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Agriculture and Fisheries

Luxembourg, 10 October 2016

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
 - Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
 - Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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ITEMS DEBATED

FISHERIES

Fishing opportunities in the Baltic Sea for 2017

The Council agreed on next year's total allowable catches (TACs) for the ten commercially most important fish stocks in the Baltic Sea.

The agreement includes an increase in catches for herring (except in the Gulf of Riga), plaice, and salmon (except in the Gulf of Finland) in line with the Commission proposal. Ministers also decided on a smaller increase for sprat and no increase for salmon in the main basin.

The following reductions were also agreed on: -25% for Eastern cod, -56% for Western cod including bag limit provisions for recreational fisheries, -11% for herring in the Gulf of Riga and -20% for salmon in the Gulf of Finland.

The quantities agreed today take into account the commitment to the objectives of the Common Fisheries Policy (CFP), including the achievement of maximum sustainable yield (MSY), the principles of the multiannual management plan for the Baltic sea, and scientific advice, in particular advice provided by the International Council for the Exploration of the Sea (ICES).

For cod in the Baltic ministers also agreed on a number of additional support measures also intended to improve the state of the stock.

EU TOTAL ALLOWABLE CATCHES (TACs) IN THE BALTIC SEA FOR 2017						
		COMMISSION proposal			COUNCIL agreement	
<i>Latin name</i>	ICES FISHING ZONES	TACs 2016 in tonnes	2017 in tonnes	2017 variation in %	TACs 2017 in tonnes	Difference from 2016 in %
		1	2	3	4	5**
<i>Clupea harengus</i>	Baltic Sea subdivisions 30-31 (Gulf of Bothnia)	120 872	140 998	17%	140 998	17%
<i>Clupea harengus</i>	Baltic Sea subdivisions 22-24	26 274	28 401	8%	28 401	8%
<i>Clupea harengus</i>	Baltic Sea subdivisions 25-27, 28.2, 29, 32	177 505	191 129	8%	191 129	8%
<i>Clupea harengus</i>	Baltic Sea subdivision 28-1 (Gulf of Riga)	34 915	27 429	-21%	31 074	-11%
<i>Gadus morhua</i>	Baltic Sea subdivisions 25-32 (Eastern)	41 143	24 927	-39%	30 857	-25%
<i>Gadus morhua</i>	Baltic Sea subdivisions 22-24 (Western)	12 720	1 588	-88%	5 597	-56%
<i>Pleuronectes platessa</i>	Baltic Sea subdivisions 22-32	4 034	7 862	95%	7 862	95%
<i>Salmo salar</i> *	Baltic Sea subdivisions 22-31	95 928	105 696	10%	95 928	0%
<i>Salmo salar</i> *	Baltic Sea subdivision 32	13 106	9 403	-28%	10 485	-20%
<i>Sprattus sprattus</i>	Baltic Sea subdivisions 22-32	202 320	282 349	40%	260 993	29%

Legend: Latin name - English name/ Nom français/ Deutsche name

Clupea harengus - herring/ hareng/ Hering

Gadus morhua - cod/ morue/ Dorsch

Pleuronectes platessa - plaice/ plie/ Scholle

Salmo salar - Atlantic salmon/ saumon atlantique/ Lachs

Sprattus sprattus - 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

This item will be included, following finalisation by the legal/linguistic experts, in part "A" of the agenda for adoption at a forthcoming Council meeting.

The Council debate was based on a [Commission proposal](#) in line with the recently adopted [multiannual fisheries management plan for the Baltic sea](#), and available scientific advice, in particular the reports drawn up by the International Council for the Exploration of the Sea (ICES). The agreement was facilitated by the preparatory work carried out at regional level within the BALTFISH group.

Under article 43(3) of the Treaty on the Functioning of the European Union (TFEU), it is for the Council to adopt measures on the fixing and allocation of fishing opportunities within the framework of the common fisheries policy. The European Parliament's participation and the Economic and Social Committee's opinion are therefore not required for the adoption of this regulation.

EU-Norway: annual consultations for 2017

The Council held an exchange of views on the annual consultations between the EU and Norway. The 2017 annual consultations, which will take place under the EU-Norway bilateral fisheries agreement, will be held in two rounds, the first of which from 8 to 10 November in Copenhagen (Denmark). The second round will be held from 29 November to 2 December in Bergen (Norway).

