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## OUTCOME OF THE COUNCIL MEETING

3612nd Council meeting

### Agriculture and Fisheries

Luxembourg, 16 April 2018

President **Rumen Porodzanov**  
Minister for Agriculture, Food and Forestry of Bulgaria

# P R E S S

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- Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
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## ITEMS DEBATED

### AGRICULTURE

#### **Reduction of food losses and food waste - assessment of progress made**

The Council exchanged views on ways to further reduce food losses and food waste in the EU<sup>1</sup>.

In particular, they took stock of the progress made in the implementation of the June 2016 Council conclusions on food losses and food waste. The conclusions called on the member states and the Commission to periodically assess the progress made, starting in 2018.

The debate was structured around two questions set out in a [presidency background document](#), which contained a summary of actions and projects undertaken by the member states and the Commission in the fight against food losses and food waste. The questions were:

*- How do you assess the progress made at EU level and at national level regarding the 2016 Council decisions?*

*- Do you think that the pace is sufficient or further actions are still needed to obtain the necessary speed to meet the commitments to reduce food losses and food waste?*

During the debate, ministers confirmed their commitment to achieving SDG target 12.3 (halving global food waste by 2030 and reducing food losses) and to implementing the 2016 Council conclusions. They were of the view that considerable progress had been made on the implementation of the 2016 Council conclusions both by the member states and the Commission, but that further actions were needed in order to meet the ambitious commitments to reduce food losses and food waste in a timely manner.

In particular, they said that progress had been made at national level, for example on national programmes, legislation and awareness-raising. At EU level, work carried out by the Commission on the EU Platform on food losses and food waste was warmly welcomed.

Ministers were of the view that further action was needed both at national and EU level, in particular in the following areas: common measurement methodology, definitions, collection of comparable data, clarification of "best before" and "use by" labelling, awareness raising, incentives, new technologies, research and innovation, evaluation of marketing standards, exchange of best practices, use of food for feed, food donation and reduction of overproduction.

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<sup>1</sup> To watch the public debate: <https://video.consilium.europa.eu/en/webcasts>

Some member states indicated national action as key for making progress and identified the reduction of food losses and food waste as a top priority. Many ministers stressed that the entire food chain should be covered, involving all stakeholders along the chain. Several ministers underlined that the reduction of food losses and food waste is a multidisciplinary issue, having a strong links with the circular economy and several policy areas, such as the environment, health, consumer protection, education, social and financial policies. In light of this, coordination at all levels and between different stakeholders was considered to be of the utmost importance. Several ministers were of the view that agriculture plays a major role in combating food losses and food waste and the new programming period and the future CAP could present opportunities to improve the EU performance in the field.

The [2016 Council conclusions on food losses and food waste](#) placed emphasis on a number of actions aimed at decreasing the amount of food loss and food waste, such as: raising awareness among the population, developing common methods to measure food loss and food waste, and widening the list of foods exempt from "best before" labelling.

In line with the United Nations 2030 Agenda for sustainable development, the EU is committed to reaching the objective of halving food waste by 2030 along production and supply chains.

In the European Union, food losses and food waste are also tackled under the [EU action plan for the circular economy](#), which was launched in 2015 with the objective of promoting the use of resources in a more sustainable way.

### **Unfair trading practices in the food supply chain**

The Council was informed about a draft directive adopted by the Commission on 12 April 2018, which aims to limit unfair trading practices (UTPs) in business-to-business relationships in the food supply chain<sup>2</sup>.

The new proposal aims to tackle UTPs in the food supply chain by introducing a minimum common standard of protection across the EU that consists of a short list of prohibited UTPs. The protection covers small and medium-sized suppliers in the food supply chain insofar as they sell food products to buyers who are not small and medium-sized. The proposal requires member states to designate competent enforcement authorities for the prohibited UTPs, which will then be responsible for dealing with complaints and able to start investigations ensuring the due confidentiality. It also sets up a coordination mechanism between enforcement authorities in the various member states

The proposal takes into account the findings of a [public consultation](#) that was conducted between August and November 2017 and is accompanied by an impact assessment the was .

