



**COUNCIL OF  
THE EUROPEAN UNION**



13816/12

PRESSE 379  
PR CO 47

## **PRESS RELEASE**

3186th Council meeting

### **Agriculture and Fisheries**

Brussels, 24 and 25 September 2012

President            **Sofoclis ALETRARIS**  
Minister for Agriculture, Natural Resources and Environment  
of Cyprus

# **P R E S S**

## **Main results of the Council**

*Concerning agriculture, two public debates took place in the Council on the proposals for regulations on **rural development** and the **common organisation of the markets in agricultural products** within the framework of the CAP reform.*

*As regards fisheries, the ministers held a public debate on the **European maritime and fisheries fund (EMFF)** within the framework of the CFP reform.*

*Finally, the Council was briefed on the **consequences for agriculture of recent drought in some regions of the EU and the world, in particular the increase of feed prices, the situation of the dairy market, a conference on agriculture, food security and climate change, the Codex decision on ractopamine, the Asian longhorned beetle outbreaks, the fraud on alcohol in Czech Republic, a multi-resistant bacteria in poultry, the fisheries protocol between the EU and Mauritania and the North East Atlantic mackerel stock.***

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## **PARTICIPANTS**

The governments of the member states and the European Commission were represented as follows:

### **Belgium:**

Ms Sabine LARUELLE

Minister for the Middle Classes, SMEs, the Self-Employed and Agriculture  
Deputy Permanent Representative

Mr Olivier BELLE

### **Bulgaria:**

Mr Miroslav NAYDENOV

Minister for Agriculture and Food  
Deputy Minister for Agriculture and Food  
Deputy Permanent Representative

Ms Svetlana BOYANOVA

Ms Petia VASSILEVA

### **Czech Republic:**

Mr Petr BENDL

Minister for Agriculture  
Deputy Permanent Representative

Mr Jakub DÜRR

### **Denmark:**

Ms Mette GJERSKOV

Minister for Food, Agriculture and Fisheries

### **Germany:**

Ms Ilse AIGNER

Federal Minister for Food, Agriculture and Consumer Protection  
State Secretary, Federal Ministry of Food, Agriculture and Consumer Protection

Mr Robert KLOOS

### **Estonia:**

Mr Clyde KULL

Deputy Permanent Representative

### **Ireland:**

Mr Simon COVENEY

Minister for Agriculture, Food and the Marine  
Deputy Permanent Representative

Mr Thomas HANNEY

### **Greece:**

Mr Athanasios TSAFTARIS

Minister for Rural Development and Food  
Secretary General for Rural Development and Food

Mr Dimitrios MELAS

### **Spain:**

Mr Miguel ARIAS CAÑETE

Minister for Agriculture, Food and the Environment

### **France:**

Mr Stéphane LE FOLL

Minister for Agriculture, the Food Processing Industry, and Forestry  
Minister for Ecology, Sustainable Development and Energy

Mr Frédéric CUVILLIER

### **Italy**

Mr Mario CATANIA

Minister for Agricultural, Food and Forestry Policy

### **Cyprus:**

Mr Sofoclis ALETRARIS

Minister for Agriculture, Natural Resources and Environment  
Permanent Secretary, Ministry of Agriculture, Natural Resources and Environment

Ms Egly PANTELAKIS

### **Latvia:**

Ms Laimdota STRAUJUMA

Minister for Agriculture

### **Lithuania:**

Mr Kazys STARKEVIČIUS

Minister for Agriculture  
Deputy Permanent Representative

Mr Arūnas VINČIŪNAS

### **Luxembourg:**

Mr Romain SCHNEIDER

Minister for Agriculture, Viticulture and Rural Development, Minister for Sport, Minister with responsibility for Economic Solidarity

**Hungary:**

Mr Sándor FAZEKAS  
Mr Olivér VÁRHELYI

Minister for Rural Development  
Deputy Permanent Representative

**Malta:**

Mr Patrick MIFSUD

Deputy Permanent Representative

**Netherlands:**

Mr Henk BLEKER

Minister for Agriculture and Foreign Trade

**Austria:**

Mr Nikolaus BERLAKOVICH

Federal Minister for Agriculture, Forestry, the  
Environment and Water Management  
Deputy Permanent Representative

