



**COUNCIL OF  
THE EUROPEAN UNION**



10869/14

(OR. en)

PRESSE 336  
PR CO 32

## **PRESS RELEASE**

3320th Council meeting

### **Environment**

Luxembourg, 12 June 2014

President **Yiannis MANIATIS**  
Minister for Environment, Energy and Climate Change

# **P R E S S**

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Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 9776 / 6319 Fax: +32 (0)2 281 8026  
[press.office@consilium.europa.eu](mailto:press.office@consilium.europa.eu) <http://www.consilium.europa.eu/press>

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## Main results of the Council

*The Council reached a political agreement on a draft directive amending the current legislation (directive 2001/18/EC) as regards the possibility for member states to restrict or prohibit the **cultivation of genetically modified organisms** (GMOs) in their territory. The aim of the proposal is to provide a sound legal basis in the related EU legal framework in order to allow member states to restrict or prohibit the cultivation, in all or part of their territory, of GMOs that have been authorised or are under authorisation at EU level.*

*The Council held a public policy debate on a Commission communication for a **2030 framework for climate and energy policy**. The aim of the debate was to help define elements for the final package. The presidency will report on the outcome of the ministerial discussion to the President of the European Council with a view to the European Council meeting of 26-27 June 2014, which will take stock of progress towards final agreement by October 2014.*

*Ministers also held a first public policy debate on two legislative proposals (directives on medium-size combustion plants and on national emission ceilings), which are part of the **Clear Air Programme for Europe**. The aim of the programme is to further reduce the impacts of harmful emissions from industry, transport, energy plants and agriculture on human health and the environment.*

*In addition, the Council adopted conclusions on **Convention on Biological Diversity** (CBD), with a view to preparing for the three CBD related international meetings to be held in Pyeongchang (Republic of Korea) in September - October 2014.*

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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 Olivier BELLE

Deputy Permanent Representative

### **Bulgaria:**

Mr Chavdar GEORGIEV

Deputy Minister for the Environment and Water

### **Czech Republic:**

Mr Richard BRABEC

Minister of the Environment

### **Denmark:**

Ms Kirsten BROSBØL

Minister for the Environment

### **Germany:**

Ms Barbara HENDRICKS

Federal Minister for Environment, Nature Conservation, Building and Nuclear Safety

### **Estonia:**

Ms Keit PENTUS-ROSIMANNUS

Minister of the Environment

### **Ireland:**

Mr Phil HOGAN

Minister for the Environment, Community and Local Government

### **Greece:**

Mr Ioannis MANIATIS

Minister for the Environment, Energy and Climate Change

### **Spain:**

Ms Isabel GARCIA TEJERINA

Minister for Agriculture, Food and the Environment

### **France:**

Mme Ségolène ROYAL

Minister for Ecology, Sustainable Development and Energy

### **Croatia:**

Mr Hrvoje DOKOZA

Deputy Minister for the Protection of the Environment and Nature

### **Italy:**

Mr Gian Luca GALLETTI

Minister for the Environment, the Protection of Natural Resources and the Sea

### **Cyprus:**

Mr Nicos KOUYIALIS

Minister for Agriculture, Natural Resources and Environment

### **Latvia:**

Mr Einārs CILINSKIS

Minister for Environmental Protection and Regional Development

### **Lithuania:**

Mr Valentinas MAZURONIS

Minister for the Environment

### **Luxembourg:**

Ms Carole DIESCHBOURG

Minister for the Environment

### **Hungary:**

Mr Olivér VÁRHELYI

Deputy Permanent Representative

### **Malta:**

Mr Leo BRINCAT

Minister for Sustainable Development, the Environment and Climate Change

### **Netherlands:**

Ms Wilma MANSVELD

Minister for the Environment

### **Austria:**

Ms Andra RUPPRECHTER

Federal Minister for Agriculture, Forestry, the Environment and Water Management

### **Poland:**

Mr Tomasz HUSAK

Deputy Permanent Representative

**Portugal:**

Mr Paulo LEMOS

State Secretary for the Environment

**Romania:**

Mr Attila KORODI

Minister for the Environment and Climate Change

**Slovenia:**

Ms Metka IPAVIC

Deputy Permanent Representative

**Slovakia:**

Mr Jan ILAVSKY

State Secretary for the Environment

**Finland:**

Mr Ville NIINISTÖ

Minister for the Environment

**Sweden:**

Ms Lena EK

Minister for the Environment

**United Kingdom:**

Lord de MAULEY

Parliamentary Under Secretary for Natural Environment and Science

Mr Edward DAVEY

Secretary of State for Energy and Climate Change

Mr Paul WHEELHOUSE

Minister for the Environment and Climate Change (Scottish Government)