The Council debate focused on the approach to be taken with regard to:

- i. the jointly managed stocks in the North Sea (cod, haddock, plaice, whiting, herring, mackerel and saithe) and Skagerrak (cod, haddock, whiting, plaice, shrimp, herring and sprat), in light of the need to implement MSYs and the landing obligation applicable to certain stocks,
- ii. the reciprocal exchange of fishing opportunities, i.e. which other stocks of interest to Norway could be identified and used for the reciprocal exchange of quotas.

Delegations generally advocated the need for a balanced agreement with Norway, both internally and externally, in line with the CFP principles. The Commission said it would seek to reach an agreement with Norway ahead of the Council meeting in December 2016.

The EU-Norway bilateral Fisheries Agreement dates from 1980. This agreement covers joint stocks in the North Sea, some jointly managed, others not. For the jointly-managed stocks, annual TACs are agreed between the EU and Norway. There are joint long-term management plans for cod, haddock, herring, saithe and whiting and basic principles for a long-term management plan for plaice. A ten-year agreement with Norway on mackerel was achieved in January 2010, including mutual access in the North Sea.

ICCAT special meeting, 14-21 November 2016 - Vilamoura, Portugal

The Council had an exchange of views on the position to be taken by the EU at the 20th Special meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT), scheduled for 14-21 November 2016 in Portugal.

The agenda of the meeting comprises, among other items, a review of the report of the ICCAT Working Group on amendments to the ICCAT Convention, and an examination of the various activities of the organisation, including the work of the ICCAT Standing Committee on Research and Statistics (SCRS).

The SCRS regularly carries out stock assessments and makes recommendations to the ICCAT Commission, traditionally creating the focus for the proposals for recommendations by the EU and other contracting parties. Before the 20th special ICCAT meeting, the SCRS is due to present several new stock assessments, notably on Mediterranean swordfish.

Ministers were invited to provide general guidance and to focus in particular on the Commission's intention to table a proposal for a recovery plan for Mediterranean swordfish, at ICCAT this year. Such plan would include the introduction of a TAC.

Delegations generally acknowledged the importance of healthy and sustainable swordfish stocks. Several showed openness to the Commission suggestions and some highlighted the need to take specificities of fleets into account.

ICCAT is responsible for the conservation of tuna and tuna-like species in the Atlantic Ocean and adjacent seas, including the Mediterranean Sea.

AGRICULTURE

Omnibus regulation

The Commission presented its proposal on the financial rules applicable to the general budget of the Union and amending, inter alia, the four CAP regulations on direct payments, rural development, common market organisation (CMO) and the financing, management and monitoring of the common agricultural policy (horizontal regulation).

The so-called Omnibus regulation is part of the review package of the Multi-Annual Financial Framework (MFF) and aims to further simplify the CAP, while also establishing enhanced subsidiarity and flexibility.

The Commission briefly presented the agricultural elements of the proposal, including:

- greater discretion for member states in the application of the definition of "active farmer",
- the introduction of a sector-specific income stabilisation tool targeted at national and regional level,
- simpler rules for accessing loans and other financial instruments,
- EU-financed coaching activities in the context of operational programmes for fruit and vegetables, to encourage farmers to set up producer organisations,
- simplified procedures for the management of import tariff quotas,
- simplified procedures for setting the adjustment rate within the financial discipline.

The Commission's aim is to have the regulation in force as of 1 January 2018.

In the debate that followed, ministers generally welcomed the Commission's simplification efforts, in particular with regard to the increased flexibility in the definition of "active farmer" and the introduction of a sector-specific income stabilisation tool. They also underlined the importance for the AgriFish Council and its preparatory bodies to be involved in the discussions on the agricultural aspects of the proposal.

Delegations also voiced their opinions as to proposed changes to the recovery procedure (the so-called 50-50 rule), permanent grassland, voluntary coupled support, and assigned revenues. The Special Committee on Agriculture (SCA) will discuss the Omnibus draft regulation at a forthcoming meeting.

