



**COUNCIL OF
THE EUROPEAN UNION**



10245/09 (Presse 150)

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2944th Council meeting

Agriculture and Fisheries

Brussels, 25 May 2009

President

Jakub ŠEBESTA
Czech Minister for Agriculture

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Main results of the Council

The Council adopted conclusions on the simplification of the Common Agricultural Policy.

The Council had an exchange of views on the future Common Fisheries Policy reform.

In the field of immigration, the Council adopted without discussion:

- *directive providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, and*
- *a directive for improving the conditions of entry and residence of third-country national for the purposes of highly qualified employment (the "EU Blue Card").*

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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 Jakub ŠEBESTA

Minister for Agriculture

Mr Ivo HLAVÁČ

State Secretary for Agriculture

Denmark:

Ms Eva Kjer HANSEN

Minister for Food

Germany:

Ms Ilse AIGNER

Federal Minister for Food, Agriculture and Consumer Protection

Mr Gert LINDEMANN

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

Estonia:

Mr Gert ANTSU

Deputy Permanent Representative

Ireland:

Mr Brendan SMITH

Minister for Agriculture, Fisheries and Food

Greece:

Mr Konstantinos KILTIDIS

State Secretary for Rural Development and Food

Spain:

Ms Elena ESPINOSA MANGANA

Minister for Minister for the Environment and the Rural and Marine Environment

Mr José Luis MARTÍNEZ-GUIJARRO

Minister for Agriculture and Rural Development of the Autonomous Community of Castile-La Mancha

France:

Mr Michel BARNIER

Minister for Agriculture and Fisheries

Italy:

Mr Antonio BUONFIGLIO

State Secretary for Agricultural and Forestry Policy

Cyprus:

Mr Panicos POUROS

Director of the Ministry of Agriculture, Natural Resources and Environment

Latvia:

Mr Jānis DŪKLAVS

Minister for Agriculture

Lithuania:

Mr Kazimieras STARKEVIČIUS

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:

Ms Theresa CUTAJAR

Deputy Permanent Representative

Netherlands:

Ms Gerda VERBURG

Minister for Agriculture, Nature and Food Quality

Austria:

Mr Nikolaus BERLAKOVICH

Federal Minister for Agriculture, Forestry, the
Environment and Water Management**Pologne:**

Mr Marek SAWICKI

Minister for Agriculture and Rural Development

Portugal:

Mr Jaime SILVA

Minister for Agriculture, Rural Development and Fisheries

Romania:

Mr Liviu HARBUZ

State Secretary for Agriculture, Forests and Rural
Development**Slovenia:**

Mr Milan POGAČNIK

Minister for Agriculture, Forestry and Food

Slovakia:

Mr Peter JAVORČIK

Deputy Permanent Representative

Finland:

Ms Sirkka-Liisa ANTILA

Minister for Agriculture and Forestry

Sweden:

Mr Eskil ERLANDSSON

Minister for Agriculture

United Kingdom:

Mr Huw IRRANCA-DAVIES

Parliamentary Under Secretary of State for the Natural and
Marine Environment, Wildlife and Rural Affairs
Cabinet Secretary for Rural Affairs and the Environment
(Scottish Government)

Mr Richard LOCHHEAD

Minister for the Department of Agriculture and Rural
Development (Northern Ireland Government)

Ms Michelle GILDENEW

Commission:

Mr Joe BORG

Member

Ms Mariann FISCHER BOEL

Member

ITEMS DEBATED**SIMPLIFICATION OF THE COMMON AGRICULTURAL POLICY - *Council conclusions***

The Council adopted conclusions on a Communication from the Commission "A simplified CAP for Europe - a success for all" ([9859/09](#)).

Among several statements regarding the fact that simplification is an ongoing priority requiring continuous attention, the Council invited the Commission to give full and immediate consideration to the suggestions made in Council¹ with a view to Council next returning to this issue under the future Swedish Presidency in November 2009.

¹ See in particular document [9103/09](#).

GREEN PAPER ON THE REFORM OF THE COMMON FISHERIES POLICY

The Council had an exchange of views on the future reform of the Common Fisheries Policy on the basis of the Commission's Green Paper ([8977/09](#)).

