



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 2 December 2009**

**14716/09**

**LIMITE**

<b>PV/CONS</b>	<b>51</b>
<b>AGRI</b>	<b>453</b>
<b>PECHE</b>	<b>284</b>

**DRAFT MINUTES <sup>1</sup>**

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

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<sup>1</sup> Information relating to the final adoption of Council acts which may be released to the public is contained in Addendum 1 to these minutes.

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1. **Adoption of the agenda**

14328/09 OJ CONS 51 AGRI 426 PECHE 273

The Council adopted the above agenda with the addition of item (f) – Guinea Conakry, under "Any Other Business".

2. **Approval of the list of "A" items**

14395/09 PTS A 43

The Council adopted the "A" items listed in 14395/09.

Information relating to items 1, 14, 15 and 16 is set out in Addendum 1 to these minutes.

The documents in items 2 and 11 should read as follows:

**Item 2:** 12481/09 AGRI 339 FAO 12 CONUN 98 DEVGEN 267  
+ **COR 1 (de)**

**Item 11:** 13687/09 ENER 307 RELEX 873  
+ COR 1 (ro)  
+ COR 2 (de)  
+ **COR 3 (lt)**

### 3. Dairy market

(a) Proposal for a Council Regulation amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation)

– Policy debate

14270/09 AGRI 423 AGRIORG 96 AGRIFIN 86

14389/09 AGRI 438 AGRIORG 98 AGRIFIN 87

14526/09 AGRI 445 AGRIORG 104

(b) Quarterly report from the Commission on the dairy market

– Presentation by the Commission

14477/09 AGRIORG 103

The Council had an extensive exchange of views on the situation on the dairy market and on additional short term measures to be adopted to help the sector. The Council advanced on various points.

Firstly, the Council adopted the Regulation on the extension of the intervention periods for skimmed milk powder and butter.

Then, the Council instructed the Special Committee on Agriculture to conclude rapidly the examination of the **Commission proposal on the extension of the disturbance clause to dairy products and on the buying-up of quotas** with a view to its swift adoption by the Council at one of its next sessions, once the European Parliament has delivered its opinion.

Finally, the Council took note of the information provided by the Commission in relation to:

- the latest developments on the market;
- the complementary short term measures to be considered at Management Committee level to help restore the market balance;
- its proposal to the Budget Authority for additional financial resources of € 280 Mio to be allocated in the 2010 agricultural budget to help dairy farmers;
- the outcome of the first meeting of the High Level Group that will have to reflect on further medium and long-term measures, including a regulatory framework, for the dairy sector.

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

– Adoption

9214/09 AGRIORG 49

14454/09 AGRIORG 102

+ COR 1

The Council adopted, by qualified majority with the United Kingdom delegation voting against, the Regulation amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultry meat.

The Regulation aims at extending the scope of the existing marketing standards for poultry meat to poultry meat preparations and products.

The United Kingdom delegation presented a statement to be entered into the Council minutes (see the Addendum to these minutes).

5. **Genetically modified organisms**

- (a) **Proposal for a Council Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 88017 (MON-88Ø17-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council**
- (b) **Proposal for a Council Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize MON 89034 (MON-89Ø34-3) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council**
- (c) **Proposal for a Council Decision authorising the placing on the market of products containing, consisting of, or produced from genetically modified maize 59122xNK603 (DAS-59122-7xMON-ØØ6Ø3-6) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council**
  - Adoption
    - 14200/09 AGRILEG 177 ENV 654
    - 14201/09 AGRILEG 178 ENV 655
    - 14202/09 AGRILEG 179 ENV 656

The Council noted the absence of a qualified majority necessary to reach a decision in favour of or against the above mentioned three proposals.

As the Council has concluded its proceedings on these files, the Commission is now entitled to finalise the decision-making procedure on these three items.

The Netherlands delegation presented a statement on these three files to be entered into the Council minutes (see the Annex).

6. **Proposal for a Council Regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy**

- Political agreement  
15694/08 PECHE 312  
14256/09 PECHE 271  
13597/09 PECHE 230 ADD 1

The Council reached political agreement by unanimity on a regulation establishing a modernised system for inspection, monitoring, control, surveillance and enforcement of the rules of the Common Fisheries Policy throughout the market chain, "from net to plate" (15694/08). This item will be included, following finalisation by the Legal/Linguistic Experts, in part "A" of the agenda of a forthcoming Council meeting.

The new regulation will replace the existing legal framework laid down in Council Regulation (EEC) No 2847/93 as from 1 January 2010 for most of its provisions and as from 1 January 2011 for certain provisions requiring implementing measures. The European Parliament gave its opinion on the proposal on 22 April 2009.

7. **Proposal for a Council regulation fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2010**

- Political agreement  
12882/09 PECHE 207  
14222/09 PECHE 269  
+ COR 1(en)  
13860/09 PECHE 246 ADD1

The Council reached political agreement by unanimity on the fishing opportunities and associated conditions applicable for certain Baltic Sea fish stocks for 2010 (12882/09). This item will be included, following finalisation by the Legal/Linguistic Experts, in part "A" of the agenda of a forthcoming Council meeting.



The proposal lays down, for 2010, the TAC levels and quotas for certain Baltic Sea stocks, the associated fishing effort for Baltic cod stocks and certain restrictions on the fishing of flounder (*Platichthys flesus*) and turbot (*Psetta maxima*).