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**Commission:**

Ms Connie HEDEGAARD

Member

Mr Janez POTOČNIK

Member

Mr Tonio BORG

Member

## **ITEMS DEBATED**

### **Cultivation of genetically modified organisms**

The Council reached a political agreement on a draft directive amending directive 2001/18/EC as regards the possibility for member states to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory.

The aim of the proposal, that came as a response to the request addressed to the Commission by 13 member states in June 2009, is to provide a sound legal basis in the related EU legal framework in order to allow member states to restrict or prohibit the cultivation, in all or part of their territory, of GMOs that have been authorised or are under authorisation at EU level.

On 3 March 2014, the exchange of views held by the Environment Council confirmed the willingness of member states to re-open discussions on this legislative proposal on the basis of the presidency compromise text. Since then, the Hellenic presidency has convened several meetings of the ad hoc working party on GMOs, which showed that a new revised proposal could gather broad support.

The text agreed today includes in particular the following elements:

- the link between the first (EU level application of EU level authorisation) and the second phase (national application in every member state where cultivation is planned);
- the member state's request for adjustment of the geographical scope will be channelled exclusively via the Commission and no timely response is considered as a tacit agreement;
- a non-exhaustive list of possible grounds that can be used by member states to restrict or prohibit the authorisations was introduced, including, notably, environmental reasons, socioeconomic reasons, land use and town planning, agricultural policy objectives and public policy issues etc.;
- amendments were made in order to establish the set of deadlines and responsibilities governing the decisions relating to the adjustment of the geographical scope of the authorisation, including an additional opting out option based on new objective circumstances;
- in the interests of clarity, a number of transitional measures that can be adopted after the entry into force of the present legal act were established, in particular, until up to 6 months after the entry into force of the directive, a member state may request via the Commission to adjust the geographical scope of a notification/application granted under this directive or regulation 1829/2003 before the date of entry into force of this directive;

- no later than four years after the entry into force of the directive, the Commission will present a report to the European Parliament and to the Council on the use of this directive and its effectiveness, including on environmental risk assessments.

The new directive has no impact on the assessment process for GMOs made by the European Food Safety Agency under Directive 2001/18 and Regulation 1829/2003.

The Commission presented the GMO cultivation proposal in July 2010 ([12371/10](#) + [ADD 1](#)) with the aim of providing for a legal basis to allow member states to restrict or prohibit the cultivation of GMOs in their territory on grounds other than health and environment considerations, which had already been addressed during the EU authorisation process for GMOs. The proposal has been examined during several presidencies. The European Parliament adopted, at first reading, a set of amendments to the Commission proposal in July 2011. The Environment Council of 9 March 2012 was not able to reach a political agreement as a blocking minority of delegations still had concerns regarding certain issues.

Political agreement is to be followed by the formal adoption by the Council of its position at first reading. The Italian Presidency is expected to start negotiations (at second reading) with the newly elected European Parliament in early autumn 2014.



## **2030 framework for climate and energy**

The Council held a public policy debate on a Commission communication on a 2030 framework for climate and energy policy.

To structure the debate, the presidency proposed that the ministers focus on two issues ([10180/14](#)): the role of various economic sectors in cutting emissions and the investment needed for the implementation of the framework. The aim of the debate was to make progress on specific issues in order to help identify elements for the final package.

The presidency will report on the outcome of the ministerial discussion to the President of the European Council with a view to the European Council meeting on 26 and 27 June 2014. The aim of the June European Council is to take stock of progress with a view to reaching a final agreement by October 2014.

Since its publication in January 2014, the proposal for a 2030 climate and energy framework has been examined at all levels and in various fora: the March Environment Council, the March European Council ([7/1/14 REV 1](#), *paragraph 18*) and the informal ministerial meeting held in Athens in May.

The Commission communication ([5644/1/14 REV 1](#)), presented on 22 January, proposes a framework for future EU energy and climate policies and is intended to launch a process leading to a shared understanding of how to develop these policies in future.

