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Agriculture and Fisheries

Luxembourg, 18 June 2018

President **Rumen Porodzanov**
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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**AGRICULTURE****Post 2020 common agricultural policy (CAP) reform package**

The Commission presented its proposals for reforming the common agricultural policy (CAP) in the period post 2020.

The reform package is worth €365 billion and consists of three proposals:

- a regulation on CAP strategic plans ([9645/18](#) + [ADD 1](#))
- a regulation on financing, managing and monitoring the CAP ([9634/18](#) + [ADD 1](#))
- a regulation on a common market organisation of agricultural products ([9556/18](#))

and an impact assessment ([9646/18](#) + [ADD 1](#) + [ADD 2](#)).

Ministers had an opportunity to react to the proposals and set out their priorities for the period post 2020.

Ministers welcomed various elements of the proposals but expressed concerns about the cuts proposed by the Commission to the CAP budget in general and rural development in particular, and were sceptical as to the capacity of the new CAP to deliver genuine simplification for national authorities and farmers. Other concerns regarded the proposed mechanism for "external convergence" of direct payments and the targeting measures put forward by the Commission, namely compulsory capping, degressivity and redistributive payments. During the debate ministers were also informed about a memorandum signed by several member states on the CAP budget in the context of the next multiannual financial framework (MFF) and about the decreasing availability of water for agriculture in Cyprus.

The Commission's proposals introduce a new delivery model that will give member states more flexibility in how to use their funds and will enable them to tailor-make their programmes. Some member states, however, stressed that the policy should remain a truly "common" one, without distorting competition across the EU. A single set of 9 EU-wide economic, environmental and social objectives will be identified at EU level and each member state will have to draw up a strategic plan covering the whole programming period, setting out how it intends to meet those objectives, using both direct payments and rural development. The Commission will approve each plan to ensure consistency and the protection of the single market, and monitor the progress towards objectives and targets using a set of result indicators agreed at EU level. This, however, should not result in delays of payments to farmers, as some ministers remarked during the meeting.

The Commission proposals also outline new obligations and incentives for farmers relating to environment and climate action. All payments will be conditional to meeting environmental and climate requirements and member states will have to include 'eco-schemes' to support farmers in going beyond the mandatory requirements, funded with a share of their national direct payment allocations. Although the step-up in the environmental ambition of the CAP was generally welcomed, not all member states were satisfied by the new "green architecture" - some of them criticising the proposed conditionality and others questioning the mandatory character of eco-schemes under pillar I.

Moreover, the new CAP as proposed by the Commission will better target small and young farmers, thereby facilitating generational renewal, and will try to foster greater use of knowledge and innovation. However, the mechanisms to do so were not considered sufficient by all member states, some of them advocating more ambition in this regard.

The Commission had already introduced the proposals at the informal meeting of agriculture ministers in Sofia on 5 June, and at preparatory level at the meeting of the Special Committee on Agriculture on 4 and 11 June

Market situation

As a continuation of the practice at previous meetings of the "Agriculture and Fisheries" Council, the Commission was invited to provide an update on the market situation in the main agricultural sectors.

The Commission updated ministers on a generally positive economic situation and outlook in the main market segments. Several delegations raised concerns with regard to the still high level of EU intervention stocks of skimmed milk powder, the low sugar and pigmeat prices as well as the US import duties on Spanish table olives. Some delegations also mentioned rice and beef as sensitive sectors.

Following a continued crisis affecting several agricultural sectors - notably the dairy, pigmeat and fruit and vegetables sectors - the Council endorsed three consecutive packages of support measures for farmers in September 2015, March 2016 and July 2016.

The last Council discussion on developments in the most important agricultural markets took place in January 2018. At that time ministers restated their commitment to monitor future developments closely, especially in relation to sanitary and phytosanitary issues, challenging weather conditions and the possible impact of free trade agreements on sensitive agricultural products.

FISHERIES

European Maritime and Fisheries Fund

The Commission presented its proposal for a new European Maritime and Fisheries Fund (EMFF) worth €6.14 billion to invest in the maritime economy and support fishing communities ([9627/18](#) + [ADD 1](#) and [ADD 2](#) + note [9631/18](#)) and the Council had the opportunity for a first exchange of views on the proposal.

