



**COUNCIL OF
THE EUROPEAN UNION**



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Agriculture and Fisheries

Luxembourg, 14 April 2011

President

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Main results of the Council

*Concerning fisheries, ministers had an exchange of views on the **review of fishing effort management in western waters**.*

*As regards agriculture, a proposal for renewing the **inclusion of carbendazim as an active substance** was presented to the Council for adoption. No qualified majority was reached either for or against the renewal.*

*The Council also had an exchange of views on **agricultural product quality schemes**.*

*Finally, the Council took note of requests on **freshwater aquaculture and inland fishery within the CFP reform, price volatility of agricultural raw materials, the state of play of negotiations with Mercosur and the impact of CAP changes on developing countries**.*

*During lunch, ministers had a discussion on **the role of innovation in revitalising the traditional way of life in rural areas**.*

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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.

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Mr Kris PEETERS

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Minister-President of the Flemish Government and Minister for Institutional Reform, Ports, Agriculture, Sea Fisheries and Rural Policy

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Deputy Permanent Representative

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Minister for Rural Affairs

United Kingdom:

Mr Richard BENYON

Parliamentary Under Secretary of State for Environment,
Food and Rural Affairs

Commission:

Mr Dacian CIOLOȘ

Member

Ms Maria DAMANAKI

Member

ITEMS DEBATED**FISHERIES****Review of fishing effort management in western waters**

Ministers had an exchange of views on a Commission communication on the review of fishing effort management in western waters ([16257/10](#)).

Most delegations noted the advantages of maintaining this specific fishing effort regime, which they consider a useful management instrument for the limitation of catches in sensitive areas. They all agree that an update of the regime is needed and await the measures proposed by the Commission. The future common fisheries policy (CFP) reform process offers the opportunity to make this effort regime consistent with the other measures in place.

The Commission presented the communication in November 2010. Its objective was to assess three aspects of the western waters fishing effort regime of 2003 :

- its implementation by member states,
- the access conditions to outermost regions in the North-East Atlantic, and
- the effectiveness of the specific effort rule in the Biologically Sensitive Areas ("BSA").

The western waters regime was first established in 1995 with the objective of safeguarding the balances that existed at the time of the full integration of Spain and Portugal into the common fisheries policy, and avoiding an increase in fishing effort compared to levels observed before that integration. This effort regime was updated in 2003. The update showed overall significant decreases in the allocation of maximum allowable effort to member states and was also characterised by simplification. This regime distinguishes itself from effort regimes under multi-annual management plans: the effort allocation is fixed and does not evolve year-by-year with management targets or quota allocations for underlying stocks.

The conclusions of the communication highlighted that while the 2003 effort regime has succeeded in creating the circumstances for the full integration of Spain and Portugal into the CFP, better alignment with long-term objectives is needed. In addition, while the BSA has contributed to an improved status of some stocks, there is a need to further improve the link between future restrictions and resource management objectives.

The Commission indicated the need to conduct the revision of the 2003 effort regime in parallel with the ongoing reform of the CFP. With this idea in mind, a roadmap will be presented in the spring of 2011 in order to highlight the priorities to be addressed in the near future.

AGRICULTURE

Carbendazim

A proposal for a directive amending Directive 91/414 to renew the inclusion of carbendazim as an active substance was presented to the Council for adoption. No agreement was reached either for or against this renewal.

Active substances to be used as plant protection products are assessed and authorised at EU level and are listed in Annex I to Directive 91/414 creating a harmonised framework for the authorisation and placing on the market of these substances. Under the current provisions, it is still possible to include a hazardous substance in Annex I, providing that the exposure is restricted to acceptable levels.

Carbendazim is a controversial fungicide, due to its intrinsic toxicological properties. Therefore, the initial inclusion was highly restrictive and limited in time. However, once the new pesticides regulation (regulation No 1107/2009) becomes applicable, substances of these types can no longer be authorised.

