



**COUNCIL OF
THE EUROPEAN UNION**



17488/09 (Presse 375)

PROVISIONAL VERSION
Items discussed on 14 & 15
December only

PRESS RELEASE

2986th Council meeting

Agriculture and Fisheries

Brussels, 14-16 December 2009

President

Mr Eskil ERLANDSSON
Minister for Agriculture of Sweden

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17488/09 (Presse 375)

1
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Main results of the Council

The Council reached political agreement on the total allowable catches (TACs) and quotas for 2010.

The Council reached a partial political agreement in view of the second reading of a proposal on illegal logging.

CONTENTS¹

PARTICIPANTS5

ITEMS DEBATED

TOTAL ALLOWABLE CATCHES (TACS) AND QUOTAS FOR 20107

ANIMAL WELFARE LABELLING SCHEME 10

OBLIGATIONS OF OPERATORS WHO PLACE TIMBER AND TIMBER PRODUCTS
ON THE MARKET..... 14

PROTECTION OF ANIMALS USED FOR SCIENTIFIC PURPOSES 15

Any other business 16

OTHER ITEMS APPROVED

FISHERIES

– European Union food aid for deprived persons - *Council conclusions*..... 18

– Convention for the Conservation of Southern Bluefin Tuna (CCSBT - *Council conclusions* 18

AGRICULTURE

– Maximum levels for contaminants in food - committee procedure 18

GENERAL AFFAIRS

– Implementation of Lisbon Treaty: Delegated acts 19

EXTERNAL RELATIONS

– EU special representative for the crisis in Georgia - new financial reference amount..... 19

– EU police mission for Palestine 19

COMMON FOREIGN AND SECURITY POLICY

– Restrictive measures (Belarus - Iran - Uzbekistan).....20

¹ 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.

ECONOMIC AND FINANCIAL AFFAIRS

- International accounting standards - committee procedure with scrutiny21
- Derogations from VAT directive for Estonia.....21

HEALTH

- Radioisotopes - *Council conclusions*22

ENVIRONMENT

- Future international climate agreement with Iceland - *Council conclusions*22
- LIFE-Nature projects - *Council conclusions*.....22

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 the Economy, Foreign Policy, Agriculture and Rural Policy

Bulgaria:

Mr Georgi KOSTOV

Deputy Minister for Agriculture

Czech Republic:

Mr Jakub ŠEBESTA

Minister for Agriculture

Mr Stanislav KOZÁK

Deputy Minister for Agriculture, Commodities Section

Denmark:

Ms Eva KJER HANSEN

Minister for Food, Agriculture and Fisheries

Mr Troels Lund POULSEN

Minister for the Environment

Germany:

Mr Gert LINDEMANN

State Secretary at the Ministry of Food, Agriculture and Consumer protection

Estonia:

Mr Helir-Valdor SEEDER

Minister for Agriculture

Ireland:

Mr Brendan SMITH

Minister for Agriculture, Fisheries and Food

Mr Tony KILLEEN

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

Greece:

Ms Aikaterini BATZELI

Minister for Rural Development and Food

Spain:

Ms Elena ESPINOSA MANGANA

Minister for the Environment and the Rural and Marine Environment

Mr Eduardo CABANILLAS

Secretary General of the Minister of Agriculture and Rural Development of the Autonomous Community of Castile-Leon

France:

Mr Bruno LE MAIRE

Minister for Food, Agriculture and Fisheries

Italy

Mr Vincenzo GRASSI

Deputy Permanent Representative

Cyprus:

Ms Egly PANTELAKIS

Acting Permanent Secretary, Ministry of Agriculture, Natural Resources and Environment

Mr George CHACALLI

Deputy Permanent Representative

Latvia:

Mr Jānis DŪKLAVS

Minister for Agriculture

Lithuania:

Mr Kazimieras STARKEVIČIUS

Minister for Agriculture

Mr Mindaugas KUKLIERIUS

Vice-Minister for Agriculture

Luxembourg:

Mr Romain SCHNEIDER

Minister for Agriculture, Viticulture and Rural Development

PROVISIONAL VERSION
Items discussed on 14 & 15 December only

14.-16.XII.2009

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 GRAHAMMER

Ms Edith KLAUSER

Deputy Permanent Representative
Director-General, Federal Ministry of Agriculture,
Forestry, Environment and Water Management

Poland:

Mr Marek SAWICKI

Minister for Agriculture and Rural Development

Portugal:

