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3418th Council meeting

### Agriculture and Fisheries

Luxembourg, 22 October 2015

President **Fernand Etgen**  
Minister for Agriculture, Viticulture and Consumer  
Protection

# P R E S S

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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 2016***

Ministers reached a political agreement on fishing opportunities for 2016 for certain fish stocks in the Baltic Sea.

The Presidency and several member states pointed out that the final agreement was facilitated by the preparatory work undertaken at regional level within the BALTFISH forum.

This item will be included, following finalisation by the Legal/Linguistic Experts, in part "A" of the agenda for a forthcoming Council meeting.

The agreement lays down for 2016 the maximum quantities of fish from specific stocks that can be caught in the Baltic Sea (total allowable catches (TACs) and quotas). The proposed measures have been established taking into account available scientific advice and, in particular, the reports drawn up by the International Council for the Exploration of the Sea (ICES).

A landing obligation for stocks caught in certain fisheries was introduced by regulation 1380/2013 within the framework of the recently reformed common fisheries policy (CFP). It became applicable from 1 January 2015 for some stocks in the Baltic Sea, namely small pelagic fisheries (herring and sprat stocks), salmon fisheries (salmon stocks), and cod fisheries (cod stocks), where the species define the fishery. With the introduction of the landing obligation, the fishing opportunities proposed will reflect the change from amount landed to amount caught.

In 2015, in view of the embargo imposed by the Russian federation on the importation of certain agricultural and fisheries productions from the EU, flexibility to carry forward unused fishing opportunities has been introduced for stocks most severely or directly affected by the embargo. As the Russian embargo has been extended, a similar measure will be applied and some fishing opportunities for certain stocks which have not been used in 2015 will be carried over to 2016.

The agreement primarily concerns the total allowable catches (TACs) and fishing quotas for member states in Union waters of the Baltic region, the main changes to which – in terms of reduction, increase or roll-over of TACs as compared with 2015 – are summarised in the table below.

<b>COMMUNITY TOTAL ALLOWABLE CATCHES (TACs) IN THE BALTIC SEA FOR 2016</b>						
		COMMISSION proposal		COMMISSION targets	COUNCIL agreement	Difference from previous year
<i>Latin name</i>	ICES FISHING ZONES	TAC 2015	for 2016	2016	TAC 2016	
		in tonnes	in tonnes	in %	in tonnes	in %
		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5*</b>
<i>Clupea harengus</i>	Baltic Sea subdivisions 30-31 (Gulf of Bothnia)	158.470	103.254	-35%	120.872	<b>-24%</b>
<i>Clupea harengus</i>	Baltic Sea subdivisions 22-24	22.220	24.797	12%	26.274	<b>18%</b>
<i>Clupea harengus</i>	Baltic Sea subdivisions 25-27, 28.2, 29, 32	163.461	177.505	9%	177.505	<b>9%</b>
<i>Clupea harengus</i>	Baltic Sea subdivision 28-1 (Gulf of Riga)	38.780	30.623	-21%	34.915	<b>-10%</b>
<i>Gadus morhua</i>	Baltic Sea subdivisions 25-32 (Eastern)	51.429	41.143	-20%	41.143	<b>-20%</b>
<i>Gadus morhua</i>	Baltic Sea subdivisions 22-24 (Western)	15.900	10.363	-35%	12.720	<b>-20%</b>
<i>Pleuronectes platessa</i>	Baltic Sea subdivisions 22-32	3.409	4.034	18%	4.034	<b>18%</b>
<i>Salmo salar</i> **	Baltic Sea subdivisions 22-31	95.928	105.850	10%	95.928	<b>0%</b>
<i>Salmo salar</i> **	Baltic Sea subdivision 32	13.106	10.024	-24%	13.106	<b>0%</b>
<i>Sprattus sprattus</i>	Baltic Sea subdivisions 22-32	213.581	184.336	-14%	202.320	<b>-5%</b>

**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 (esprot)/ Sprotte

\* 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

\*\* TAC expressed as number of individuals

With a view to simplifying and clarifying the annual TAC and quota decisions, fishing opportunities in the Baltic Sea have been fixed by a separate regulation since 2006.

These fisheries should be open on 1 January 2016.

Under article 43(3) of the Treaty on the Functioning of the European Union (TFEU), it is incumbent upon 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 2016*

The Council held an exchange of views on the annual consultations between the EU and Norway under their bilateral fisheries agreement. The first round of consultations will take place from 16 to 20 November 2015 in Copenhagen (Denmark) and the second round from 30 November to 4 December 2015 in Bergen (Norway).

