



**COUNCIL OF
THE EUROPEAN UNION**



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PRESS RELEASE

3193rd Council meeting

Agriculture and Fisheries

Luxembourg, 22 and 23 October 2012

President

Mr Sofoclis ALETRARIS

Minister for Agriculture, Natural Resources and Environment
of Cyprus

P R E S S

Main results of the Council

*Concerning fisheries issues, the Council reached a political agreement on **fishing opportunities for 2013 for certain fish stocks in the Baltic Sea**. In addition, ministers reached agreement on a partial general approach on a proposal for the **European maritime and fisheries fund (EMFF)** within the framework of the CFP reform package. They also held an exchange of views on the **EU-Norway annual consultations** and the **ICCAT annual meeting**.*

*As regards agriculture, two debates took place in the Council on the proposals for regulations on **direct payments** and the **common organisation of the markets in agricultural products (single CMO)** within the framework of the common agricultural policy (CAP) reform. In addition the ministers were briefed on an **amendment to the "horizontal regulation"**.*

*The Council was also briefed on the **32nd conference of directors of EU paying agencies** and on the **9th CIHEAM Ministerial Conference**.*

*Finally, the Council confirmed that it could not approve all the European Parliament's amendments to the **EU 2013 draft budget**. This means that on 24 October a three-week conciliation period will start, aimed at bridging the gap between the divergent European Parliament and Council positions.*

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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.
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PARTICIPANTS

Belgium:

Mr Kris PEETERS

Minister-President of the Flemish Government and
Flemish Minister for the Economy, Foreign Policy,
Agriculture and Rural Policy
Minister for Public Works, Agriculture, Rural Affairs,
Nature, Forests and Heritage

Mr Carlo DI ANTONIO

Deputy Minister for Agriculture and Food

Bulgaria:

Mr Tsvetan DIMITROV

Deputy Minister for Agriculture

Czech Republic:

Mr Martin HLAVÁČEK

Minister for Food, Agriculture and Fisheries

Denmark:

Ms Mette GJERSKOV

Federal Minister for Food, Agriculture and Consumer
Protection

Germany:

Ms Ilse AIGNER

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

Mr Robert KLOOS

Minister for Agriculture
Minister for the Environment

Estonia:

Mr Helir-Valdor SEEDER

Ms Keit PENTUS

Minister for Agriculture, Food and the Marine
Deputy Permanent Representative

Ireland:

Mr Simon COVENEY

Mr Thomas HANNEY

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

Greece:

Mr Athanasios TSAFTARIS

Mr Dimitrios MELAS

Minister for Agriculture, Food and the Environment
Minister for Rural Environment and for the Sea of the
Autonomous Community of Galicia

Spain:

Mr Miguel ARIAS CAÑETE

Ms Rosa María QUINTANA

Minister for Agriculture and Agroalimentary
Minister for Ecology, Sustainable Development and
Energy

France:

Mr Stéphane LE FOLL

Mr Frédéric CUVILLIER

Minister for Agricultural, Food and Forestry Policy

Italy

Mr Mario CATANIA

Minister for Agriculture, Natural Resources and
Environment

Cyprus:

Mr Sofoclis ALETRARIS

Minister for Agriculture

Latvia:

Ms Laimdota STRAUJUMA

Deputy Permanent Representative

Lithuania:

Mr Arūnas VINČIŪNAS

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

Luxembourg:

Mr Romain SCHNEIDER

State Secretary, Ministry of Rural Development
Deputy Permanent Representative

Hungary:

Mr György CZERVÁN

Mr Olivér VÁRHELYI

Deputy Permanent Representative

Malta:

Mr Patrick R. MIFSUD

Netherlands:

Mr Henk BLEKER
Mr Derk OLDENBURG

Minister for Agriculture and Foreign Trade
Deputy Permanent Representative

Austria:

Mr Nikolaus BERLAKOVICH

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

Mr Harald GÜNTHER

Poland:

Mr Stanislaw KALEMBA
Mr Tadeusz NALEWAJK

Minister of Agriculture and Rural Development
Deputy State Secretary, Ministry 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 Achim IRIMESCU

State Secretary, Ministry of Agriculture and Rural
Development

Slovenia:

Mr Franc BOGOVIČ

Minister for Agriculture and the Environment

Slovakia:

Mr Ľubomír JAHNÁTEK
Ms Magdaléna LACKO-BARTOŠOVÁ

Minister for Agriculture and Rural Development
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

