



Brussels, 9 December 2009

Background note¹
AGRICULTURE AND FISHERIES COUNCIL
Brussels, 14-15-16 December 2009

*Council sessions will start, under the chair of Mr **Eskil Erlandsson**, Minister for Agriculture of Sweden, on Monday 14 December at 10.00 dealing with **fisheries items**².*

The Council will update the total allowable catches (TACs) and quotas for 2010 on fish stocks in Community waters, as well as fishing opportunities for Community vessels.

*On Tuesday morning, the Council will then hold an exchange of views on **animal welfare labelling** and will be informed on the latest development of the veterinary negotiation with **Russia**.*

*Over lunch on Tuesday, the ministers and Mrs Vassiliou will discuss the future **Common Policy for Animal Health and Welfare**.*

*On Tuesday afternoon, in public deliberation³, the Council will be informed on the state of play of the protection of **animals used for scientific purposes**. Ministers will also discuss the proposal on obligations for operators placing **timber and timber products on the market** in view to reach a political agreement.*

*On Wednesday, the Council will deal exclusively with **agriculture**. The Council is expected to hold an exchange of views on a key element of the **CAP**, its **simplification**. The Council could then agree on authorising Latvia and Lithuania, respectively, to grant **state aid** for the purchase of agricultural land and to reach political agreement on decisions authorising **Hungary and Italy** state aid for the same purpose. The Council will also be briefed on the quarterly **dairy market** report.*

*In the afternoon, the Council will debate the **future of the CAP** through **rural development** policy and will hear a presentation by Mrs Fischer Boel of a Communication on “A better functioning **food supply chain** in Europe”.*

Press conferences are planned on Tuesday at +/-13.30 and +/- 18.00 and on Wednesday at the close of the meeting.

Public events can be followed via videostreaming:

<http://video.consilium.europa.eu/>

¹ This note has been drawn up under the sole responsibility of the Press Service.

² A draft compromise on TACs and quotas for 2010 may be presented at the start of the session so that delegations dispose of extra time to analyse it.

³ Video coverage will be available for preview and download in broadcast quality (MPEG4):
<http://tvnewsroom.consilium.europa.eu>

FISHERIES

Fishing opportunities for 2010

The Council should reach a political agreement on a Regulation fixing for 2010 the fishing opportunities for Community vessels, by fishing zone and by species ([14738/09](#)).

The Commission presented its proposal on 19 October 2009, based on the most recent scientific opinions on the state of the stocks submitted by the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF), as well as consultations held with the Advisory Committee on Fisheries and Aquaculture (ACFA)¹ and the concerned Regional Advisory Councils (RACs).

It is based on the general policy statement submitted to the Council last May ([9838/09](#)).

In accordance with that Communication, for an increasing number of stocks, such as for example cod, hake, sole, plaice and nephrops, the fishing opportunities have been established on the basis of the rules laid down in the relevant long-term plans.

Compared to previous years, the proposal no longer includes the so-called 'associated conditions' relevant for the use of the fishing opportunities, in view of the entry into force of the Lisbon Treaty².

As a result of the "front-loading" process, the TACs for the Baltic Sea and the Black Sea were the subject of political agreements at the October and November meetings of the Council and were adopted on 20 November and 27 November, respectively.

¹ ACFA is composed of representatives from professional organisations representing the production sector, the processing industry and trade in fishery and aquaculture products as well as non-professional organisations representing the interests of consumers, the environment and development.

² The Lisbon Treaty establishes co-decision as the ordinary decision-making procedure for matters falling under the CFP. An exception is foreseen in Article 43(3) of the Treaty as regards measures "on the fixing and allocation of fishing opportunities". These measures are to be adopted by the Council, on a proposal from the Commission, without the involvement of the Parliament.

PROTECTION OF ANIMALS, FORESTRY, AND ENVIRONMENT

Protection of animals used for scientific purposes

The Council will be informed of the state of play of the negotiation with the European Parliament, under the co-decision procedure, on a regulation concerning the protection of animals used for scientific purposes ([15546/08](#)).

The Parliament delivered its opinion at first reading on 5 May 2009.

Obligations of operators who place timber and timber products on the market

The Council will try to reach a political agreement on a proposal for a Regulation laying down the obligations of operators who place **timber and timber products** on the market ([14482/08](#)).

Ministers should be able to agree on the text in order to start the negotiations with the European Parliament in a second reading.

The European Parliament adopted its opinion on 22 April 2009.

Animal welfare labelling

The Council will hear the presentation by the Commission of its report on options for animal welfare labelling and the establishment of a European Network of Reference Centres for the protection and welfare of animals ([15307/09](#)).

The conference: "*Animal Welfare – Improving by Labelling?*" organised in Brussels on 28 March 2007 by the European Economic and Social Committee, the European Commission and the German Presidency enabled a first broad discussion to take place with representatives of all stakeholder groups.

Following that conference the Council adopted in May 2007 conclusions on animal welfare labelling ([9151/07](#)), inviting the Commission to assess further the issue of animal welfare labelling and to submit a report to the Council in order to allow an in-depth debate on the issue.

