



Brussels, 20 October 2010

***Background<sup>1</sup>***  
***AGRICULTURE and FISHERIES COUNCIL***  
**Luxembourg, 26 October 2010**

*The Council meeting will address mainly fisheries matters; it will start at 10.00 on Tuesday 26 October, and will be chaired by Mr Kris PEETERS, Minister-President for the Flemish Region, responsible for Fisheries, for the points on fisheries and by Ms Sabine LARUELLE, Federal Minister for Agriculture of Belgium for the agricultural matters.*

*Concerning Fisheries, the ministers will try to find a political agreement on **fishing opportunities for 2011 in the Baltic Sea**. They will also have an exchange of views on the **annual consultations between the EU and Norway** and on the **annual meeting of the ICCAT**.*

*As regards Agriculture, ministers will be briefed on proposed amendments concerning regulation on **support for rural development** and regulation on **direct support schemes for farmers**.*

*A press conference will be organised after the meeting (+/-18.00)*

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<sup>1</sup> This note has been drawn up under the responsibility of the press office.

## **Fishing opportunities in the Baltic Sea for 2011**

Ministers will try to reach a political agreement on fishing opportunities for certain fish stocks in the Baltic Sea on a proposal from the Commission.

The proposal aims at fixing for 2011 the maximum quantities of fish from specific stocks that can be caught in the Baltic Sea (Total allowable catches (TACs) and quotas), as well as the fishing effort limits for Baltic cod stocks. The proposed measures have been established taking into account available scientific advice and, in particular, the report drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) at the exception of cod stocks in the Baltic Sea for which catch limits and fishing effort limits are established in accordance with the rules laid down in regulation (EC) No 1098/2007 establishing a multi-annual plan for the cod stocks in the Baltic Sea.

In order to ensure the continuity of the plan and the livelihood of EU fishermen, these fisheries should be open on 1 January 2011.

The European Parliament's participation and the Economic and Social Committee's opinion are not required (Art. 43.3 of the Lisbon Treaty) for this proposal.

## **EU/ Norway - annual consultations for 2011**

The Council will hold an exchange of views on the annual consultations between the EU and Norway under their bilateral fisheries agreement.

The EC and Norway signed a bilateral fisheries agreement in 1980. This covers joint stocks in the North Sea, some jointly managed, others not. Annual total allowed catches (TACs) are set jointly by the EC and Norway for the jointly managed joint stocks. There are joint long-term management plans for cod, haddock, herring and saithe and basic principles for a long-term management plan for plaice. A ten-year agreement Norway on mackerel was agreed in January 2010 including mutual access in the North Sea. This agreement is contingent on a satisfactory overall bilateral agreement. The reciprocal exchange of quotas needs to be in overall balance across the agreement.

The delegations will address the following questions:

1. What are the views of the Member States on the approach to be taken by the EU on the level of TACs and other associated measures for the main jointly managed joint stocks in the North Sea?
2. What are the views of the Member States on the best approach to achieving a balance in the reciprocal exchange of fishing possibilities between the Union and Norway? Which other stocks of interest to Norway could be identified and used for the reciprocal exchange of quotas?

## **Annual meeting of the ICCAT**

The ministers will hold an exchange of views on a Commission proposal as regards the annual meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) from 17 to 27 November in Paris.

The annual meeting of ICCAT is closely linked to the management of bluefin tuna stocks. This has significant financial implications for the European tuna fishing fleets and tuna farms. This annual meeting follows a meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) on March 2010 where it was proposed by Monaco, with the support of the EU, to increase the level of protection of bluefin tuna.

In preparation of the ICCAT meeting of 2008, the Council adopted a decision for the establishment of the community position in the ICCAT ([14863/08](#)). The Commission will present a renewal of this position for the 2010 meeting. This position is established on the ground of a recent ICCAT scientific opinion pointing out signs of stock recovery.

The ICCAT was established to implement the international convention on the conservation of Atlantic tunas ratified in 1969. This organization can undertake the range of work required for the study and management of tunas and tuna-like fishes in the Atlantic Ocean and adjacent seas. The EU is a contracting party of the convention since 1997.

## **CAP adaptation to the Lisbon Treaty - Support for rural development**

The Council will be briefed by the Commission on an amendment of the regulation on support for rural development by the European Agricultural Fund for Rural Development (EAFRD). This proposal is presented in the framework of the alignment of Council CAP-related legislation with the Lisbon Treaty ([14344/10](#)).