Secretary of State for Environment, Food and Rural
Affairs

Mr Richard LOCHHEAD

Cabinet Secretary for Rural Affairs and the Environment
(Scottish Government)

Mr Alun DAVIES

Deputy Minister for Agriculture, Food, Fisheries and
European Programmes (Welsh Assembly Government)

Mr Richard BENYON

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

Commission:

Mr Dacian CIOLOȘ
Ms Maria DAMANAKI

Member
Member

The government of the acceding state was represented as follows:

Croatia:

Ms Snježana ŠPANJOL

Deputy Minister for Agriculture

ITEMS DEBATED

FISHERIES

Fishing opportunities in the Baltic Sea for 2013

Ministers reached a political agreement on fishing opportunities for 2013 for certain fish stocks in the Baltic Sea.

This item will be included, following finalisation by the Legal/Linguistic Experts, in part "A" of the agenda for a forthcoming Council meeting.

This agreement lays down for 2013 the maximum quantities of fish from specific stocks that can be caught in the Baltic Sea (total allowable catches (TACs) and quotas), as well as the fishing effort limits for Baltic cod stocks. The proposed measures have been established taking into account available scientific advice and, in particular, the reports drawn up by the International Council for the exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF). However, catch limits and fishing effort limits for cod stocks in the Baltic Sea are established in accordance with the rules laid down in regulation 1098/2007 establishing a multi-annual plan. A key element to be considered is that the final agreement was based on a proposal put forward by the member states concerned, making it a first example of responsible and successful regional cooperation.

The agreement contains two sections for the management of the Baltic fisheries in 2013 through fishing opportunities: one section fixing the TACs and quotas and a second limiting the fishing effort, by imposing limits on their activity (number of days at sea).

The agreement primarily concerned the total allowable catches (TACs) and fishing quotas for member states in Community waters of the Baltic region, the main changes to which – in terms of reduction, increase or roll-over of TACs as compared with 2012 – are summarised in the table below. An important fact to be noted is the voluntary higher decrease on cod in Western Baltic proposed by the member states concerned (-5.9% instead of -2%).

COMMUNITY TOTAL ALLOWABLE CATCHES (TACs) IN THE BALTIC SEA FOR 2013						
Latin name	ICES FISHING ZONES	COMMISSION proposal		COMMISSION targets	COUNCIL agreement	Difference from previous year
		TAC 2012	for 2013	for 2013	TAC 2013	
		in tonnes	in tonnes	in %	in tonnes	in %
		1	2	3	4	5**
<i>Clupea harengus</i>	Baltic Sea subdivisions 30-31 (Gulf of Bothnia)	106.000	99.100	-7%	106.000	0%
<i>Clupea harengus</i>	Baltic Sea subdivisions 22-24 (Western Baltic)	20.900	25.800	23%	25.800	23%
<i>Clupea harengus</i>	Baltic Sea subdivisions 25-27, 28.2, 29, 32 (Eastern Baltic except Gulf of Bothnia)	78.417	85.155	9%	90.180	15%
<i>Clupea harengus</i>	Baltic Sea subdivision 28-1 (Gulf of Riga)	30.576	27.640	-10%	30.576	0%
<i>Gadus morhua</i>	Baltic Sea subdivisions 25-32 (Eastern Baltic)	67.850	61.565	-9%	61.565	-9%
<i>Gadus morhua</i>	Baltic Sea subdivisions 22-24 (Western Baltic)	21.300	20.800	-2%	20.043	-6%
<i>Pleuronectes platessa</i>	Baltic Sea subdivisions 22-32	2.889	3.409	18%	3.409	18%
<i>Salmo salar</i> *	III bcd, except subdivision 32 (22-31)	122.553	108.762	-11%	108.762	-11%
<i>Salmo salar</i> *	Baltic Sea subdivision 32	15.419	15.419	0%	15.419	0%
<i>Sprattus sprattus</i>	III bcd	225.237	249.978	11%	249.978	11%
Legend: Latin name - English name/ Nom français/ Deutsche name						
<i>Gadus morhua</i> - cod/ morue/ Dorsch						
<i>Pleuronectes platessa</i> - plaice/ plie/ Scholle						
<i>Salmo salar</i> - Atlantic salmon/ saumon atlantique/ Lachs						
<i>Sprattus sprattus</i> - sprat/ sprat/ Sprotte						
* AC expressed as number of individuals						
** a negative % indicates a reduction in the TAC, a positive % indicates an increase in the TAC and 0 % indicates a roll-over of the TAC						

For herring (*Clupea harengus*), it was decided to increase significantly the TAC for the Western Baltic (23%) and the Eastern Baltic (15%) in view of the marked improvement in the stock status. In addition, the current TACs for the Gulf of Bothnia and Gulf of Riga have been maintained.

