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2892nd meeting of the Council

Agriculture and Fisheries

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President

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Minister for Agriculture and Fisheries, France

P R E S S

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Main results of the Council

The Council held a policy debate on the revision of the cod stocks recovery plan.

The Council held an exchange of views on the school fruit distribution scheme.

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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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PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium:

Ms Sabine LARUELLE

Minister for SMEs, the Self-Employed, Agriculture and Science Policy

Bulgaria:

Mr Valeri TSVETANOV

Minister for Agriculture and Food Supply

Czech Republic:

Mr Petr GANDALOVIČ

Minister for Agriculture

Denmark:

Ms Eva Kjer HANSEN

Minister for Food

Germany:

Mr Gert LINDEMANN

State Secretary at the Federal Ministry of Food, Agriculture and Consumer Protection

Estonia:

Mr Helir-Valdor SEEDER

Minister for Agriculture

Ireland:

Mr Brendan SMITH

Mr Tony KILLEEN

Minister for Agriculture, Fisheries and Food
Minister of State at the Department of Agriculture, Fisheries and Food with special responsibility for Fisheries and Forestry

Greece:

Mr Alexandros CONTOS

Minister for Rural Development and Food

Spain:

Mr Josep PUXEU

Mr Jesús Miguel ORIA

State Secretary for the Rural Environment and Water
Minister for Rural Development, Livestock Breeding, Fisheries and Biodiversity of the Autonomous Community of Cantabria

France:

Mr Michel BARNIER

Mr Jean-Marie AURAND

Minister for Agriculture and Fisheries
Director-General, Ministry of Agriculture and Fisheries

Italy:

Mr Luca ZAIA

Minister for Agricultural and Forestry Policy

Cyprus:

Mr Michalis POLYNIKI CHARALAMBIDES

Minister for Agriculture, Natural Resources and Environment

Latvia:

Ms Dace LUCAUA

State Secretary at the Ministry of Agriculture

Lithuania:

Ms Kazimira Danutė PRUNSKIENĖ

Minister for Agriculture

Luxembourg:

Mr Fernand BODEN

Minister for Agriculture, Viticulture and Rural Development, Minister for Small and Medium-sized Businesses, the Liberal Professions and the Self-Employed, Tourism and Housing

Hungary:

Mr József GRÁF

Minister for Agriculture and Rural Development

Malta:

Mr George PULLICINO

Minister for Resources and Rural Affairs

Netherlands:

Ms Gerda VERBURG

Minister for Agriculture, Nature and Food Quality

Austria:

Mr Walter GRAUHAMMER

Deputy Permanent Representative

Poland:

Mr Marek SAWICKI

Minister for Agriculture and Rural Development

Portugal:

Mr Jaime SILVA

Minister for Agriculture, Rural Development and Fisheries

Romania:

Mr Dacian CIOLOS

Minister for Agriculture and Rural Development

Slovenia:

Mr Iztok JARC

Minister for Agriculture, Forestry and Food

Slovakia:

Mr Stanislav BECIK

Minister for Agriculture

Finland:

Ms Sirkka-Liisa ANTILA

Minister for Agriculture and Forestry

Sweden:

Mr Eskil ERLANDSSON

Minister for Agriculture

United Kingdom:

Mr Hilary BENN

Secretary of State for Environment, Food and Rural Affairs

Mr Jonathan SHAW

Parliamentary Under-Secretary of State (Marine, Landscape and Rural Affairs) and Minister for the South East

Mr Richard LOCHHEAD

Cabinet Secretary for Rural Affairs and the Environment, Scottish Government

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Commission:

Mr Joe BORG

Member

Ms Mariann FISCHER BOEL

Member

Ms Androulla VASSILIOU

Member

ITEMS DEBATED

COD RECOVERY PLAN

The Council held a policy debate¹ on the proposal for a Regulation concerning the revision of the cod stocks recovery plan (7676/08). It said that work should continue at COREPER level with a view to an agreement in November.