During the discussion ministers welcomed the proposal and identified real simplification and flexibility for member states as key issues. Some of them welcomed the inclusion of aquaculture, including freshwater aquaculture, within the scope of the proposal, as well as the attention to outermost regions. Some ministers regretted the decreased availability of funds under the new EMFF, and generally agreed that prioritisation and balanced distribution of resources among different areas of support constitute key challenges.

The new EMFF is part of the multiannual financial framework 2021-2027, the new EU long-term budget that enters into force on 1 January 2021.

The proposal aims to support the achievement of the objectives of the common fisheries policy (CFP) including aquaculture, and the implementation of the EU's maritime policy, as well as to strengthen the EU's international commitments regarding ocean governance, notably in the context of the 2030 agenda for sustainable development. Special attention is given to supporting small-scale fishermen.

The proposal identifies four priorities:

- fostering sustainable fisheries and the conservation of marine biological resources
- contributing to food security in the EU through competitive and sustainable aquaculture and markets
- enabling the growth of a sustainable blue economy and fostering prosperous coastal communities
- strengthening international ocean governance and enabling safe, secure, clean and sustainably managed seas and oceans

The EMFF also aims to support voluntary contributions to international organisations and technical assistance.

Fisheries controls

The Commission presented its proposed amendments to the current rules on fisheries controls ([9317/18](#) + [ADD 1, 2](#) and [3](#)), and ministers had the opportunity for a first exchange of views on them.

In their interventions ministers generally welcomed the proposal. Many delegations highlighted the importance of cost-effectiveness and simplification, and the need to minimise administrative burden, particularly with regard to controls on small vessels and recreational fisheries. They also touched on the possibility of obtaining financial support for the e-solutions contained in the proposal.

The proposal revises several regulations as regards fisheries control, and simplifies and improves existing measures with the aim of ensuring full compliance with the CFP and the achievement of its objectives.

The draft regulation aims in particular to remove obstacles that hinder the development of a culture of compliance, improve the availability, reliability and accuracy of data, particularly on catches, and bridge the gaps with the CFP (e.g. landing obligation) and other policies such as the EU plastics strategy.

The Working Party on Internal and External Fisheries Policy took note of the first presentation of the proposal on 31 May 2018.

State of play of the common fisheries policy and fishing opportunities for 2019

The Council was briefed and held an exchange of views on a Commission communication on the state of play of the common fisheries policy (CFP) and consultation on the fishing opportunities for 2019 ([9635/18](#) + [ADD 1](#)).

Member states generally welcomed the communication but highlighted the difficulties linked to the full implementation of the landing obligation, in particular as regards choke species, and the vulnerability of small-scale fisheries despite the overall improvement in economic performance. Some also stressed the importance of better communicating the good results achieved so far in the implementation of the CFP and towards sustainability of stocks in all EU sea basins.

The Commission communication gives an overview of the state of play of the CFP, sets out the principles intended to underpin the Commission's proposal for fishing opportunities for 2019 and opens a [public consultation](#) on this issue for member states, advisory councils, different stakeholders and the public (deadline 21 August 2018).

The communication reports on the situation of the stocks, both globally and by region, and the progress made in achieving sustainable fisheries, in particular with regard to the objective of reaching maximum sustainable yield (MSY) as soon as possible and by 2020 at the latest. The document also assesses the state of the EU fleet and its economic performance, the situation in the Mediterranean and the Black Sea, the phase-in of the landing obligation, the external dimension of the CFP and the new regionalised approach to fisheries management.

The communication also outlines the suggested working method and guidelines for proposing the total allowable catches (TACs). Concerning the guidelines for setting TACs, the Commission intends to propose fishing opportunities in line with the F_{MSY} (maximum rate of fishing mortality) ranges where provided for in multiannual plans currently in force and to use the whole range of F_{MSY} where ICES, the International Council for the Exploration of the Sea, has confirmed in its yearly advice the existence of mixed fisheries or intra/inter-species dependencies. Contrary to previous years, as regards TAC top-ups, de minimis allowances will be deducted where appropriate from the ICES landings advice. Where benchmarks result in significant differences in advice, the Commission will consider capping large variations on a case-by-case basis to phase-in the advice. For the stocks exploited as bycatches only, the Commission intends to follow the precautionary advice, while considering the need to avoid choke species. As regards eel, appropriate measures for all sea basins will be proposed based on the latest scientific advice.

