



**COUNCIL OF
THE EUROPEAN UNION**



15940/08 (Presse 335)

PROVISIONAL VERSION

PRESS RELEASE

2904th meeting of the Council

Agriculture and fisheries

Brussels, 18 to 20 November 2008

President

Mr Michel BARNIER
Minister for Agriculture and Fisheries of France

P R E S S

Main results of the Council

The Council reached political agreement on the "health check" of the common agricultural policy, on a programme to distribute fruit to schoolchildren, and on a recovery plan for cod stocks.

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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

Mr Kris PEETERS

Minister-President of the Flemish Government and Flemish Minister for Institutional Reform, Ports, Agriculture, Sea Fisheries and Rural Policy

Bulgaria:

Mr Valeri TSVETANOV

Minister for Agriculture and Food Supply

Czech Republic:

Mr Petr GANDALOVIČ

Minister for Agriculture

Denmark:

Ms Kjer Eva HANSEN

Minister for Food

Germany:

Ms Ilse AIGNER

Federal Minister for Food, Agriculture and Consumer Protection

Estonia:

Mr Helir-Valdor SEEDER

Minister for Agriculture

Ireland:

Mr Brendan SMITH

Minister for Agriculture, Fisheries and Food

Greece:

Mr Alexandros CONTOS

Minister for Rural Development and Food

Spain:

Ms Elena ESPINOSA MANGANA

Minister for the Environment, and the Rural and Marine Environment

Mr Jesús Miguel ORIA

Minister for Rural Development, Livestock Breeding, Fisheries and Biodiversity of the Autonomous Community of Cantabria

France:

Mr Michel BARNIER

Minister for Agriculture and Fisheries

Italy:

Mr Luca ZAIA

Minister for Agricultural and Forestry Policy

Cyprus:

Mr Panicos POUROS

State Secretary at the Ministry of Agriculture, Natural Resources and Environment

Latvia:

Mr Mārtiņš ROZE

Minister for Agriculture

Lithuania:

Ms Dalia MINIATAITE

State Secretary at the Ministry of 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 Josef PRÖLL

Federal Minister for Agriculture, Forestry, the Environment and Water Management

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 Richard LOCHHEAD

Cabinet Secretary for Rural Affairs and the Environment, Scottish Government

Mr Huw IRRANCA-DAVIES

Minister for the Natural and Marine Environment, Wildlife and Rural Affairs

Mr Conor MURPHY

Minister for Regional Development (Northern Ireland Assembly)

Ms Elin JONES

Minister for Rural Affairs (Welsh Assembly)

.....

Commission:

Mr Joe BORG

Member

Ms Mariann FISCHER BOEL

Member

Ms Androulla VASSILIOU

Member

ITEMS DEBATED

AGRICULTURE

Genetically modified soya

The Council did not achieve a qualified majority for or against a proposal for a Decision authorising the placing on the market of products containing genetically modified soybean MON-89788-1, for the same uses as any other soybean, with the exception of cultivation ([14683/08](#)).

The Decision will be referred back to the Commission.

The Netherlands delegation declared that it agreed with the opinion of the European Food Safety Authority (EFSA) about the authorisation. It proposed that this issue should be discussed more generally at the meeting of the Environment Council on 4 December 2008, to adopt guidelines to optimise the authorisation procedure on the basis of a risk analysis.

The "health check" of CAP reform

The Council reached political agreement on the proposal, which pursues three essential objectives: to improve the single payment scheme, to modernise agricultural market management tools, and to respond to the new challenges of climate change, bioenergy production, water management and the preservation of biodiversity.

This item will appear as an "A" item on the agenda of a forthcoming Council meeting, following finalisation by legal/linguistic experts.

The main elements of the agreement are as follows:

Additional modulation

The current 5 % modulation¹ rate will be increased as set out in the following table, with a franchise of EUR 5 000:

Additional modulation	Budget year 2010	Budget year 2011	Budget year 2012	Budget year 2013
Rate	5+2 = 7 %	7+1 = 8 %	8+1 = 9 %	9+ 1 = 10 %

Progressive modulation

A progressive modulation of 4 % will be added **from 2009 (budget year 2010) onwards**, for amounts above EUR 300 000.

Co-financing for resources stemming from modulation and allocated to new challenges will be at a rate of 75 % (or 90 % for convergence regions).

