



Council of the
European Union

Brussels, 28 November 2014
(OR. en)

15186/14
ADD 1

PV/CONS 56
AGRI 685
PECHE 518

DRAFT MINUTES

Subject: **3344th** meeting of the Council of the European Union (**AGRICULTURE AND FISHERIES**) held in Brussels on 10 November 2014

PUBLIC DELIBERATION ITEMS¹

Page

LEGISLATIVE DELIBERATIONS

"A" ITEMS (doc. 15065/14 PTS A 81)

1. Proposal for a Directive of the European Parliament and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union [First reading] (LA+S)..... 3
2. Proposal for a Regulation of the European Parliament and of the Council on key information documents for investment products [First reading] (LA) 4
3. Proposal for a Regulation of the European Parliament and of the Council on interchange fees for card-based payment transactions [First reading] 4
4. Proposal for a Directive of the European Parliament and of the Council on insurance distribution (recast) [First reading] 4

"B" ITEMS (doc. 14970/14 OJ CONS 56 AGRI 671 PECHE 510)

7. Any other business 5
 - a) Current legislative proposal

NON LEGISLATIVE ACTIVITIES - ADOPTIONS

"A" ITEMS (doc. 15066/14 PTS A 82)

1. Council Regulation fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations 43/2014 and 1180/2013 5

*

* *

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).

LEGISLATIVE DELIBERATIONS

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

"A" ITEMS

- 1. Directive of the European Parliament and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union [First reading] (LA+S)**
PE-CONS 80/14 RC 8 JUSTCIV 80 CODEC 961

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the German, Polish and Slovenian delegations abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

Statement by the Polish, Slovenian and German delegations

"The Directive on certain rules governing actions for damages under national law for infringements of the competition law provisions should i.a. minimise discrepancies between rules applicable to antitrust damages actions in Member States and ensure that victims of infringements of EU competition law can obtain full compensation for the harm they have suffered. Our delegations fully support this.

The final compromise is far from those objectives. The civil law principle of joint and several liability, to which controversial exceptions were introduced already in the text of general approach adopted by the Council in December 2013, has been even more restricted due to the inclusion of new para. 2 in Article 11. It will reduce the injured parties' - frequently small and medium enterprises - opportunity to seek full compensation. It will also lead to legal uncertainty and unequal treatment due to differences in the definition of small and medium enterprises among the Member States.

The Polish, Slovenian and German delegations are of the opinion that such compromise does not merit the support and shall abstain from supporting the text as it stands."

2. Regulation of the European Parliament and of the Council on key information documents for investment products [First reading] (LA)

PE-CONS 91/14 EF 137 ECOFIN 396 CODEC 1111

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFEU).

3. Proposal for a Regulation of the European Parliament and of the Council on interchange fees for card-based payment transactions [First reading]

– General approach

15261/14 EF 303 ECOFIN 1028 CONSOM 235 CODEC 2195

approved by Coreper, Part 2, on 05.11.2014

The Council confirmed the agreement on the general approach, as set out in doc. 14773/14.

The Estonian delegation made a statement, as set out below.

Statement by Estonia

"Estonia strongly supports an open, innovative and efficient market for card payments in Europe. However Estonia finds it disproportionate to cap interchange fees, using this method as a primary regulatory measure for the card payment market. Instead of capping interchange fees, Estonia prefers a step-by-step approach starting with the application of transparency requirements for fees followed by gradually strengthening requirements. All related fees for card payments should rather be cost-based in order to ensure sustainable functioning of the card payments' business models. This would contribute to achieving a level playing field for the card payments market, enhance free competition and would provide better possibilities for new service providers to enter the market."

4. Proposal for a Directive of the European Parliament and of the Council on insurance distribution (recast) [First reading]

– General approach

15262/14 ECOFIN 1029 CODEC 2196 SURE 42 EF 304

approved by Coreper, Part 2, on 05.11.2014

The Council confirmed the agreement on the general approach, as set out in doc. 14791/1/14

REV 1.

"B" ITEMS

7. Any other business

(a) Current legislative proposal

- **Common declaration of the V4+3 countries on the "Proposal for a Regulation of the European Parliament and of the Council on organic production and labelling of organic products"**

Interinstitutional file: 2014/0100(COD)

– Information from the Slovak delegation

14089/14 AGRI 624 CODEC 1986

+ COR 1

The Council took note of the common declaration of the V4+3 countries (doc. 14089/14 + COR 1) regarding the Commission proposal on organic farming and highlighted the negative impact this proposal could have on the development of the organic sector.