Most of the delegations recognised the usefulness of this agreement with Norway but would favour a cautious approach from the EU as regards TACs and other associated measures for the main jointly managed joint stocks in the North Sea. They would also advocate a cautious approach for other stocks that might be worthwhile to identifying and using for the reciprocal exchange of quotas.

The main issues for the consultations this year are:

- detailed management arrangements for the seven jointly managed fish stocks in the North Sea (cod, haddock, plaice, whiting, herring, mackerel and saithe) and Skagerrak (cod, haddock, whiting, plaice, shrimp, herring and sprat) involving in particular the establishment of TACs and quotas for the respective Parties, in accordance with the long-term management plans and agreed sharing arrangements;
- possible adjustments to the long-term management plans for North Sea stocks of haddock and herring in the light of new ICES advice, and
- the exchange of reciprocal fishing possibilities in order, among other things, to enable the continuation of a number of fishing operations which are important for the fishermen of both parties, including fishing opportunities for Arcto-Norwegian cod in Norwegian waters, as well as other measures in fisheries of mutual interest

The 1980 bilateral fisheries agreement between the EC and Norway covers joint stocks in the North Sea, some jointly managed, others not. Annual TACs are set jointly by the EU and Norway for the jointly managed joint stocks. There are joint long-term management plans for cod, haddock, herring and saithe and basic principles for a long-term management plan for plaice. A ten-year agreement with Norway on mackerel was concluded in January 2010, including mutual access in the North Sea. This agreement is contingent on a satisfactory overall bilateral agreement. The reciprocal exchange of quotas needs to be in overall balance across the agreement.

## **AGRICULTURE**

### ***– Climate-smart agriculture***

Ministers held an exchange of views on the contribution of agriculture to climate change mitigation on the basis of a document prepared by the Presidency (12693/15). This debate was organised in the light of the 2030 EU climate and energy policy framework which aims to achieve substantial cuts in greenhouse gas emissions (GHG) for period from 2020 to 2030. It comes also on the eve of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 21) which will take place in Paris from 30 November to 11 December this year.

From this debate, it seems that agriculture already contributes to mitigating the effects of climate change. Many member states noted that the reformed Common Agricultural Policy (CAP) proposes a number of instruments which allow climate change mitigation to be addressed effectively through the first or the second pillar.

Several ministers listed existing measures that contribute to climate change mitigation including manure treatment, biogas and soil optimisation. Certain delegations put forward new measures such as the circular economy or the '4 per 1000' initiative for soils which the French delegation presented to the Council in July. Several member states noted that the impact of agriculture on climate change may vary from region to region and from farm to farm. Some delegations pointed out that in any case, the costs involved should not exceed the benefits for farmers.

Research financing in this area is essential. In this context, the European Innovation Partnership on Agricultural Productivity and Sustainability can play an important role. Knowledge transfer from research to agricultural practice as well as the involvement of farmers are also critical.

The President of the Agriculture Council will prepare a letter informing the President of the Environment Council of the outcome of this debate.

**Any other business**– *Sustainable plant protection*

The Netherlands delegation kept the ministers updated the ministers on an initiative for accelerating sustainable plant protection following its presentation at the Council in July ([12769/15](#)).

A large number of delegations supported the initiative which aims at promoting a broader, greener range of measures and authorised substances, including alternative lower-risk plant protection methods and techniques, as well as low-risk substances and products. They agreed to participate in an expert group with all interested member states to explore short-term and long-term actions that could contribute to the "greening" of farmers' plant protection toolbox. However, some member states stated that the competitiveness of the sector should also be looked at and requested that the mandate of this group be clearly defined. The Commission broadly supported the initiative proposed by the Netherlands.

– *Specialised nutrition*

The ministers took stock of the request from the French delegation on the continuation of the legislative work on foodstuffs intended for particular nutritional uses (PARNUTs) ([12735/15](#)).

Under the existing legislation on PARNUTs, two reports on milk-based drinks and similar products for young children and food for sportsmen should have been published this summer. The conclusions of those reports are intended to provide guidelines for updating the regulatory framework applicable to those products. France and some other member states are therefore requesting the publication of those reports to ensure the continuation of the legislative work on foodstuffs intended for particular nutritional uses.

The Commission explained that the release of those reports had been delayed but was planned to take place during the coming months.



– ***Ministerial conference - GMO-free agriculture in Europe***

Ministers were briefed by the Slovenian delegation on the outcomes of a ministerial conference entitled "How to maintain GMO-free agriculture in Europe" which took place on 21 August 2015 in Ptuj (Slovenia) ([12600/1/15 REV 1](#)).