Support for sectors in difficulty

From 2010, the Member States will be able to use up to 10 % of their national ceilings to grant support to farmers for certain types of agriculture which are important in terms of the protection or improvement of the environment, to improve the quality of agricultural products or their marketing.

This support may also be used to compensate for specific disadvantages in the dairy sector, the beef and veal sector, the sheepmeat and goatmeat sector, and the rice sector, in areas which are either economically vulnerable or environmentally sensitive, and in areas covered by restructuring and/or development programmes to prevent agricultural land being abandoned, and/or to compensate for the specific disadvantages suffered by farmers in those areas.

¹ Reduction of direct aid to farmers, allowing national rural development programmes to be enhanced.

The ceiling for coupled payments is limited to 3,5 % of the national ceilings in Annex VIII.

However, recourse to the new Article 68 will be subject to certain conditions:

- support for certain types of agriculture which are important for the protection or improvement of the environment will only be authorised if the requirements for agro-environmental payments are met;
- support for quality improvement will require compliance with the rules applicable to guaranteed traditional specialities, the protection of geographical indications and designations of origin, and organic production, as well as marketing standards and production conditions;
- support for improvement in the marketing of agricultural produce will only be authorised if certain arrangements regarding the provision of information and promotional activities are complied with;
- support for environment, quality and marketing will be limited to covering additional costs or the loss of income;
- support to compensate for specific disadvantages for certain farmers will only be granted if the single payment scheme is implemented in its entirety in the sector concerned, and only to the extent necessary to encourage current levels of production to be maintained.

Crop insurance and mutual funds

Support from Member States may also take the form of a financial contribution to the payment of crop, animal and plant insurance premiums covering financial loss caused by unfavourable weather conditions and animal or plant diseases or parasitic infections, or of contributions to mutual funds in the case of animal or plant diseases.

Abolition of set-aside

This abolition is to be compensated for by a strengthening of Community provisions to protect, where appropriate, special features of the landscape such as buffer strips along water courses.

Pace of decoupling

Aid for arable crops, durum wheat, olive oil and hops will be decoupled on 1 January 2010.

Aid for beef and veal (with the exception of suckling cows), rice, nuts, seed, protein plants and starch potato cultivation will be decoupled on 1 January 2012 at the latest.

Finally, the decoupling of aid for the processing of dried fodder will take place on 1 April 2012, and that for potato starch, hemp and flax on 1 July 2012 (aid integrated into the single payment scheme from 1 January 2012).

The Commission will draw up a report by 31 December 2012 on the progress of the "health check", particularly with regard to progress towards decoupling.

Minimum conditions for the granting of aid:

No payment for an amount of aid of less than **EUR 100** or for an eligible area smaller than **1 hectare**. The Member States may refine these thresholds, in accordance with the following table:

Member State	Limit for the EUR threshold	Limit for the hectare threshold
Belgium	400	2
Bulgaria	200	0,5
Czech Republic	200	5
Denmark	300	5
Germany	300	4
Estonia	100	3
Ireland	200	3
Greece	400	0,4
Spain	300	2
France	300	4
Italy	400	0,5
Cyprus	300	0,3
Latvia	100	1
Lithuania	100	1
Luxembourg	300	4
Hungary	200	0,3
Malta	500	0,1
Netherlands	500	2
Austria	200	2
Poland	200	0,5
Portugal	200	0,3
Romania	200	0,3
Slovenia	300	0,3
Slovakia	200	2
Finland	200	3
Sweden	200	4
United Kingdom	200	5

New challenges - accompanying measures for certain sectors

Besides the new challenges identified in the Commission proposal (climate change, renewable energy, management of water, biodiversity), the additional funds stemming from the increase in modulation may be used to finance measures such as innovation in the areas mentioned above, or accompanying measures in the dairy sector.

Choice of the regional or historical model

Those Member States which had introduced the single payment scheme on the basis of a historical model will be bale to redistribute aid on a regional basis.

Dairy sector

Increase in milk quotas

To ensure that there is a "soft landing" for the milk quota scheme, an increase of 1 % per year in 2009, 2010, 2011, 2012, and for the marketing year 2013/2014, to prepare for their planned disappearance in 2015, has been accepted¹.