The main elements of the proposed framework include:

- a greenhouse gas emissions reduction target of 40 % below 1990 levels, to be achieved only through domestic measures (without the use of international credits);
- a renewable energy target of at least 27 % of energy consumption, with flexibility for member states to set national objectives;
- energy efficiency as a key component of the 2030 framework: a review of the energy efficiency directive will be concluded later in 2014.

The Commission also sets out a new governance system based on national plans for competitive, secure and sustainable energy that are to be drawn up by member states. In addition, it proposes a set of indicators intended to assess progress over time and to provide a factual basis for a potential policy response.

## Clean Air Programme for Europe

Ministers held a policy debate on two legislative proposals (directives on medium-size combustion plants and on national emission ceilings) which are part of the Clean Air Programme for Europe.

The debate focused on the main political issues, in particular on matters related to the scope such as flexibility and exemptions ([10112/14](#)).

As regards medium size combustion plants, there was much support for the proposal which will be crucial to achieve compliance with air quality standards. However, several delegations requested added flexibilities for specific situations and expressed concerns for small combustion plants and the emission limit values proposed.

With regard to national emission ceilings, many delegations supported the step-by-step approach and the coverage of all economic sectors, but concerns were expressed on the level of ambition, particularly as regards the ceilings to be reached by 2030. Several delegations said that further examination of the impacts of the proposed emission ceilings should be carried out, especially impacts on the agricultural sector. The Commissioner concluded by recalling the air quality objectives in the 7th environmental action programme and encouraged member states to preserve the high level of ambition of these legislative proposals.

The Commission presented its clean air programme in December 2013. The package includes an update of existing legislation and imposes further limits on harmful emissions from industry, traffic, energy plants and agriculture. The aim is to reduce the impact of emissions on human health and the environment. The programme was presented to the Council in March 2014.

### Medium-sized combustion plants

Medium combustion plants are used for a wide variety of applications (including electricity generation, domestic/residential heating and cooling and providing heat/steam for industrial processes, etc.). They are an important source of emissions of sulphur dioxide, nitrogen oxides and particulate matter. The approximate number of medium combustion plants in the EU is 142,986.

The draft directive ([18170/13](#)) is designed to tackle air pollution at source as described in the 7th Environment Action Programme. It establishes emission limit values for medium-sized combustion plants, with a rated input equal to or greater than 1 MW and less than 50 MW and distinguishes between new and existing plants as regards the date of implementation. Emission limit values for sulphur dioxide, nitrogen oxides and particulate matter are set depending on the different types of plants and fuels used. Certain combustion plants are exempted from the scope of the proposal, on the basis of their technical characteristics, their annual operating time or their use in particular activities.

National emission ceilings

The draft directive ([18167/13](#)) repeals and replaces the current EU provisions on the annual capping of national emissions of air pollutants, as provided for in Directive 2001/81/EC. The aim is to integrate the EU's international commitments for 2020 under the Gothenburg Protocol as amended in 2012. It also sets out new reduction commitments for the period up to 2030. The objectives for national emissions of sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), non-methane volatile organic compounds (NMVOC) and ammonia (NH<sub>3</sub>) are maintained up to 2019. New reductions for all these pollutants and for particulate matter (PM<sub>2,5</sub>) are set for the period 2020-2030 and reductions for methane (CH<sub>4</sub>) are set for the period from 2030.

## **Convention on Biological Diversity**

The Council adopted conclusions on the Convention on Biological Diversity (CBD) with a view to preparing for the three CBD related international meetings to be held in Pyeongchang (Republic of Korea) in September and October 2014 ([11075/14](#)).

The conclusions will allow the EU to have a solid negotiating position at the 12th meeting of the Conference of the Parties to the CBD (COP 12) that will take place in Pyeongchang from 6 to 17 October 2014. Key topics to be discussed are, for instance, the Strategic Plan for Biodiversity 2011-2020, resource mobilisation and marine and coastal biodiversity.

The conclusions also summarise the EU's priorities for the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 7), which will be held from 29 September to 3 October 2014. This meeting will be an important step towards the consolidation of activities under the Cartagena Protocol and its improved implementation.

If the Nagoya Protocol on Access and Benefit Sharing enters into force by July, the first meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol (COP-MOP 1) will take place from 6 to 17 October 2014. With the conclusions, the EU will be ready to engage in this field and share its experience with the implementation of this new international agreement.

