



Brussels, 24 November 2010

***Background*¹**
AGRICULTURE and FISHERIES COUNCIL
Brussels, 29 and 30 November 2010

The Council meeting will address fisheries and agricultural matters; it will start at 10.00 on Monday 29 November and could be extended to Tuesday 30 November morning if necessary. The Council 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 certain deep-sea stocks for 2011 and 2012**. They will also have an exchange of views on the **annual consultations between the EU and Norway**.*

*During lunch, ministers will have a discussion on **improved fisheries and science partnerships**.*

*As regards Agriculture, the Council could adopt a decision concerning the **non-inclusion of 1,3-dichlorpropene in Annex I to directive 91/414**. Ministers will hold an exchange of views on a report on the **advisability and feasibility of presenting a legislative proposal enabling EFSA to receive fees**. Furthermore, ministers will be briefed on the **Farm advisory system**. Finally, the Council will held an exchange of views on a communication on the **future of CAP after 2013**.*

A press conference will be organised after the meeting (+/-18.00) or late according to the end of discussions..

¹ This note has been drawn up under the responsibility of the press office.

FISHERIES

Fishing opportunities for deep-sea stocks for 2011-2012

Ministers will try to reach a political agreement on fishing opportunities for certain deep-sea stocks for 2011 and 2012 ([14628/10](#)).

Deep-sea stocks are fish stocks caught in waters beyond the main fishing grounds of continental shelves. They are distributed on the continental slopes or associated with seamounts. These species are slow-growing and long-lived, which makes them particularly vulnerable to fishing activity. Scientific knowledge on the longevity and growth of these species, although still partial in the assessment of the stock status, is slowly improving allowing to better target the measures proposed.

In order to ensure the sustainability of the resource, fishing for deep-sea species is regulated by the European Union since 2003 in terms of total allowable catches (TACs) per species and area, and in terms of maximum fishing effort deployable in the North-East Atlantic. The fishing opportunities for deep-sea species are decided on a bi-annual basis according to the rhythm of scientific stock assessments.

The International Council for the Exploration of the Sea (ICES) provides a thorough review of the biological status of deep sea stocks every two years. The latest advice was given in June 2010. This proposal for fixing fishing opportunities is based on the further review undertaken by the Scientific, Technical and Economic Committee for Fisheries (STECF) in July 2010, following the work of ICES. Both advices indicates that most deep-sea stocks are in a precarious situation, and that fishing opportunities for those stocks, in order to assure their sustainability, should be reduced until the evolution of the stock sizes show a positive trend.

According to Article 43(3) of the Treaty, the Council, has to adopt measures on a proposal from the Commission on the fixing and allocation of fishing opportunities for deep-sea stocks.

EU/ Norway - annual consultations for 2011

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

The two main points in these consultations are the definition of the total allowed catches (TACs) for stocks in the North Sea jointly managed and the reciprocal exchanges of quotas.

Ministers will be briefed about the results of the first round of consultations for 2011 organised in Brussels from 16 to 19 November 2010. They will discuss the issues for the second round which will be held in Bergen (Norway) from 29 November to 3 December 2010.

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 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 with 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.

AGRICULTURE

Non-inclusion of 1,3-dichloropropene in Annex I of directive 91/414

A proposal for a decision concerning the non-inclusion of 1,3-dichloropropene in Annex I to directive 91/414 will be presented to the Council for adoption ([13450/10](#)).

Directive 91/414/EEC concerns the placing of plant protection products on the market. 1,3-dichloropropene is one of the substances covered by the 12 year programme for gradual examination of the active substances on the market. It was decided not to include this substance in the Annex I (listing active substances authorised for incorporation in plant protection products) of directive 91/414 since 2007 in particular due to concerns about the release in the environment of large amounts of known and unknown polychlorinated impurities, for which no information were available, as well as to the inconclusive risk assessment for the consumer, to the potential risk of groundwater contamination for animals and other non target living organisms.

A new dossier has been resubmitted in 2008 which has been evaluated by the designated rapporteur Member State (Spain) and by the European Food Safety Authority (EFSA). The conclusions on the risk assessment for this substance (30 September 2009) indicates that all information provided could not eliminate all the specific concerns that led to the first non-inclusion.