Two interim reports by the Commission will assess the situation in the sector at the latest in June 2010 and June 2012.

Aid for the private storage of butter

Status quo.

¹ For Italy, the increase will be in a single instalment of 5 % from 2009.

Specific sectors

Hemp and flax

Aid for long fibres of:

- EUR 200 per tonne with effect from 1 July 2009;
- EUR 160 per tonne with effect from 1 July 2010, with total decoupling from 1 July 2012 and integration into the single payment scheme on 1 January 2012.

Aid for short fibres of EUR 90 per tonne from 1 July 2009, with total decoupling from 1 July 2012 and integration into the single payment scheme on 1 January 2012.

Tobacco

The sector will be restructured through the rural development funds, with the assistance of the Commission.

Intervention

The measures in force in the **dairy sector** will be maintained in a simplified form, with the maximum quantities being set at 30 000 tonnes for butter and 109 000 tonnes for skimmed milk powder.

For **soft wheat**, intervention will take place from 1 November to 31 May, at the intervention price of EUR 101,31 per tonne, for a maximum quantity of 2 million tonnes, and purchase by tender beyond that.

Finally, intervention for **durum wheat, rice, barley and sorghum** will be maintained as a market management instrument but with the thresholds set at zero as for intervention for maize.

Cross-compliance

The list of legislative texts setting conditions for the payment of Community aids has been adapted.

The date of application of some cross-compliance requirements (animal welfare) has been postponed, to 1 January 2013 for States which have been Member States of the Union since 2004, and to 1 January 2016 for Bulgaria and Romania.

The Member States may renounce the deduction of amounts less than or equal to EUR 100 in the event of infringements of cross-compliance.

The Council and the Commission have undertaken to continue the exercise of simplification both for national administrations and for those they administer.

School fruit

The Council reached political agreement on a proposal to allow the co-financing of programmes to supply fruit and vegetables in schools ([15587/08](#) + [15587/08 ADDI](#)).

The Parliament delivered its opinion on 18 November 2008.

This item will appear as an "A" item on the agenda for a forthcoming meeting of the Council, following its finalisation by legal/linguistic experts.

The programme is intended to encourage a lasting increase in the proportion of fruit and vegetables in children's diets, at the age when they are developing their eating habits, and thus to contribute to the fight against obesity.

Its main features are as follows:

Children concerned

Children aged 6 to 10 are the main target of the programme, but the Member States may extend supply to crèches, other pre-school establishments, and primary and secondary schools.

Those Member States which wish to go further may, in addition to the Community aid, grant national aid for the supply of the abovementioned products, and to fund certain related costs. Thus they may grant national aid to finance accompanying measures.

Choice of fruit and vegetables

The Member States may choose from fresh or processed fruit or vegetables, including bananas, depending on objective criteria which include which fruit are in season, the availability of products, or environmental concerns.

In this respect, the Member States may give preference to products of Community origin.

Financing

The Community aid is fixed at EUR 90 million per school year¹.

The aid cannot exceed 50 % of the costs of supply and related costs (75 % of such costs in convergence regions and the outermost regions), or cover costs other than the costs of supply and related costs explicitly referred to in the Regulation.

¹ Each participating Member State is guaranteed to receive Community aid of at least EUR 175 000.

Given the limited budget, the Member States may call for contributions from the private sector.

Finally, any national programme already in place will not be eligible, unless the Member State concerned wishes to extend the programme in question or to increase its effectiveness ("additionality" of the aid).

Implementation and review clause

The programme will apply with effect from the 2009/2010 school year and the Commission will present a report on its implementation to the Council and the Parliament by 31 August 2012.

FISHERIES

Bilateral agreement with Norway

The Council held an exchange of views in preparation for the second round of negotiations with Norway for 2009 which are to take place in Brussels from 24 to 28 November and should relate to:

- reductions in discards;
- the joint long-term plan for cod (North Sea);
- year-to-year flexibility of quotas (for saithe and haddock);
- TACs for joint North Sea stocks;
- exchange of fishing opportunities.

Baltic Sea cod – Evaluation of Poland's national action plans for cod management

The Council heard and took note of the Commission's annual report on the positive evaluation of the implementation of Poland's national action plans for the stock of Baltic Sea cod, as provided for in Article 3(2) of Regulation (EC) No 338/2008¹.