Mr Harald GÜNTHER

**Poland:**

Mr Stanislaw KALEMBA

Minister of Agriculture and Rural Development

**Portugal:**

Ms Assunção CRISTAS

Minister for Agriculture, Maritime Affairs, the  
Environment and Regional Planning  
State Secretary for Agriculture  
State Secretary for Maritime Affairs

Mr José DIOGO ALBUQUERQUE

Mr Manuel PINTO DE ABREU

**Romania:**

Mr Daniel CONSTANTIN

Mr Achim IRIMESCU

Minister for Agriculture and Rural Development  
State Secretary, Ministry of Agriculture and Rural  
Development

**Slovenia:**

Mr Branko RAVNIK

State Secretary at the Ministry of Agriculture and the  
Environment

**Slovakia:**

Ms Magdaléna LACKO-BARTOŠOVÁ

State Secretary, Ministry of Agriculture and Rural  
Development

**Finland:**

Mr Jari KOSKINEN

Mr Risto ARTJOKI

Minister for Agriculture and Forestry  
State Secretary

**Sweden:**

Mr Eskil ERLANDSSON

Minister for Rural Affairs

**United Kingdom:**

Mr Owen PATERSON

Mr Richard BENYON

Secretary of State for Environment, Food and Rural  
Affairs  
Parliamentary Under Secretary of State for Environment,  
Food and Rural Affairs

**Commission:**

Mr Dacian CIOLOȘ

Mr John DALLI

Ms Maria DAMANAKI

Member

Member

Member

The Government of the Acceding State was represented as follows:

**Croatia:**

Ms Snjezana ŠPANJOL

Deputy Minister for Agriculture

## **ITEMS DEBATED**

### **Reform of the common agricultural policy (CAP)**

Ministers held two orientation debates within the framework of the common agricultural policy (CAP) reform. The discussions covered specific issues in:

- the proposal for a regulation on support for rural development (rural development regulation) ([15425/1/11](#)).
- the proposal for a regulation establishing a common organisation of the markets in agricultural products (Single CMO regulation) ([15397/2/11](#)).

### **Rural development**

This proposal covers voluntary measures adapted to national and regional specificities for rural development, where member states draw up and co-finance with the EU multiannual programmes under a common framework. The ministers focused their debate on areas with natural constraints (previously named "less favoured areas").

The debate showed that this constitutes a key topic for all member states. Almost all of them supported the new delimitation of areas with natural constraints (ANCs) on the basis of the bio-physical criteria proposed by the Commission.

A large majority of delegations were also favorable to the process of fine-tuning, though many stressed the need for flexibility at member state level regarding the criteria for fine tuning and their application to take into account the differences between and within countries. A few member states would still prefer if fine tuning was optional.

With regards to the transitional periods for implementing the new system, though some member states would like the scheme to be implemented as soon as possible, most of the delegations agreed that an extension until the end of 2015 might be necessary for certain countries.

Most delegations indicated that they were broadly satisfied with the current revised version of articles 32 and 33 or regulation on rural development proposed by the Danish Presidency in June ([10878/1/12](#)).

A few member states would like the debate on ANC's being postponed after the general reform of the CAP.

ANCs are covered by a mechanism for supporting the continuation of farming and thus maintaining the countryside in:

- mountain areas,
- less favoured areas other than mountain (the so-called "intermediate LFAs") or areas facing significant natural constraints, and
- areas affected by specific handicaps.

This scheme was established back in 1975 and was entitled less favoured areas (LFAs) at this time. In 2003, the European Court of Auditors spotlighted the wide range of criteria for the "intermediate LFAs" across the EU as a possible source of unequal treatment. As a follow-up, in 2005, the logic of intervention of the LFA scheme was revised through a new definition. It was decided to clearly focus the objectives of the scheme on land management. However, no agreement was found on a possible EU wide system for classifying these areas in line with the new definition and the policy objectives. It was therefore decided to maintain the previous system in force for a limited period of time.