Regulation N°1698/2005 provides the general guidelines of the rural development policy and the general principles that underlie it. Thus, the objectives of that particular policy and the principles of strategic approach, programming, complementarity, consistency and conformity with other policies of the Union are fixed by this regulation. The text similarly lays down the principles of partnership, subsidiarity and equality between men and women and non-discrimination. This legal framework allows the EAFRD to support rural development programmes presented by the Member States. This proposal is part of a more general work aiming to put in line Commission implementing powers in CAP-related legislation with the provisions of the Lisbon Treaty, in particular concerning the ‘delegated acts’ and the ‘implementing acts’

The Lisbon Treaty substantially modifies the framework for implementing powers given to the Commission by introducing a distinction between 'delegated acts' and 'implementing acts' (Articles 290 and 291 respectively). In the case of delegated acts, Council and the European Parliament (EP) keep control over the Commission's exercise of implementing powers. Conversely, in the case of implementing acts, such control is carried out by Member States.

As regards implementing acts, in March 2010 the Commission presented a proposal for regulation laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ([7386/10](#)). Pending its entry into force, pursuant to the declaration of the EP, the Council and the Commission concerning the implementation of Article 291 of the Lisbon Treaty ([17477/09](#)), decision 1999/468/EC continues to apply, with the exception of the regulatory procedure with scrutiny, which is not applicable.

As regards delegated acts, in December 2009, the Commission presented to Council and Parliament a communication ([5107/10](#)), on which the Council adopted a declaration ([17512/09](#)).

A series of new legal acts granting the Commission powers to adopt delegated acts and implementing acts have already been adopted by Council and Parliament. In the field of the CAP, the Commission will present between now and the end of 2011 a series of proposals to amend existing Council legal acts, so as to convert where needed existing implementing powers into delegated acts under Article 290 of the Lisbon Treaty and to identify at the same time those powers which the Commission can continue to exercise as implementing acts under Article 291. These amending acts will have to be adopted both by Council and Parliament under the ordinary legislative procedure.

Two proposals concerning the distribution of food products to the most deprived persons ([13435/10](#)) and the outermost regions ([13575/10](#)) have already been submitted to the Council. A proposal on direct payments will be presented jointly with this proposal on rural development (see following point). Finally, a proposal on the regulation about the financing of the CAP is expected at the end of 2010 and a proposal the "single common market organisation" regulation is expected in January.

In addition to the alignment to the Lisbon Treaty, this amendment to the regulation N°1698/2005 on rural development foresees provisions such as:

- reduction of the number of reports and a simplification of their content;
- extension of the provisions for supporting the setting up and the administrative operations for producer groups;
- facilitation of the use of advisory services.

## **CAP adaptation to the Lisbon Treaty - Direct support schemes for farmers**

Ministers will be briefed by the Commission on an amendment of the regulation establishing direct support schemes for farmers under the CAP. This proposal is also presented in the framework of the alignment of Council CAP-related legislation with the Lisbon Treaty ([14306/10](#)).

Regulation N°73/2009 provides the conditions for direct payments to the producers, such as cross-compliance, modulation and financial discipline, farm advisory system and the modalities of payment. The text establishes also the single payment scheme comprising all the aids allocated to farmers irrespective of their production.

This proposal identifies the delegated and implementing powers of the Commission in regulation (EC) No 73/2009 and establishes the corresponding procedure for adoption of these acts (See previous point).

Additionally in this proposal, some elements of simplification in the area of cross-compliance are introduced. Moreover, the possibility for the Member States not to require the declaration of all the agricultural areas of their holding for farmers with a total area of the holding lower than 1 hectare is foreseen.

This proposal will be presented to the Council together with the previous one.

## **ANY OTHER BUSINESS**

### ***Informal meeting of the Agriculture ministers***

The Presidency will provide a summary report of the discussions which took place during the informal meeting of the Agriculture ministers in La Hulpe on 21 September 2010.

### ***Northwest Atlantic Fisheries Organisation***

At the request of the Estonian and Latvian delegations, Ministers will be briefed on the annual meeting of the Northwest Atlantic Fisheries Organisation (NAFO) in Halifax (Canada) from 20 to 24 September 2010.

### ***African swine fever***

The Lithuanian delegation will provide information about the situation of African swine fever in third countries neighbouring the European Union ([14986/10](#))