**8. EU/Norway: annual consultations for 2010**

- Exchange of views  
13859/09 PECHE 245 N 14  
+ COR 1

The Council held an exchange of views on the annual consultations with Norway for 2010 prior to the first round of negotiations on 16-20 November 2009 in Bergen.

The Council will return to this item in November.

**9. Any Other Business**

**(a) State aid for the purchase of agricultural land**

- Requested by the Polish delegation  
13962/09 AGRI 407

The Council took note of the request made by the Polish delegation, supported by the French, Lithuanian, Hungarian and Romanian delegations, and mandated the Special Committee on Agriculture to examine the request.

**(b) Difficulties to supply sugar refineries**

- Requested by the Portuguese delegation  
14407/09 AGRI 439 AGRIORG 99 AGRIFIN 88

The Council took note of the request from the Portuguese delegation, supported by the Bulgarian, Finnish, Polish, Romanian and the United Kingdom delegations, to suspend the € 98/t duty on CXL sugar in order to overcome refinery supply difficulties. The Slovak delegation indicated that they could not support such a request.

The Commission representative replied that the Commission could not conclude on the basis of the available elements that there is a widespread supply difficulty for refineries. She confirmed however that the Commission would continue to closely monitor the situation and would not hesitate to act on the import duties in case this was judged necessary.

**(c) Situation on the cereals market**

- Requested by the Austrian delegation  
14447/09 AGRI 443 AGRIORG 101

The Council took note of the request from the Austrian delegation to the Commission, to rapidly adopt measures to stabilise the difficult situation on the cereals market. The Czech, Finnish, Hungarian, Romanian and Slovak delegations supported the Austrian request.

The Commission representative replied that, despite some concerns for barley, there was no justification for immediate action on the cereals market at this stage. She excluded specific measures for certain Member States. She confirmed however that the Commission would continue to closely monitor the situation and would take appropriate measures in case of need.

(d) **Renewal of fishing fleet under the EFF regulation**

- Requested by the Lithuanian delegation, supported by the Cypriot delegation  
14015/09 PECHE 258  
14443/09 PECHE 278

The Lithuanian delegation made a short presentation asking the Commission for financial support under the EFF for fleet renewal under specific and strict conditions. Cyprus, Latvia, Estonia and Greece supported the Lithuanian request. Germany indicated its understanding for the Lithuanian position and felt that the issue should be thoroughly and positively discussed at the Council. The Commission representative in its reply acknowledged the problems linked with the advanced age of the Lithuanian fishing vessels. Having said that, he reminded delegations that there was an overwhelming consensus to adapt fishing fleets to the availability of resources. It would be politically unacceptable to fund the construction of new vessels in case of overcapacity and scarce resources. The Commission representative indicated that there were other ways within the existing EFF framework to renew fishing vessels. In this context he urged Lithuania to make use of existing tools.

(e) **ICCAT Annual meeting (Recife, Brazil, 6-15 November 2009)**

- Information from the Commission  
14495/09 PECHE 282

The Commission representative said that the bluefin tuna stock was still in a critical situation.

In order to maintain credibility at international level:

- (a) scientific advice should be respected and the TAC reduced accordingly;
- (b) fleet capacity should be reduced through management plans;
- (c) the bluefin tuna recovery plan should be complied with.

The credibility of RFMOs was at stake.

Delegations were broadly in agreement with the Commission and the following comments were made:

- bluefin tuna should remain within ICCAT and the organisation should be strengthened;
- all ICCAT Contracting Parties should implement the agreed measures;
- bluefin tuna should not be included in Annex I of CITES;
- science justifies more robust measures to protect the bluefin tuna stock;
- it is important to succeed within ICCAT.

(f) **Guinea Conakry**

The Commission representative indicated that following tragic events on 20 September 2009 in Conakry the ratification of the bilateral agreement with Guinea had been brought to a halt. Until normal democracy is installed no agreement should be in place. In this context the Commission intends to withdraw the proposal. There is already a provisional application and both parties have respected their parts. Having said that, it would be politically unacceptable to make any payments at present in the framework of this agreement.

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**STATEMENT FOR THE COUNCIL MINUTES**

**Ad item 5 on the agenda**

**Genetically modified organisms**

**STATEMENT BY THE NETHERLANDS DELEGATION**

**Admission to the EU market of three GM maize varieties**

"In authorisation of GMOs the safety of people, animals and the environment is paramount. Taking into account the favourable risk assessment by the EFSA, the Netherlands can agree to the authorisations for the three maize varieties in question. Compliance with EU legislation is a key factor in European cooperation.

However in March of this year the Netherlands pointed out that parts of the EU's GMO legislation no longer adequately addresses current developments. The Netherlands wants to apply the present legislation for imports of GM products, but Member States should be able to decide for themselves as to the cultivation of GM crops. A change in the existing legislation is therefore needed. The Netherlands strongly urges that the Commission should now as soon as possible submit proposals to adapt legislation on cultivation.

For GMOs not authorised in the EU there is zero tolerance. Zero tolerance is an obstacle to trade in raw materials for the animal feed and foodstuffs industries, and can thus damage the competitiveness of these sectors, lead to job losses and result in higher prices for foodstuffs and animal feed. The Netherlands accordingly calls on the European Commission to speedily submit proposals for a "technical solution" for the unintended and unavoidable presence of traces in animal feed and foodstuffs of GMOs not yet authorised in the EU but already identified as safe."

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