The discussion centred on key features of the proposal:

1. Geographical scope of the revised plan

The proposed geographical distribution includes the Kattegat, the Skagerrak, the North Sea, the eastern Channel, the west of Scotland, the Irish Sea and the Celtic Sea.

2. Fishing mortality reduction rates

TACs are currently set by the Council each year at levels corresponding to a 25 % reduction in the fishing mortality rate for stocks below the minimum level, a 15 % reduction for stocks below the precautionary level and a 10 % reduction for stocks above the precautionary level.

3. Limiting of fishing effort (reference period, definition of effort groups, conditions for excluding gear not fishing for cod)

Fishing effort is limited by ceilings expressed in kW-days, by effort groups (i.e. by gear groupings) and by Member State; the reference period used for the first year of application of the revised plan is the average effort in kW-days over 2005, 2006 and 2007. The effort ceilings are set by the Council each year on the basis of fishing mortality reduction rates identical to those applied for calculating the TACs, for effort groups which contribute to 80 % of cod catches.

¹ Only those delegations concerned by cod fishing in the area in question took part in the debate: Belgium, Denmark, France, Ireland, the Netherlands, Sweden, the United Kingdom, Germany and Spain. NB: Baltic cod stocks are the subject of a separate plan.

4. Discards and selectivity

The Member States are encouraged to reduce discards and promote selectivity.

In 2004, the Council adopted a Regulation aimed at restoring cod stocks – by 2014 at the latest – to the precautionary levels recommended by the experts. The present measures for attaining this objective should be reviewed in the light of the most recent scientific data.

On 2 and 3 October the Community will begin consultations with Norway on the joint management of North Sea stock. The Commission has promised to take the Council's contributions into account in the course of these consultations.

The Parliament's opinion (in consultation) is expected in October.

MAURITANIA

The Council was briefed on the development of the situation regarding the Fisheries Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania¹.

On an exclusively technical basis, sufficient guarantees concerning compliance with the Protocol, implementation of the technical measures laid down and support for the Banc d'Arguin National Park² have been given to the Commission, which will be able to make a payment of EUR 86 million.

As the Commission pointed out, supported by a number of delegations, these provisions apply without prejudice to the broader consultations with Mauritania under Article 96 of the Cotonou Agreement.

The financial contribution represents 80 % of Mauritania's total fisheries revenue.

¹ OJ L 203, 31.7.2008, p. 1.

² declared a world heritage site in 1989 under the UNESCO "Man and Biosphere (MAB)" programme.

FOOD AID FOR THE MOST DEPRIVED PEOPLE

Following Mariann FISCHER BOEL's presentation of the proposal adopted by the Commission on 17 September ([13195/08](#)), the Council requested the Special Committee on Agriculture to make a more detailed examination of the proposal, which will be discussed in Council in October.

Since 1987, Community legislation has allowed food from intervention stocks to be supplied to charities for distribution to the most deprived people in the Community. The recent rise in certain food prices and the decrease in stocks has made it necessary to review the legislation.

In 2006, it was estimated that over 13 million people were in receipt of this aid.

Against this background, the European Commission is proposing the following adjustments to the existing arrangements:

- allowing **market purchasing** to supplement intervention stocks on a permanent basis, and no longer restricting products to those in intervention, amongst other things in order to meet objectives of nutritional balance;
- as from 2010, food distribution plans would be established on a **three-yearly** basis ;
- for the three-year plan beginning on 1 January 2010, the Community **co-financing** rate would not exceed 75% of eligible costs, or 85% in "cohesion regions"¹. For subsequent three-year plans, the rate would rise to 50% and 70% respectively;
- participation in the programme would remain **optional** (in 2008, 19 Member States took part);
- the new **legal framework** would not enter into application until **2010**; the existing legal framework would continue to apply in 2008 and 2009.

Aid will reach EUR 500 million as of 2009, a two-thirds increase over the existing budget.

¹ Bulgaria, Cyprus, Estonia, Hungary, the Czech Republic, Greece, Lithuania, Latvia, Malta, Poland, Portugal, Romania, Slovakia, Slovenia and, on a transitional basis, Spain.