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<sup>2</sup> To watch the public debate: <https://video.consilium.europa.eu/en/webcasts>

The proposal was welcomed by almost all ministers, who highlighted the importance of finally tackling the problem in a coordinated way at EU level. They generally welcomed the fact that the draft directive would allow member states to preserve existing national measures or tailor new ones, and complement EU rules with stricter national ones. However, some delegations expressed concerns about the limited scope of the proposal.

In its [conclusions of 12 December 2016](#), the Council invited the Commission to undertake an impact assessment with a view to proposing an EU-wide legal framework or other non-legislative measures to address unfair trading practices.

Currently, the majority of member states already have rules to combat unfair trading practices, but these national rules are sometimes divergent. The new directive therefore seeks to introduce a minimum protection standard across the EU.

A 2014 Commission [communication](#) on tackling unfair trading practices in the business-to-business food supply chain defined unfair trading practices as practices that grossly deviate from good commercial conduct and are contrary to fair dealing.

Last year, the EU's Joint Research Centre published a technical study on the subject "[Unfair trading practices in the food supply chain](#)".

## **FISHERIES**

### **Western Waters management plan**

The Council discussed a proposal aimed at establishing a multiannual plan for fishing in the Western Waters<sup>3</sup>.

The long-term management plan, which was presented by the Commission on 23 March 2018, seeks to ensure the sustainable exploitation of demersal stocks, including deep-sea stocks, in the Western Waters. The plan is also intended to provide stability of fishing opportunities, while ensuring that management is based on the most up-to-date scientific information on stocks, mixed fisheries and other aspects of the ecosystem and environment. It will cover vessels from at least seven member states (Belgium, France, Ireland, the Netherlands, Portugal, Spain and the United Kingdom).

The new plan would bring the five existing single-species-based multiannual plans into a single one. Currently, the existing plans cover the following species:

- herring distributed to the west of Scotland (regulation 1300/2008)
- sole in the western Channel (regulation 509/2007)
- sole in the Bay of Biscay (regulation 388/2006)
- northern stock of hake (regulation 811/2004)
- hake and Norway lobster in the Iberian Peninsula (regulation 2166/2005)

During the debate following the presentation, ministers generally welcomed the proposal. Some would have preferred to have two separate multiannual plans for the north and south parts of Western Waters, while others restated their concern about the problems relating to mixed fisheries in the implementation of the landing obligation.

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<sup>3</sup> To watch the public debate: <https://video.consilium.europa.eu/en/webcasts>

**ANY OTHER BUSINESS*****– Legal interpretation of article 15 of the Common Fisheries Policy regulation***

On behalf of Croatia, Cyprus, Greece, Italy, Portugal and Slovenia, the Spanish delegation informed the Council about the legal uncertainties linked to the landing obligation set out in regulation 1380/2013 on the Common Fisheries Policy (CFP).

In particular, Spain asked for confirmation of whether article 15 regulation 1380/2013 should be interpreted as applying to all catches of stocks subject to catch limits, independently of the fisheries and geographical areas in which they occur, or whether it should be framed within the fisheries and geographical areas listed and species subject to TAC in the CFP regulation.

The Commission restated its opinion that article 15 should be interpreted in its wider sense and encouraged member states to make use of the tools currently available (notably flexibilities and EMFF funds) to address the problem of choke species linked to the landing obligation and its possible impact on small-scale fishing communities.

***– Wildlife and animal health management – outcome of workshop***

The presidency briefed the Council on the outcome of a workshop held in Sofia on 20 and 21 March 2018 about the role of wildlife in the context of animal health management in the EU and in third neighbouring countries.

The meeting focused on wildlife management measures relating to threats of introduction and spread of animal diseases affecting both wildlife and domestic animals, including classical and African swine fever, avian influenza, rabies and foot-and-mouth disease.

The workshop was introduced by Commissioner Andriukaitis and the Bulgarian minister Rumen Porodzanov, who highlighted the importance of enhancing coordinated efforts to tackle diseases, especially in the light of the spread of African swine fever.



– *African swine fever – outcome of conference*

The Council took note of the information provided by the Polish delegation on the outcome of a high-level conference on African swine fever held in Warsaw on 26 March 2018. The conference served as an opportunity to discuss a series of topics and to work out cohesive conclusions related to scientific research, legislative and informative activities and financial aid.