When the 2008 TACs and quotas for the Baltic Sea were set in October 2007², Poland undertook to adopt and implement national action plans, including immediate measures to improve control and enforcement systems in accordance with Community rules and specific measures to adjust the Polish fleet capacity in order to achieve a stable balance between capacity and the opportunities for cod fishing in the Baltic Sea allocated to Poland.

¹ Council Regulation (EC) No 338/2008 of 14 April 2008 providing for the adaptation of cod fishing quotas to be allocated to Poland in the Baltic Sea (Subdivisions 25-32, EC Waters) from 2008 to 2011 (OJ L 107, 17.4.2008, p. 1.).

² see Press Release of 22 and 23 October 2007, [13683/07](#).

The Commission was able to establish that the Polish government's undertaking had produced concrete results on all these points and welcomed the voluntary closure by Poland of the western cod fisheries on 20 June 2008 for the remainder of the year.

The Commission congratulated Poland's Minister on these achievements and encouraged him to continue in the same vein, as this was a continuing process over several years.

Simplification of the Common Fisheries Policy (CFP)

The Council took note of the Commission's oral report on the measures taken to simplify and improve the CFP.

This information item has now customarily been included under every Presidency since 2006.

Further to the Interinstitutional Agreement on better law-making between the Council, the Commission and the European Parliament of 31 December 2003¹, the Commission undertook to simplify Community fisheries legislation and its administrative environment. To that end, it consulted all stakeholders: competent national administrations, the industry and the non-governmental organisations involved.

At the Council's behest, in December 2005 the Commission adopted the first multiannual action plan (2006-2008) for simplifying and improving the Common Fisheries Policy ([15613/05](#)).

The Commission pointed out that simplification of the CFP must first and foremost benefit fishermen and the public administrations with responsibility for fisheries, both within the Member States and at Community level.

The action plan will end in December 2008. The Commission will submit a final report during the Czech Presidency in April 2009.

¹ OJ C 321, 31.12.2003.

Strategy for the sustainable development of aquaculture in Europe

The Council held a preliminary exchange of views on the basis of a Presidency questionnaire, seeking directions on policy with a view to a renewed Community strategy for the sustainable development of aquaculture in Europe.

A large number of delegations were in favour of a **simplification** of the national and Community **legislative framework**, to reduce the administrative burden and to attract new, especially young, people into this sector, which has great development potential to respond to increasing demand for seafood.

In the view of some Member States, the question of the **space available** for such development is one of national or even regional competence.

There was wide consensus on the need to exchange information, **to share good practices**, and to make the best use of **research and development** of new technologies.

The idea of **promoting the image** of European aquaculture for consumers, and especially its ambitious **food safety and environmental** standards was widely shared.

Several countries were interested in the prospect of a management plan for **cormorants**, to balance measures to protect the species with measures to ensure the viability of producers.

Finally, regarding **economic assistance for the sector**, while some delegations felt that the framework currently provided by the **European Fisheries Fund** was sufficient, others would like a more detailed examination of the issue, particularly to promote the involvement of **young people** in aquaculture, and as regards coverage of **risks** and unforeseen events, particularly weather-related ones.

Consumption of fish worldwide, to feed both people and animals, is steadily increasing. Given the depletion of some fish stocks, aquaculture may help to meet this growing demand for aquatic products.

Almost half of fish consumption worldwide already comes from aquaculture.

Consolidation and modernisation of measures on control of the common fisheries policy

The Council took note of the presentation of a proposal for a Regulation consolidating and modernising the control system applicable to the common fisheries policy, adopted by the Commission on 14 November ([15694/08](#)), and of the ministers' initial exchange of views on it.

The Council instructed its preparatory bodies to examine the proposal which follows:

- Special Report No 7/2007 of the Court on Auditors on the system of control applicable to the CFP ¹;
- the Council conclusions adopted on 19 May 2008 after examination of that report ² ;
- a discussion held during the informal ministerial meeting under the Slovenian Presidency.

Recovery of cod stocks

The Council reached unanimous political agreement on a draft Regulation revising the recovery plan for cod stocks so as to ensure the sustainable exploitation of those stocks on the basis of maximum sustainable yield ([7676/08](#)).