The report identifies various issues concerning animal welfare labelling and communication, and the possible establishment of a European Network of Reference Centres for the protection and welfare of animals, based on the results of an external study provided to the Commission in January 2009.

AGRICULTURE

Simplification of the Common agricultural policy (CAP)

At the Council meeting on 24 April, several delegations jointly submitted a list of 39 concrete suggestions for simplifying the CAP ([9103/09](#)).

The Commission is expected to present a staff working document on its assessment of the above mentioned suggestions for simplification as well as the state of play of other simplification activities.

The Council will consequently hold an exchange of views framed by the following Presidency questionnaire ([15511/09](#)):

- 1. Are Member States generally satisfied with the outcome of the Commission's assessment of the 39 suggestions for simplification, including the alternative solutions? Are there any aspects of the Commission's evaluation and proposed follow-up that need to be further explained?*
- 2. Do Member States have ideas for further actions in the field of simplification, beyond the various projects referred to in the Commission staff working document?*
- 3. What could be done to improve the functioning of the simplification experts group for sharing views, experiences and best practices between Member States and the Commission with a view to reducing the administrative burden of farmers?*

In its conclusions of 25 May 2009 on the Commission Communication "A simplified CAP for Europe – a success for all" ([9859/09](#)), the Council invited the Commission to give its full and immediate consideration to these suggestions with a view to Council returning to this issue before the end of the year.

Future of the CAP: rural development policy

The Swedish Presidency would like to continue the debate on the future of the Common Agricultural Policy (CAP), initiated under the French¹ and Czech² Presidencies, and will place the focus on rural development policy ([15372/09](#)).

State aids for Hungary, Italy, Latvia and Lithuania

The Council could reach political agreement on four decisions³ authorising Hungary ([16662/09](#)), Italy ([16618/09](#)), Latvia ([16025/09](#)), and Lithuania ([16039/09](#)) to grant state aid for the purchase of agricultural land between 1 January 2010 and 31 December 2013.

¹ See the conclusions of the French Presidency of 28 November 2008, on the future of the CAP after 2013 ([16287/2/08 REV2](#)).

² See the Czech Presidency conclusions of 23 June 2009, on the future of the CAP after 2013 and especially direct payments ([10713/09](#))

³ And possibly adopt two of them.

Under the Community Guidelines for State aid in the agriculture sector applied during the period 2000-2006, it was possible to grant state aid for purchase of land costing up to 40%-50% of the eligible expenses of the investment. Using this possibility, the Italian, the Lithuanian and the Hungarian national legislations provided for state aid consisting in different forms of subsidies. Latvia had a State aid scheme in force between 2002 and 2007.

Such possibility was ruled out under the 2007-2013 Guidelines, with a foreseen phasing out by 31 December 2009.

Hungary, Italy, Latvia and Lithuania have each addressed an application to the Council requesting that the Council declares their state aid for the purchase of agricultural land between 1 January 2010 and 31 December 2013, compatible with the internal market.

In application of Article 108(2), third subparagraph of the Treaty, the Council must, acting unanimously¹, make known its attitude within three months of the application being made by a Member State for authorisation to grant such aid.

Dairy market quarterly report

The Commission will present an updated quarterly report of the situation on the dairy market. Latest figures show further improvement in dairy prices in recent weeks even if "farm gate" prices remain at low levels in certain member states (16813/09).

A better functioning food supply chain in Europe

The Commission will present a follow-up ([15330/09](#)) of its Communication adopted in December 2008, which includes a road map to improve the functioning of the food supply chain ([17380/08](#)).

In the second half of 2007, agricultural commodity price increases accelerated and by early 2008 reached exceptional levels. The European Council of June 2008 asked the Commission to report back on these issues by December 2008.

In response, the Commission proposed to better monitor developments in agricultural commodity and food prices, to analyse the impact of speculation on agricultural commodity prices and to investigate the functioning of the food supply chain.

¹ Under the unanimity rule, abstentions by Members present in person or represented shall not prevent the adoption by the Council of acts which require unanimity (Article 238(4) of the Treaty on the Functioning of the EU).

OTHER BUSINESS

Negotiations with Russia in the veterinary and phytosanitary field

- *Oral information from the Commission*

Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers

- *Information from the Presidency*

Abolition of production levy for sugar producers by repealing Article 51 of Council Regulation (EU) No 1234/2007

- *Request from the Polish delegation*

26th Conference of EU paying agencies - general conclusions (Visby, 5-7 October 2009)

- *Information from the Presidency*

The Council will hear the conclusions of the 26th Conference of EU Paying Agencies convened by the Swedish Presidency in Visby from 5 to 7 October 2009 ([15520/09](#)).

All member states, the European Commission, the European Court of Auditors, the European Anti-Fraud Office and one delegation from a candidate country participated in the Conference, the proceedings of which focused on:

- Implementation of cross-compliance;
 - Quality work on the Land Parcel Identification system (LPIS);
 - Administrative consequences due to the Health check.
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