CYPRUS

The Council reached unanimous political agreement on a draft Decision declaring compatible with Community legislation the aid which Cyprus is planning to grant farmers to compensate them for the exceptional drought which hit the island in 2007 and 2008.

The decision will be adopted in part "A" of the agenda for one of the Council's forthcoming meetings, once legal/linguistic formalities have been completed.

On 19 September 2008, Cyprus submitted to the Council a request for a decision in accordance with the third subparagraph of Article 88(2) of the Treaty, giving notification that Cyprus planned to grant compensatory State aid to Cypriot farmers hit by the extreme drought in order to enable them to prepare for the next production cycle as quickly as possible.

The State aid will be EUR 67,5 million, and will go to 34 000 farmers and 3 000 livestock farmers.

HEALTH CHECK

The Presidency gave the Council an oral briefing on the state of play¹ on the "health check" of the CAP, which underwent reform in 2003-2004. ([9656/08](#)).

The French Presidency aims to reach political agreement on the legislative package on 19 November, in consultation with the Parliament, which plans to deliver its opinion on the same day².

The Council has accordingly requested the Special Committee on Agriculture actively to pursue its discussions in October and November in order to submit a compromise to Ministers as soon as possible.

¹ On the sidelines of the Council meeting, Ministers were invited to take part in trilateral meetings on the subject with the Presidency and the Commission.

² Consultation procedure

SCHOOL FRUIT SCHEME

The Council held a policy debate on a proposal designed to allow co-financing of a scheme to distribute free fruit and vegetables in schools ([11380/08](#)).

All delegations endorsed this educational and nutritional approach, but Ministers wanted to clarify some political aspects of the proposal, on the basis of a questionnaire drawn up by the Presidency ([13399/08](#)).

As regards the **finance-** and **budget-related** aspects of the proposed scheme, a large number of delegations would prefer a more generous budget, in particular to cover ancillary costs (costs of administration and transport). They wanted the utmost flexibility as regards the choice of target populations or eligible products, which some Ministers thought could be made at regional or local level.

The **principle of additionality** and the ability to continue with national schemes begun before the application of the new Regulation were also recurrent concerns.

Lastly, as regards the **origin of the products** covered by the scheme, the vast majority of delegations wanted to give preference to Community origin, along the lines of the school milk scheme. However, some delegations and the Commission representative were open-minded on this question, in particular in order to take account of the seasonal or geographical availability of certain fruit (bananas).

The scheme proposed by the Commission would allow Community co-financing – up to EUR 90 million – for initiatives by Member States.

This would go hand in hand with measures to be taken by Member States to teach children the importance of healthy eating, thus helping to promote good eating habits and stem the obesity epidemic.

During the reform of the common organisation of the markets in fruit and vegetables in the autumn of 2007, the Council asked the Commission to submit a proposal for the distribution of fruit in schools. A measure of this type was also advocated in the Commission's White Paper "A strategy for Europe on nutrition, overweight and obesity related health issues" in spring 2007.

OTHER BUSINESS

- (a) The EU Climate Change Effort-Sharing Proposal: implications for the EU's agriculture and food sectors – Request by the Irish delegation

The Council took note of a request from the Irish delegation on climate change action from the agricultural point of view (*13077/08*).

Greenhouse gas emissions from agriculture form a high percentage of overall emissions in Ireland. Farming plays a major role in the Irish economy and so it would seem difficult to make any major reduction in the proportion of emissions attributable to farming activity.

The Commission representative pointed out that rural development policy could offer incentives to meet new challenges, such as climate change, which Ireland had already undertaken in its national agro-environmental programmes. However, Mariann FISCHER BOEL spelt out the Commission's opposition to the principle of an "exchange" for emission quotas.

The European Council on 8 and 9 March 2007¹ stated that energy policy for Europe would pursue three objectives: increasing security of supply; ensuring the competitiveness of European economies and the availability of affordable energy; and promoting environmental sustainability and combating climate change.