The plan will introduce the following key measures:

Geographical scope of the revised plan

The plan covers four stocks, namely those in the Kattegat, the Skagerrak, the North Sea, the Eastern Channel, to the West of Scotland and in the Irish Sea.

The stock in Celtic Sea, although excluded from the plan at this stage, will continue to receive increased attention, in the spirit of the Commission's original proposal, given its fragility.

¹ 16071/07 FIN 587 PECHE 364

² 8338/08 FIN 136 PECHE 79

Fishing mortality objective

Set at 0,4 for all the stocks concerned, but subject to a review clause.

Setting the TACs for the Kattegat, the West of Scotland, and the Irish Sea

The TACs are set by the Council each year, on the basis of the opinion of the Scientific, Technical and Economic Committee for Fisheries (STECF), depending on the following limit values:

Stock	Minimum spawning biomass levels in tonnes	Precautionary spawning biomass levels in tonnes
Cod in the Kattegat	6 400	10 500
Cod in the North Sea, Skagerrak and Eastern Channel	70 000	150 000
Cod to the West of Scotland	14 000	22 000
Cod in the Irish Sea	6 000	10 000

- (a) if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be below the minimum spawning biomass level established in Article 6, the fishing mortality rate shall be reduced by 25 % in the year of application of the TAC as compared with the fishing mortality rate in the prior year;
- (b) if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be below the precautionary spawning biomass level set out in Article 6 and above or equal to the minimum spawning biomass level established in Article 6, the fishing mortality rate shall be reduced by 15 % in the year of application of the TAC as compared with the fishing mortality rate in the prior year; and
- (c) if the size of the stock on 1 January of the year of application of the TAC is predicted by STECF to be above or equal to the precautionary spawning biomass level set out in Article 6, the fishing mortality rate shall be reduced by 10 % in the year of application of the TAC as compared with the fishing mortality rate in the prior year.

Setting of TACs in the North Sea, the Skagerrak and the Eastern Channel

Initially, the TAC shall not exceed a level corresponding to a fishing mortality which is a fraction of the estimate of fishing mortality on appropriate age groups in 2008 as follows: 75 % for the TAC in 2009, 65 % for the TAC in 2010, and applying successive decrements of 10 % for the following years.

Subsequently, if the size of the stock on 1 January of the year prior to the year of application of the TAC is:

- **above** the precautionary spawning biomass level, the TAC shall be fixed consistent with a fishing mortality rate of 0,4 on appropriate age groups;
- **between** the minimum spawning biomass level and the precautionary spawning biomass level, the TAC shall not exceed a level which will result in a fishing mortality rate on appropriate age groups equal to the following formula:
$$0,4 - (0,2 * (\text{Precautionary spawning biomass level} - \text{spawning biomass}) / (\text{Precautionary spawning biomass level} - \text{minimum spawning biomass level}))$$
- at or **below** the limit spawning biomass level, the TAC shall not exceed a level consistent with a fishing mortality rate of 0,2 on appropriate age groups.

Limit in the annual variation of the TACs

Notwithstanding the rules on the setting of the TACs for each stock, the annual **variation** of the TACs will not be more than **20 %** more or less than the TAC for the previous year.

Fishing effort limitation:

- will take the form of ceilings expressed in kW/days, by effort group, i.e. by category of fishing gear. These ceilings will be set each year by the Council;
- either of two reference periods may be selected for the first year of application of the plan - at the choice of the Member States - to take account of restructuring efforts already made: 2004 to 2006, or 2005 to 2007;

- "effort groups" are defined with conditions excluding gear of which the cod catches have a negligible impact on stock (for example, less than 1,5 % of catches).

Discards and selectivity:

- The Member States are encouraged to reduce discards and to support efforts to improve the selectivity of fishing gear.

OTHER BUSINESS

The Council took note of the concerns expressed by the Netherlands delegation, also speaking on behalf of the Irish and United Kingdom delegations, about the pesticides legislative package and the need, at negotiations on second reading, to keep to the common position forwarded by the Council to the European Parliament on 22 September 2008.

Those delegations fear the negative consequences which the adoption of overly strict criteria for the approval of active substances might have on European agriculture.