ANY OTHER BUSINESS

ICES report

The Dutch delegation informed the Council that on 30 May 2018 the International Council for the Exploration of the Sea (ICES) had published its [latest advice on electric pulse fishing](#). The Netherlands advocated the sustainable aspects of this way of fishing, underlined the importance of science-based decisions in favour of innovation.

In the ensuing debate, some delegations expressed misgivings on the pulse fishing technique while others asked for more scientific evidence and a level playing field in the exploitation of this type of fisheries.

Protection of honeybees and other pollinators

The Slovenian delegation, supported by Luxembourg and Poland, drew the Council's attention to the issue of the protection of honeybees and other pollinators ([9882/18](#)) and asked that discussion be deepened at EU level to help reduce the endangerment of bees and other pollinators through international cooperation.

Member states and the Commission welcomed the initiative and restated the importance of protecting honeybees and pollinators for EU agriculture and the environment.

Memorandum on the CAP in the context of the next MFF

On behalf of a group of member states (Finland, France, Greece, Ireland, Portugal and Spain, supported by Croatia, Cyprus, Hungary, Lithuania, Luxembourg, Poland, Romania and Slovakia), the French delegation presented a joint memorandum on the CAP budget in the context of the future MFF.

The memorandum regrets the proposed reduction of the CAP budget in the context of the MFF as this would threaten the viability of European farming, and requests that the future CAP budget be increased and brought back to the current EU-27 level.

Decreasing availability of water for agriculture in Cyprus

The Cyprus delegation informed the Council about the severe drought conditions it has experienced in the last decade ([10040/18](#)).

The Cyprus delegation also took the opportunity to seek solidarity in finding ways and means to support farmers, possibly under the EU Solidarity Fund, and urged the Commission to propose solutions and means of supporting efforts to combat water shortages and drought conditions within the new CAP framework. Several delegations expressed sympathy for Cyprus's requests.

Disposal of skimmed milk powder stocks

The French delegation presented its strategy for the release of the intervention stocks of skimmed milk powder (SMP) that the EU has accumulated since 2016 ([9502/18](#)) and suggested in particular exploring the possibility of putting in place a tendering procedure specifically for animal feed (other than dairy feed), in addition to the 'conventional' tendering procedure.

While acknowledging the French proposal, the Commission considered it was appropriate to continue with the current tendering procedures with a view to disposing of the SMP stocks gradually and with minimum impact on markets and prices.

Situation in the pigmeat market

The Polish delegation briefed the Council on the difficult situation in the pigmeat market both in Poland and at EU level ([10038/18](#)) and asked the Commission to take action to improve the situation, including through the activation of private storage aid for pigmeat, the granting of financial support to pig producers, and the opening of new markets.

While acknowledging the Polish proposal, the Commission considered it premature to introduce market management measures for the pigmeat sector. It restated its commitment to closely monitoring market developments.

Anti-subsidy and anti-dumping duties against Spanish table olives by the US authorities

The Spanish delegation informed the Council about the recent decision of the US trade authorities to impose anti-subsidy and anti-dumping duties against Spanish table olives and reiterated its deep concern about the impact that this case could have on the EU aid model, which is decoupled from production.

All delegations that took the floor expressed solidarity with Spain and concern that the US decision could constitute a precedent for other EU decoupled payments. They encouraged the Commission to continue to collaborate with Spain to seek to prevent the US authorities from imposing the duties and to defend the WTO compliant nature of CAP support.

Declaration of the extended Visegrad group on BIOEAST

On behalf of the Visegrad group (Czech Republic, Hungary, Poland and Slovakia) plus Bulgaria, Croatia, Slovenia and the Baltic States (Estonia, Latvia and Lithuania), Hungary presented to the Council the vision of the Central Eastern European initiative for knowledge-based agriculture, aquaculture and forestry in the bio-economy "BIOEAST" ([10025/18](#)).