– *Common measures to eradicate African swine fever in the EU*

The Danish delegation drew the Council's attention to the need to deepen the efforts to ensure effective containment and eradication of African swine fever in Europe. In particular, it suggested launching an extended control and eradication plan in the EU, which should focus on:

- control, containment and eradication of African swine fever in wild boar populations, e.g. through more active use of fencing to contain infected wild boar populations
- measures related to preventing further spreading via means of transport
- information activities on biosecurity in affected areas
- founding of research pilot projects related to African swine fever

The point was discussed as part of the Polish delegation's "Any other business" point on African swine fever. During the debate, various ministers restated their commitment to the fight against the disease and thanked the Commission for all its initiatives in this field. Some agreed with the Danish proposal to take better account of animal and plant health in the future CAP. The Commission took the opportunity to recall all the measures that have been put into place at European level to control and eradicate the disease, and encouraged once more member states to share concrete ideas to further enhance and improve the EU strategy.

– *Transparency and sustainability of the EU risk assessment in the food chain*

The Commission informed the Council on its proposal for a regulation on the transparency and sustainability of the EU risk assessment in the food chain.

The proposal is intended to respond to the results of the 2014 fitness check on regulation 178/2002 laying down the general principles and requirements of food law and setting up the European Food Safety Authority (EFSA). The 2014 fitness check identified, among others, shortcomings regarding risk assessment in the context of authorisation dossiers and risk communication. The proposal is also intended to respond to the European citizens' initiative on glyphosate, which showed citizens' concerns about the transparency of the risk assessment process in the agri-food chain.

The proposal aims to ensure that scientists and citizens have access to key safety-related information being assessed by EFSA at an early stage of the risk assessment. The proposal also provides for a series of measures to ensure that EFSA has access to the broadest scientific evidence possible related to a request for authorisation. Other measures aim to increase the reliability, objectivity and independence of the studies used by EFSA in its risk assessments.

Ministers generally welcomed the proposal and the Commission invited the Council to make progress in order for the proposal to be adopted in a timely fashion.

## **OTHER ITEMS APPROVED**

### **AGRICULTURE**

#### **13th Session of the United Nations forum on forests: Council conclusions**

The Council adopted conclusions with a view to the participation of the European Union and its member states in the thirteenth session of the United Nations forum on forests - UNFF 13 ([7469/18 ADD 1](#)).

The UNFF will hold its thirteenth session from 7 to 11 May 2018 at the UN headquarters in New York.

#### **Transmissible spongiform encephalopathies: small ruminants**

The Council decided not to oppose the adoption by the Commission of a regulation amending regulation [999/2001](#) concerning technical requirements for the removal of specified risk materials from small ruminants ([6295/18](#)).

[Regulation 999/2001](#) lays down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies.

The Commission regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the EU. It can now enter into force unless the European Parliament objects.

### **FISHERIES**

#### **Fisheries partnership agreement: negotiations between the European Union and the Kingdom of Morocco**

The Council adopted a decision authorising the opening of negotiations between the EU and the Kingdom of Morocco for the amendment of the existing Fisheries Partnership Agreement (FPA), and the conclusions of a protocol implementing it. The Council also agreed on the related negotiating directives.

The amendment of the existing FPA is intended to implement the judgement of the Court of Justice in Court case C-266/16 where the Court determined that neither the agreement nor the protocol with the Kingdom of Morocco "are applicable to the waters adjacent to the territory of Western Sahara". The new Council decision, together with revised negotiating directives, will therefore replace the decision and negotiating directives adopted by the Council on 19 February 2018.

The European Parliament will be informed in accordance with article 218(10) TFEU.

The current FPA between the European Union and the Kingdom of Morocco entered into force on 28 February 2007 and was implemented by successive protocols enabling Union vessels targeting pelagic and demersal species to access the fishing zone of Morocco. The latest protocol is valid until 14 July 2018.