Mr António Manuel SERRANO

Minister for Agriculture, Rural Development and Fisheries

Romania:

Mr Achim IRIMESCU

Minister Counsellor

Slovenia:

Mr Milan POGAČNIK

Minister for Agriculture, Forestry and Food

Slovakia:

Mr Ján SLABÝ

State Secretary at the Ministry of Agriculture

Finland:

Ms Sirkka-Liisa ANTILA

Minister for Agriculture and Forestry

Sweden:

Mr Eskil ERLANDSSON

Mr Rolf ERIKSSON

Minister for Agriculture
State Secretary, Ministry of Agriculture

United Kingdom:

Mr Huw IRRANCA-DAVIES

Mr Richard LOCHHEAD

Ms Michelle GILDERNEW

Parliamentary Under-Secretary, Marine and Natural
Environment
Cabinet Secretary for Rural Affairs and the Environment,
Scottish Government
Northern Ireland Minister for the Department of
Agriculture and Rural Development

Commission:

Mr Joe BORG

Ms Androulla VASSILIOU

Member

Member

TOTAL ALLOWABLE CATCHES (TACS) AND QUOTAS FOR 2010

The Council reached a political agreement on a draft regulation setting fishing opportunities for 2010 for Community vessels in the waters of the Atlantic, the Channel and the North Sea (TACs and quotas for the Baltic and Black Seas were already adopted on 20 and 27 November).

In line with long-term conservation management plans applicable for certain stocks, the Council agreed to **reductions**, compared to 2009, for the following species:

- 25% for haddock in West Scotland
- 20% sole in Eastern Channel
- between 15% and 35% for all cod stocks depending on the areas and rearrangements of certain TACs. Except for cod in West Scotland and Celtic Sea (roll-over)
- 20 % for Norway lobster in Porcupine bank (with a seasonal closure for all fishing in a smaller area of the Porcupine Bank and supported by scientific advice and the Western waters RAC)
- 15 % for southern anglerfish
- 10 % for whiting in West Scotland and Irish Sea

Following the Commission statement on fisheries policy, an **overall reduction** of 10% was agreed for species where scientific advice is lacking¹.

The TACs are set at **zero for porbeagle and spurdog** (except for 10% by-catches for the latter species).

¹ Corresponding to category 11: see Commission's communication on fishing opportunities for 2010 ([9838/09](#)).

As a consequence of the significant reduction of the EU **bluefin tuna** TAC agreed upon in the ICCAT framework, the Commission will assess with the Member States concerned, the best and most targeted use of the existing financial instruments in order to address the socio-economic impact of such reduction.

In view of the encouraging signs of recovery of certain stocks, the Council agreed an **increase** of TACs:

- by 5% for megrim in the North Sea and West of Scotland.
- by 7 % for northern hake, in conformity with scientific advice and the long-term management plan
- by 7 % for plaice in the Celtic Sea
- by 15% for anglerfish in the Bay of Biscay
- by 14 % for plaice in the Irish Sea
- by 72 % for herring in the Celtic Sea

Furthermore, in the light of the scientific surveys carried out last Autumn, the **anchovy** fisheries will be temporarily re-opened as from 1 January 2010 in the Bay of Biscay. It will be subject to a later adjustment in accordance with a new scientific advice to be provided in Spring 2010.

A 5% flexibility between certain areas for horse mackerel after rearrangement of the TAC areas.

In anticipation to the new "Control regulation", a provision providing for the possibility to conduct scientific surveys in fishing vessels, allowing catches taken in the framework of scientific research, will not to be counted against the quota of the member states insofar they do not exceed 2% of the attributed quota. The same provision was included for the Baltic Sea and the Black Sea.

Fisheries agreement with Norway

The draft regulation does not include final figures for stocks jointly managed with Norway or the Faroe Islands, because agreement between the parties is still pending on those resources. Instead, the political agreement includes provisional figures for shared stocks enabling the continuation of fishing activities early next year.

As a general rule, 65% of the current 2009 TAC as regards stocks jointly managed with Norway and exclusive stocks subject to transfers with Norway as well as those stocks relevant to the Faroese consultations was agreed on a provisional basis.

Incentive catch quota

The joint request from Denmark, the United Kingdom and Germany for an additional 5% incentive quota for cod (and other demersal species) to encourage fishermen reduce discards will be part of the future discussion with Norway.

ANIMAL WELFARE LABELLING SCHEME

The Council took note of 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 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.