Without prejudice to the outcome of ongoing national consultations, Ministers addressed the following elements which should be tackled in the discussions on the CFP reform:

- better adaptation of fleet capacity to stocks availability,
- discards reduction through development of more selective fishing gear,
- devolution of decision-making to regional/national levels,
- responsible behaviour all along the fishery chain,
- improved efficiency of controls,
- differentiated approach for industrial and costal / small-scale fleets,
- the revision of funding rules, and
- promotion of aquaculture development.

In addition, Member States stressed the importance of close consultations with stakeholders in order to ensure that the latter accept the outcome of the reform.

The results of this consultation process will be published next year and will be followed by a legislative proposal to the Council and the European Parliament.

OTHER BUSINESS

(a) Statement on the next steps in phasing out of discards

- Presentation by the Commission

The Council took note of a statement from the Commission and the views of certain Ministers on the next steps in phasing out discards.

In June 2007, the Council adopted conclusions on Commission's Communication: "A policy to reduce unwanted by-catches and eliminate discards in European fisheries" ([11063/07](#)).

In addition, certain measures were adopted in the TAC and Quota Regulation for 2009 on reducing discards, especially in the North Sea.

(b) Compensation of damages to livestock caused by large carnivores

- Request from the Finnish delegation

The Council took note of the concerns expressed by the Finnish delegation and supported by the Cypriot, Estonian, Greek, Hungarian, Italian, Lithuanian, Polish, Romanian, Slovakian and Slovenian delegations regarding the problems related to the compensation of damages to livestock caused by large carnivores strictly protected under the "Habitats Directive"¹ ([10014/09](#)).

The Commission representative indicated that compensation should be dealt with on a case-by-case approach and invited farmers to do their utmost to prevent attacks. In addition, she reminded that under the habitats directive, it was possible to monitor exceeding populations of large carnivores under certain conditions.

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7–50).

(c) Problem of high retail margins in the food chain

- Request from the Polish delegation

The Council took note of the views expressed by the Polish delegation supported by the Belgian, Bulgarian, Estonian, French, Greek, Hungarian, Irish, Italian, Lithuanian and Luxembourg delegations regarding the problem of high retail margins in the food chain ([9854/09](#)).

The Commission while indicating that the Commission shared the Polish concerns on the functioning of the food supply chain, gave an overview of the initiatives taken by the Commission since last year to address this problem. The final report on the work carried out by the Commission should be available before the end of the year.

In January 2009 the Council held an exchange of views on the Commission's Communication "food prices in Europe"¹, which also contained a roadmap to improve the functioning of the food supply chain.

On 26 march 2009 the European Parliament adopted a resolution² on this issue, calling upon the Commission to ensure reasonable food prices for consumers and decent income for farmers.

(d) Situation on the pig meat market

- Request from the French delegation

The Council took note of the request made by the French delegation and supported by other delegations regarding the situation on the pig meat market ([10116/09](#)).

The Commission representative maintained the position that no measure is required at this stage.

¹ See press release [5471/09](#)

² EP document T6-0191/2009 - rapporteur Katerina Batzeli

(e) Situation on the dairy market

- Request from the French, German, Austrian and Cypriot delegations

The Council took note of the request made by the French, German and Austrian delegations and supported by Lithuanian, Slovak, Cypriot, Luxembourg, Polish, Hungarian, Belgian, Greek, Italian, Portuguese, Irish, Spanish, Latvian and Romanian delegations¹ regarding the situation on the milk market ([10117/09](#)).

The Commission representative pointed out that support measures had already been taken in response to the deteriorating situation, including export refunds for butter, cheese and whole and skimmed milk powder, introduction of private storage aid for butter and intervention for butter and skimmed milk powder.

She announced a possibility to advance 70% of direct payments on 16 October with a view to provide cash flow to all farmers. She also mentioned openness to certain measures such as:

- extending school milk to healthy dairy products,
- extending the intervention beyond 31 August,
- extending butter storage aid beyond 15 August.

Last, she committed to come back to the Council with quarterly reports on dairy market situation as from June session.

Supported in this by some delegations, she also firmly declared that she was not ready to re-open any discussion on the "health check" package.

¹ The Netherlands and United Kingdom delegations supported the Commission call for a cautious approach.

