"Italy and Spain strongly believe that the possibility of the employment of additional forms of expression and presentation in the nutritional labeling, as proposed in the draft Regulation, is problematic and does not entail better information of consumers.

The coexistence of different forms of expression and presentation without an harmonized basis will promote the existence in the market of foodstuffs whose labeling will include different type of information difficult to understand by consumers.

Advertising campaigns – intended to improve the knowledge of graphical forms and symbols employed under these new forms of expression and presentation – that will be developed in countries where these alternative models will be implemented, will not be available for consumers in other Member States.

In addition we would like to highlight the difficulties when trying to export nutritional policies from one country to other, due to different eating habits in Member States. Furthermore, additional forms of expression and presentation pose the risk of a fracture of internal market with consequences on competition. Finally, the current proposal implies more administrative burdens for Member States and impedes progress to an homogeneous internal market.

Taking into account these reasons, Italy and Spain would have preferred the harmonization of these issues as the only mechanism to achieve a high level of consumers' information and a smooth functioning of the internal market."

Statement by the European Commission

"In a spirit of compromise, the Commission will not stand against a qualified majority vote in favour of the Presidency text although there are remaining concerns given that the Presidency text contains some elements departing from the Commission's proposal and some legal elements to be revised in line with the Treaty on the Functioning of the European Union. Furthermore, the Council has not considered the EP first reading opinion and consequently the EP amendments that the Commission had indicated it could accepted are not covered by the Presidency text.

In particular, the Commission regrets to see that the Council has opted for deleting the "front-of-pack" nutrition declaration. The Commission considers that this is weakening the benefits that the consumers could get from the mandatory nutrition declaration and is convinced of the benefits that front-of-pack labelling would bring to consumers by allowing them to readily see the nutrition information when purchasing foods."

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