The changes proposed by the Commission in the context of the CAP reform concern only the second category, now called "*areas facing significant natural constraints*" and its delimitation would be objective, transparent, common to all member states and comparable across the EU. This delimitation would be based on 8 biophysical criteria with fixed thresholds<sup>1</sup>. In order to be eligible for payments under this category, at least 66% of the utilised agricultural area in the "*areas facing significant natural constraints*" would need to meet at least one of these eight criteria at the indicated threshold. All Member States would have to undertake a fine-tuning exercise, based on objective criteria, with the purpose of excluding areas in which significant natural constraints have been documented but have been overcome by investments or by economic activity.

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<sup>1</sup> 1) low temperature; 2) dryness; 3) excess soil moisture; 4) limited soil drainage; 5) unfavourable texture and stoniness; 6) shallow rooting depth; 7) poor chemical properties; 8) steep slope.



## Single CMO

The proposal for a Single CMO regulation is part of the CAP reform package and lays down rules for the common organisation of agricultural markets. It aims to streamline, simplify and adapt provisions on the basis of experience on public intervention, private storage, exceptional/emergency measures and aid to specific sectors. Ministers considered specifically the safety net function of market management measures and the possible need for updating reference prices.

Many delegations considered the improved safety net as proposed by the Commission to be sufficiently effective. A number of those member states expressed concerns on the likely budgetary impact of any meaningful adjustment of the safety net.

Several delegations saw merit in examining the feasibility of introducing a mechanism to allow future updates of reference prices, so as to ensure they reflect the real market situation. No clear view emerged however on how such a mechanism would exactly work and under what conditions it would apply. There were particular concerns from several member states about sectors facing particular difficulties, including the livestock and dairy, sectors.

Some delegations expressed the view that increasing reference prices would send a wrong signal to WTO partners and would not contribute to a sustainable future of the European agricultural sector. There were also calls for phasing out export refunds under the CAP.

The proposal provides a safety net of market management measures (public intervention, private storage, exceptional measures and export refunds) to enable farmers to withstand excessive price volatility and market disturbances, and to balance the supply chain. This includes improvements to strengthen the safety net through better targeted public intervention and more responsive private storage aid.

The CAP reform package was presented by the Commission at the Agriculture Council meeting in October 2011. Since then, the Council has held general policy debates on the CAP reform proposals almost monthly.

In March this year ministers held a debate on the simplification of the CAP. At its meeting in April, the Council held an orientation debate on young farmers, small farmers, voluntary coupled support and top ups for farmers in areas with natural constraints, as well as on internal distribution, the definition of "active farmer" and the capping of support to large farms. In May the Council held another orientation debate on the greening of the CAP and as recently as June it held one on rural development issues.

In addition to these debates the Danish Presidency also presented a progress report highlighting the progress achieved during the first half of 2012 on key issues of the CAP reform proposals.

The first debate under the Cyprus presidency in July covered the proposed risk management and income stabilisation tools under rural development policy and exceptional support measures under the single CMO (measures to respond to threats of market disturbances or animal disease and loss of consumer confidence).

## **Reform of the common fisheries policy (CFP)**

### **European Maritime and Fisheries Fund**

The Council held an orientation debate on the proposal for a regulation on the European Maritime and Fisheries Fund (EMFF) replacing the existing European fisheries fund ([12833/1/12](#)).

There was a general consensus between member states that a greater flexibility would be needed in the transfers between the different headings within shared management. A number of these member states supported minimum levels of funding for data collection and control as proposed by the Commission, and some of them saw the need even higher level of funding.

Among additional measures many delegations pointed to the modernisation of their fishing fleet as a key issue to promote sustainable and resource efficient fisheries. While engine replacement was frequently mentioned, some of the member states indicated the possibility of financing the decommissioning of vessels in the framework of the EMFF and the renewal of vessels without increasing fishing capacity. Several delegations also lent their support to continuing temporary cessation. However, a few member states were totally opposed to financing these types of measures through the EMFF.

A number of member states thought that the Commission's proposal to align the EMFF on the administrative procedures in place for rural development would only make the process unduly complex at a time when simplification was needed. Several member states called for retaining the current system as far as possible.

Finally many member states insisted that the EMFF should provide more support for aquaculture activities.

The general objective of the EMFF to support the implementation of the Common fisheries policy (CFP) and to further develop the EU's integrated maritime policy (IMP) by financing some of the priorities identified. The EMFF proposal has to be seen in the context of the ongoing negotiations on a multiannual financial framework (MFF) for 2014-2020, and is part of the CFP reform package, which will lay down the legislative framework for this policy area for the same period.