(f) UN Commission on Sustainable Development (CSD), New-York, 4-15 May

- Information from the Presidency

The 17th meeting of UN CSD has identified global objectives for rural development, objectives relating to issues of land ownership, the fight against drought and desertification and to development in Africa. The negotiations resulted in a strategy of sustainable agriculture until 2017.

Further information : <http://www.eu2009.cz/en/csd>

OTHER ITEMS APPROVED**AGRICULTURE****European Economic Recovery Plan - Rural development part***

The Council adopted a regulation and a decision transposing the agreement on the rural development part of the European Economic Recovery Plan into EU law ([8567/09](#) + [8568/09](#) + [9789/09 ADDI REVI](#)). More specifically, the two legislative acts make available further EU funds for developing broadband internet infrastructure in rural areas and for strengthening member states' efforts to address new challenges as defined in the Health Check of the Common Agricultural Policy (CAP), including climate change, renewable energies, water management, biodiversity and measures accompanying restructuring of the dairy sector. According to a common declaration of the European Parliament, the Council and the Commission, additional EUR 600 million will be made at the disposal for broadband internet and CAP Health Check in the framework of the rural development in 2009, while EUR 420 million will be secured through a compensation mechanism at the conciliation of the 2010 EU budgetary procedure.

Cotton sector

The Council adopted by a qualified majority, the UK delegation voting against, a regulation amending regulation (EC) No 637/2008 with a view to extending the programming period of national restructuring programmes¹ in the cotton sector from four to eight years ([6585/09](#)).

Common market organisation - Incorporation of new provisions

The Council adopted a regulation amending regulation 1234/2007, which replaced the different regulations on common market organisations (CMO) with a single common organisation for all agricultural markets. ([7046/09](#))

¹ A specific statement was entered in Council minutes at the time of adoption of the Health check since cotton was not part of it (See [5263/09 ADDI](#)).

The amending regulation incorporates the provisions adopted in the context of the wine policy reform¹. Consequently, the changes are of a purely technical nature and do not introduce any policy change. By doing so, it contributes to further regulatory simplification and helps ensure legal certainty.

Expenditure in the veterinary field

The Council adopted a codified version of the Council decision 90/424/EEC on expenditure in the veterinary field ([8673/09](#)).

The new decision replaces the various acts incorporated into Council decision 90/424/EEC, while fully preserving their content.

FISHERIES

Repeal of obsolete legislation

The Council adopted a regulation ([9554/09](#)) and a decision ([9555/09](#)) repealing 14 regulations, 1 directive and 11 decisions in the field of the Common Fisheries Policy. These legal acts have become obsolete even though formally they are still in force. This removal from active legislation of acts which no longer have real effect is in line with the better lawmaking strategy of the EU institutions.

¹ Regulation (EC) N° 479/2008 on the common organisation of the market in wine adopted on 28 April 2008 and into force since 1 August 2008.

EXTERNAL AFFAIRS

Action Plan on drugs between the EU and Central Asian states

The Council approved a new Action Plan on drugs between the EU and Central Asian states (Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan) for the years 2009-2013 ([9961/09](#)) and forwarded it to the EU and Central Asian Foreign Ministers' meeting in Dushanbe on 29-30 May 2009 for endorsement. The new Plan, which replaces the existing Action Plan from 2002, addresses notably the necessity of regional cooperation, impacts of heroin trafficking on the situation in the region as well as worrying trends in cultivation and domestic drug use. The new Action Plan also seeks to help maintain and strengthen the dialogue between the EU and the Central Asian region.

ECONOMIC AND FINANCIAL AFFAIRS

Tax exemptions - personal property of individuals

The Council adopted a codified version of the Council directive on tax exemptions applicable to the permanent introduction from a Member State of the personal property of individuals ([8687/09](#)).

The new directive replaces the various acts incorporated into Council directive 83/183/EEC, while fully preserving their content.

Protocol on the excessive deficit procedure

The Council adopted a codified version of the Council regulation on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community ([8688/09](#)).

The new regulation replaces the various acts incorporated into Council regulation (EC) No 3605/93, while fully preserving their content.

Guarantee Fund for external actions

The Council adopted a codified version of the Council regulation establishing a Guarantee Fund for external actions ([8689/09](#)).

