



Council of the
European Union

Brussels, 28 January 2015
(OR. en)

16924/14
ADD 1

PV/CONS 72
AGRI 806
PECHE 597

DRAFT MINUTES

Subject: **3360th** meeting of the Council of the European Union (**AGRICULTURE AND FISHERIES**) held in Brussels on 15 and 16 December 2014

PUBLIC DELIBERATION ITEMS¹

Page

LEGISLATIVE / PUBLIC DELIBERATIONS

"A" ITEMS (doc. 16766/14 PTS A 100)

1. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC [First reading] 4

"A" ITEMS (doc. 16767/14 PTS A 101)

5. Proposal for a Council Regulation fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks 4

"B" ITEMS (doc. 16635/14 OJ CONS 72 AGRI 781 PECHE 583)

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 6
9. 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]..... 6
10. Proposal for a Regulation of the European Parliament and of the Council on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Council Regulation (EC) No 834/2007 [First reading]..... 7
12. Proposal for a Regulation of the European Parliament and of the Council on protective measures against pests of plants [First reading] 7

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).

13.	Proposal for a Regulation of the European Parliament and of the Council on Official Controls performed to ensure the application of food and feed law, rules on animal welfare, plant health, plant reproductive material and plant protection products [First reading]	7
14.	Proposal for a Directive of the European Parliament and of the Council amending Directives 89/608/EEC, 90/425/EEC and 91/496/EEC as regards references to zootechnical legislation [First reading]	8
	and Proposal for a Regulation of the European Parliament and of the Council on the zootechnical and genealogical conditions for trade in and imports into the Union of breeding animals and their germinal products [First reading]	
15.	Any other business	8
16.	Any other business	9

*

* * *

LEGISLATIVE AND PUBLIC DELIBERATIONS

(In accordance with Article 16(8) of the Treaty on European Union, and with Articles 8(1) and 9(1) of the Council's Rules of Procedure)

"A" ITEMS

- 1. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to caseins and caseinates intended for human consumption and repealing Council Directive 83/417/EEC [First reading]**

= General approach

15875/14 DENLEG 180 AGRI 729 CODEC 2325

approved by Coreper, Part 1, on 21.11.2014

The Council reached a general approach on the above draft Directive.

- 5. Council Regulation fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks**

15459/14 PECHE 529

+ REV 1 (nl)

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

Council and Commission Statement

Red seabream in areas VI, VII, VIII, IX, X

"Council and Commission acknowledge that Member States commit to putting in place measures by 31 May 2015 to limit by-catches of red seabream in EU and international waters of VI, VII, and VIII. Council and Commission commit to have these measures evaluated by the appropriate scientific bodies in the course of 2015, to assess the effectiveness of the measures put into place and whether additional measures may be needed.

Council and Commission acknowledge that red seabream in area IX may be distributed in the Atlantic and the Mediterranean and therefore it is likely being fished by Member States and third countries. In view of this, the Commission will continue to support the on-going cooperation with the relevant third countries in order to improve scientific assessment of the stock and to agree a joint management approach as soon as possible. The Commission commits to have the measures agreed under the joint management approach scientifically assessed by the appropriate scientific bodies and to evaluate the scientific assessment with a view to making a proposal to adapt catch levels and the area covered by the TAC in line with the scientific assessment. Concerning the issue of the minimum size for red seabream, such a minimum size exists for red seabream caught in the Mediterranean Sea. Therefore undersized red seabream may not, in particular, be sold or offered for sale in the EU. The Commission will examine the most effective way to achieve an equivalent minimum size for red seabream caught in the Atlantic.

Council and the Commission acknowledge that national measures are in place for the management of read seabream in area X. Council and Commission commit to have these measures scientifically evaluated as soon as possible in order to assess whether these measures are effective and whether additional measures are needed."

Commission statement **Grenadiers**

"During 2015, the Commission will monitor the evolution of catches under the combined TACs for roundnose grenadier and roughhead grenadier and, if necessary, seek further scientific advice on the stocks of grenadiers and the distribution of catches per species. On that basis, the Commission will consider the need for possible adaptations of those TACs."

Statement by Spain and Portugal

"The Kingdom of Spain and the Portuguese Republic deeply regret the final results of the Council of Ministers, which took place on 10 November, fixing TACs and quotas for certain deep-sea fish stocks for the next two years, 2015 and 2016.

The Governments of Spain and Portugal consider that the final compromise should have followed certain essential principles that should have been applied to all the concerned stocks:

- To ensure equal treatment to all Member States in the implementation of the new CFP.
- That decisions are based on sound scientific advice.
- To include not only biological but also socio-economic parameters, and
- To take into account the activity of third countries in the management of shared species.

In particular, the Kingdom of Spain and the Republic of Portugal have had no choice but to vote against the compromise proposal since these general principles of consistency between zones and regulations for fixing the quotas -in the particular case of the Red Sea Bream of the ICES area IX and X- have not been observed by the Commission.

- Neither the initial proposal for a quota reduction of 62% nor the final 52% adopted, but also the reduction of 25% decided for area X, were in line with the scientific advice for a fishery of this type (data poor). This reduction is clearly discriminatory with respect to those decided for other species and areas in a similar biological situation. It is not justified because it will not achieve by itself the recovery of the stock and it will have serious impacts on local populations.
- The ICES report on RSB IX did not take into account third countries catches and so the result is biased.