In addition to this debate, two orientation debates on the EMFF took place in the Council in March and May. In June this year, the Council took note of the Presidency's progress report ([10276/1/12](#)) on a proposal for a regulation on the EMFF ([17870/11](#)) replacing the existing European Fisheries Fund.

The Presidency would like the Council to reach an agreement on a partial general approach on the EMFF at the Agriculture and Fisheries Council in October this year.

## **ANY OTHER BUSINESS**

### **Codex decision on Ractopamine**

The Presidency briefed the ministers on the adoption by the Codex Alimentarius Commission during its session on 2-7 July 2012 of a maximum residue limit (MRL) for ractopamine in beef and pork meat ([13764/12](#)).

Together with the Presidency and the Commission, many member states regretted the potential consequences of the adoption of a MRL for ractopamine by the international organisation. Delegations defended in particular the current EU legislation banning growth promoters and raised concerns about the decision procedure in the Codex alimentarius.

Ractopamine is a growth promoter belonging to the family of beta-agonists: it has an anabolic effect which significantly increases muscle mass while decreasing the fat content of carcasses. Since 1996, the use of growth promoters and the import of meat from animals treated with these substances are strictly prohibited in the EU. The EU policy towards this substance has been established on the grounds of persisting scientific uncertainty about the safety of products derived from animals treated with ractopamine and opposition to the use of veterinary drugs as growth promoters.

However, as fixing a MRL is considered as setting a threshold under which the use the product is considered as safe, the new standard fixed by the Codex can be considered *de facto* as an authorisation of using ractopamine below the fixed MRL in food producing animals. This could lead some third countries to question the EU policy, since Codex standards are usually considered as benchmarks in the framework of the SPS agreement of the WTO.

In order to defend the interest of EU consumers, the Council, in close cooperation with the Commission, has started identifying in the Codex Alimentarius Working Party the next steps that the EU will have to take. The Presidency informed ministers that they would have the opportunity to discuss this issue at a forthcoming Council meeting.

## Asian Longhorned Beetle outbreaks

The Council was briefed by the Dutch delegation on the consequences of the increasing number of outbreaks of the Asian Longhorned Beetle (ALB or *Anoplophora glabripennis*) originating in Asia ([13762/12](#)).

Some member states supported the Dutch demand to Chinese authorities for an improvement on their controls on the wood packing exported from this country. The Commission has indicated that the EU concerns have been transmitted to Chinese authorities through a letter sent in June this year and at the occasion of a meeting organised the same day of the Council.

Outbreaks of ALB are directly linked to infested wood packing originating from Asian countries, and in particular China. ALB is legally classified in the EU as a harmful organism to plants and can affect a large number of different trees and shrubs. In the Netherlands an outbreak of the ALB occurred in 2010, more recently there have been several findings of the ALB in different member states, including the UK, Germany, Austria and the Netherlands.

Introduction and spread of the ALB in the EU could have major consequences for both the plant nursery sector and for the countryside. Necessary measures should be taken on a short term to prevent introduction of this harmful insect. As under international phytosanitary standards, the responsibility for meeting the EU import requirements (including for wood packaging material) lies in the first place in the country of dispatch, the Netherlands questions the methods of treatment applied in Asian countries.

## **Adulteration of spirits in the Czech Republic**

The Czech delegation briefed the Council on the current wave of poisoning which appeared in the Czech Republic after the consumption of spirit drinks adulterated with methanol. ([13961/12](#)).

Since the beginning of September the fraudulent presence of methanol in spirit drinks has caused the death of at least 20 people in the Czech Republic. A number of other persons are still hospitalised. Following the measures taken by the Czech authorities, the situation seems to be stable now.

In direct contact with the Commission through the Rapid alert system for food and feed (RASFF), Czech authorities have carried out investigations on their territory to identify the extent of the fraud and to try to find out the origin. The Czech delegation has announced to the Council that the origin of the fraud has just been identified.

To limit the consequences of the adulteration, the Czech authorities had temporarily banned the sale and distribution to the final consumer of spirit drinks containing more than 20% volume of alcohol on their territory. They had also banned the export of these products to the EU and third countries.

