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**COUNCIL OF
THE EUROPEAN UNION**

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**6567/14
ADD 1**

**PV/CONS 5
AGRI 112
PECHE 74**

DRAFT MINUTES

Subject: **3293rd** meeting of the Council of the European Union (**AGRICULTURE
AND FISHERIES**) held in Brussels on 17 February 2014

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

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LEGISLATIVE DELIBERATIONS

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

"A" ITEMS

- 1. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 774/94, as regards the implementing and delegated powers to be conferred on the Commission [First reading] (LA+S)**

PE-CONS 104/13 AGRI 703 WTO 277 AGRIORG 155 CODEC 2327

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207 of the TFEU)

Commission Statement **on codification**

"The adoption of this Regulation will entail a substantial number of amendments to the acts in question. In order to improve the legibility of the acts concerned, the Commission will propose a codification of the acts as expeditiously as possible once the Regulation is adopted, and at the latest by 30 September 2014."

Commission Statement **on delegated acts**

"In the context of this Regulation, the Commission recalls the commitment it has taken in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts."

2. Regulation of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 [First reading] (LA)

PE-CONS 91/1/13 REV 1 AGRI 622 AGRIORG 125 WTO 225 CODEC 2176

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, with the French delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union.

(Legal basis: Article 43(2) and Article 114 of the TFEU)

3. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2008/97, (EC) No 779/98 and (EC) No 1506/98 in the field of imports of olive oil and other agricultural products from Turkey as regards the implementing and delegating powers to be conferred on the Commission [First reading] (LA+S)

PE-CONS 112/13 AGRI 701 AGRIORG 154 NT 9 WTO 276 CODEC 2403

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207 of the TFEU)

**Commission Statement
on codification**

"The adoption of this Regulation will entail a substantial number of amendments to the acts in question. In order to improve the legibility of the acts concerned, the Commission will propose a codification of the acts as expeditiously as possible once the Regulation is adopted, and at the latest by 30 September 2014."

**Commission Statement
on delegated acts**

"In the context of this Regulation, the Commission recalls the commitment it has taken in paragraph 15 of the Framework Agreement on relations between the European Parliament and the European Commission to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of delegated acts."

4. Directive of the European Parliament and of the Council on the conditions of entry and stay of third-country nationals for the purposes of employment as seasonal workers [First reading] (LA+S)

PE-CONS 113/13 MIGR 125 SOC 922 CODEC 2518

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, with the Bulgarian and Austrian delegations abstaining and the Czech, Netherlands and Polish delegations voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish, Irish and the United Kingdom delegations did not participate in the vote. (Legal basis: Article 79(2)(a) and (b) of the TFEU)

Statement by the Czech Republic and Poland

"The Czech Republic and Poland are of the view that *the Proposal of a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment* is not in conformity with the principle of subsidiarity and proportionality set in Art. 5 of TEU. The Czech Republic and Poland believe that criteria for admission, access to labour market and workers' rights of seasonal workers can be sufficiently regulated at the national level. Seasonal workers accepted in one Member State do not influence labour market in other Member States, since on the basis of this directive they do not have the right to intra-EU mobility. Therefore, legislation at the EU level is not necessary. In contrast, the long and complicated procedure set up in this directive may hinder the flow of seasonal workers and result in shortages of labour force, in particular in Member States that rely on third-country seasonal workers, especially in the agricultural sector.

Regarding the scope of this Directive covering also stays not exceeding 90 days, the Czech Republic and Poland are concerned about the coherence and compactness of the Schengen acquis. As the Directive lays down conditions for stays not exceeding 90 days, it will interfere with relevant provisions of the Schengen acquis (Visa Code and Convention Implementing the Schengen Agreement). In particular, obligatory extension of a short stay by means of a long-term visa on the territory of a Member State is of special concern. Bearing in mind that long-term visas are in principle to be issued for stays exceeding 90 days and generally outside the territory of the Member States, such measure will infringe the cohesion of the visa policy and may raise risk of abuse.

The Czech Republic and Poland have serious doubts about Art. 79 TFEU as an appropriate legal basis for this Directive. In their opinion it does not cover the common policy on visas and other short-stay residence permits."

Statement by the Republic of Bulgaria

"The Republic of Bulgaria has consistently supported, in principle, the Proposal for a Directive, but at the same time maintained its reservation on Art. 23(1)(e) and (2)(i) since we consider that the text is not sufficiently in line with the legal basis from the Treaty on the Functioning of the European Union (TFEU) – Art. 79 only allows *fair but not equal treatment of the third country nationals* legally residing in the Member States. Having in mind the above, the regulated access of third country nationals to social security with absolutely equalized rights with those of the EU citizens does not stem from the provisions of the TFEU and in particular the legal basis of the Proposal – Art. 79 TFEU and contradicts the EU citizenship statute and in particular the rights in the social field to which it is linked.