At its meetings on 9 July 2010, the Standing Committee on the Food Chain and Animal Health was unable to gather the qualified majority necessary to deliver an opinion in favour or against the non-inclusion of 1,3-dichloropropene in Annex I to directive 91/414. In the absence of an opinion it is to the Council to act on the Commission proposals within a three month period.

If a qualified majority for or against the non-inclusion of 1,3-dichloropropene in Annex I to directive 91/414 is not found in the Council, the proposals would then go back to the Commission which would have to take the decision about this non-inclusion.

Advisability and feasibility of a legislative proposal enabling EFSA to receive fees

The Council will hold an exchange of views on a Commission report on the advisability and feasibility of presenting a legislative proposal enabling EFSA to receive fees ([14198/10](#)).

In accordance with regulation 178/2002 "General Food Law", the Commission published, after consulting the European Food Safety Authority (EFSA), the Member States and the interested parties a report stating its position on the advisability and feasibility of presenting a proposal establishing fees for EFSA. The report takes into account the authority's experience in managing its workload, particularly in the light of increasing workload and evolving number of applications in various sectors such as health claims, feed additives, flavourings, etc.

One of the options explored in the report considers the introduction of graduated fees for applicants from the following sectors where the authorisation is issued to a specific holder and is not generic:

- authorisation of genetically modified organisms (cultivation);
- authorisation of genetically modified food and feed;
- authorisation of feed additives issued to a specific holder;
- authorisation of claims issued to a specific holder;
- authorisation of novel foods issued to a specific holder ;
- positive listing of active substances eligible for authorisation as plant protection products;
- authorisation of smoke flavourings .

In this context, the issue of enhanced services for applicants will also have to be explored.

The Commission intends to launch an impact assessment which will take into account the results of the Member States', stakeholders' and EFSA's comments and the observations and remarks highlighted in this report. The assessment will also look at other EU policy areas as well as practices of other EU regulatory agencies. It will have to identify the economic and budgetary impact of the various scenarios of fees on enterprises (including SMEs). It is also important to assess the impact that a fee-system would have on EFSA's overall functioning and efficiency.

In addition to the Council, the Parliament will have to take a position on this report.

Farm advisory system

Ministers will be briefed by the Commission on the Farm advisory system (FAS) ([16611/10](#)).

Member States have the obligation to establish a system for advising farmers on land and farm management, referred to hereinafter as the Farm Advisory System (FAS). The FAS is a major component of the 2003 Common Agricultural Policy (CAP) reform and had to be introduced by 2007 . The objective of the FAS is to help farmers to become more aware of material flows and of on-farm processes relating to the environment, food safety and animal health and welfare. It was introduced at the same time as the cross compliance system, under which CAP support is paid in full only if farmers meet certain requirements relating to the environment, food safety, animal health and animal welfare. The FAS is indeed primarily a tool to help farmers fulfil those requirements and thus avoid financial penalties under cross compliance. Two rural development policy measures are designed to help Member States set up farm advisory services and to help farmers use them.

Regulation No 73/2009 provides that the Commission must send the Council a report on the application of the FAS — accompanied, if necessary, by appropriate proposals. This report is based on information received from the Member States in response to a questionnaire and on an evaluation study carried out for the Commission . The FAS and national advisory services' content, structures, methods and tools were also discussed with the Member States at workshops organised by the Commission in 2006-2010.

The report establishes that the start-up phase has required considerable effort, especially from Member States where few if any advisory services were available in the past. For other Member States, setting up a FAS has been more a question of coordinating existing services so as to give farmers a single contact point for advice on practical questions, and helping them to understand and implement EU rules.

Moreover, with new challenges emerging, expectations from advisory services have risen since 2003. The FAS should therefore pro-actively develop and encompass issues that go beyond legal requirements under cross compliance. The Commission therefore makes recommendations to the Member States such as:

- Target better the advice;
- Emphasise the role of the FAS advisor as a 'general practitioner' directing farmers, if necessary, to specialist advisors;
- Promote the FAS via specific measures and ensure that small farms are reached too;
- Improve the management of the FAS, and ensure that knowledge is shared between actors in the field of cross compliance.