## **Antimicrobial resistant bacteria in poultry**

The ministers were briefed by the Danish delegation about the presence of an antimicrobial resistant bacteria in poultry ([13966/12](#)).

Denmark has experienced a drastic increase in the number of ESBL-positive poultry meat samples in 2011 from both imported and Danish origin poultry. ESBL is a type of antimicrobial resistance found in both humans and in production animals, of which poultry has the highest prevalence. ESBL resistance is closely related to the use of the antimicrobials named cephalosporins. As Denmark has nationally banned the use of cephalosporins in poultry production, the presence of ESBL bacteria in poultry is assumed to originate from the import of grandparent stock from other countries.

With a reference to the Council conclusions of 22 June 2012 on “the impact of antimicrobial resistance in the human health sector and in the veterinary sector - a ‘One Health’ perspective” Denmark urged the Commission and the member states to adopt a common line to prevent the spread of resistant bacteria such as ESBL in the EU. In particular, Denmark emphasised the need to restrict the use of critically important antimicrobials to humans only.

The Commission representative shared the concerns expressed by Denmark. He recalled the concrete measures that have already been launched, such as the Commission's monitoring of antimicrobial resistance and the ongoing evaluation of the use of antimicrobials. He also explained that based on recommendations of the European Medicines Agency, the Commission had adopted an implementing decision which severely restricts the use of certain antimicrobials (including third and fourth generation cephalosporins) in the veterinary sector. This issue will also be taken into account in the new framework of the animal health law, which will soon be presented to the Council.

## **Drought in some regions of the EU and the world, increase in feed prices and consequences for the milk market**

Ministers were briefed by the Hungarian, Bulgarian, Italian, Portuguese and Slovenian delegations regarding the consequences of drought in some regions of the EU and the world ([13941/12](#)). In the same context, the Greek delegation briefed the Council on the consequences of drought on the husbandry sector, in particular regarding the rise of feed prices ([13980/12](#)). Finally, Spain and Portugal, supported by the Lithuanian and Polish delegations asked the Commission for appropriate measures against the deteriorating situation of the market of milk and dairy products in the EU ([13801/12](#)).

Several member states acknowledged the situation described. Some of them highlighted the need to draw a lesson from this situation to feed the current debate on the reform of the Common Agricultural Policy market measures (Single CMO). The Commission indicated that, despite the drought, the EU had an adequate domestic supply of cereals and that import duties had already been suspended for soft wheat until the end of 2012. However, the Commission recognised a rise in feed costs and recalled that last July it had already given its green light to proposals submitted by Member States to advance 2012 direct payments and it was prepared to make use of all the margin available within the current legislation, including *de minimis* state aid or other state aid schemes to address the concerns expressed.

The Commission considered unjustified the demands for emergency EU measures to assist the dairy sector, but was open to work together with member states in the framework of Article 68 of Council Regulation (EC) No 73/2009 and in the context of rural development programmes. The Commission further announced that it would publish a communication early next year on the options available to lessen the EU's dependency on imports of protein crops. Finally the Commission indicated that a detailed technical analysis and discussion on these inter-related items as well as on all the various measures proposed by the member states would take place at next week's Management Committee.

In the recent months, agricultural output at the world level has been severely affected by droughts. This has led to a strong increase in the prices of cereals and soya and a subsequent rise in the cost of feed affecting animal farmers. It has affected the animal husbandry sector in Mediterranean countries without grasslands and also the milk producers by increasing the prices of the inputs. In the longer term, a food crisis similar to the one observed in 2008 could also affect developing countries.



## **Conference on Agriculture, Food Security and Climate Change**

The Netherlands delegation briefed the ministers on the conclusions of the Global Conference on Agriculture, Food Security and Climate Change which took place in Hanoi from 3 to 7 September 2012 ([13875/12](#)).

This conference co-organised by the Netherland and Vietnam constituted a follow-up of a similar conference which took place in the Hague in November 2010. The event in Vietnam underscored that food security is and will remain a critical issue for the international community, given that global food production must rise by at least 70 percent in 2050 in order to feed 9 billion people.

It recognized that food security, poverty, climate change, and sustainable development are closely linked, and can no longer be considered separately. It insisted on the fact that agricultural policies have an important role to play with regard to these challenges.