## **TRADE**

### **Trade defence instruments**

The Council adopted today its position on the regulation modernising the EU's trade defence instruments, following the political agreement reached with the EP in December 2017. This step clears the way for the final adoption of the text by the Parliament in the coming weeks.

The regulation amends the existing legal framework that allows higher tariffs to be imposed on dumped or subsidised imports in order to improve the protection of EU producers from damage caused by unfair competition. The new regulation makes EU trade defence instruments more predictable, transparent and accessible, in particular for small and medium-sized enterprises (SMEs).

The Council's position was adopted by a qualified majority, with Ireland abstaining and Sweden and UK voting against. The European Parliament is now expected to vote in plenary on the final text of the regulation, thereby completing the legislative procedure at second reading.

[Council adopts its position on a new legal framework against unfair trade competition](#)

## **Trade with the United States**

The Council adopted a decision not to raise objections to the Commission's delegated act adjusting the annual level of retaliation applied in the WTO dispute settlement on the United States' "Byrd agreement" of 2000.

The Council agreed to the Commission proposal of imposing an additional duty of 0.3% to the applicable customs duty on a number of products originating in the United States ([6345/18](#)).

## **ECONOMIC AND FINANCIAL AFFAIRS**

### **VAT – Italy – Electronic invoicing**

The Council adopted a decision allowing Italy to apply a measure derogating from VAT rules as regards mandatory electronic invoicing ([6654/1/18 REV 1](#) + [6266/18](#)).

The measure aims to help prevent tax fraud and tax evasion, boost digitalisation and simplify tax collection.

The Council's decision will apply from 1 July 2018 to 31 December 2021. Any request to extend the derogation beyond that date will require a report on the effectiveness and impact of the measure.

## **JUSTICE AND HOME AFFAIRS**

### **Schengen evaluation – France**

The Council adopted an implementing decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of France on the application of the Schengen acquis in the field of police cooperation ([8026/18](#)).

## **ENVIRONMENT**

### **Hazardous substances: exemptions for lead**

The Council decided not to oppose the adoption of seven Commission directives supplementing directive [2011/65/EU](#) on the restriction of the use of certain hazardous substances in electrical and electronic equipment as regards

- an exemption for certain electrical and electronic components containing lead in glass or ceramic ([7367/18](#), [6710/18](#) and [6710/18 ADD1](#))
- an exemption for lead in solders for the soldering to machined through hole discoidal and planar array ceramic multilayer capacitors ([7369/18](#), [6712/18](#) and [6712/18 ADD1](#))
- an exemption for lead in cermet-based trimmer potentiometer elements ([7370/18](#), [6714/18](#) and [6714/18 ADD1](#))
- an exemption for lead as an alloying element in copper ([7371/18](#), [6749/18](#) and [6749/18 ADD1](#))
- an exemption for lead in high melting temperature solders ([7372/18](#), [6750/18](#) and [6750/18 ADD1](#))
- an exemption for lead as an alloying element in aluminium ([7373/18](#), [6753/18](#) and [6753/18 ADD1](#))
- an exemption for lead as an alloying element in steel ([7374/18](#), [6754/18](#) and [6754/18 ADD1](#)).

These seven new Commission directives are delegated acts which may now enter into force unless the European Parliament objects.

## **INTERNAL MARKET**

### **Tractors – Type-approval requirements**

The Council decided not to oppose the entry into force of a Commission regulation amending regulations 167/2013 and 1322/2014 as regards the adaptation of the vehicle construction and general requirements for the approval of agricultural and forestry vehicles ([7082/18](#) and [7082/18 ADD 1](#)).

Type-approval requirements applying to agricultural and forestry vehicles are set out in [regulation 167/2013](#).

The new Commission regulation is a delegated act that may now enter into force unless the European Parliament objects.

## **CUSTOMS UNION**

### **Suspension of duties on goods for aircrafts – Airworthiness certificates**

The Council adopted a regulation updating the rules on the suspension of customs duties on goods used for aircrafts ([6809/18](#)).

The new regulation will adapt the existing rules, which date back to 2002, to technical and legislative developments.

Under regulation 1147/2002, customs duties were temporarily suspended for certain parts and components to be incorporated in or used for civil aircraft, when imported with airworthiness certificates.