In the conclusions the Council confirms, for instance, that the EU and its member states are strongly committed to the implementation of the Convention on Biological Diversity (CBD) and its related Protocols and to the implementation of the decisions adopted by their governing bodies, in particular the Strategic Plan for Biodiversity 2011-2020 and its Aichi Targets. In addition, the Council calls for the objectives of the CBD and those of the Strategic Plan and its Aichi Targets to be reflected, as appropriate, in the Sustainable Development Goals' targets and indicators. The Council stresses the need for the post-2015 framework to support the conservation and sustainable use of biodiversity and to tackle the causes of biodiversity loss.

## **OTHER BUSINESS**

### ***– CO2 emissions from maritime transport***

The presidency briefed the Council on the state of play of a draft regulation setting up a system to monitor, report and verify CO2 emissions from maritime transport ([10275/14](#)).

After the exchange of views on the proposal at the Environment Council in December 2013, work on the proposal continued at a working party level. The Hellenic presidency achieved significant progress on the more technical aspects of this proposal. However, more work is still needed on a number of broader political issues.

The Commission presented its legislative proposal ([11851/13](#)) in July 2013. Its purpose is to ensure that greenhouse gas emissions from ships are monitored and reported as the first step in a staged approach to reducing these emissions. The proposed measure focuses on CO2 emissions, which represent about 98 % of the greenhouse gas emissions caused by the shipping sector. It would apply to all ships above 5000 gross tons, which account for around 55 % of the ships calling into Union ports and represent around 90 % of the related emissions.

The EU system for monitoring, reporting and verifying those emissions could then serve as an example for the creation and implementation of a global system under the auspices of the International Maritime Organisation.

The European Parliament adopted its position at first reading in April 2014.

### ***– Doha amendment to the Kyoto Protocol***

The presidency briefed the Council on the state of play of the draft decision on the conclusion of the Doha amendment to the Kyoto Protocol.

At the Doha Climate Change Conference in December 2012, the 192 Parties to the Kyoto Protocol to the United Nations Framework Convention on Climate Change adopted an amendment to the Protocol. This "Doha Amendment" extends the Kyoto Protocol from 2013 to 2020 and sets a date of 2015 for the developments of a successor document to be implemented from 2020. The Doha amendment will enter into force once three quarters of the 192 Parties have ratified it. Ratification of the Doha agreement by the EU and its member states is necessary to help ensure its formal entry into force as an international agreement. In November 2013, the Commission made proposals for a legislative package to allow this ratification and its technical implementation. According to the Commission, a timely ratification in early 2015 would enhance the credibility of the EU and its member states in the UN climate negotiations.

– *Plastic carrier bags*

The presidency briefed the Council on the state of play of the proposal for a directive to reduce the consumption of lightweight plastic carrier bags ([10142/14](#)).

Following the Presidency presentation, the Commission noted that the progress made to date showed that further debate was needed, although the main objectives of the proposal were shared by all member states (i.e. reduction of litter, choice of effective economic instruments and development of a reliable reporting system to measure progress). It hoped the informal trilogues could start, in good time, during the next semester. The Commissioner also announced that a proposal for a comprehensive review of waste reduction targets would be presented early in July.

The Commission's proposal ([15845/13](#)) proposal is a response to the discussion which took place at the Environment Council in March 2011, when the Commission was invited to analyse possible action against plastic bag consumption. Its objective is to limit negative impacts of plastic carrier bags' littering on the environment, to encourage waste prevention and a more efficient use of resources, while limiting negative socio-economic impacts.

The Commission's proposal focuses on reducing the consumption of plastic carrier bags with a thickness of below 50 microns (0.05 millimeters), as these are less frequently reused than thicker ones. According to the Commission, in 2010, over 8 billion plastic carrier bags were discarded as litter in the European Union. They accumulate in the environment, in particular in the form of marine litter. Once discarded, plastic carrier bags can last for hundreds of years before they are fully degraded.

The European Parliament, in its opinion voted in April 2014, called for the adoption of ambitious reduction targets, putting a price on plastic bags and banning the use of dangerous chemicals in their production line.

The main changes to the proposal introduced by the presidency, reflect, in particular, some of the European Parliament's concerns while respecting the need for a flexible approach to take account of the variable and specific situations in member states.

– *International meetings and events*

The Council was briefed by the presidency and the Commission on international meetings and events that had taken place during the Hellenic presidency.