The new regulation replaces the various acts incorporated into Council regulation (EC, Euratom) No 2728/94, while fully preserving their content.

Court of Auditors Special Report No 1/2009 on "Banking measures in the Mediterranean area in the context of the MEDA programme and the previous protocols" - *Council conclusions*

The Council adopted the following conclusions:

1. "The Council welcomes the Special Report No 1/2009 which examined banking measures under the MEDA programme and the previous protocols to determine whether the ongoing measures were adequately monitored by the Commission and the European Investment Bank (EIB) and whether the projects had achieved their objectives.
2. The Council notes that the main conclusion of the Special Report was that there is a need for better coordination of the assistance work undertaken by the Community, the EIB and the other international/local partners.
3. The Council appreciates the Commission's constructive response to the conclusions of the Special report.
4. The Council approves the recommendations aimed at setting up a tailor-made evaluation and monitoring programme for banking measures (covering, among other things, the environmental aspect and safeguarding the Community's financial concerns).
5. The Council notes with satisfaction that several of the issues raised, were addressed in an adequate manner through the establishment of the ENPI. It nevertheless calls upon the Commission to continue to take due account of the recommendations contained in the report."

JUSTICE AND HOME AFFAIRS**Sanctions and measures against employers of illegal foreign workers in the EU**

The Council adopted a directive aimed at fighting illegal immigration by prohibiting the employment of illegally staying third-country nationals, laying down minimum common standards on sanctions and measures to be applied in the EU member states against employers who infringe that prohibition ([3612/09](#) and [8917/1/09 ADD 1 REV 1](#)).

The new rules seek to put an end to abuses by unscrupulous employers who make contracts with illegally-staying providing them in the labour market with low salaries and poor labour conditions.

Under the directive, employers in the EU will have the obligation to:

- (a) require that a third-country national before taking up the employment holds a valid residence permit or other authorisation for his or her stay;
- (b) keep for at least the duration of the employment a copy or record of the residence permit or authorisation for stay available for inspection by the competent authorities of the member states;
- (c) notify the competent authorities designated by member states of the start of employment of third-country nationals within a period laid down by each member state.

Penalties for infringements of the prohibition will include financial sanctions, which will increase in amount according to the number of illegally employed foreigners; and payments of the costs of return in those cases where return procedures are carried out. Other sanctions may also be applicable to employers of illegal workers, such as exclusion from entitlement to public funding or from participation in public tenders.

The directive represents a step forward towards the fulfilment of the European Council commitment of having a set of clear, transparent and fair rules with the objective of strengthening cooperation between the EU member states against illegal employment and with respect to the human rights and fundamental freedoms of the affected persons.

The new legislation, which is in line with the principles of the European convention for the protection of human rights and fundamental freedoms and the EU charter of fundamental rights, will strengthen the legal security of all interested actors.

The directive also constitutes a response to the concerns for guaranteeing that immigrants can live with dignity in the EU and dispose of the same rights as those of the nationals of the recipient countries.

By favouring dialogue and cooperation with countries of origin, the EU acknowledges that migration generates wealth both for third countries and for Europe, and contributes in a positive way to strengthening cultural diversity. For this reason, the EU promotes collaboration with countries of origin and countries of destination in order to match the migratory flux to the reception capacity of the countries of destination.

EU Blue Card- residence conditions for high-skilled foreign workers

The Council adopted a directive aimed at facilitating conditions of entry and residence in the EU of third-country citizens for the purpose of highly qualified employment ([17426/08](#) and [9057/09](#)).

The directive establishes more attractive conditions for third-country workers to take up highly qualified employment in the member states of the Union, by creating a fast-track procedure for issuing a special residence and work permit called the "EU Blue Card".

The Blue Card will facilitate access to the labour market to their holders and will entitle them to a series of socio-economic rights and favourable conditions for family reunification and movement across the EU.

The directive determines the common criteria to be set by the EU member states for applicants of the Blue Card without prejudice to more advantageous conditions provided for by national laws.

The period of validity of the EU Blue Card will be comprised between one and four years, with possibility of renewal. A Blue Card may also be issued or renewed for smaller periods in order to cover the work contract plus three months.

