



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 9 November 2009 (11.11)
(OR. fr)**

**14716/09
ADD 1**

**PV/CONS 51
AGRI 453
PECHE 284**

ADDENDUM to DRAFT MINUTES¹

Subject: **2966th** meeting of the Council of the European Union (**AGRICULTURE and FISHERIES**), held in Luxembourg on 19 and 20 October 2009

¹ The information from the Council minutes which is contained in this addendum is not confidential and may therefore be released to the public.

CONTENTS

Page

"A" ITEMS

Item 1.	Council Regulation derogating from Regulation (EC) No 1234/2007 ("Single CMO" Regulation) as regards the 2009 and 2010 intervention periods for butter and skimmed milk powder	3
Item 14.	Council Regulation establishing common rules for exports (codified version)	3
Item 15.	Council Directive on the common system of taxation applicable to mergers, divisions, partial divisions, transfers of assets and exchanges of shares concerning companies of different Member States and to the transfer of the registered office of an SE or SCE between Member States (codified version)	4
Item 16.	Council Directive determining the scope of Article 143(b) and (c) of Directive 2006/112/EC as regards exemption from value added tax on the final importation of certain goods (codified version)	4

"B" ITEMS

Item 4.	Council Regulation amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultrymeat	5
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Agenda items released to the public concerning the final adoption of Council acts

"A" items: (list: 14395/09 PTS A 43)

When finally adopting the "A" items relating to legislative acts, the Council agreed to enter the following in these minutes:

1. Council Regulation derogating from Regulation (EC) No 1234/2007 ("Single CMO" Regulation) as regards the 2009 and 2010 intervention periods for butter and skimmed milk powder

13399/09 AGRI 379 AGRIORG 84
+ COR 1

The Council adopted the above Regulation, with the Slovak and Danish delegations abstaining and the Italian and United Kingdom delegations voting against. (Legal basis: Article 37 of the Treaty establishing the European Community).

1. Statement by the Danish delegation

"Regrettably, Denmark is not in a position to support the proposal for a Council Regulation derogating from Regulation (EC) No 1234/2007 ("Single CMO" Regulation) as regards the 2009 and 2010 intervention periods for butter and skimmed milk powder. Denmark would have favoured a more limited prolongation of the intervention period, thus Denmark will abstain from voting."

14. Council Regulation establishing common rules for exports (codified version)

12817/09 COMER 136 CODIF 101
+ COR 1 (fi)

The Council adopted the above Regulation. (Legal basis: Article 133 of the Treaty establishing the European Community).

15. Council Directive on the common system of taxation applicable to mergers, divisions, partial divisions, transfers of assets and exchanges of shares concerning companies of different Member States and to the transfer of the registered office of an SE or SCE between Member States (codified version)

12818/09 FISC 105 CODIF 102

The Council adopted the above Directive. (Legal basis: Article 94 of the Treaty establishing the European Community).

16. Council Directive determining the scope of Article 143(b) and (c) of Directive 2006/112/EC as regards exemption from value added tax on the final importation of certain goods (codified version)

12820/09 FISC 106 CODIF 103

+ COR 1 (cs)

+ COR 2 (en)

+ COR 3 (pl)

+ COR 4 (fi)

+ REV 1 (hu)

+ REV 2 (lt)

+ REV 3 (ro)

The Council adopted the above Directive. (Legal basis: Articles 93 and 94 of the Treaty establishing the European Community).

"B" items: (Agenda: 14328/08 OJ CONS 51 AGRI 426 PECHE 273)

4. Council Regulation amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultrymeat

9214/09 AGRIORG 49

The Council adopted the above Regulation, with the United Kingdom delegation voting against. (Legal basis: Article 37 of the Treaty establishing the European Community).

2. Statement by the United Kingdom delegation

"This Regulation will have an adverse and disproportionate effect on the UK poultry industry and will cost the sector some 150 million euro per annum in lost revenues. It will also increase prices for consumers, effectively acting as a tax on poultrymeat preparations. We find that hard to countenance as the economy endeavours to climb out of recession.

In our view, the Regulation, which effectively prohibits trade in poultrymeat preparations that make use of previously frozen poultrymeat, is fundamentally flawed for a number of reasons:

- Firstly, it runs counter to the Commission's sensible policy of rationalising marketing standards. We share the view that marketing standards must support innovation, not stifle it, as in this case.
- Secondly, the Commission brought forward this proposal without carrying out an Impact Assessment. We continue to believe that had an Impact Assessment been carried out, the negative impacts of the proposal – both in terms of its effect on the markets of a number of EU Member States, and on global trade – would have given the Commission pause for further thought.

Furthermore, this failure to carry out an impact assessment is contrary to the Council's conclusions regarding CAP simplification. Those conclusions confirm that, where new agricultural legislation is drawn up, rigorous analysis should be undertaken on the potential impact of the proposed policy options in terms of both administrative burdens and associated costs.

- Thirdly, the Commission could easily have achieved its objectives in a much less burdensome manner by introducing a system of labelling, allowing the consumer to identify whether poultrymeat preparations made use of previously frozen poultrymeat, and to make their purchases accordingly. There is no objective justification for choosing, rather, to prohibit this practice.
- Fourthly, the Commission has failed to provide sufficient time for adjustment by the sector before the entry into force of the new legislation.

For each of these reasons, the UK cannot vote in favour of the Regulation."