- (b) How to use the unspent CAP budget - Request by the Polish delegation

The Council took note of a request from the Polish delegation, supported by the RO, LT, HU, SK, LV, CY, PT and BG delegations on the unspent CAP budget, which could be used, firstly, to offset the difference in aid levels between the 15 old and the 12 new Member States and, secondly, to finance costs linked to the quality of certain Community products in order to make them more attractive for export. (*13443/08*).

The German delegation pointed out that the current allocation scale was that contained in the relevant Accession Treaties and should therefore be adhered to.

¹ European Council conclusions: see 7224/1/07 REV 1.

The Commission representative pointed out that the unused margins could not be regarded as "savings" but had to be seen as funds due to the Member States. She went on to say that any reallocation would have to be decided by both arms of the budgetary authority, i.e. the Council and the European Parliament, as in 2007 for the Galileo project and as was now the case for the food facility currently being considered by the Council's preparatory bodies.

(c) Restoring customs protection of the cereals market - Request from the Polish delegation

The Council noted the concern expressed by the Polish delegation, supported by the GR, LT, LV, AT, NL, RO, SK and HU delegations, regarding developments on the EU cereals market and its request for customs duties to be reinstated on cereal imports ([13435/08](#)).

The ES, MT and UK delegations, however, urged the Commission to proceed with the greatest caution given that the markets were highly disturbed.

The Commission representative confirmed that the Commission was monitoring the situation, against a background of great market instability, including on the financial markets.

(d) FLEGT ¹ Action Plan against illegal logging and related trade – Request from the Netherlands delegation

The Council noted the Netherlands request, supported by the UK, DK, RO, DE, AT, BG and LU delegations, concerning the need for legislative proposals against the illegal harvesting of timber to be tabled as soon as possible ([13497/08](#)).

The Commission representative informed the Council that the Commission would shortly be adopting such a proposal ².

¹ Forest Law Enforcement, Governance and Trade

² This will be on the agenda for the meeting of the College of Commissioners on 15 October 2008.

- (e) Bluetongue policy - Request from the Belgian, Luxembourg, Spanish and Netherlands delegations

The Council noted the request by the Belgian, Spanish, Luxembourg and Netherlands delegations, supported by the Austrian, Bulgarian, Czech, German, Finnish, Irish, Italian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak and Slovenian delegations, regarding bluetongue vaccination policy (13389/08).

The delegations concerned drew the Council's attention to the need for a harmonised EU approach aimed at eradicating the disease, and stressed in particular the importance of large-scale long-term vaccination programmes funded under the same conditions as the 2008 scheme (full cover). Under this arrangement, which concerned emergency vaccination, the Community funded 100 % of the supply of vaccines and 50 % of the costs incurred in carrying out the vaccinations.

The Commission representative confirmed that from 2009 such vaccination programmes could no longer be considered as emergency measures; they would therefore cease to be eligible under Article 3 of Decision 90/424/EEC (veterinary fund) but rather be covered by Article 24 of the Decision (control, eradication and monitoring programmes), for which Community financing was currently capped at 50 % of the cost of supplies of vaccines ¹.

She said that the Community's contribution had totalled EUR 136 million in 2008.

Androulla VASSILIOU, Commissioner for Health, assured Member States that she was in contact with Mariann FISCHER BOEL (Agriculture) and Dalia GRYBAUSKAITĖ (Budget) with a view to considering adequate funding options for the 2009 vaccination programme ².

She asked Member States to make optimum use of such resources and to keep up their implementation of the other disease control measures, such as monitoring and restrictions on movement, with the same rigour as heretofore.

¹ Commission Decision 2007/782/EC.

² The amount currently available for eradication purposes (all diseases) stands at EUR 225 million for 2009.

OTHER ITEMS APPROVED

AGRICULTURE

Marketing of fruit plant propagating material – Recast version*

The Council adopted a Directive on the marketing of fruit plant propagating material and fruit plants intended for fruit production (recast version) (9719/08).

The Directive repeals Council Directive 92/34/EEC with effect from 30 September 2012. It updates and improves the Community conditions which ensure that purchasers receive propagating material and fruit plants which are healthy and of good quality. It improves and streamlines the regulatory environment in which businesses operate, reflecting scientific and technical progress and setting out clear conditions that have to be met to satisfy new consumer and industry needs. The Directive thus rounds off the process of harmonisation with the other Directives on the marketing of propagating material which have recently been amended under the new common agricultural policy.