ANY OTHER BUSINESS

- *Conclusions of the 39th Conference of directors of paying agencies, 25-27 May 2016 - Amsterdam, Netherlands*

The Netherlands delegation presented the results of the conference, which focused on the central theme "short- and long-term solutions for more proportionate CAP controls".

Discussions at the conference led to a number of conclusions on the importance of: (1) cooperation to achieve more efficient and proportionate CAP control and reduce error rates, (2) developing a common understanding of regulations, (3) modern IT systems, and (4) a single audit approach.

- *Market situation and support measures*

In line with its commitment to monitor the market situation, the Presidency invited the Commission to update the Council on the latest developments in the main agricultural markets, and to provide information on the implementation of the measures proposed in the July aid package.

The Commission reported on signs of moderate recovery in the dairy and pigmeat sector, continued difficulties in the beef sector, and some tensions in the fruit and vegetables sector. It underlined the positive take-up of the measures agreed in July to support the markets, especially the voluntary production reduction scheme, and reiterated its commitment to keep monitoring the market situation.

In the debate that followed, several delegations agreed that the recovery was still fragile and that it was necessary to continuously monitor the situation and be ready to react. Some mentioned the importance of the work carried out on strengthening farmers' position in the supply chain.

In July 2016 the Council broadly endorsed a €500 million package of measures in response to the continuing market downturn and the concerns strongly relayed by ministers ([11338/16](#)). The package, mainly addressing the dairy and other livestock sectors, aimed to tackle the crisis by stabilising production and, indirectly, prices as well as to provide liquidity to farmers. The seven regulations giving effect to the July package were adopted on 8 September and are now being implemented.

The July package is the third of a series of waves of measures intended to address the continued crisis affecting several agricultural sectors. Before it, the Council had endorsed a €500 million package of support measures for farmers in September 2015 ([7040/16](#)) and a second package in March 2016 ([7108/16](#)).

The following "Any other business" items relating to the market situation were also dealt with:

– ***Situation and instruments for market stabilisation after the end of sugar quotas***

At the request of the Polish delegation, the Commission presented the situation in the sector a few months ahead of the abolition of the sugar production quotas, scheduled for 30 September 2017, and the available instruments for stabilising the sugar market. The Commission also illustrated the work ongoing in the expert group on sugar, and reminded delegations of the meeting taking place on the following day with the civil dialogue group.

Some delegations expressed concern for the future of the sector in the post-quota period, supported the Polish request to have a debate on stabilisation tools, and advocated for a real soft landing for the sector.

– ***Comprehensive support programme in the pigmeat sector in connection with African swine fever***

Poland briefed the Council on the difficult situation of its pigmeat sector as a result of new outbreaks of African swine fever in Polish holdings. It also requested that all possible forms of support from the EU budget be used, including support from market, rural development and veterinary resources, in order to limit the effects of the situation and to prevent its further deterioration.

Several delegations expressed concerns at the spread of African swine fever and supported the Polish requests for support measures. The Commission showed openness to these requests and restated its commitment to finding solutions.

– ***Joint statement of 18 delegations on concerns related to greening***

Poland presented a statement supported by 17 delegations (CZ, DK, EE, IE, EL, FR, HR, LV, LT, LU, HU, PT, RO, SI, SE, FI and UK) on the shared concerns regarding a draft delegated act proposed by the Commission on the greening of the CAP.

The joint statement focused in particular on the proposals concerning: (1) the introduction of a ban on using plant protection products on productive areas (land lying fallow, catch crops and nitrogen-fixing crops), (2) the extension of the minimum fallow period from 6 to 9 months, and (3) the introduction of an obligatory 10-week period for catch crops.

In response to these requests the Commission announced its intention to propose some changes to the draft delegated act. In particular the Commission would propose: (1) the introduction of a transitional period by delaying the entry into force of the regulation until 1 January 2018, with an option for member states to bring it forward to 2017, (2) the reduction of the minimum duration of land lying fallow to 6 months (status quo), and (3) the reduction of the minimum duration of catch crops to 8 weeks.

The issue was already briefly discussed at the Agrifish Council in July 2016, as part of the wider discussion on the review of greening and at the meeting of the **Special Committee on Agriculture (SCA)** on 26 September 2016.