The briefing covered, amongst other matters, the third Meeting of the Open-ended Ad Hoc Intergovernmental Committee for the Nagoya Protocol on Access and Benefit Sharing (Pyeongchang, 24-28 February), the first preparatory meeting of the UN Environment Assembly (Nairobi, 24-28 March) and the sixth Meeting of the Parties to the Espoo Convention in conjunction with the Second meeting of the Parties to the Strategic Environmental Assessment Protocol (Geneva, 2-5 June).

– *Endocrine disruptors*

The French delegation drew the Council's attention to the risks posed by endocrine disruptors ([10247/14](#)). The French delegation outlined its new national strategy on this topic. This delegation, supported by the Austrian, Belgian, Danish, Polish and Swedish delegations, asked the Commission to press on with work aimed at developing risk-based scientific criteria for classifying endocrine disruptors and a new strategy for EU action. The Commission explained that work was well under way and that a public consultation document would be issued shortly outlining different options for a new strategy.

As indicated in the French delegation's note, certain everyday products and articles, such as detergents, plastics, cosmetics, textiles and paints, contain substances with endocrine-disrupting properties. Endocrine disruptors include many chemicals that can interfere with hormonal regulation in living creatures and affect reproduction, growth, development and behaviour, *etc.* Given the now-documented effects on human health and the environment, action must be taken to prevent risks and limit exposure, in particular of vulnerable individuals such as pregnant women and young children.

The French government strategy's objective is to reduce exposure of individuals and the environment to endocrine disruptors, making use of all available means of action: scientific research, application and monitoring, substance expertise, substance regulation and alternatives, training and dissemination of information.

– ***Highly fluorinated substances***

The Swedish delegation briefed the Council on the potential environment and health risks linked to the use of certain perfluorinated chemicals and called on the Commission to develop an action plan on highly fluorinated substances (PFASs) ([10274/14](#)).

As indicated in the Swedish delegation's note, poly- and perfluorinated alkylated substances include hundreds of chemicals and have become widespread in our society through their use in a large number of consumer products (e.g. textiles, kitchenware, shoes, floor wax and fire extinguishing agents). All perfluorinated substances are extremely persistent in the environment and some are bioaccumulative and toxic.

The Commission noted that knowledge is incomplete on this issue and that a coherent and coordinated approach was needed in order to avoid substituting one PFAS by another equally harmful one. The Commission had already taken steps by asking the European Chemicals Agency to develop risk-based grouping of such substances.

– ***Work programme of the incoming presidency***

The Italian delegation presented the incoming presidency's work programme for the environment sector which will focus on green growth and green jobs. The green economy, Europe 2020 and the European Semester will be on the agenda for the informal ministerial meeting and will be discussed further with a view to the October Council.

The Italian presidency will endeavour to make as much progress as possible on the following legislative proposals: the draft directive on the cultivation of genetically modified organisms, the draft regulation on CO<sub>2</sub> emissions from maritime transport, the draft decision on the conclusion of the Doha amendment to the Kyoto Protocol, the draft decision on a market stability reserve for the EU ETS, the draft directives to reduce consumption of plastic carrier bags and the proposal concerning medium-sized combustion plants under the Clean Air Package.

The informal ministers' meeting will take place on 16 and 17 July 2014 in Milan and the Environment Council will be held on 28 October 2014 in Luxembourg.



## **OTHER ITEMS APPROVED**

### **GENERAL AFFAIRS**

#### **Tax reductions for spirits produced locally in Madeira and the Azores**

The Council adopted a decision authorising Portugal to apply a reduced rate of excise duty in the autonomous region of Madeira on locally produced and consumed rum and liqueurs and in the Azores on locally produced and consumed liqueurs and eaux-de-vie ([9257/14](#)).

The measure is designed to avoid endangering the development of the two outermost regions which are faced with high prices for raw materials. Madeira additionally faces smaller output from the processing of sugar cane due to the topography, climate and soil and to artisanal production. The decision applies from 1 July 2014 to 31 December 2020.

#### **Tax exemptions and reductions on products from French overseas departments**

The Council adopted a decision authorising France to apply exemptions or reductions to dock dues tax on certain products that are produced locally in the French overseas departments for a further six months, until 31 December 2014 ([9261/14](#)).

The additional period allows the Commission to complete its analysis of a French request for applying differentiated taxation similar to the current system until 31 December 2020. The tax exemptions and reductions are designed to help the French overseas departments to compensate for the national handicaps they suffer and which increase their production costs.