Organic production and labelling of organic products

The Council adopted a Regulation amending Regulation (EC) No 834/07 on organic production and labelling of organic products (11850/08).

Compulsory use of the Community logo provided for in the Regulation has been deferred until 1 July 2010. However, operators may opt voluntarily to use the current logo under Annex V to Regulation (EEC) No 2092/91 until a new Community logo has been created.

FISHERIES

Southern Indian Ocean Fisheries Agreement

The Council approved the Southern Indian Ocean Fisheries Agreement on behalf of the Community ([. 5814/08](#)).

The Agreement, which was signed in 2006, establishes a new regional fisheries management organisation responsible for the conservation and management of non-tuna species in the high seas of the Southern Indian Ocean. The Community has fishing interests in the South Indian Ocean and is also a Coastal State on behalf of the Reunion Island. It is therefore obliged, under the terms of the UN Convention on the Law of the Sea, to cooperate with other interested parties in the management and conservation of the region's resources.

Role of the CFP in implementing an ecosystem approach to marine management –

Council Conclusions

The Council adopted the conclusions in [12769/08](#).

Community fisheries authorisation system

The Council adopted a Regulation updating the system for authorising the fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters ([12085/08](#) and [12636/08 ADD1](#)).

The new system is designed to bring Community authorisation procedures more closely into line with international obligations under bilateral fisheries agreements and multilateral agreements and conventions adopted in the context of regional fisheries management organisations.

Its purpose is also to ensure closer compliance with the objectives of the EU's common fisheries policy, in particular with regard to sustainable fisheries and control.

As a result of the 2006-08 action plan for simplifying and improving the common fisheries policy and the changed circumstances for fisheries outside Community waters since the adoption of Regulation (EC) No 3317/94, and in order to comply with international obligations, it became necessary to introduce a general Community system for the authorisation of all the fishing activities of Community fishing vessels outside Community waters.

It was also necessary to redefine the rules for access to Community waters of fishing vessels flying the flag of a third country, as currently laid down in other different legal instruments.

The new Regulation amends Regulations Nos 2847/93 and 1627/94 and repeals Regulation No 3317/94.

Illegal, unreported and unregulated (IUU) fishing

The Council adopted a Regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing ([12083/08](#) and [13139/1/08 ADD1](#)).

The purpose of this Regulation is to ensure the sustainability of fish stocks and improve the situation of Community fishermen exposed to unfair competition from illegal products, but also to meet consumers' demand for sustainable and fair fishery products.

It also seeks to halt the import of IUU fishery products into the European Union by introducing measures which cover the entire supply chain (fishing, transshipment, processing, landing and marketing), "from the net to the plate". Its main points are:

- introduction of an EU "blacklist" of non-complying vessels, together with detailed rules for compiling that list, the implications of being blacklisted, and, in certain cases, the consequences for third countries which harbour such vessels;
- establishment of a certification scheme covering all imports of fishery products with the exception of products from inland fisheries and aquaculture;
- approximation within the EU of the levels of sanctions for serious infringements: i.e. a maximum fine of at least five times the value of the fishery products obtained by committing the serious infringement.

The Regulation will apply from 1 January 2010.

EXTERNAL RELATIONS

International Criminal Tribunal for the former Yugoslavia

The Council adopted a common position extending for a period of twelve months, until 10 October 2009, Common Position 2004/694/CFSP on further measures in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY) (12849/08).

The common position seeks to freeze all funds and economic resources belonging to all persons who have been publicly indicted by the ICTY for war crimes but who are not in the custody of the ICTY.

TRANSPARENCY

Public access to documents

The Council adopted the replies to:

- confirmatory application 11/c/01/08 made by Mr Olivier REMIEN ([12500/08](#)).
 - confirmatory application 13/c/01/08, with the Swedish delegation voting against ([12736/08](#));
-