The feasibility study on animal welfare labelling shows that the best option for EU action empowering consumers to make informed purchasing decisions is a Community Animal Welfare Label modelled after the EU organic label. A Community Animal Welfare Label can be expected to have more direct effects on animal welfare than other voluntary options, depending on the market share of the label.

The study shows, though, that labelling will only have the desired effects if consumers are adequately informed on the meaning of the label, and if the information provided is readily understandable.

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 debate on how to improve the communication on animal welfare in livestock production has been running in the EU for several years. The EU wants to promote animal related products elaborated under high welfare standards, so its overall goal of policy in this area is to make it easier for consumers to identify and choose welfare-friendly products, and thereby give an economic incentive to producers to improve the welfare of animals.

Surveys show that a majority of European consumers feel they lack information on the level of animal welfare provided in the production of the goods they buy. This is why the Community Action Plan on the Protection and Welfare of Animals 2006-2010 suggests the development of standardised animal welfare indicators, in order to provide for a science-based tool to make animal welfare measurable, more enforceable and easier to communicate to people.

In recent years, certification schemes have been widely introduced into the European food sector. An animal welfare labelling scheme is a certification system that certifies an animal welfare standard above existing legal standards. There are mainly three drivers of existing animal welfare relevant labelling schemes.

- First, as a reaction to several food crisis or incidents, food law has been undergoing major changes in the EU in recent years. The general trend of the growing body of food-related EU legislation is very much driven by the EU's objective to see a quality-driven single market in foodstuffs.
- Second, public as well as private certification has become a widely accepted instrument for regulating food markets.
- Third, consumer demands support animal welfare labelling. Empirical studies (mainly cluster analyses) have revealed the existence of a group of consumers who are interested in high-quality products. For these consumers, high quality often includes higher animal welfare standards. In many countries this quality-affine consumer segment is not adequately served, so there are market opportunities for products that combine higher animal welfare standards with top organoleptic qualities.

Animal welfare labelling schemes currently exist in these forms:

- Schemes that focus only on animal welfare (e.g. Freedom Food (UK), Neuland (DE), Animal Index System (AT))
- Schemes that focus on various aspects including animal welfare (Label Rouge (FR))
- Schemes that focus on aspects other than animal welfare but have positive side effects on animal welfare (PDO/PGI schemes)

Freedom Food (UK)

Freedom Food is a farm assurance and food labelling scheme set up by the Royal Society for the Prevention of Cruelty to Animals (RSPCA) in 1994 to improve farm animal welfare and to address growing consumer demand for food produced to higher animal welfare standards.

For further information:

<http://www.rspca.org.uk/freedomfood>

Label Rouge (France)

Label Rouge is a French national quality assurance scheme for food products managed by the Ministry of Agriculture. Participation is open to groups of producers and processors of food products after demonstration of their ability to comply with the *notices techniques*, the minimum technical requirements of the label. Animal welfare specifications relate to the type of rearing, the genetics, maximum stock densities, the origin and type of feed, the slaughter age and the transport. 'Label Rouge' logo was created in 1965. French law governs the use of the label.

The final product is not only marked with a logo, but also provides more detailed information on the production, the so-called *écaractéristiques certifiées*". The most important product segment of Label Rouge is poultry.

For further information:

<http://www.poultrylabelrouge.com/>

Egg marketing legislation (EU)

The egg marketing legislation is designed to inform consumers of the production system used to produce eggs. It provides minimum standards, but Member States are free to go beyond this should they wish to. One example is the UK's Lion code. Legislation on the general labelling of eggs was first established in 1990 under a Council Regulation.

Although the labelling scheme is derived from EU legislation, the views of stakeholders including producer organisations and animal welfare organisations were considered in the drafting of the legislation. Egg labelling is not designed to be an animal welfare label, although consumers are able to purchase eggs from the system which they feel offers the best animal welfare, if this is an important factor in their purchase decision.

There are four permitted production system labels: eggs from caged hens, barn eggs, freerange eggs and organic eggs. The mandatory labelling scheme for eggs was introduced in 2004 following the optional ability to label eggs produced from caged hens as “eggs from caged hens” which had been in operation since 1995.

A necessary precondition of the optional labelling was that this was meaningful to consumers and that they were prepared to pay a price premium for eggs produced in systems which they associated with higher animal welfare criteria.

Since the implementation of the legislation, the percentage of non-caged egg production has increased significantly in nearly all Member States.