- Since the Red Sea Bream is a fishery shared with third countries, the single action of reducing catches by the European fleet does not allow the recovery of the resource. Since the Council held in November 2012, Spain has been unsuccessfully requesting the European Commission to engage this third country in the management of the fishery, as it has done with other shared stocks (Norway, Iceland, Faroe Islands for mackerel, blue whiting, herring, etc.). The result of this inaction has led to a proposal for a unilateral reduction of the quotas leading to the progressive eviction of the European fleet which will only benefit a third country, with the aggravating circumstance that their catch will still be sold in the European market, without achieving the recovery of this species and without having in consideration national management measures already adopted by Portugal and Spain.

As regards to the inclusion of the Roughhead Grenadier in the Roundnose Grenadier TACs, the rejection of the compromise proposal is based on two grounds:

- Spain considers that the basic principles of distribution of new fishing possibilities, as is the principle of relative stability based on historical catches of each Member State, have not been complied with.
- Spain also considers that the Commission has not included in its calculations all catches of this species made historically by the Spanish fleet.

Spain and Portugal expect that future proposals will be the result of consistent positions, based solely on the best fisheries management practices, on the best available science and with consideration of socio-economic aspects, along the lines of the principles embodied in the new CFP that took effect on 1 January this year."

"B" ITEMS

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

– Progress report

16700/14 AGRI 786 AGRIFIN 164 AGRIORG 167 CODEC 2472
+ COR 1

The Council took note of the Presidency progress report as set out in doc. 16700/14, as well as of the views expressed by delegations.

9. 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)

– Progress report

16700/14 AGRI 786 AGRIFIN 164 AGRIORG 167 CODEC 2472
+ COR 1

The Council took note of the Presidency progress report as set out in doc. 16700/14, as well as of the views expressed by delegations.

10. Proposal for a Regulation of the European Parliament and of the Council on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Council Regulation (EC) No 834/2007 [First reading]

Interinstitutional file: 2014/0100 (COD)

– Orientation debate

16628/14 AGRILEG 264 CODEC 2463

The Council took note of the text presented by the Presidency (doc. 16628/14) and of the broad support to the political guidelines contained in its Annex. The Austrian delegation requested its opposition to be noted.

The Commission representative indicated that he would inform the College that a vast majority of delegations is willing to continue the examination of the text on the basis of the work already achieved.

12. Proposal for a Regulation of the European Parliament and of the Council on protective measures against pests of plants [First reading]

(Legal basis proposed by the Commission: Article 43 of the TFEU)

Interinstitutional file: 2013/0141 (COD)

– Progress report

16414/2/14 AGRI 764 AGRILEG 251 PHYTOSAN 66 CODEC 2424 REV 2

Delegations generally welcomed the work carried out by the Italian Presidency. Concerning the sensitive issue of the import control system, some delegations supported the Commission proposal, while others were in favour of a more proactive approach, with a closed system and positive lists of countries/commodities.

The Council took note of the progress report and of declarations by delegations and the Commission.

13. Proposal for a Regulation of the European Parliament and of the Council on Official Controls performed to ensure the application of food and feed law, rules on animal welfare, plant health, plant reproductive material and plant protection products [First reading]

(Legal basis proposed by the Commission: Articles 168.4, 43.2 and 114.1 of the TFEU)

Interinstitutional file: 2013/0140 (COD)

– Progress report

16398/14 AGRI 762 VETER 115 AGRILEG 249 ANIMAUX 60 SAN 464
DENLEG 186 PHYTOSAN 65 SEMENCES 42 CODEC 2422

The Council took note of the progress report and of the comments from delegations and the Commission representative.

14. Proposal for a Directive of the European Parliament and of the Council amending Directives 89/608/EEC, 90/425/EEC and 91/496/EEC as regards references to zootechnical legislation [First reading]

Interinstitutional file: 2014/0033 (COD)

and

Proposal for a Regulation of the European Parliament and of the Council on the zootechnical and genealogical conditions for trade in and imports into the Union of breeding animals and their germinal products [First reading]

Interinstitutional file: 2014/0032 (COD)

– Progress report

16367/14 AGRI 759 VETER 113 AGRILEG 247 ANIMAUX 59 CODEC 2415

The Council took note of the progress report and of the comments from the Commission representative.

15. Any other business

Agriculture

(n) Current legislative proposal

- **Proposal for a Regulation of the European Parliament and of the Council on the production and making available on the market of plant reproductive material (plant reproductive material law) [First reading]**

Interinstitutional file: 2013/0137 (COD)

– Information from the Presidency on the state of play

16658/14 AGRI 783 AGRILEG 257 PHYTOSAN 68 SEMENCES 44
CODEC 2469

+ COR 1

The Commission representative informed that his institution would decide before the Christmas break on the options to respond to the EP and the Council concerns on the proposal. The Council took note of the information.

16. Any other business

Fisheries

(a) Current legislative proposal

- **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulations (EC) No 850/98, (EC) No 2187/2005, (EC) No 1967/2006, (EC) No 1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009 and repealing (EC) No 1434/98 as regards the landing obligation [First reading]**

Interinstitutional file: 2013/0436 (COD)

- Information from the Presidency on the state of play
16834/14 PECHE 593 CODEC 2493

The Presidency informed delegations on the state on play of discussions between the Council and the European Parliament on the above-mentioned Regulation, after the first trilogue that took place on 10 December 2014. Despite some progress on a number of issues, parties could not reach an agreement on the whole package due to diverging views on the scope. The Parliament argued in favour of limiting the scope of the proposal to 2015 (only applicable to pelagic fish and Baltic Sea) while the Council continued to insist that the Regulation should cover all phases of the landing obligation.

Delegations taking the floor regretted the delays in the progress of this file. They expressed their concerns as regards the legal inconsistencies which will remain until the publication of the Regulation. Delegations encouraged the Presidency and the Commission to continue work with the Parliament in order to reach an agreement as soon as possible.