– ***International financial institutions and animal welfare***

The Austrian delegation briefed the Council on its request to make animal welfare standards a mandatory investment criterion for international financial institutions (IFIs) and to incorporate binding EU animal welfare standards in the IFIs' policies for investment capital grants.

Several delegations supported the Austrian request and underlined the importance of having a level playing field for all producers, both inside and outside the EU.

– ***Judgment of the Court of Justice of 7 September 2016 in Case C-113/14 concerning Article 7 of the CMO Regulation and Article 2 of the Fixing Regulation 1370/2013***

The Commission outlined the main consequences of the judgement and presented its [proposal for a Council regulation to modify the Fixing regulation](#) in line with the ECJ judgement. It also underlined the importance of timely adoption to guarantee continuity in the public intervention system.

– ***Ministerial conference "The consumers have the right to be informed", 19 August 2016 - Maribor, Slovenia***

The Slovenian delegation informed the Council of the outcome of the conference organised by the Ministry of Agriculture, Forestry and Food of the Republic of Slovenia.

The objective of the conference was to exchange views on the issue of providing information on the place of origin/country of origin and additional information through various quality schemes. Discussions focused on three key areas: (1) mandatory or voluntary labelling of the origin and provenance of food and agricultural products; (2) quality policy; (3) consumers' understanding the various indications and their right to choose.

11 member states participated in the conference (AT, BG, HR, IT, LV, HU, MT, PL, RO, SK and SI) and signed a joint declaration making concrete proposals for a new model that would address changing consumer expectations as regards information on the place of provenance of certain foods, quality of food and agriculture practices.

In the Council debate delegations welcomed the Slovenian initiative but expressed divergent views on whether a possible EU scheme on origin labelling should be voluntary or mandatory.

OTHER ITEMS APPROVED

AGRICULTURE

Official controls in the agri-food chain - Political agreement

The Council confirmed the text of the political agreement on the regulation on official controls ([12175/16 ADD 1](#)). The new rules aim to improve the controls carried out by member states to ensure the application of the Union legislation on food and feed safety, animal health and welfare, plant health, and plant protection products.

The European Parliament adopted its position at first reading in April 2014. An agreement between the Council and the European Parliament was reached at a trilogue held on 15 June 2016 and then endorsed at the Permanent Representatives Committee (Part 1) on 22 June 2016.

Olive oil and table olives - New international agreement

The Council adopted a decision on the signing, on behalf of the EU, and the provisional application of the 2015 International Agreement on Olive Oil and Table Olives ([11178/16](#)).

The 2015 International Agreement on Olive Oil and Table Olives, which was agreed in the framework of the United Nations Conference on Trade and Development (UNCTAD) on 9 October 2015 in Geneva, Switzerland, is the successor agreement to the 2005 International Agreement on Olive Oil and Tables Olives, which is due to expire on 31 December 2016.

The 2015 Agreement should enter into force on 1 January 2017, provided that at least five of the contracting parties accounting for at least 80% of the participation shares have signed it definitively or have ratified, accepted or approved it, or have acceded thereto. If, on 1 January 2017, the Agreement has not entered into force, it may be applied provisionally in accordance with the requirements laid down in the Agreement.

FISHERIES

Conservation of Antarctic Marine Living Resources - Position of the EU

The Council adopted a decision on the position to be adopted, on behalf of the European Union, in the annual meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), which is called upon to adopt decisions having legal effects on matters pertaining to the Common Fisheries Policy. The meeting will take place in Hobart, Australia, from 17 to 28 October 2016.

The CCAMLR was established by international convention in 1982 with the objective of conserving Antarctic marine life. This was in response to increasing commercial interest in Antarctic krill resources, a keystone component of the Antarctic ecosystem.

Measures decided in this body may become binding upon the EU.

Guinea removed from the list of third countries not cooperating in the fight against illegal, unreported and unregulated fishing

The Council adopted amendments to implementing decision [2014/170/EU](#) establishing a list of non-EU countries not cooperating in the fight against illegal, unreported and unregulated fishing.

The amended decision ([11831/16](#)) concerns the removal of the Republic of Guinea from that list in view of its improved fisheries policy. The improvements concern the regulatory field as well as the restructuring and reinforcement of the fisheries administration, the provision of means of control and enforcement, the control strategy and related sanctions for infringements, and increased transparency in vessel registration.