Several member states supported the conclusions of the conference establishing measures to add value to the choice of a GMO-free agriculture such as the labelling of non GMO products. Some delegations however highlighted that messages coming out of such conferences should not weaken the existing legal framework on GMOs and the scientific evaluation performed by the EFSA. Many delegations used this opportunity to recall their choice on cultivation of GMOs crops (directive 2015/412) and/or to restate their position against the recent proposal on the use of GM food and feed. The Commission recalled that there is now a possibility for member states to opt-out from the cultivation and defended strongly its proposal to extend the opt-out possibility to the GMO use.

In the conference ministers and representatives from Austria, Bosnia and Herzegovina, Cyprus, Germany, Hungary, Italy, Kosovo, Lithuania, Luxembourg, Former Yugoslav Republic of Macedonia, Poland, Serbia and Slovenia exchanged views on whether maintaining GMO-free agriculture constitutes a competitive challenge but also an opportunity for agriculture in Europe, and what measures need to be adopted in this regard.

– ***G7 health ministers meeting - Antimicrobial resistance***

The Council was briefed by the German delegation on the outcome of a meeting of the G7 health ministers which took place in Berlin (Germany) on 8 and 9 October 2015. The agenda of the meeting included an item on resistance to antibiotics. ([12933/15](#)).

Many member states supported the presentation made by Germany insisting on the need to set up measures in human and veterinary medicine to ensure responsible use of antibiotics and detailed its own experience in minimising the administration of antibiotics to livestock.

– ***New techniques for plant and animal breeding***

The German delegation informed the ministers about the legal background of new techniques developed for plant and animal breeding ([13179/15](#)).

Several member states agreed with Germany that the legal framework for the use of the new breeding techniques should be clarified. Certain delegations underscored that those new techniques should not be considered to be covered by the EU legislation on genetically modified organisms (GMOs) to facilitate further research and innovation. The Commission confirmed that it would provide an analysis by the end of the year.

– *Visegrad group meeting - Agricultural markets, food chain and land management*

The Council took note of the information from the Czech delegation on the main conclusions of the meeting of the Visegrad group countries (Poland, Hungary, Slovakia, Czech Republic) plus Bulgaria, Austria, Romania and Slovenia (V4+4) which took place on 26 August 2015, in České Budějovice (Czech Republic) ([12914/15](#)).

During the V4+4 meeting, the debate between agriculture ministers of those countries focused on the agricultural markets development (in particular in the dairy sector), frauds in the food chain and best practices in land management. At the Council meeting the Commission recalled the recent measures designed to alleviate the difficulties faced by the farmers. Regarding frauds in the food chain, the Commission was convinced that the new IT platform will help to fight against cross-border non-compliance in the food chain. In addition, the Commission supported the idea of exchanging national best practices.

**OTHER ITEMS APPROVED****AGRICULTURE****Live bivalve molluscs - Controls and microbiological criteria**

The Council decided not to oppose the adoption of a Commission amendment to

annex II to regulation 854/2004<sup>1</sup> laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption as regards certain requirements for live bivalve molluscs, echinoderms, tunicates and marine gastropods and annex I to regulation 2073/2005 on microbiological criteria for foodstuffs ([11584/15](#)).

Regulation 854/2004 lays down specific rules for the organisation of official controls on products of animal origin intended for human consumption. It provides that member states are to ensure that the production and placing on the market of live bivalve molluscs undergo official controls as described in Annex II thereto. The regulation also provides that the competent authority must classify production areas from which it authorises the harvesting of live bivalve molluscs according to the level of faecal contamination. In addition, Commission regulation 2073/2005<sup>2</sup> lays down the microbiological criteria for certain micro-organisms in particular a food safety criterion for *E.coli* on live bivalve molluscs. The Codex Alimentarius criterion for *E. coli* differs from the criterion contained in EU legislation. The amendment aligns the EU criterion on the Codex Alimentarius which is more likely to detect non-compliant batches.

This Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

**Pesticides - maximum residue levels**

The Council decided not to oppose the adoption of three Commission regulations amending annexes II and III to regulation 396/2005<sup>3</sup> as regards:

- maximum residue levels for abamectin, desmedipham, dichlorprop-P, haloxyfop-P, oryzalin and phenmedipham in or on certain products ([11892/15](#))
- maximum residue levels for bifenazate, boscalid, cyazofamid, cyromazine, dazomet, dithiocarbamates, fluazifop-P, mepanipyrim, metrafenone, picloram, propamocarb, pyridaben, pyriofenone, sulfoxaflor, tebuconazole, tebufenpyrad and thiram in or on certain products ([11820/15](#))

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<sup>1</sup> OJ L 139, 30.4.2004, p. 206.