As the request for renewal of this substance was based on the current legislation, the data on carbendazim were initially evaluated by a rapporteur member state (Germany), whose evaluation was subsequently peer reviewed by the European Food Safety Authority (EFSA). The rapporteur member state came to the conclusion that, as it is possible to predict acceptable uses, carbendazim may be expected to satisfy the requirements laid down in directive 91/414, provided that adequate risk mitigation measures are applied, and that the current restrictive approach is maintained. In its conclusion, EFSA adopted a more conservative approach and identified a critical area of concern and called for stricter requirements to be applied. Based upon the rapporteur member state's assessment, an inclusion for the concerned substance was proposed, with specific conditions of use, close monitoring and a limitation of the validity of authorisations.

At its meeting on 23 November 2010 the Standing Committee on the Food Chain and Animal Health was unable to achieve the qualified majority necessary to deliver an opinion for or against the renewal of the inclusion of carbendazim. In the absence of an opinion the Council had to act on the Commission proposal within a three-month period.

Today, the Council noted that there was not a qualified majority either for or against the proposal to renew the inclusion of carbendazim in Annex I to directive 91/414. As the Council has concluded its proceedings on this issue, the Commission is now entitled to finalise the decision-making procedure in respect of this proposal.

The quality package: agricultural product quality schemes

The Council had an exchange of views on a proposal for a regulation on agricultural product quality schemes ([17672/10](#)).

Delegations generally welcomed the Presidency's views on a 'local farming and direct sales' scheme because of the development of this particular sector and consumer demand. However some member states feared that this scheme could constitute an administrative burden and insisted on keeping the simplification of CAP legislation in mind. In addition, many member states do not want a European scheme on this issue to interfere with national measures already in place.

Most delegations are in favour of rules for the products of mountain farming supported by the "quality package", but insist on definitions and criteria for such production. Some delegations mentioned the possibility of developing rules for agricultural products coming from very specific areas.

On both issues, many member states are waiting for the impact assessments scheduled by the Commission before giving a definitive view.

In December 2010, the Council was briefed by the Commission on a "quality package" consisting of two texts:

- a proposal for a regulation on agricultural product quality schemes ([17672/10](#)) and
- a proposal amending the "Single CMO" regulation, (regulation No 1234/2007) ([17677/10](#)).

The Commission drew up the "quality package", which consists of a set of proposals designed to put in place a coherent agricultural product quality policy aimed at assisting farmers to better communicate the qualities, characteristics and attributes of agricultural products to consumers, on the basis of the Council conclusions of 22 and 23 June 2009 on agricultural product quality ([10722/09](#)) .

The proposal provides for clarification and simplification of current procedures for the quality schemes already in place. In addition, the Commission proposes a reinforcement of the traditional specialities guaranteed scheme which, together with protected designations of origin and protected geographical indications, constitute the main elements of agricultural product quality policy in the EU.

The Commission thinks that harmonised rules for direct sales and products of mountain farming would help to provide added value to these products and facilitate their recognition by the consumer.

ANY OTHER BUSINESS

Freshwater aquaculture and inland fishery

Ministers were briefed by the Czech delegation on a declaration also supported by Austria, Hungary, Luxembourg and Slovakia concerning the future role of freshwater aquaculture and inland fishery within the Common Fisheries Policy (CFP) reform ([8081/11](#)).

A majority of member states supported the declaration highlighting the important role of aquaculture as an important complement to fisheries activities. They are also in favour of specific measures for aquaculture. However, some delegations pointed out that this activity should remain market-orientated.

In view of the forthcoming reform of the CFP, Austria, the Czech Republic, Hungary, Luxembourg and Slovakia, which are landlocked, drew attention to their common priorities in relation to freshwater aquaculture and inland fisheries. In this context, a joint declaration was adopted by these five countries and presented to the Commission in the margins of the Agriculture Council in February 2011.

The declaration highlights the potential of aquaculture and insists on the following points for the future:

- increase the share for freshwater aquaculture in the new European fishery fund;
- enhance support for applied research;
- focus on the needs of small enterprises, and simplify and harmonise administrative and financial measures;
- find common solutions on veterinary and disease control issues; and
- promote freshwater aquaculture products as an environmentally friendly alternative to endangered marine fisheries resources.