Under the rules set by the directive, EU Blue Card holders will enjoy equal treatment with nationals of the member state issuing the Blue Card, as regards:

- working conditions, including pay and dismissal;
- freedom of association;
- education, training and recognition of qualifications;
- a number of provisions in national law regarding social security and pensions;
- access to goods and services, including procedures for obtaining housing, information and counseling services; and
- free access to the entire territory of the member state concerned within the limits provided for by national law.

After eighteen months of legal residence in the first member state as an EU Blue Card holder, the person concerned and his family members may move, under certain conditions, to a member state other than the first member state for the purpose of highly qualified employment.

Following its publication in the Official Journal of the EU, the member states will have two years to incorporate the new provisions into their domestic legislation.

TRADE

Agreement between the EU and the Switzerland on agricultural trade

The Council approved a decision on the conclusion of the agreement amending the agreement on trade in agricultural products with Switzerland ([12446/1/08](#)). The new agreement, which will enter into force on 1 June 2009, provides in particular for the adjustment, following latest EU enlargements, of annexes listing protected names of wine-sector products and protected designations of spirit drinks originating in the Community, as well as of annexes dealing with issues such as plant health, seeds and organically produced agricultural products. Furthermore, the decision making power of the EU-Swiss Joint Committee on Agriculture concerning the amendment of Annexes is extended in order to make it easier to regularly update the agreement according to needs.

TRADE POLICY

Concessions on poultry meat

The Council authorised the Commission to open negotiations with a view to the modification of concessions on poultry meat.

TRANSPORT

Air transport - application of the Treaty to certain categories of agreements

The Council adopted a codified version of the Council regulation on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector ([8690/09](#)).

The new regulation replaces the various acts incorporated into Council regulation (EEC) No 3976/87, while fully preserving their content.

RESEARCH

Supplementary research programme for the High Flux Reactor

The Council adopted a decision on a supplementary research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community (High Flux Reactor) ([9646/09](#)). The main objectives of the programme are to ensure the safe and reliable operation of the high flux reactor at Petten, in order to guarantee the availability of the neutron flux for experimental purposes, and to allow an efficient use of the high flux reactor by research institutes in a broad range of disciplines.

EDUCATION

Incorporation of the new Erasmus Mundus action programme into the EEA agreement

The Council approved a draft decision of the Joint Committee of the European Economic Area (EEA) incorporating the new Erasmus Mundus action programme 2009-2013 into the EEA agreement ([9252/09](#)).

APPOINTMENT

Committee of the Regions

The Council adopted a decision appointing for the remainder of the current term of office, ending on 25 January 2010

a) as members

– M. Ugo CAPPELLACCI, Presidente della Regione Sardegna,

- Ms Satu TIETARI, Säkyän kunnanvaltuuston jäsen,
 - Ms Anne KARJALAINEN, Keravan kaupunginvaltuuston jäsen,
 - Mr Risto ERVELÄ, Sauvon kunnanvaltuuston jäsen (change of mandate),
 - Mr Risto KOIVISTO, Pirkkalan kunnanjohtaja (change of mandate);
- b) as alternate members
- Mr Petri KALMI, Nurmijärven kunnanvaltuuston puheenjohtaja,
 - Mr Mårten JOHANSSON, Raaseporin kaupunginjohtaja.

European Economic and Social Committee

The Council adopted a decision appointing for the remainder of the current term of office, ending on 20 September 2010, as members:

- Mr Ronny LANNOO, Adviseur-generaal UNIZO,
- Ms Reet TEDER, Eesti Kaubandus-Tööstuskoja poliitikadirektor - I grupp - tööandjate esindajad. (Policy Director of the Estonian Chamber of Commerce and Industry - Group I - employers' representatives)

TRANSPARENCY**Public access to documents**

The Council adopted:

- the reply to confirmatory application 10/c/01/09 made by Mr Peter CRADDOCK, the Estonian, French, Finnish and Swedish delegations voting against ([8735/09](#));
 - the reply to confirmatory application 11/c/01/09, the German, Irish and Italian delegations voting against ([8738/1/09 REV 1](#));
 - the reply to the letter sent to the Council by the European Ombudsman concerning complaint 523/2009/TS made by Mr Martin OTTMANN ([8671/09](#)).
-