<sup>2</sup> OJ L 338, 22.12.2005, p. 1.

<sup>3</sup> OJ L 070, 16.3.2005, p. 1.

Regulation 396/2005 establishes the maximum quantities of pesticide residues permitted in products of animal or vegetable origin intended for human or animal consumption. These maximum residue levels (MRLs) include, on the one hand, MRLs which are specific to particular foodstuffs intended for human or animal consumption and, on the other, a general limit which applies where no specific MRL has been set. MRL applications are communicated to the European Food Safety Authority (EFSA) which issue a scientific opinion on each intended new MRL. Based on EFSA's opinion, the Commission proposes a regulation such as those listed above to establish a new MRL or to amend or remove an existing MRL and modifying the annexes of regulation 396/2005 accordingly.

These Commission regulations are subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulations, unless the European Parliament objects.

### **Animal feed - New functional group of feed additives**

The Council decided not to oppose the adoption of a Commission amendment to regulation 1831/2003 as regards the establishment of a new functional group of feed additives ([11580/15](#)).

Regulation 1831/2003<sup>1</sup> on additives for use in animal nutrition provides for the allocation of feed additives to categories and further to functional groups within those categories according to their functions and properties.

As a result of technological and scientific development, some feed additives may improve the hygienic condition of a feed, in particular by reducing a specific microbiological contamination. Since such feed additives cannot currently be allocated to any of the functional groups provided for in regulation 1831/2003, the amendment creates the new functional group "hygiene condition enhancers" in the category "technological additives".

This Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

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<sup>1</sup> OJ L 268 18.10.2003, p. 29.

**FISHERIES****EU and Gabon - Negotiations for a renewal of the protocol to the agreement**

The Council adopted a decision authorising the Commission to open negotiations on behalf of the EU for the renewal of the protocol setting out the fishing opportunities and the financial contribution provided for by the fisheries partnership agreement (FPA) between the EU and the Gabonese Republic.

The new protocol to the FPA between the EU and Gabon 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>.

**STABILISATION AND ASSOCIATION PROCESS****Stabilisation and Association Agreement with Kosovo\***

The Council has authorised the signature of a Stabilisation and Association Agreement with Kosovo.

**BUDGETS****Revised EU financial regulation - Alignment to new procurement rules**

The Council adopted a regulation amending the financial rules applicable to the EU budget ([PE-CONS 43/15](#)). The aim of the new regulation is to align the procurement procedures used by the EU institutions for awarding contracts to the new procurement rules applicable to member states, set out in directives [2014/24/EU](#) and [2014/23](#).

The revised EU financial regulation also sets up a system for early detection of risks to the EU's financial interests, such as fraud or corruption. In duly justified cases it also allows EU institutions to exclude economic operators from procurement procedures and grants.

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<sup>1</sup> OJ L 354/2013, p. 22.

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ opinion on the Kosovo declaration of independence.

## **TRADE POLICY**

### **WTO government procurement: Ukraine**

The Council adopted a decision establishing the EU's position within the WTO committee on government procurement as supporting the accession of Ukraine to the revised agreement on government procurement.

Specific terms of accession are set out in an annex to the decision.

Ukraine applied for accession in December 2012. It laid down its commitments on coverage in its final offer on 29 June 2015.

## **FOREIGN POLICY**

### **Global reporting mechanism on illicit small arms and light weapons**

The Council adopted a decision in support of a global reporting mechanism on illicit small arms and light weapons (SALW) and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade ("iTrace II"). The EU will provide financial support for the mechanism amounting to EUR 2.53 million. The decision is part of a wider EU Strategy to combat the illicit accumulation and trafficking of SALW.

## **FOOD LAW**

### **Removal of a flavouring substance from the list of approved substances**

The Council decided not to oppose the adoption of a Commission regulation removing the flavouring substance *p*-mentha-1,8-dien-7-al from the list of flavourings approved for use in and on foods in the EU ([12626/15](#)).

The Commission drafted the regulation following the evaluation by the European Food Safety Authority (EFSA) of new data. In its scientific opinion of 24 June 2015 EFSA concluded that *p*-mentha-1,8-dien-7-al is genotoxic *in vivo* and that its use as a flavouring substance raises a safety concern.

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

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