For sprat (*Sprattus sprattus*), an increase of 11% in the TACs was agreed.

For Atlantic salmon (*Salmo salar*) a reduction was agreed (11%) except for subdivision 32 where a roll-over was decided.

In accordance with the multiannual plan applicable to stocks of Baltic cod (*Gadhus morua*) adopted on 18 September 2007¹, and considering the scientific advice on the stock, the Council endorsed a reduction of the TACs in the Eastern Baltic (9%), and agreed on a reduction of TACs in the Western Baltic (5,9%).

With a view to simplifying and clarifying the annual TAC and quota decisions, fishing opportunities in the Baltic Sea have been fixed by a separate regulation since 2006.

These fisheries should be open on 1 January 2013.

Under article 43(3) of the Lisbon Treaty, it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities in the framework of the common fishery policy. The European Parliament's participation and the Economic and Social Committee's opinion are therefore not required for this species.

¹ Regulation (EC) No 1098/2007, [OJ L 248, 22.9.2007, p. 1.](#)

Reform of the common fisheries policy (CFP) - European Maritime and Fisheries Fund

The Council reached an agreement on a partial general approach on the proposal for a regulation on the European maritime and fisheries fund (EMFF) replacing the existing European fisheries fund ([17870/11](#)).

This agreement on EMFF provides support to the main elements of the two proposed regulations on the common fisheries policy (CFP) reform on which the Council reached an agreement for a general approach in June of this year ([10415/12](#); [11322/12](#); [11366/12](#)):

- proposal for a regulation on the CFP ([12514/11](#)) replacing the basic provisions of the CFP;
- proposal for a regulation on the common organisation of the markets (CMO) in fishery and aquaculture products ([12516/11](#)), focussing on market policy issues;

The agreement on the EMFF recognises the need to strengthen the funding for aquaculture at sea and inland; it also provides support for better selectivity, innovation, control and data collection.

With a view to facilitating the adaptation of fishermen to the key principles of the reform agreed in the Council in June, notably the objective of reaching maximum sustainable yield (MSY) and the implementation of a discards ban, the agreement envisages maintaining fleet restructuring measures are maintained for a short period (up to 2017) within a global cap (15% or EUR 6 million of the total contribution from the EMFF to the member state in question).

The general objective of the EMFF is 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 Commission proposal for 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.

EU/Norway: annual consultations for 2013

The Council held an exchange of views on the annual consultations between the EU and Norway under their bilateral fisheries agreement. The first round of consultations will take place from 19 to 23 November in Brussels and the 2nd round will take place from 3 to 7 December in Norway.

Most of the delegations recognised the usefulness of this agreement with Norway but would favour a cautious approach from the EU as regards TACs and other associated measures for the main jointly-managed joint stocks in the North Sea. They would also recommend a cautious approach for other stocks that it might be worthwhile to identify and use for the reciprocal exchange of quotas.

In this regard, several delegations noted the importance of trying to resolve the mackerel management issue with Iceland and Faroe Islands. These negotiations also directly involve directly Norway together with the EU.

The main issues for the consultations this year are the following:

- Detailed management arrangements for jointly-managed fish stocks (cod, haddock, plaice, whiting, herring, saithe) in accordance with the long-term management plans, involving in particular the establishment of the TACs and quotas for the respective parties;
- Agreement on exchanges of reciprocal fishing possibilities, which will enable the continuation of a number of important fishing operations for the fishermen of both parties, including fishing opportunities for Arctic cod in Norwegian waters, as well as other measures in fisheries of mutual interest.
- Cooperation with Norway as regards the mackerel management issue in the framework of negotiations with the other two Coastal States, Iceland and the Faroe Islands.