The declaration focuses on the challenges ahead for a sustainable biomass economy and builds on the proposed €10bn allocation for research and innovation to matters including bioeconomy in the future Horizon Europe programme. The Commission welcomed the initiative and encouraged the member states concerned to keep working in this area, taking into account all available support instruments, both currently available and in the next MFF.

The BIOEAST initiative was launched in 2014 by the four countries of the Visegrad Group (CZ, HU, PL and SK). It contributes to the development of the European Research Area in the bio-economy sectors (particularly agriculture), filling in the gaps in the Horizon 2020 Work Programme 2018-2020.

OTHER ITEMS APPROVED

AGRICULTURE

G20 agriculture meeting: updated EU guidelines

The Council endorsed updated EU guidelines in preparation for the G20 agriculture ministers meeting to be held in Buenos Aires on 27-28 July 2018, setting out the priorities for the EU and its member states ([8831/18](#)).

International Olive Council: adoption of EU position

The Council adopted a draft decision on the position to be taken on behalf of the EU in the Council of Members of the International Olive Council (IOC) at its 107th session, which will take place from 18 June to 21 June 2018.

The IOC is an international intergovernmental organisation in the field of olive oil and table olives. It was set up in Spain in 1959, under the auspices of the United Nations. The IOC contributes to the sustainable and responsible development of olive growing and it serves as a world forum for discussing policymaking issues and tackling present and future challenges. The EU is member of the IOC.

Catalogue of feed materials: correction to Dutch version

The Council decided not to oppose the adoption of a Commission regulation correcting the Dutch language version of regulation No [68/2013](#) on the catalogue of feed materials ([9173/18](#)).

The errors corrected by the new Commission regulation were to be found in entries 13.8.1 and 13.8.2. in part C of the annex as regards the reference to a constituent of a feed material to be declared.

EU priorities in the UN Food and Agriculture Organisation: Council conclusions

On 13 June 2018 the Council adopted conclusions on the EU and its member states' medium-term priorities for the Food and Agriculture Organisation of the United Nations (FAO).

The conclusions acknowledge that the FAO, as a global knowledge-based organisation within the UN system, has a key role to play in advancing the global sustainability and climate agenda in relation to agriculture, forestry, fisheries, as well as food security and nutrition. The conclusions also stress that the FAO has to ensure that adequate and appropriate technical expertise is available, and that continued efforts are needed to ensure that the FAO is an efficient, effective and transparent organisation that is fit for purpose in the wider UN system. Finally, the Council highlights the essential contribution which the EU and its member states make to the FAO's work in all its dimensions, including as prime contributors to the overall FAO budget, and commits itself to continue to actively support the FAO in its core mandate and in its standard-setting and normative activities.

Council conclusions on the EU and its member states' medium-term priorities for the Food and Agriculture Organisation of the United Nations (FAO): [9469/18 ADD 1](#)

FISHERIES

Baltic Sea fisheries: amendment to multiannual management plan

The Council adopted a regulation amending the multiannual management plan for the Baltic Sea (regulation 2016/1139) as regards fishing mortality ranges and safeguard levels for certain herring stocks ([PE-CONS 23/18](#)).

The regulation modifies the entries concerning the Bothnian Sea herring stock and Bothnian Bay herring stock in annexes I and II, which establish certain conservation reference points, including fishing mortality ranges and spawning stock biomass reference points.

North Sea fisheries: Council adopts multiannual management plan

On 18 June 2018 the Council adopted a new multiannual management plan (MAP) for the North Sea concerning demersal fish stocks - species that live and feed near the bottom of seas.

See [press release](#).

South Pacific regional fisheries management organisation: Council adopts new rules

The aim of the new rules is to make sure that the conservation and management measures adopted by the South Pacific Regional Fisheries Management Organisation (SPRFMO) are fully transposed into EU law and effectively implemented. Among other things, the regulation incorporates into EU legislation the decisions taken at the sixth meeting of the SPRFMO Commission (COMM6) in Lima, Peru, from 30 January to 3 February 2018.