#### **Tax exemptions and reductions for local products of the Canary Islands**

The Council adopted a decision authorising Spain to apply until 31 December 2020 exemptions or reductions to the tax known as "Arbitrio sobre las Importaciones y Entregas de Mercancias en las Islas Canarias" (AIEM) for products produced locally in the Canary Islands ([9260/14](#)).

This measure is aimed at offsetting the natural handicaps suffered by the Canary Islands, such as their economy's high dependence on the services sector, their isolation and resulting higher production costs, and the small size of the market.

## **COMMON SECURITY AND DEFENCE POLICY**

### **EULEX Kosovo**

The Council extended the EU rule of law mission in Kosovo (EULEX KOSOVO) until 14 June 2016 and approved the mission's budget for the transitional period from 15 June until 14 October 2014, which amounts to EUR 34 million.

## **JUSTICE AND HOME AFFAIRS**

### **Eurojust annual report - Conclusions**

The Council adopted conclusions on the Eurojust Annual Report 2013.

The text is set out in document [8942/2/14 REV 2](#).

## **EUROPEAN ECONOMIC AREA**

### **Amendment to protocol 31 to the EEA agreement (civil protection mechanism)**

The Council adopted a decision on the position to be adopted, on behalf of the EU, in the EEA joint committee concerning an amendment to protocol 31 to the EEA agreement.

The amendment is necessary so that decision No 1313/2013/EU on a Union civil protection mechanism can be included in the EEA agreement ([8970/14](#)).

### **Amendment to protocol 30 to the EEA agreement**

The Council adopted a decision on the position to be adopted, on behalf of the EU, in the EEA joint committee concerning an amendment to protocol 30 to the EEA agreement.

The amendment concerns specific provisions on the organisation of cooperation in the field of statistics ([9184/14](#)).

## **DEVELOPMENT COOPERATION**

### **Relations with ACP states**

The Council approved the annotated agenda for the 39th ACP-EU Council of Ministers, which will take place in Nairobi (Kenya) on 19 and 20 June 2014. Migration, the post-2015 framework, EU support for ACP private sector development and trade cooperation are among the issues to be discussed.

## **FISHERIES**

### **Position of the EU in several international fisheries management commissions**

The Council adopted decisions on the positions to be adopted, on behalf of the EU:

- for the **Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Fisheries Commission (WCPFC)**. The WCPFC is responsible for the adoption of measures designed to ensure the long-term conservation and sustainable use of highly migratory fish stocks (including tuna and tuna-like fishes) in the convention area and to safeguard the marine eco-systems in which these resources occur.
- in the **Commission for the Conservation of Southern Bluefin Tuna (CCSBT)**. The EU has been a Cooperating Non-Member of the CCSBT since 2006 but is bound to implement its decisions. The CCSBT may, on the basis of scientific evidence, make decisions designed to maintain the populations of southern bluefin tuna at levels which will ensure the long-term sustainability of those stocks. Southern bluefin tuna are large, fast swimming, pelagic fish found throughout the southern hemisphere mainly in waters between 30 and 50 degrees south.
- in the **Inter-American Tropical Tuna Commission (IATTC)**. The IATTC is an international commission responsible for the adoption of measures designed to ensure the long-term conservation and sustainable use of tuna and other marine resources in the eastern Pacific Ocean.
- in the **South East Atlantic Fisheries Organisation (SEAFO)**. The SEAFO Commission is a regional fisheries management organisation responsible for the adoption of conservation and management measures designed to ensure the long-term conservation and sustainable use of the fishery resources in the SEAFO convention area and to safeguard the marine eco-systems in which these resources occur.

Measures decided in those bodies may become binding upon the EU.

## **Partnership between the EU and Mozambique - Negotiations for a renewal of the protocol**

The Council adopted a decision authorising the Commission to open negotiations on behalf of the EU for a renewal of the protocol to the fisheries partnership agreement (FPA) with Mozambique.

The current protocol should apply until January 2015. The new protocol between the EU and Mozambique should be in line with the Council conclusions of 19 March 2012 on the Commission communication of 13 July 2011 on the external dimension of the Common Fisheries Policy (CFP) as well as Regulation No 1380/2013 on the CFP<sup>1</sup>.

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<sup>1</sup> [OJ L 354/2013, p. 22.](#)