## **Fisheries protocol EU-Mauritania**

At the request of the Spanish delegation, ministers were briefed by the Commission on the fisheries protocol between the EU and Mauritania initialled in July this year ([13663/12](#)).

Several member states considered together with Spain that the current fishing agreement negotiated with Mauritania was not viable for the EU because of the conditions imposed in the framework of this protocol. Several delegations called for re-negotiation of the conditions in the protocol. Although worried about the future utilisation of the protocol, other member states appreciated many of the new elements therein. The Commission pointed out that this agreement was the best possible under the difficult circumstances.

This protocol was initialled before the expiry of the current protocol on 31 July 2012. On 24 September 2012, the Commission adopted its proposals for signature and provisional application, allocation of fishing opportunities and for conclusion of the protocol.

### **North East Atlantic mackerel stock**

The Commission reported to the Council on the negotiations with Norway, Iceland and the Faroe Islands concerning the mackerel stock in the North East Atlantic.

Many member states supported the concerns of the Commission about the deterioration in the North East Atlantic mackerel stock as being due to huge TACs unilaterally set by Iceland and the Faroe Islands in recent years. They indicated that they would like restrictive measures to be taken in the framework of the provisions adopted by the Council in this meeting (See Other items approved - [14092/12](#)) if negotiations with Iceland and the Faroe Islands failed again. The Commission said it was ready to activate trade measures if necessary when the conditions were fulfilled.

A round of negotiations with Iceland and Faroe Islands took place at the beginning of this month but failed to find an agreement at this stage. However, all parties agreed that the negotiations should continue in the autumn coastal states consultations process at the end of October 2012.

The new instrument on trade measures adopted by the Council provides the possibility to tackle situations such as the one currently threatening the stock of North-East Atlantic mackerel where huge unilateral total allowable catches (TACs), generally exceeding the scientifically advised TACs, have been set by Iceland and the Faroe Islands.

## **OTHER ITEMS APPROVED**

### **FISHERIES**

#### **Partnership agreement between EU and Côte d'Ivoire - Negotiations on new protocol**

The Council adopted a decision authorising the Commission to open negotiations on behalf of the EU for a new protocol to the fisheries partnership agreement with the Republic of Côte d'Ivoire.

The aim of the new protocol will be to ensure continued access to the Republic of Côte d'Ivoire exclusive economic zone (EEZ) since the current protocol dating back from 1 July 2007 expires on 30 June 2013.

This new protocol to the fisheries partnership agreement between the EU and Côte d'Ivoire should be in line with the 19 March 2012 Council conclusions on a communication of 14 July 2011 from the Commission on external dimension of the Common Fisheries Policy.

#### **Trade measures against unsustainable fishing**

Today, the Council adopted a regulation on certain measures in relation to countries allowing non-sustainable fishing for the purpose of conservation of fish stocks following a first reading agreement with the European Parliament ([39/12](#)). This regulation provides a framework allowing the EU to take measures for protecting fish stocks against third countries engaged in unsustainable practices in the management of fish resources they share with the EU.

For further details, see [14092/12](#).

### **AGRICULTURE**

#### **Council conclusions on a Court of Auditors report - Targeting aid for modernising farms**

The Council adopted conclusions on the special report No 8/2012 from the European Court of Auditors entitled "Targeting of aid for the modernisation of agricultural holdings" ([12727/12](#)).

The Court acknowledges that investment measure 121 (rural development) has achieved its nominal objective and has resulted in the modernisation of agricultural holdings. A proposal for a regulation on rural development is currently being examined in Council and by the Council's preparatory bodies. The Court's recommendations could be taken into account in the proceedings on this proposal.

## **ENERGY**

### **Energy labelling of electrical lamps and luminaires**

The Council decided not to object to a Commission delegated regulation supplementing directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of electrical lamps and luminaires ([12649/12](#)).

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. This means that now that the Council has given its consent, the act can enter into force, unless the European Parliament objects to it.