The 1980 bilateral fisheries agreement between the EC and Norway covers joint stocks in the North Sea, some jointly managed, others not. Annual TACs are set jointly by the EC and Norway for the jointly managed joint stocks. There are joint long-term management plans for cod, haddock, herring and saithe and basic principles for a long-term management plan for plaice, based on the EU long-term management plan for sole and plaice in the North Sea (regulation 676/2007). A ten-year agreement with Norway on mackerel was agreed in January 2010, including mutual access in the North Sea. This agreement is contingent on a satisfactory overall bilateral agreement. The reciprocal exchange of quotas needs to be in overall balance across the agreement.

ICCAT Annual meeting

Ministers held an exchange of views as regards the annual meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) from 12 to 19 November 2012 in Agadir (Morocco) ([14549/12](#)).

Some member states pointed out that the available scientific data submitted with a view to preparing the annual ICCAT meeting confirmed the correct implementation of the measures imposed on fishermen for many years and show a recovery of the bluefin tuna stock. In line with scientific opinion, they asked that the total allowable catch (TAC) be raised for this year.

In autumn 2008 and 2010, the Council adopted decisions for the establishment of the EU position in the ICCAT which are valid until the ICCAT meeting in 2013. The 2010 amendment of the mandate concerned the position as regards Eastern bluefin tuna. In 2006 ICCAT adopted a 15-year recovery plan for Eastern bluefin tuna. This plan was subsequently modified in 2008, 2009 and 2010.

In mid-October 2012 the ICCAT's scientific committee (Standing Committee on Research and Statistics, "SCRS") provided a stock assessment of the Eastern bluefin tuna and advice on total allowable catch (TAC) and other management measures, as well as on possible sanctuaries for spawning grounds. According to that report, the stock rebuilding objectives could be achieved with catches close to current TAC or slightly higher. The indicators show an increase in stock size, although the magnitude and speed of the increase are uncertain. No conclusive advice was given on spawning grounds.

During the annual meeting in Agadir in November this year, the ICCAT Commission is expected to review the Bluefin tuna recovery plan on the basis of the SCRS stock assessment. This would involve establishing new TACs and, where appropriate, other management measures. Although the ICCAT is responsible for many species other than Eastern bluefin tuna, the eagerly awaited SCRS stock assessment will almost inevitably place the emphasis of this year's meeting on the conservation of Eastern bluefin tuna.

AGRICULTURE

REFORM OF THE COMMON AGRICULTURAL POLICY (CAP)

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

- the proposal for a regulation establishing rules for direct payments to farmers within the framework of the reform of the CAP (direct payments regulation) ([15396/3/11](#));
- the proposal for a regulation establishing a common organisation of the markets in agricultural products (Single CMO regulation) ([15397/2/11](#)).

Direct payments - Internal convergence and young farmers scheme

The debate on direct payments focused on two elements of the proposal:

- the issue of "internal convergence" (achieving a uniform level of direct payments at regional or national level by 2019) ([14991/12](#));
- the young farmers scheme proposed to address the issue of the ageing farm population ([14993/12](#)).

As regards internal convergence, many delegations confirmed their view that a direct payment system based on purely historical payment levels was outdated and that member states applying the single payment scheme (SPS) should achieve significant and irreversible progress towards internal convergence by 2019.

While some delegations supported the rhythm and methodology proposed by the Commission, most delegations requested adjustments, particularly a smaller first step in 2014, taking account of greening payments, a longer transition period (beyond 2019) and a parallel approach on internal and external convergence. Some delegations, however, expressed the view that any flexibility on internal convergence should imply less generous possibilities for coupled aid.

Finally on this issue, a number of member states applying the Single area payment scheme (SAPS) made clear that their support for the flexibility requested by member states applying the Single payment scheme was conditional on a satisfactory reply to their request for some recent historical elements (national top-ups, coupled support) to be taken into account in their transition to the new payment scheme.

Concerning the scheme for young farmers, almost all delegations acknowledged that ageing of the farming population is an issue which member states have to address in an effective and appropriate manner. While many delegations had an open position on how best to achieve this, there was insufficient support for a mandatory 1st pillar scheme alongside the voluntary 2nd pillar scheme (as proposed by the Commission), or for the alternative suggestion of a mandatory 1st pillar scheme with an opt-out for member states supporting young farmers under the 2nd pillar.

The Council had already held orientation debates on internal convergence and the young farmers scheme in April 2012.

Single CMO - Compulsory recognition of producer organisations and competition rules

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. In this context, in order to strengthen the bargaining power of farmers in the food supply chain the Commission proposes extending the provisions currently applicable to producer organisations (POs), associations of producer organisations (APOs) and inter-branch organisations (IBOs) in the fruit and vegetables sector to all sectors ([14994/12](#)).