The declaration emphasises the distinction between marine and inland fisheries and underlines the specific role of proper management of inland fishery resources that can support rural development and improve the biodiversity of fresh waters.

The Commission agrees with the principles provided by the declaration and hopes to initiate specific measures for aquaculture in the framework of the CFP reform.

Price volatility of agricultural raw material

The Council took note of a proposal by Belgium for a European mechanism allowing to cope with the current situation in the pigmeat sector, where primary producers face low prices combined with high input cost ([8814/11](#)).

While most member states acknowledged the observations made by Belgium, many agreed with the Commission that the definition of the appropriate instruments for mitigating price volatility in the pig meat sector should be further discussed at expert level, particularly within the enlarged advisory group set up by the Commission.

On 13 December 2010, Belgium presented to the Council the outcome of a reflection day on "the pigmeat sector towards 2020". Subsequently, the Commission decided to convene an enlarged advisory group on pigmeat, and invited agricultural non-governmental organisations which are members of the advisory group to three meetings held jointly with representatives of the member states. A final meeting will be organised on 6 May 2011 with a view to drawing up conclusions on the situation of the pigmeat market.

The Council has on several occasions discussed the adverse impact of price volatility on primary producers, most recently in January 2011 in the broader context of the situation on international agricultural markets. In addition, price volatility and the functioning of the food supply chain were also major issues raised in the Presidency conclusions on the Commission communication on *the CAP towards 2020*. Furthermore, France has made commodity price volatility one of the priorities of its G20 Presidency. A G20 ministerial meeting is scheduled for 22 and 23 June in Paris.

Negotiations with Mercosur

At the request of Ireland, the Council took note of the information provided by the Commission on the state of EU trade negotiations with Mercosur ([8868/11](#)).

The Irish request was supported by a large number of member states, who recalled the risks of a further opening of the European market to agricultural products from Mercosur, as this could have a negative impact on several agricultural sectors, including the beef sector. They also agreed that offers should not be made until Member states have had sufficient time to fully evaluate the content of the impact assessments currently being prepared within the Commission and after full debate within the Council.

The Commission agreed that the impact assessment on these negotiations could be discussed soon in a Council expert working group and that Member states would be kept informed of any offer made to Mercosur on agricultural issues.

The Commission decided on 4 May 2010 to relaunch negotiations with Mercosur (Argentina, Brazil, Paraguay and Uruguay, with Venezuela in the process of joining). These free trade agreement negotiations began in 1995 and were suspended without agreement in October 2004. A successful EU-Mercosur agreement would need to address all aspects of the negotiations and in particular the core areas of industrial goods, services and agriculture.

An initial exchange of views on relaunching negotiations with Mercosur took place at the Agriculture Council in May 2010. Since then, four negotiating rounds have taken place (the last one was organised in Brussels last month).

Impact of CAP changes on developing countries

The Netherlands delegation briefed the Council about the impact of common agricultural policy (CAP) changes on developing countries ([8880/11](#)).

Several delegations supported the Netherlands' view that the consequences of CAP changes on farmers in developing countries should be taken into account in the Commission's impact assessment on the upcoming CAP reform.

The Commission recalled that the impact of the CAP on developing countries is far less substantial now than it was some years ago. However, the consequences of the changes for developing countries would be analysed in the impact assessment to be presented by the Commission in the second part of this year together with the legislative proposals on the CAP after 2013.

The Presidency recalled that the Council, in its November 2009 conclusions on policy coherence for development, agreed that ensuring global food security was a priority issue, while emphasising the role of the CAP and its impact on developing countries.

In its communication on *the CAP towards 2020*, the Commission stated that improved production capacity needs to respect EU commitments in international trade and Policy Coherence for Development. Recognising the role of EU agriculture on the global markets, the Netherlands pointed out the need to closely monitor the impact CAP changes may have on third country markets.