As the deadline for setting up the system was 1 January 2007 and since the start-up period lasted from 2007 to 2009, this report cannot therefore offer an exhaustive overview but provides input for a debate in the Council and the European Parliament in the course of 2010-2011. These actions may lead to legislative changes in the post-2013 package.

Future of CAP after 2013

The Council will hold an initial exchange of views on a Commission communication on the future of CAP after 2013 ([16348/10](#)).

Following a large public consultation which main options have been reported during a conference held in July 2010, the Commission publishes its communication as a response to the debate on the future CAP.

The Council discussed during four successive Presidencies different aspects of the reform, the European Parliament (EP) adopted an own initiative report on the post-2013 CAP, and its link with the Europe 2020 Strategy. During the conference on the public debate, majority of views expressed concurred that the future CAP should remain a strong common policy structured around its two pillars.

A discussion organised by the Presidency took place during the informal meeting of the Agriculture ministers in La Hulpe on 21 September 2010. It confirmed the interest of a two-pillar structure for the CAP, with sufficient flexibility in both pillars. Discussions had also shown that the reform should include in particular a better balance between income support and the rewarding of public goods provision, and should take better into account the diversity of European agricultures ([15339/10](#))

The Commission communication outlines options and launches the debate with the Council, the Parliament and with stakeholders. On the basis of the outcome of the institutional debate and of the consultation in the framework of the Commission impact assessment, more concrete and elaborated options and measures will be examined, their feasibility and effectiveness will be analysed in the framework of the impact assessment. The legal proposals will be presented in 2011 for new rules to come into effect in 2014.

The communication establishes that the CAP needs reforming:

- so as to better address the challenges of:
 - food security;
 - climate change and sustainable management of natural resources;
 - looking after the countryside and keeping the rural economy alive.
- to help the farming sector become more competitive and to deal with the economic crisis and increasingly unstable farm-gate prices.
- to make the policy fairer, greener, more efficient and more effective and more understandable.

The main elements from the CAP that the communication proposes to change are the following:

- Direct payments to farmers will:
 - better reflect the public service that farmers provide (e.g. efforts to protect the environment)
 - help support farming even in the most disadvantaged areas
 - be more fairly distributed, and aimed at active farmers.
- Market management tools will be simplified.
- Rural development policy will focus on increasing competitiveness and promoting innovation.
- New tools will be introduced to help farmers cope with price and income volatility.

A more extensive exchange of views in the Council is planned for December.

ANY OTHER BUSINESS

FISHERIES

Long-term recovery plans in the fisheries sector

The Council will be briefed by the Commission on Commission's view as to the adoption of long term plans in the fisheries sector following the new institutional framework after the entry into force of the Lisbon Treaty . Multi-annual management plans have become an essential tool for managing fish stock and for allowing the fishing industry a better forward planning of their activities.

AGRICULTURE

International conference on animal welfare education

Ministers will be briefed by the Presidency about the conclusions of the conference on animal welfare education held in Brussels on 1-2 October 2010.

The starting point of animal-welfare policy is the recognition that animals are sentient beings and should be treated in such a way that they do not suffer unnecessarily. It concerns the animals that are under human care {e.g. on the farm, during transport, or at the time of slaughter}. The working sessions during this conference have explored the science and values guiding animal welfare education, methodologies for teaching animal welfare, and the role of the media in animal welfare education.

Conference on the review of the European plant health regime

The Presidency briefed the Council about a conference concerning the review of the Common Plant Health Regime which took place in Brussels on 28 September 2010.

A first conference on the interim findings of the evaluation of the Common Plant Health Regime was held on 23-24 February 2010 in Brussels.

The outcome of the evaluation of the Community Plant Health Regime and the recommendations made in the evaluation report for the new plant health law were presented by the evaluation consortium. The planning of the review of the legislation and the consultation process were also presented. A plenary discussion took place to assess which recommendations from the evaluation should be included in the impact assessment.

Conference on Agriculture, Food Security and Climate Change

The Netherlands delegation will be briefed by the ministers on the conclusions of the Conference on Agriculture, Food Security and Climate change which took place in the Hague from 30 October to 5 November 2010. This conference aimed to develop a roadmap, with concrete actions linking agriculture-related investments, policies, and measures with the transition to lower carbon-emitting, climate resilient growth.