The SPRFMO is an intergovernmental organisation that is committed to the long-term conservation and sustainable use of the fishery resources of the South Pacific Ocean. The European Union is a contracting party. Currently, the main commercial resources fished in the SPRFMO area are Jack mackerel and jumbo flying squid in the Southeast Pacific and, to a much lesser degree, deep-sea species often associated with seamounts in the Southwest Pacific.

The regulation will enter into force on the third day following that of its publication in the Official Journal of the European Union.

FOREIGN AFFAIRS**The Council extended the restrictive measures in response to the illegal annexation of Crimea and Sevastopol by Russia until 23 June 2019.**

The measures apply to EU nationals and EU-based companies. They are limited to the territory of Crimea and Sevastopol. The sanctions include prohibitions on:

- imports of products originating in Crimea or Sevastopol into the EU;
- investment in Crimea or Sevastopol, meaning that no Europeans or EU-based companies can buy real estate or entities in Crimea, finance Crimean companies or supply related services;
- tourism services in Crimea or Sevastopol, in particular, European cruise ships cannot call at ports in the Crimean peninsula, except in case of emergency;
- exports of certain goods and technologies to Crimean companies or for use in Crimea in the transport, telecommunications and energy sectors and related to the prospection, exploration and production of oil, gas and mineral resources. Technical assistance, brokering, construction or engineering services related to infrastructure in these sectors must not be provided either.

As stated in the declaration by the High Representative for Foreign Affairs and Security Policy on behalf of the EU on 16 March 2018, the EU remains firmly committed to Ukraine's sovereignty and territorial integrity. Four years on from the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol by the Russian Federation, the EU reiterated that it does not recognise the annexation and continues to condemn this violation of international law.

Relations with Armenia

The Council approved the EU position for the first EU-Republic of Armenia Partnership Council, which would take place in Brussels on 21 June 2018.

[EU-Armenia Partnership Council, 21/06/2018](#)

Joint declaration on behalf of the EU on cooperation with the states parties to the Framework Agreement of the Pacific Alliance

The Council authorised the opening of negotiations on the joint declaration on behalf of the EU on cooperation with the states parties to the Framework Agreement of the Pacific Alliance.

The joint declaration seeks to pursue the objectives of the Global Strategy for the EU's Foreign and Security Policy, as it serves to develop multilateral ties with a regional grouping within Latin America and the Caribbean and thus build a stronger partnership with the region, grounded on shared values and interests and the need to cooperate at political level.

The envisaged date for signature of a joint declaration by the High Representative on behalf of the EU is in the margins of the next EU-Community of Latin American and Caribbean States (CELAC) foreign ministers meeting on 16-17 July 2018.

Temporary reception by member states of the European Union of certain Palestinians

The Council extended the validity of permits for a group of 13 Palestinians for entry into, and stay in, the territory of EU member states for a further period of 24 months.

The 13 individuals concerned were peacefully evacuated from the Church of the Nativity in Bethlehem in accordance with the terms of an understanding between the Palestinian Authority and the government of Israel reached on 5 May 2002 and are being temporarily received by Belgium, Greece, Spain, Ireland, Italy, Cyprus and Portugal.

Démarche on whaling

The Council approved a démarche by the EU and its member states on Icelandic whaling. The EU and its member states remain fully committed to the implementation of the 1986 global moratorium on commercial whaling.

EUROPEAN ECONOMIC AREA

European Economic Area (EEA) agreement - incorporation of EU legislation

The Council adopted a decision establishing the EU position to be taken in the Joint Committee of the European Economic Area (EEA) concerning an amendment to annex XI (Electronic communication, audiovisual services and information society) and protocol 37 (containing the list provided for in Article 101) to the EEA agreement (8562/18).

The aim of the decision is to incorporate the general data protection regulation into the EEA agreement.

ENLARGEMENT

EU-Montenegro Stabilisation and Association Council - EU position

The Council established the position of the EU for the 9th meeting of the EU-Montenegro Stabilisation and Association Council.

ECONOMIC AND FINANCIAL AFFAIRS

Draft amending budget no 2 to the 2018 EU budget

The Council adopted its position on draft amending budget no 2 to the EU general budget for 2018.