OBLIGATIONS OF OPERATORS WHO PLACE TIMBER AND TIMBER PRODUCTS ON THE MARKET

The Council reached a partial political agreement on the text of a draft Regulation¹ laying down the obligations of operators who place **timber and timber products** on the market ([14482/08](#)).

The political agreement on the entire text could be reached during one of the Council forthcoming meeting².

The European Parliament adopted its opinion on 22 April 2009.

The Council adopted the FLEGT (Forest Law Enforcement, Governance and Trade) Regulation in December 2005 and gave the Commission mandate to open negotiations with third countries willing to enter voluntary partnership agreements³ (VPA).

¹ Except certain parts of the text relating to Articles 290 and 291 of the Treaty on the Functioning of the European Union which still need to be assessed in light of the entry into force of the Lisbon Treaty.

² Possibly on 22 December, without discussion.

³ The first VPA was signed on 20 November this year with the Republic of Ghana (see [15913/09](#)).

PROTECTION OF ANIMALS USED FOR SCIENTIFIC PURPOSES

The Council took note 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.

ANY OTHER BUSINESS

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

- Information from the Presidency

The Council took note of a Presidency progress report ([16594/09](#)) outlining the state of play in the negotiations on a Commission proposal for a regulation on the provision of food information to consumers. The examination of the draft regulation should continue during the incoming Spanish Presidency. The first reading opinion of the European Parliament is expected in June 2010.

- (b) Negotiations with Russia in the veterinary and phytosanitary field

- Information from the Commission

The Council took note of the information given by the Commission representative regarding the veterinary and phytosanitary negotiations with the Russian Federation.

There is no formal veterinary or phytosanitary agreement between the EU and the Russian Federation: the negotiations are based on arrangements such as export certificates and Memoranda of Understanding. The negotiation is led by the Commission, based on several mandates granted by the Council¹.

¹ See [10252/07 ADD1](#)

- (c) International Conference on GMOs in European Agriculture and Food Production (The Hague, 25-16 November 2009)

– Information from the delegation of Netherlands

The Council took note of the information given by the delegation of the Netherlands regarding the conclusions of the *Internal Conference on GMOs in European Agriculture and Food Production policy in Europe* ([17129/09](#))

Some delegations warmly thanked Gerda Verburg, Minister for Agriculture, Nature and Food Quality and her colleague, Jacqueline Cramer Minister for Housing, Spatial Planning and the Environment who jointly organised the event.

The Austrian and Hungarian delegations welcomed the idea to have a Commission's proposal allowing individual Member States to adopt national measures leading to regulate and/or prohibit the cultivation of GMOs on their own territory¹.

Commissioner Vassiliou reminded ministers of President Barroso's political guidelines regarding GMOs: "In an area like GMOs, for example, it should be possible to combine a Community authorisation system, based on science, with freedom for Member States to decide whether or not they wish to cultivate GM crops on their territory."

At the Agriculture Council in November 2009 (see press release [16290/09](#)), in the context of an authorisation procedure for a GM product, the delegation of Netherlands favoured an urgent change of the EU legislation in order to overcome the problem of the asynchronous approvals of GMOs. In addition, the Dutch Minister seized this opportunity and invited delegations to participate in the International Conference on GMOs which was to take place in the Hague, upon her Ministry's initiative.

¹ See Council conclusions of December 2008 (press release [16585/09](#)) and the exchange of views of June 2009 on the same subject (press release [11259/09](#)).

FISHERIES

European Union food aid for deprived persons - *Council conclusions*

The Council adopted the conclusions set out in document [17150/1/09 REV 1](#).

Convention for the Conservation of Southern Bluefin Tuna - *Council conclusions*

The Council adopted the conclusions set out in document [16936/09](#).

AGRICULTURE

Maximum levels for contaminants in food - committee procedure

The Council decided not to oppose the adoption of a Commission's regulation concerning maximum levels for certain contaminants in foodstuffs. The new regulation is aimed at amending regulation 1881/2006 as regards ochratoxin A in the light of a recent scientific opinion of the European Food Safety Authority (EFSA).

Under the regulatory procedure with scrutiny, the Council can oppose an act which exceeds the implementing powers of the Commission, is not compatible with the aim or content of the basic instrument or does not respect subsidiarity or proportionality if the regulatory committee previously supported the envisaged measures.

GENERAL AFFAIRS

Implementation of Lisbon Treaty: Delegated acts

The Council adopted a declaration on the implementation of Article 290 of the Lisbon Treaty concerning delegated acts. The Council underlines, in particular, the importance of the Commission's commitment to, in the preparatory phase, systematically consult experts from the national authorities of all the member states, which will be responsible for implementing the delegated acts once they have been adopted.