That regulation simplified customs procedures for duty-free imports of parts, components and other goods used for the manufacture, repair, maintenance, rebuilding, modification or conversion of aircraft.

The temporary suspension introduced by regulation 1147/2002 will be continued in order to alleviate the administrative burden for both the economic operators in the aircraft sector and the customs authorities of the member states.

## **Import procedures – Conclusions on Court of Auditors' recommendations**

The Council adopted conclusions addressing a number of recommendations made by the EU Court of Auditors in its [report on import procedures](#): "Shortcomings in the Legal Framework and an Ineffective Implementation Impact the Financial Interests of the EU" ([7474/18](#) and [7473/18](#)).

## **EU-New Zealand cooperation agreement in customs matters**

The Council approved the conclusion of an agreement with New Zealand on cooperation and mutual administrative assistance in customs matters ([7712/16](#)).

The agreement, which was signed on 3 July 2017, aims to secure the supply chain and facilitate trade, as well as to enable the exchange of information to ensure the proper application of customs legislation and the prevention, investigation and combating of breaches of customs legislation.

## **ENERGY**

### **Strategic partnership with Egypt**

The Council decided to authorise the Commission to sign, on behalf of the European Union, a Memorandum of Understanding ([7388/18](#)) on a strategic partnership on energy between the EU and the Arab Republic of Egypt. Enhanced energy cooperation is expected to contribute to greater energy security of supply for the EU and for Egypt, as well as further sustainable development and progress in the transition to low-carbon and sustainable economies.

Both sides have identified the following areas for enhanced support:

- improving high-level energy governance
- improving energy system planning and modelling capacity
- implementing projects from the National Energy Strategy to 2035 and Medium-term Action Plan
- supporting the development of an energy hub



- establishing a MoERE modernisation programme and regulatory support
- supporting increased growth of renewable energy and institutional realignment
- supporting energy efficiency efforts and institutional strengthening

This MoU will cover the period from 2018 to 2022. It replaces and supersedes the MoU signed on 2 December 2008.

## **TRANSPORT**

### **"Single European Sky": conclusions on the Court of Auditors' special report**

The Council adopted conclusions on the European Court of Auditors special report no 18/2017 "Single European Sky: a changed culture but not a single sky" (7466/18).

## **RESEARCH**

### **Research fund for coal and steel**

The Council adopted a decision amending [decision 2003/76/EC](#) on the the expiry of the European Coal and Steel Community (ECSC) treaty and on the Research Fund for Coal and Steel (RFCS) ([14532/17](#)).

This decision reviews the financial rules on the cancellation of commitments made under the RFCS programme so as to make amounts corresponding to such cancellations available to the programme.

The [RFCS programme](#) provides around €50 million a year for research, development and innovation in the coal and steel sectors. It covers production processes, utilisation and conservation of resources, environmental improvements and safety at work in these sectors.

The programme is funded by the EU's budget with the revenues generated by the remaining assets of the ECSC, which expired in 2002.

Decision [2003/76/EC](#) established the rules for implementing protocol no 37 of the EU treaty, which stated that revenues from ECSC reserves would be used for research within the coal and steel sectors.

## **HEALTH**

### **Foodstuffs**

The Council decided not to oppose the adoption of a Commission regulation (EU) .../... of XXX amending regulation no 10/2011 on plastic materials and articles intended to come into contact with food.

The amendments are necessary in the light of the most recent scientific opinions that the European Food Safety Authority has published on particular substances that may be used in food contact materials ([7031/18+ADD1](#)).

### **Medicinal products**

The Council decided not to oppose the adoption of a Commission regulation (EU) .../... of XXX amending regulation (EC) no 847/2000 regarding the definition of the concept "similar medicinal product".

This definition needs to be updated in the light of new scientific and technical knowledge, in particular major developments in the field of biological medicines, and especially advanced therapy medicinal products ([6211/18](#)).

## **SPORT**

### **World Anti-Doping Agency foundation board**

The Council approved the designation of Iona Bran (Minister of Youth and Sport, Government of Romania) for a period lasting until 30 June 2020, as a representative of the EU member states on the foundation board of WADA ([7402/18](#)).

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