The majority of the elements of the declaration were supported by almost all delegations, requesting in particular the need to maintain some current exemptions and mixed farms in order to ensure the sustainability of the organic sector. A number of delegations took the view that the current compromise text of the Presidency still required more flexibility and that further work was needed at technical level.

The Commission representative assured delegations that he would be willing to work constructively in order to make progress on this dossier.

The Presidency reassured all delegations that it took note of their concerns and will take them on board in the forthcoming discussions.

NON LEGISLATIVE ACTIVITIES - ADOPTIONS

(in accordance with Article 9(1) of the Council's Rules of Procedure)

"A" ITEMS

1. **Council Regulation fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU)**

No 43/2014 and (EU) No 1180/2013

14539/14 PECHE 481

+ REV 1 (lv)

The Council adopted the above Regulation. (Legal basis: Article 43(3) of the Treaty on the Functioning of the European Union)

Statement by the Council
on additional protective measures on cod 25-32

"The Council is of the firm opinion that management measures should be introduced, as soon as it is legally possible to further develop management and protection of vulnerable fish stocks in the Baltic Sea. In particular, the implementation of additional technical measures is needed to address the imbalance in the eastern cod stock. The adjustment of closing periods to protect spawner, changes in gear characteristics such as: the introduction of grid for trawl fisheries; the adjustment of mesh sizes, should be considered and if deemed effective introduced.

To address the most imminent needs and to retrieve further data on cod a haul by haul registration in logbooks should be required for fisheries in the Baltic Sea, during 2015. In addition, the impact of environmental factors on the cod stocks has to be further reviewed and considered. Finally, the Council urges ICES to take measures as soon as possible to further progress on the issue of age reading of cod and pave the way for an analytical assessment of the stock."

Statements by Denmark, Germany, Finland, Lithuania, Poland, Latvia, Estonia and Sweden

– **on reaching MSY by 2016 for cod 22-24**

"Member States concerned agree that maximum sustainable yield (MSY) shall be reached by 2016 for the Western Baltic cod stock by applying a stepwise approach to obtain the MSY level when setting the TAC for cod in 2015. Member States commit to reach the MSY target corresponding to the current Fmsy of 0.26 in 2016.

To protect the spawning stock biomass in subdivision 22, the Member States concerned will reflect further on the need and – if deemed appropriate – implement changes in the closing periods and other measures in the context of the new management plan."

– **on a request for scientific advice on weak salmon stocks (salmon 22-31)**

"Denmark, Germany, Finland, Lithuania, Poland, Latvia, Estonia and Sweden invite the Commission to consider requesting scientific advice from ICES as follows:

- What effect would a change of the period for salmon fishing with longlines have on the recovery of weak salmon stocks and on the catch of undersized salmon? With what changes of the fishing period would a recovery best be achieved?
- What effect would a reduction to 50 cm of the MCRS for salmon in the sea have on the recovery of weak salmon stocks and the catch of undersized salmon?

- What effect would an increase of the minimum distance between the point and the shaft of the hooks (from the 19 mm IBSFC requirement to substantially larger hooks) on drifting and anchored lines have on the recovery of weak salmon stocks and on the catch of undersized salmon?
- What are the most urgent targeted management measures in the sea and inland waters (habitat restoration, building of fishways/removal of migration barriers, fisheries regulations and other) that ICES advises for the recovery of weak salmon stocks?
- What is the estimated magnitude and effects of the increasing salmon troll fishing on the recovery of weak salmon stocks and on the catch of undersized salmon?
- Would it be advantageous to manage the salmon fishery with different fishing opportunities/management in different areas, e.g. national management for coastal and inland salmon fishing (based on MSY in the local rivers) and one off-shore TAC; or one TAC for the northern Baltic Sea and one for the southern Baltic Sea?"

Statement by the Commission

on the increased banking for certain specific stocks affected by the Russian ban

"The Commission takes note of the Council's wish to have the possibility of increased "banking" for certain specific stocks and for certain Member States which are most affected by the Russian import ban, on the basis of scientific advice.

Although such increase raises legal doubts, given the limit set by the applicable legislation (Article 4 of Regulation 847/96), in the present exceptional case, given the severe effects of the Russian import ban, and because the measure is strictly limited in time and applies only to the "banking" of quotas (excluding the possibility to increase the limit for "borrowing" quotas), and because of the favourable scientific advice given in this instance, the Commission will not stand in the way of the adoption of this compromise.

This is without prejudice to the Commission's interpretation of the scope of Article 43(3) TFEU, which the Court of Justice will have occasion to clarify in pending cases C-103 and 165/12 and C-124 and 125/13."