Delegations generally agreed with the objective of strengthening the position of primary producers in the food chain, but views differed on how this could best be achieved. There was insufficient support for the proposed compulsory recognition of producer and inter-branch organisations in all sectors, nor for adding specific other sectors to those already subject to such recognition (POs are recognised only in the milk, fruit and vegetables, olive oil and table olives and for some other minor sectors while IBOs are recognised for fruit and vegetables, tobacco and olive oil/ table olives).

Concerning competition rules most delegations supported the Commission proposal but a number of delegations considered that more work needed to be done at a technical level with regard to the approach to producer organisations with a dominant position in the market.

Under the Cyprus Presidency, several other aspects of the single CMO were extensively discussed. The Council debate in July covered exceptional support measures under the single CMO (measures to respond to threats of market disturbances or animal disease and loss of consumer confidence). The second Council debate on the single CMO in September focused on the safety-net function of market management measures and the possible need to update the reference prices.

Amendment on a proposal on the financing, management and monitoring of the CAP

The Commission briefed the Council on an amendment to a proposal for a regulation on the financing, management and monitoring of the common agricultural policy (CAP) or "horizontal regulation" in CAP reform package ([14314/12](#)).

With regard to the amendments on the publication of the names of beneficiaries, some member states pointed out that the *de minimis* threshold was not necessary for the sake of transparency: in their view, all beneficiaries of CAP payments should be listed. Some others expressed concerns about the details given on the beneficiaries, fearing that this process might interfere with data on private life. They questioned whether the proposal complied with the Court of Justice ruling. An opinion of the Council Legal Service was requested by some delegations.

In addition to provisions concerning cross-compliance for Croatia with a view to its accession, the new proposal on the horizontal regulation includes other amendments regarding new rules on the publication of information on all beneficiaries of the EU agricultural funds. This takes account of the objections by the Court of Justice to the former rules to the extent that they were applicable to natural persons. The new rules will differ from the ones declared invalid by the Court in the said Joined Cases in so far as they:

- are based on a revised detailed justification, centred around the need for public control of the use of European agricultural funds in order to protect the Union's financial interests;
- require more detailed information to be given on the nature and description of the measures for which the funds are disbursed;
- include a *de minimis* threshold below which the name of the beneficiary will not be published.

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 the definition of "active farmer" and the capping of support to large farms. At the same meeting, ministers discussed internal convergence. 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.

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.

In September this year a debate on areas with natural constraints (rural development) completed the discussion on the single CMO.

The Council is expected to adopt a partial general approach on the single CMO and on the other CAP reform proposals by the end of the year under the Cyprus Presidency.

ANY OTHER BUSINESS

32nd conference of the directors of paying agencies of the EU

At the initiative of the Presidency, ministers were informed about the general conclusions of the 32nd conference of the directors of EU paying agencies which took place in Paphos (Cyprus) from 11 to 13 September 2012 ([15025/12](#)).

The first workshop of this conference concluded that there were significant risks to the successful implementation of CAP reform, particularly as regards direct payments. The risks include lack of time to specify and procure new systems, complexity of requirements, unavailability of the draft implementing acts, shortage of resources and uncertainty among farmers. The second workshop underlined the main experiences gained from the implementation of the rural development programme 2007-2013, as well as their importance to the implementation of the corresponding programme for the 2014-2020 period.

The conference is a bi-annual meeting between the heads of EU paying agencies, representatives of agricultural sector institutions of EU candidate states and representatives of EU institutions. The aim of the meeting is to discuss issues of interest to EU paying agencies, exchange ideas and best practices in task completion, and discuss problems connected with the operations of paying agencies. This becomes particularly important in the context of the ongoing CAP reform.

9th CIHEAM ministerial conference

The Maltese delegation reported to the Council on the outcome of the 9th CIHEAM (Internal Centre for Advanced Mediterranean Agronomic Studies) Ministerial Conference on “Food Security and Pricing: a Mediterranean Perspective” which was held in Malta on 27 September 2012 ([15076/12](#)).

The conference drew attention to the close links between the issues of food security and food price volatility in the Mediterranean and some of the topics currently being debated in the Council in connection with the reform of the CAP.