The Council also noted the support of the German, Austrian, Belgian, Spanish, Estonian, Italian, Greek, Hungarian, Latvian, Luxembourg, Portuguese, Romanian and Czech delegations for the Netherlands request, and the encouragement given to the Presidency to seek a balanced agreement at second reading.

Commissioner Vassiliou, thanking the Council for its efforts in adopting the common position, recalled that the impact assessment accompanying the Commission's original proposal, in which protection for the health of consumers remained the primary concern, did not indicate such a negative effect on European agriculture.

OTHER ITEMS APPROVED

COMMON FOREIGN AND SECURITY POLICY

Côte d'Ivoire - Renewal of restrictive measures

The Council adopted a common position (15054/08) renewing the restrictive measures imposed against Côte d'Ivoire in order to implement United Nations Security Council resolution 1842 (2008).

The common position extends the measures introduced by common positions 2004/852/CFSP and 2006/30/CFSP with effect from 1 November 2008.

The measures restrict the supply of arms and military assistance to Côte d'Ivoire and create a framework for banning visas and freezing the assets of persons who are constitute a threat to peace and national reconciliation. They also prohibit the importation of all rough diamonds from Côte d'Ivoire.

DEVELOPMENT POLICY

Revision of Annex IV to the ACP-EC Partnership Agreement

The Council adopted a Decision constituting its common position for the negotiations in the ACP-EC Council of Ministers on the revision of Annex IV to the Cotonou Partnership Agreement (12835/08). The revision would replace certain articles of the Annex by a new article in order to harmonise the rules and procedures for the award of contracts and grants and the performance of contracts, replacing the procedures of the European Development Fund (EDF) by Community budget procedures, the possibility of applying national procedures and the introduction of an ethics clause.

BUDGET

Assistance for Georgia

The Council approved the Commission proposal to provide rapid assistance for Georgia following the crisis of summer 2008 ([14743/08](#)). A sum of EUR 50,7 million in commitment appropriations will be made available to fund measures to help displaced persons within Georgia. The measures will be funded from transfers within heading 4 (EU as a global player), most of which (EUR 39,5 million) is drawn from the emergency aid reserve.

EDUCATION

European Training Foundation

The Council adopted its common position on the recast Regulation on the European Training Foundation (ETF) ([11263/08](#)).

The purpose of the new legislative act is to extend the Foundation's reach beyond education and training to include human capital development and to open the ETF to the participation of countries which are not Community Member States but which share its commitment to human capital development, education and training with a view to lifelong learning. The Parliament delivered its opinion on 22 May 2008.

INTERNAL MARKET

Units of measurement

The Council adopted a common position on a proposal for a Directive improving the system of units of measurement within the EU ([11915/08](#) and *11915/08 ADD1*).

The common position, which follows from the political agreement reached within the Council on 15 July, will be referred to the European Parliament for a second reading in accordance with the codecision procedure.

The common position proposes to amend Directive 80/181/EEC, which lays down the legal units of measurement within the EU, and is based on the International System of Units (SI) ¹.

The new provisions of the Directive are intended to:

- enable the United Kingdom and Ireland to continue to use the limited local exemptions concerning the pint, the mile and the troy ounce where they are still applied (the basic Directive set deadlines for the use of non-SI units of measurement in those two countries);
- extend the scope of the Directive to consumer and environmental protection;
- extend the use of supplementary indications for an unlimited period (the basic Directive provided for their use until the end of 2009). The importance of the use of supplementary indications lies, for instance, in trade with economic partners which do not use the same units of measurement (e.g. the gallon in trade with the United States);
- introduce three new SI derived units:
 - the katal (kat) as a unit for catalytic activity (used in medicine and biochemistry);

¹ The International System of Units is based on the 1875 Paris Convention and is regularly updated by the General Conference on Weights and Measures. The best-known SI units are the metre, the kilogram and the second.

- the radian (rad) as a unit for a plane angle (used in geometry and physics);
- the steradian (sr) as a unit for a solid angle (used in geometry and physics);
- drop the acre as a land registration measurement unit (as it is no longer used in the United Kingdom and Ireland).

The text should apply to Member States from 1 January 2010.

Chemicals – health protection

The Council adopted a Decision restricting the marketing of five chemicals that are potentially harmful to health ([3665/1/08](#)).