## **TRANSPORT**

### **Cooperation with the International Civil Aviation Organisation on aviation security \***

The Council determined<sup>1</sup> the position to be taken by the EU as regards detailed rules for cooperation on aviation security ([13335/12](#)) to be added as an annex to the memorandum of cooperation concluded with the International Civil Aviation Organisation (ICAO) in March this year ([7702/11](#)). The annex is designed to contribute to enhancing security in international aviation and sets out areas of cooperation, including exchange of information, posting of experts and financing of specific security actions.

The adoption of the annex will be decided by the EU-ICAO Joint Committee set up under the memorandum of cooperation, which provides a framework for enhanced cooperation in the areas of aviation safety and security, air traffic management, and environmental protection.

This will be the second annex to the memorandum of cooperation, as an annex on aviation safety has already been established ([9156/11](#)). Annexes are also planned to be drawn up on environmental issues and air traffic management.

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<sup>1</sup> The United Kingdom abstained (see statement in *13383/12 ADD 1*).

## **ENVIRONMENT**

### **Biocidal products**

The Council decided not to oppose the adoption of the following Commission's legislative acts amending directive 98/8/EC<sup>1</sup> concerning the placing of biocidal products on the market:

- directive amending certain headings of Annex I ([12945/12](#));
- decision concerning the non-inclusion of bifenthrin for product type 18 in Annex I, IA or IB ([12947/12](#));
- directive to include hydrogen cyanide as an active substance in Annex I ([12952/12](#));
- directive correcting Annex I ([12953/12](#)).
- directive to include cis-Tricos-9-ene as an active substance in Annex I ([12956/12](#)).
- directive to extend the inclusion in Annex I of the active substance nonanoic acid to product type 2 ([12991/12](#)).

The Commission acts are subject to what is known as the 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

### **Waste**

The Council decided not to oppose the adoption of a Commission regulation establishing criteria determining when glass cullet ceases to be waste under the waste framework directive (2008/98/EC).

The Commission acts are subject to what is known as the 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.

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<sup>1</sup> OJ L 123, 24.4.1998.

## **Greenhouse gas emission allowance trading**

The Council decided not to oppose the adoption of a Commission regulation amending Regulation 1031/2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances<sup>1</sup> to list an auction platform to be appointed by the United Kingdom ([13046/12](#)).

The Commission acts are subject to what is known as the 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.

## **Trade in species of wild fauna and flora**

The Council decided not to oppose the adoption of a Commission regulation amending Council regulation 338/97 on the protection of species of wild fauna and flora by regulating trade therein<sup>2</sup>.

The Commission acts are subject to what is known as the 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

## **EU Ecolabel**

The Council decided not to oppose the adoption of two Commission decisions establishing the ecological criteria for the award of the EU Ecolabel for industrial and institutional laundry detergents ([12973/12](#)) and for industrial and institutional automatic dishwasher detergents ([12976/12](#)).

The EU Ecolabel was established by regulation 66/2010<sup>3</sup> and is awarded to products with a reduced environmental impact during their entire life cycle.

The Commission acts are subject to what is known as the 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.

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<sup>1</sup> OJ L 302, 18.11.2010

<sup>2</sup> OJ L 61, 3.3.1997.

<sup>3</sup> OJ L 27, 30.1.2010.

## **TRANSPORT**

### **Common methods for monitoring and supervision of railway safety**

The Council decided not to oppose adoption by the Commission of two regulations establishing common safety methods for ensuring safety of railways:

- firstly, a method to be applied by railway undertakings and infrastructure managers in order to check conformity of railway operation and maintenance activities with essential requirements ([12923/12](#)),
- secondly, a method to be applied by national safety authorities to supervise the safety performance of railway undertakings and infrastructure managers ([12922/12](#)).

The draft regulations are subject to the regulatory procedure with scrutiny; now that the Council has given its consent, the Commission may adopt them, unless the European Parliament objects.

## **CUSTOMS UNION**

### **EU-Canada agreement on customs cooperation**

The Council authorised the signing of an agreement with Canada on customs cooperation with respect to matters related to supply chain security.

The text of the agreement ([11587/12](#)) will be published together with the decision on its conclusion in the Official Journal of the EU.

## **TRADE POLICY**

### **EU-Georgia agreement**

The Council approved the position to be taken by the EU within a joint committee established by the EU-Georgia agreement on the protection of geographical indications of agricultural products and foodstuffs.

The decision relates to the adoption of the rules of procedure of the committee.

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