The meeting of CIHEAM's Ministers of Agriculture focused on food security and price volatility, and was attended by 10 ministers, Commissioners Ciolos and Dalli, EP Agriculture Committee Chair Paolo De Castro, and representatives of the FAO, OECD, the Union for the Mediterranean, and non-governmental organisations.

The CIHEAM is made up of four Mediterranean agronomic institutes, located in Bari (Italy), Chania (Greece), Montpellier (France) and Zaragoza (Spain), and a General Secretariat based in Paris.

OTHER ITEMS APPROVED

AGRICULTURE

Follow-up on Codex decision on ractopamine

The Council adopted conclusions on the follow-up to 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. For further details, see [14981/12](#).

At the last Council meeting in September, many member states, together with the Presidency and the Commission, regretted the potential consequences of the adoption of an MRL for ractopamine by the Codex Alimentarius Commission. Delegations defended in particular the current EU legislation banning growth promoters and raised concerns about the Codex Alimentarius decision-making procedure.

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 an MRL is regarded as setting a threshold under which the use of the product is considered to be safe, the new standard fixed by the Codex can be regarded *de facto* as an authorisation to use 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 under the WTO's SPS agreement.

Council conclusions on a Court of Auditors report - Reform of wine market organisation

The Council adopted conclusions on the special report No 7/2012 of the European Court of Auditors entitled "The reform of the common organisation of the market in wine: Progress to date" ([14227/12](#)).

The Council stresses the need to evaluate the impact of the reform on the levels of supply and demand in the wine sector and determine if structural market imbalances persist. The Commission should present a report on the situation of the wine market later this year.

The key objective of the wine reform is to enhance the competitiveness of EU wine producers. The grubbing-up scheme has resulted in a reduction of supply in line with the aim of reducing the structural surplus. The restructuring and conversion scheme has had a positive impact at the level of vine growers and has contributed to the improvement of vine management techniques.

ENERGY

Ecodesign requirements for electrical lighting products

The Council decided not to oppose the adoption by the Commission of a regulation implementing directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for directional lamps, light emitting diode lamps and related equipment ([13227/12](#)).

The Commission regulation is subject to the regulatory procedure with scrutiny; now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

BUDGET

Conciliation on EU budget for 2013

The Council confirmed that it could not accept all the amendments adopted by the European Parliament concerning the 2013 EU budget. This means that on 24 October a three-week conciliation period will start, aimed at bridging the gap between the divergent European Parliament and Council positions.

For details see [15269/12](#).

TRADE POLICY

Anti-dumping - wires and strands - ironing boards - China

The Council clarified the scope of the anti-dumping duties imposed by regulation 383/2009 on imports of certain wires and strands originating in China ([14251/12](#)).

It also re-imposed a definitive anti-dumping duty on imports of ironing boards manufactured by Zhejiang Harmonic Hardware Products Co. Ltd. ([14349/12](#)).

Laos – Accession to the WTO

The Council and the representatives of the member states adopted decisions establishing that the EU and its member states should take a position within the WTO General Council approving the accession of Laos to the WTO ([14172/12](#) + [14173/12](#)).

Accession to the WTO is expected to make a positive and lasting contribution to the process of economic reform and sustainable development in Laos. Market opening commitments undertaken by Laos, laid down in a protocol of accession, satisfy the EU's requests and are in line with the country's level of development.

DEVELOPMENT

Products originating in ACP states

The Council reached political agreement on a draft regulation amending annex I to regulation 1528/2007 ("market access regulation") as regards the exclusion of a number of countries from the list of regions or states that have concluded negotiations on economic partnership agreements (EPAs) with the EU.

The draft regulation is aimed at withdrawing the benefits of the market access regulation for those countries that have not yet taken the necessary steps towards ratifying EPAs signed with the EU.

The Council's text differs from the Commission's proposal in that it adds Zimbabwe to the list of beneficiary countries, given that Zimbabwe has notified the deposit of its instrument of ratification of the interim EPA between the Eastern and Southern African States and the EU.

The Council will adopt its position at first reading once the text has been finalised.

TRANSPORT

Update of driving licence requirements

The Council decided not to oppose adoption by the Commission of a directive updating some of the requirements set out in the annexes to the 2006 driving licences directive ([12921/12](#)). The update concerns in particular motorcycles used during skills tests, vehicles with automatic transmission and utility vehicles used by drivers for whom driving is not the principal activity.

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

APPOINTMENTS

Committee of the Regions

The Council appointed Mr Hannes WENINGER (Austria) as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([14734/12](#)).