As a consequence from the above there is a contradiction with the other provisions of TFEU in particular in the social security area – e.g. the proposed text will impose on Bulgaria significant changes in healthcare system structure and funding (insurance and budgetary funding) and some of the benefits under the Art. 3 of the Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (with regard to Art. 23(1)(d) from the proposed Directive). In Bulgaria the access to healthcare system, family benefits and disability benefits depends on the requirement for permanent residence in the country, which we have the right to maintain for third country nationals. Suchlike change that we will face in the process of transposing the directive, in our opinion contradicts the clarity of division of competences between the EU and the Member States, as well as the Subsidiarity principle according to the Lisbon Treaty (argument from Art. 79 and Art. 153(4), first indent, in relation to Art. 153(1)(c) and (g) TFEU).

As an additional motivation we should also point out the current debates initiated by some Member States that question the principle of Equal Treatment of EU citizens – in infringement of Art. 18 of TFEU which prevents from discrimination on the basis of citizenship – especially after the expiration of all possible restrictions on the free movement of Bulgarian (and Romanian) workers on the territory of the EU.

Under the conditions of uncertainty for our own citizens exercising their right of free movement in the EU, and taking into consideration the above-mentioned motivation, the Republic of Bulgaria is not in a position to plead for the provision of more rights to third country nationals, especially in light of the temporary basis of their employment and residence on the territory of the EU."

5. Amended proposal for a Directive of the European Parliament and of the Council on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights

[First reading] (LA+S)

– Adoption

a) of the Council's position at first reading

b) of the statement of the Council's reasons

6105/14 CODEC 308 SOC 78 PENS 2 ECOFIN 109

+ ADD 1

17612/13 SOC 1032 PENS 5 ECOFIN 1139 CODEC 2912

+ COR 1 (de, fr, lt, mt)

+ ADD 1

approved by Coreper, Part 1, on 12.02.2014

The Council approved its position at first reading, , with the Maltese delegation abstaining, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union.

(Legal basis: Article 46 of the TFEU).

Statement by Germany

"Germany agrees to the Directive. However, the new rule that has been included in Article 5(3) in the framework of the trilogue requiring the employees' agreement without exception to the provision of occupational pension rights is inappropriate. In the case of very small-scale occupational pension rights, this rule leads to a disproportionately high bureaucratic burden that is not justified from either the employer's or the employee's perspective."

Statement by Malta

"Malta fully recognises and supports the objective of the Directive of the European Parliament and of the Council on minimum requirements for enhancing worker mobility by improving the vesting and preservation of supplementary pension rights. It also welcomes the fact that the scope of the compromise text reflects the remit of Article 46 TFEU and thus provides that the Directive shall apply to outgoing workers who move between Member States and will not apply to workers moving within a single Member State.

Malta, however, regrets the fact that the final amendments made to the definition of 'outgoing worker' introduced a high degree of legal uncertainty which may lead to practical difficulties in implementing the restricted scope of the Directive without having to extend the same rules applicable pursuant to the Directive to scheme members who change employment within a single Member State. Were this to happen, Malta considers that this would be tantamount to the Directive having indirectly harmonising effects which go beyond the intentions of the legislator and the legal remit of the agreed legal base. Hence, Malta does not consider itself bound to reproduce this effect.

Malta considers it very important that in legislating it is ensured that the scope of a Directive is practically implementable. In particular, in the sensitive field of pensions policy, it is very important that EU legislation is legally clear and certain and that no attempts are made to reach harmonising effects without the necessary legal base to that effect.

Malta therefore abstains in the vote taken on this Directive."

6. Proposal for a Regulation of the European Parliament and of the Council on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC of the European Parliament and of the Council

[First reading] (LA)

– Political agreement

6258/14 AVIATION 41 ENV 118 CODEC 346

approved by Coreper, Part 1, on 12.02.2014

The Council adopted a political agreement on the draft Regulation.

"B" ITEMS

4. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in the educational establishments [First reading]

Interinstitutional file: 2014/0014 (COD)

– Presentation by the Commission

5958/14 AGRI 53 AGRIFIN 6 AGRIORG 12 CODEC 270

For this item see item 8.

5. Proposal for a Regulation of the European Parliament and of the Council on information provision and promotion measures for agricultural products on the internal market and in third countries [First reading]

Interinstitutional file: 2013/0398 (COD)

– Policy debate

5982/14 AGRI 57 AGRIFIN 8 AGRIORG 15 CODEC 276

The Council took note of delegations' positions and of the Commission representative's reply.

NON-LEGISLATIVE ACTIVITIES

6. Work programme of the Presidency

[Public debate in accordance with Article 8(2) of the Council's Rules of Procedure (proposed by the Presidency)]

- Presentation by the Presidency
6426/14 AGRI 97 PECHE 69

The Chair presented the Work Programme of the Hellenic Presidency concerning the Agriculture and Fisheries sector. The Presidency intends to encourage the competitive, high-quality, sustainable, innovative and environmentally-friendly development of the agriculture, food and fisheries sectors of the European Union.

8. Proposal for a Council Regulation amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products

[Public deliberation in accordance with Article 8(1) of the Council's Rules of Procedure]

- Presentation by the Commission
6054/14 AGRI 68 AGRIORG 16

The Council took note of the presentation by the Commission representative of the proposal amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in the educational establishments, as set out in doc. 5958/14, and of the proposal amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products as set out in doc. 6054/14.

The Council further took note of the initial reactions of delegations, the intervention of the Council Legal Service and the replies given by the Commission representative. The Council further mandated its preparatory bodies to conduct the technical examination of the proposals.