Under Article 290 of the Lisbon Treaty the Council and the European Parliament may delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act.

EXTERNAL RELATIONS

EU special representative for the crisis in Georgia - new financial reference amount

The Council adopted a decision amending Joint Action on the appointment of a special representative for the crisis in Georgia in order to provide the financial reference amount covering the expenditure related to the mandate of the special representative until 28 February 2010.

EU police mission for Palestine

The Council adopted a decision amending Joint Action on the EU police mission for Palestine as regards the financial reference amounts intended to cover the expenditure for this mission in 2010 (16068/09).

COMMON FOREIGN AND SECURITY POLICY

Restrictive measures (Belarus - Iran - Uzbekistan)

- Belarus

The Council adopted a decision extending, until 31 October 2010, the restrictive measures against certain officials of Belarus laid down in common position 2006/276/CFSP, due to the absence of tangible progress in areas identified by the Council (16366/09).

However, the suspension of the travel restrictions imposed on certain leading figures in Belarus, with the exception of those involved in the disappearances which occurred in 1999 and 2000 and of the president of the central electoral commission, are also extended until October 2010. At the end of that period, the Council will review the restrictive measures in light of the situation in the country. The Council may decide to reapply or lift travel restrictions at any time, in light of actions by the Belarusian authorities in the sphere of democracy and human rights.

- Iran

The Council adopted a regulation ([16605/09](#)) amending regulation 423/2007 concerning restrictive measures against Iran in order to:

- correct certain references in the list of goods and technology that are banned for export;
- update the list of controlled items in order to maintain its effectiveness; and
- empower the Commission to maintain the lists of prohibited and controlled goods and technology and to amend them on the basis of information provided by either the United Nations security council or the sanctions committee, or by member states.

In line with common position 2007/140/CFSP, regulation 423/2007 prohibits the supply, sale or transfer to Iran of goods and technology, in addition to those determined by the United Nations, that could contribute to Iran's enrichment-related, reprocessing or heavy water-related activities, to the development of nuclear weapon delivery systems or to the pursuit of activities related to other topics about which the International Atomic Energy Agency has expressed concerns.

- Uzbekistan

The Council adopted a regulation repealing the restrictive measures which the EU imposed against Uzbekistan on 14 November 2005 ([16038/09](#)).

These measures include the prohibition of sale, supply, transfer or export to Uzbekistan of equipment which might be used for internal repression and the provision of certain financing, financial assistance or technical assistance to any natural or legal person, entity or body in, or for use in, Uzbekistan.

ECONOMIC AND FINANCIAL AFFAIRS

International accounting standards - committee procedure with scrutiny

The Council decided not to oppose the adoption of a Commission's regulation concerning certain international accounting standards. The new regulation is aimed at incorporating an amendment to the International Accounting Standard 32 on financial instruments decided by the International Accounting Standard Board in October 2009. It clarifies how to account for certain rights when the issued instruments are denominated in a currency other than the functional currency of the issuer.

Under the regulatory procedure with scrutiny, the Council can oppose an act which exceeds the implementing powers of the Commission, is not compatible with the aim or content of the basic instrument or does not respect subsidiarity or proportionality if the regulatory committee previously supported the measures envisaged.

Derogations from VAT directive for Estonia

The Council adopted decisions authorising Estonia to apply a measure derogating from the directive on the common system of value added tax (VAT).

PROVISIONAL VERSION

Items discussed on 14 & 15 December only

14.-16.XII.2009

By way of derogation from article 167 of the VAT directive, Estonia is allowed to postpone the right of deduction of VAT in respect of taxable persons until it has been paid to the supplier of goods or of services. The taxable persons concerned must have opted for a scheme under which the VAT on their supplies of goods and of services becomes chargeable on receipt of the payment. Under the scheme, their annual turnover must not exceed a threshold which shall be set by Estonia at up to the equivalent in national currency of EUR 200 000 ([16131/09](#)).

HEALTH

Radioisotopes - Council conclusions

The Council adopted the conclusions set out in document [17025/09](#).

ENVIRONMENT

Future international climate agreement with Iceland - Council conclusions

The Council adopted the conclusions set out in document [17343/09](#).

LIFE-Nature projects - Council conclusions

The Council adopted the conclusions set out in document [16634/1/09 REV 1](#).