ECONOMIC AND FINANCIAL AFFAIRS

EU education objectives - performance measurement

The Council adopted the following conclusions on the European Court of Auditors' special report 16/2016 entitled "EU education objectives: programmes aligned but shortcomings in performance measurement" ([12664/16](#)):

"THE COUNCIL OF THE EUROPEAN UNION:

- (1) WELCOMES the special report from the European Court of Auditors (hereinafter referred to as "the Court") and the Commission's replies;
- (2) UNDERLINES that investment in education is essential for improving labour productivity and professional development of EU citizens, while ultimately contributing to economic growth in the Union; and CONSIDERS that the level of education attained has a direct impact on the employability and the quality of employment obtained;

- (3) RECALLS the amount of EU funding directly allocated to education, with the European Social Fund (ESF) contributing EUR 33.7 bn to education measures over the 2007-2013 programming period and a total of EUR 27.1 bn of ESF allocations dedicated to education during the 2014-2020 period. At the same time ACKNOWLEDGES that alongside the ESF the attainment of education objectives can also be supported in an integrated manner through the European Regional Development Fund (ERDF);
- (4) NOTES the Court's following findings based on the examined Operational Programmes (OPs) and Partnership Agreements (PAs):
- EU education objectives have been adequately considered in the OPs in both programming periods;
 - an appropriate intervention logic was lacking for some of the examined 2007-2013 OPs;
 - there have been shortcomings in the framework for monitoring ESF performance in the 2007-2013 period notably an insufficient use of quantified objectives and of common performance indicators;
- (5) HIGHLIGHTS, against the background of the Court's observations, the improvements made in the European Structural and Investments Funds (ESIF) legal framework for 2014-2020, as it already addresses most of the shortcomings identified by the Court for the 2007-2013 period and notably:
- a substantial improvement in the description of the intervention logic; and
 - an improved set of monitoring tools, including common result indicators capturing the impact on employment of the measures implemented as well as the reporting obligation for Member States on all common output and result indicators;
- (6) Regarding further improvements CALLS on
- a) the Commission:
- to encourage the establishment of a clear link between the OPs investment priorities and quantified, measurable indicators during both the design and modification of OPs;
 - to reflect on the recommendation of the Court to consider specifying the result indicator(s) in full respect of the competences of Member States regarding the intervention logic, monitoring and evaluation arrangements;

- b) the Member States:
 - to ensure that appropriate result indicators are put in place to demonstrate the actual effects of the project on the final participants in a systematic manner and to monitor progress towards achieving the OP's education and employment objectives;
 - c) the Commission and the Member States:
 - to better target OPs' funding at measures which reinforce the link between education and employability, and ensure its appropriate evaluation;
- (7) UNDERLINES the importance of Member States' efforts in selecting and implementing projects which best support the achievement of education objectives embedded in OPs;
- (8) STRESSES that while ensuring appropriate monitoring of the education programmes and a results driven approach, the administrative burden related to data collection and reporting should be kept to the necessary minimum in line with the principle of proportionality."

FOREIGN AFFAIRS

Sustainable energy joint declaration

The Council signed the joint declaration between the European Union, the European Investment Bank and the Caribbean Forum on reinforced cooperation in the field of sustainable energy.

EU-LAC International Foundation

The Council signed the agreement establishing the EU-LAC International Foundation on behalf of the European Union.

New Urban Agenda

The Council signed the New Urban Agenda (outcome document of the 3rd United Nations conference on housing and sustainable urban development) on behalf of the European Union.

ENERGY

Energy Community

The Council adopted two decisions

- establishing the European Union position within the Ministerial Council of the Energy Community which will take place in Sarajevo, 14 October 2016 (12991/16)
- authorising the opening of negotiations on amending the Treaty establishing the Energy Community

CUSTOMS UNION

EU-New Zealand - Cooperation agreement on customs matters

The Council authorised the signing of an [agreement](#) with New Zealand on cooperation and mutual administrative assistance in customs matters ([7661/16](#)).

The purpose of the agreement is to establish a cooperation framework to secure the supply chain and facilitate legitimate trade. It will also facilitate the exchange of information to ensure the application of customs legislation and the prevention, investigation and combating of breaches of customs legislation.