The Decision will impose restrictions on the conditions for use and sale to the public in specific applications for:

- 2-(2-methoxyethoxy)ethanol, also known as "DEGME", which is a constituent part of certain paints, paint strippers, cleaning agents, sealants etc.;
- 2-(2-butoxyethoxy)ethanol, also known as "DEGBE", used mainly as a cosolvent in a wide range of applications;
- methylenediphenyl diisocyanate, also known as "MDI", used widely in the production of polyurethane foam;
- cyclohexane, used *inter alia* as a solvent in glues and adhesives, and
- ammonium nitrate, which is used mainly as a fertiliser.

The risk assessment for these substances identified the need to limit the risks posed to the health of workers and consumers. Those conclusions were confirmed by the Scientific Committee on Toxicity, Ecotoxicity and the Environment.

The provisions of the Decision will be incorporated in the European REACH system for the registration, evaluation and authorisation of chemicals.

The Decision also amends Directive 76/769/EEC on restrictions on the marketing and use of certain dangerous substances and preparations, which lays down a framework of harmonised rules applicable throughout the EU.

TRADE

European enterprise and trade statistics

The Council adopted a Decision establishing a programme for the modernisation of European enterprise and trade statistics (MEETS) ([3663/08](#)).

The programme is intended to

- review priorities and develop target sets of indicators for new areas;
- achieve a streamlined framework for business-related statistics;
- to support the implementation of a more efficient way of producing enterprise and trade statistics; and
- to modernise the data collection system on trade in goods between Member States (hereinafter referred to as Intrastat).

The programme will commence on 1 January 2009 and end on 31 December 2013.

FOOD SAFETY

Common authorisation procedure for food additives, food enzymes and food flavourings

The Council adopted a Regulation establishing a common authorisation procedure for food additives, food enzymes and food flavourings following agreement reached with the Parliament at second reading ([3658/08](#)).

The new legislative act establishes a common authorisation procedure which is intended to be effective, short and transparent, based on an assessment of safety in terms of human health carried out by the European Food Safety Authority (EFSA) and a risk management exercise in which the Commission and the Member States are involved in the context of a regulatory committee procedure with a right of scrutiny by the European Parliament. The Commission must draw up, update and publish a positive list for each category of substance concerned. The inclusion of a substance on one of these lists implies that it is authorised for general use by all operators in the Community market.

Food enzymes

The Council adopted a Regulation on food enzymes following agreement reached with the Parliament at second reading ([3659/08](#)). The new legislative act will replace the current individual national legislations with Community rules to promote fair trade and protect human health.

The Regulation applies to enzymes which are added to food to perform a technological function in the manufacture, processing, preparation, treatment, packaging, transport or storage of such food. Food enzymes will not be authorised unless they are safe and do not mislead the consumer.

The Commission will consider whether a food enzyme should be included on the positive list on the basis of a scientific assessment by the European Food Safety Authority (EFSA).

Food additives

The Council adopted a Regulation on food additives following agreement reached with the Parliament at second reading ([3660/08](#)).

Authorisation of individual food additives will be based on a scientific assessment by the European Food Safety Authority (EFSA). Only additives that are safe, fulfil a technological need and are of benefit to the consumer will be authorised. The use of an additive must not mislead the consumer.

The new legislative act simplifies the procedure for authorising food additives by enabling the Commission to amend the European positive list of food additives, under a regulatory committee procedure with the favourable opinion of the Member States and subject to a right of scrutiny by the Parliament.

Food flavourings

The Council adopted a Regulation on flavourings and certain food ingredients with flavouring properties for use in and on foods, following agreement reached with the Parliament at second reading ([3661/08](#)).

The new legislative act provides for a Community list of flavourings to be drawn up, lays down the conditions for the use of flavouring and food ingredients and contains maximum levels for undesirable substances in food. The conditions for the use of the term "natural" in describing flavourings are made stricter. The use of flavourings must not mislead the consumer, particularly as regards the nature, freshness, quality of ingredients used, the naturalness of a product or of the production process, or the nutritional quality of the product.

APPOINTMENTS

Committee of the Regions

The Council adopted a Decision appointing as alternate members for the remainder of the current term of office, which ends on 25 January 2010:

- Mr Roland HEINTZE, Mitglied der Hamburger Bürgerschaft,
 - Mr Roland RIESE, Mitglied des Niedersächsischen Landtages.
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