OTHER ITEMS APPROVED

AGRICULTURE

Agriculture in outermost regions of the Union and Aegean islands - *Council conclusions*

The Council adopted the conclusions on the Court of Auditors Special Report No 10/2010 from the European Court of Auditors entitled "Specific measures for agriculture in favour of the outermost regions of the Union and the smaller Aegean islands" ([8443/11](#)).

ENVIRONMENT

EU Emissions Trading System

The Council did not oppose planned restrictions on the use of international emission credits from projects involving certain industrial gases in the EU Emissions Trading System ([6650/11](#)). From 1 January 2013, the use of international credits from projects involving the destruction of trifluoromethane (HFC-23) and nitrous oxide (N₂O) from adipic acid production will in principle be prohibited. The use of credits from such industrial gas projects is thought to stimulate the continued production and use of chlorodifluoromethane (HCFC-22) in registered plants. This could undermine the accelerated phase-out of this potent ozone-depleting and greenhouse gas substance, agreed in the framework of the Montreal Protocol.

EU Ecolabel

The Council did not oppose the proposed revised ecological criteria for the award of the EU Ecolabel to:

- personal computers ([6829/11](#));
- notebook computers ([6843/11](#));
- light sources ([6964/11](#));
- copying and graphic paper ([6965/11](#)).

The four draft Commission decisions are subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the acts, unless the European Parliament objects.

The draft Commission regulation is also subject to the regulatory procedure with scrutiny, so here too, now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

Ozone-depleting substances

The Council did not oppose the proposed mechanism for allocating quotas for laboratory and analytical uses of ozone-depleting substances to producers and importers to which no production or import licence was issued in the years 2007 to 2009 ([6574/11](#)).

The draft Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the regulation, unless the European Parliament objects.

CONSUMER PROTECTION

Safety requirements - Gymnastic and training equipment - Corded stores and devices

The Council decided not to oppose the adoption by the Commission of decisions on the safety requirements, pursuant to Directive 2001/95/EC, to be met by European standards concerning:

- gymnastic equipment ([7051/11](#)),
- stationary training equipment ([7324/11](#)), and
- risks posed to children by internal blinds, corded window coverings and safety devices ([7491/11](#)).

The draft decisions are subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt them, unless the European Parliament objects.

Directive 2001/95/EC on general product safety¹ establishes that the specific requirements intended to ensure that products conform with the European safety standards are to be determined in accordance with the regulatory procedure with scrutiny.

¹ OJ L 11, 15.1.2002, p. 4.

DEVELOPMENT COOPERATION**Generalised tariff preferences - Extension of current scheme**

The Council agreed on a temporary extension of the validity of the current scheme of generalised tariff preferences until a new scheme enters into force ([10/11](#)).

This measure will allow the current Generalised Scheme of Preferences (GSP), which runs until 31 December 2011, to ensure continuity in the operation of the scheme beyond that date, until the next GSP is adopted.

Since 1971, the European Union has granted trade preferences to developing countries in the framework of its GSP. The GSP has been implemented through successive regulations with periods of application of three years at a time. The current scheme was established by Regulation No 732/2008 as from 1 January 2009.

CUSTOMS UNION**Euro-Mediterranean convention on preferential rules of origin ***

The Council adopted a decision authorising the signature, on behalf of the EU, of the regional Convention on pan-Euro-Mediterranean preferential rules of origin ([9124/3/10](#) and 8519/11 ADD 1 REV 2).

The decision, which was called for by the European Council on 24 and 25 March, aims at replacing the current pan-Euro-Mediterranean system of cumulation of origin, based on individual protocols applicable between two partner countries, with a single legal instrument in the form of a regional convention on preferential rules of origin ([9429/10](#)).

For more information see press release [9101/11](#).

FOREIGN AFFAIRS**Association with Croatia**

The Council endorsed the position of the European Union for the 7th Stabilisation and Association Council meeting to be held in Brussels on 19 April.

Association with Turkey

The Council endorsed the position of the European Union for the 49th EU-Turkey Association Council meeting to be held in Brussels on 19 April.

APPOINTMENTS**Committee of the Regions**

The Council appointed Mr Artur MAS GAVARRÓ (Spain) as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([8550/11](#)).
