



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 January 2012**

**18717/11**

**CRS CSA 26**

**SUMMARY RECORD**

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**Subject : 1417th meeting of the Special Committee on Agriculture (SCA)  
held in Brussels on 12 December 2011**

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## SUMMARY

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1. **Adoption of the provisional agenda**  
18376/11 OJ CSA 26

The agenda was approved.

I

2. **Summary record of the 1416th meeting of the SCA**  
18110/11 CRS CSA 25

The Special Committee on Agriculture approved the summary record.

3. **The CAP towards 2020**  
- *Progress reports*

18176/11 AGRI 839 AGRIFIN 136 CODEC 2325  
18178/11 AGRI 840 AGRIFIN 137 CODEC 2326  
18205/11 AGRI 842 AGRIFIN 138 AGRIORG 232 CODEC 2333  
18207/11 AGRI 843 AGRIORG 233 AGRIFIN 139 CODEC 2334  
18208/11 AGRI 844 AGRIORG 234  
18358/11 AGRI 862 AGRISTR 89 CODEC 2369

4. **Proposal for a Regulation of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products**

- *Progress report*  
17259/11 AGRI 798 AGRIORG 216 WTO 465 CODEC 2118

5. **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 617/2009 opening an autonomous tariff quota for imports of high-quality beef**

- *Progress report*  
18121/11 AGRI 835 VETER 56 SAN 266 WTO 466 CODEC 2312 + COR 1

The SCA approved the I-items as set out on the agenda, details are contained in the documents quoted.

## II

6. **Draft Council conclusions on the future of the agricultural promotion policy**  
18220/11 AGRI 846 AGRIFIN 140 AGRIORG 236

The SCA took note of the comments made by delegations on the draft Council conclusions. The revised text was supported by all delegations, except the DK delegation, which entered a scrutiny reservation, and the UK delegation, which entered a reservation. The Presidency indicated that the draft Council conclusions would be submitted to the Council as a "false B" item, to become an "A" item upon the lifting of the reservations.

7. **Horizontal approach on the alignment of agricultural legislation with the Lisbon Treaty**

The SCA took note of the information given by the Presidency on the second informal trilogue which took place on 7 December, as well as of the comments made by the Commission representative.

The SCA also noted that a third informal trilogue was scheduled for 20 December 2011 and that the Presidency would report on that trilogue and possibly request endorsement of the outcome "ad referendum" of that trilogue at the first SCA meeting under the incoming Danish Presidency.

8. **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1234/2007 as regards marketing standards**  
17677/10 AGRI 544 AGRIORG 67 CODEC 1491  
16004/11 AGRI 731 AGRIORG 192 CODEC 1800

The SCA took note of the information given by the Presidency on the outcome of the first informal trilogue that took place on 6 December 2011.

9. **Proposal for a Regulation of the European Parliament and of the Council on Agricultural Product Quality Schemes**

18233/11 AGRI 847 AGRIORG 237 AGRILEG 144 CODEC 2342

The Committee took note of the state of play of the dossier, on the basis of document 18233/11, and comments from delegations and Commission.

Delegations supported the basic elements of the Presidency proposal presented in point 3 of the mentioned document, with the exception of those related to EP Amendments 78 and 79. Delegations were requested to present written comments by 14 December 2011, noon.

The dossier will be updated with these elements and transmitted to the future Danish Presidency.

10. **Amended proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1290/2005 and Council Regulation (EC) No 1234/2007 as regards distribution of food products to the most deprived persons in the Union**

17975/11 AGRI 829 AGRIORG 229 CODEC 2282

18219/11 AGRI 845 AGRIORG 235 CODEC 2336

The SCA has taken note of the Commission statement to be entered into the Council minutes when the Regulation is adopted and of the agreement reached with the European Parliament.

The SCA also agreed to inscribe this item under the "A" items of the legislative deliberations part of the agenda of the Council.

11. **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1234/2007 as regards contractual relations in the milk and milk products sector**

18242/11 AGRI 849 AGRIORG 238 CODEC 2349 + ADD

The SCA agreed, by qualified majority, the DK, IE, LU and NL delegations voting against, on the final draft Presidency text and authorised the Chair of the SCA to send a letter to the Chair of the EP Committee on Agriculture and Rural Development to confirm a first reading agreement.

The SCA also agreed to enter the two declarations below into the minutes of the meeting.

### **Council declaration**

The Council declares that the choice made in this Regulation not to use the option provided for in point (b) of the second subparagraph of Article 5(4) of Regulation (EU) No. 182/2011 is without prejudice to any future position to be taken on a case-by-case basis as regards other legislative acts, notably in the agricultural field, since the said point (b) allows the legislator to decide, in each basic act that it is called to adopt, whether it is appropriate to provide that draft implementing acts may not be adopted by the Commission where no opinion is delivered by the competent committee.

### **Commission declaration**

The Commission declares that:

1. as regards Article 126a(5), in order to prevent competition being excluded or in order to avoid seriously damaging SME processors of raw milk in its territory, the relevant competition authority may in an individual case decide either before or after the closing of a negotiation that the negotiation by the producer organisation should either be reopened or not take place at all.
2. it will inform the Member States concerned and seek their view when taking decisions on the incompatibility with Union competition rules as set out in the Regulation (EC) No 1234/2007 of the following activities in the milk and milk products sector:
  - (a) whether certain agreements, decisions and concerted practices of interbranch organisations are incompatible with Union rules [ref. Article 177a];
  - (b) whether the negotiations by a producer organisation relating to more than one Member State should not take place or be reopened [para 5 of Article 126a];
  - (c) whether a Member State should repeal the rules laid down by that Member State which regulates the supply of such PDO/PGI cheese produced in the defined geographical area, in case rules are not in compliance with the required conditions or prevent or distort competition in a substantial part of the internal market, or jeopardises free trade or that the objectives of Article 39 of the TFEU are endangered [ref. para 8 of Article 126b].

3. as regards Article 126b on the supply management of PDO and PGI, the Commission would like to point out, that this is only allowed if there is a large representation of milk producers and cheese producers and under the condition that the rules shall not create discrimination, constitute a barrier for new entrants, or adversely affect small producers. [ref. para 2 and para 4 letter (h) of Article 126b]

## 12. **Organisation of future work**

The Presidency informed the SCA that its next meeting, the first under the Danish Presidency, would take place on Monday 9 January 2012.

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