The draft amending budget concerns the budgeting of the surplus of €56 million resulting from the implementation of the budget year 2017:

- a positive outturn in the revenue part of the budget (+ €339 million)
- an under-implementation on the expenditure side of the budget (- €17 million)

Member states' global contribution to the financing of the EU budget in 2018 will diminish accordingly.

GENERAL AFFAIRS

Reform of the electoral act - European Parliament consent

The Council agreed in principle on the draft Council decision as finalised by the lawyer-linguists ([9425/18](#)) and decided to forward it to the European Parliament for consent.

Carriage of goods and passengers by sea

The Council decided not to object to a Commission regulation updating the list of ports for the purpose of the collection of data on the maritime transport of goods and passengers under directive 2009/42/EC ([8539/18](#) and [8539/18 ADD1](#)).

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

Productive investments in businesses

The Council adopted conclusions on the European Court of Auditors' Special Report No 8/2018 entitled "EU support for productive investments in businesses - greater focus on durability needed" ([9677/18](#)).

INTERNAL MARKET AND INDUSTRY

Carriage of goods and passengers by sea

The Council decided not to object to a Commission regulation updating the list of ports for the purpose of the collection of data on the maritime transport of goods and passengers under [directive 2009/42/EC](#) ([8539/18](#) and [8539/18 ADD1](#)).

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

Non-road mobile machinery engines: type-approval and pollutant emissions

The Council decided not to object to the adoption by the Commission of a regulation amending and correcting regulation [2017/655](#), which supplements [regulation 2016/1628](#), to further improve requirements for monitoring pollutant emissions from in-service internal combustion engines installed in non-road mobile machinery, in line with the experience obtained by industry and member states with the first type-approvals of engines ([8527/18](#) and [8527/18 ADD1](#)).

Non-road mobile machinery covers a wide range of different machinery, including small handheld equipment (lawn mowers, chain saws, etc.), construction machinery (excavators, loaders, dozers, etc.), agricultural and farming machinery (harvesters, cultivators, etc.) and railcars, locomotives and inland waterway vessels.

Type-approval requirements applying to engines installed in non-road mobile machinery are set out in regulation [2016/1628](#) and in two delegated and one implementing Commission acts which apply from 1 January 2017 and 3 May 2017 respectively.

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

ENVIRONMENT

Aarhus Convention

The Council decided to ask the Commission to submit a study on the Aarhus Convention. The aim of the Aarhus Convention is to guarantee access to information, public participation in decision-making and access to justice in environmental matters.

Today's Council decision ([9422/18](#)) is based on article 241 of the Treaty on the Functioning of the EU. It will enter into force on the day of its publication in the Official Journal. In line with the 2016 interinstitutional agreement on better law making, the Commission must reply to the Council within three months.

The Council asks the Commission to complete the study by 30 September 2019 and, if changes to the Aarhus regulation [1367/2006](#) are considered appropriate in view of the outcomes of the study, to prepare a proposal for the amendment of the regulation by 30 September 2020.

[See press release.](#)

ENERGY

Renewable energy for sustainable rural development

The Council decided to adopt conclusions on the European Court of Auditors' special report 05/2018 entitled "Renewable energy for sustainable rural development: significant potential synergies, but mostly unrealised". The Council takes note of the Court's recommendations to the Commission to specify the purpose and role of the European Agricultural Fund for Rural Development (EAFRD) support for investments in renewable energy, and of the Court's recommendations to the Commission and the member states to improve the availability of information on EAFRD-related renewable energy support ([9619/18](#)).

HEALTH

Health claims on foods

The Council decided not to oppose the adoption of the following two Commission regulations on health claims made on foods:

- a regulation refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health ([8508/18 + ADD 1](#))
- a regulation refusing to authorise certain health claims made on foods and referring to the reduction of disease risk ([8547/18 + ADD 1](#))

The Commission regulations are subject to the "regulatory procedure with scrutiny". This means that the Commission may adopt them, unless the Council or the European Parliament objects.

TRANSPARENCY

Transparency - public access to documents

On 18 June 2018, the Council approved the reply to confirmatory application No 07/c/01/18 (8122/18).
