



**COUNCIL OF
THE EUROPEAN UNION**



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2952nd Council meeting

Agriculture and Fisheries

Luxembourg, 22-23 June 2009

President **Jakub ŠEBESTA**
Czech Minister for Agriculture

P R E S S

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 6319 / 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/Newsroom>

11104/09 (Presse 181)

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Main results of the Council

The Council adopted conclusions on areas with natural handicaps, on the quality of agricultural products and on sustainable aquaculture.

The Council reached political agreement on a proposed regulation on the welfare of animals at the time of slaughter or killing.

The Council had a policy debate on the reform of the fisheries control policy.

The Council adopted without discussion a regulation strengthening type-approval requirements for the general safety of motor vehicles in the EU.

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- 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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PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium:

Ms Sabine LARUELLE

Minister for SMEs, the Self-Employed, Agriculture and Science Policy

Mr Kris PEETERS

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

Mr Benoît LUTGEN

Minister for Agriculture, Rural Affairs, the Environment and Tourism (Walloon Region)

Bulgaria:

Mr Valeri TSVETANOV

Minister for Agriculture and Food Supply

Czech Republic:

Mr Jakub ŠEBESTA

Minister for Agriculture

Mr Ivo HLAVÁČ

State Secretary for Agriculture

Denmark:

Ms Eva Kjer HANSEN

Minister for Food

Germany:

Ms Ilse AIGNER

Federal Minister for Food, Agriculture and Consumer Protection

Estonia:

Mr Gert ANTSU

Deputy Permanent Representative

Ireland:

Mr Brendan SMITH

Minister for Agriculture, Fisheries and Food

Greece:

Mr Konstantinos KILTIDIS

State Secretary for Rural Development and Food

Spain:

Ms Elena ESPINOSA MANGANA

Minister for the Environment and the Rural and Marine Environment

Mr José Luis MARTÍNEZ-GUIJARRO

Minister for Agriculture and Rural Development of the Autonomous Community of Castile-La Mancha

France:

Mr Michel BARNIER

Minister for Agriculture and Fisheries

Italy

Mr Luca ZAIA

Minister for Agricultural and Forestry Policy

Cyprus:

Mr Michalis POLYNIKI CHARALAMBIDES

Minister for Agriculture

Latvia:

Mr Jānis DŪKLAVS

Minister for Agriculture

Lithuania:

Mr Kazimieras STARKEVIČIUS

Minister for Agriculture

Luxembourg:

Mr Fernand BODEN

Minister for Agriculture, Viticulture and Rural Development, Minister for Small and Medium-sized Businesses, the Liberal Professions and the Self-Employed, Tourism and Housing

Ms Octavie MODERT

State Secretary for Relations with Parliament, State Secretary for Agriculture, Viticulture and Rural Development, State Secretary for Culture, Higher Education and Research

Hungary:

Mr József GRÁF

Minister for Agriculture and Rural Development

Malta:

Mr George PULLICINO

Minister for Resources and Rural Affairs

Netherlands:

Ms Gerda VERBURG

Minister for Agriculture, Nature and Food Quality

Austria:

Mr Nikolaus BERLAKOVICH

Federal Minister for Agriculture, Forestry, the
Environment and Water Management**Pologne:**

Mr Marek SAWICKI

Minister for Agriculture and Rural Development

Portugal:

Mr Jaime SILVA

Minister for Agriculture, Rural Development and Fisheries

Romania:

Mr Ilie SĂRBU

Minister of Agriculture, Forests and Rural Development

Slovenia:

Mr Milan POGAČNIK

Minister for Agriculture, Forestry and Food

Slovakia:

Mr Ján SLABÝ

State Secretary, Ministry of Agriculture

Finland:

Ms Sirkka-Liisa ANTILA

Minister for Agriculture and Forestry

Sweden:

Mr Eskil ERLANDSSON

Minister for Agriculture

Mr Rolf ERIKSSON

State Secretary to the Minister for Agriculture

United Kingdom:

Mr Jim FITZPATRICK

Minister of State for Food, Farming and the Environment

Commission:

Ms Mariann FISCHER BOEL

Member

Ms Androula VASSILIOU

Member

Mr Joe BORG

Member

ITEMS DEBATED**AREAS WITH NATURAL HANDICAPS *Council conclusions***

The Council adopted conclusions on a Communication from the Commission: "Towards a better targeting of the aid to farmers in areas with natural handicaps" as set out in the Annex to document 10727/09.

The Council also took note of Commission statements (*10727/09 ADD 1*) and of statements made by the Austrian delegation.

The main objective of the Commission Communication is to invite Member States to carry out simulations on Less Favoured Areas (LFAs) delimitation based on the methodology set out in the Communication and to provide the Commission services with maps reflecting the results of those simulations.

The conclusions serve the purpose of recording Member States' agreement to carry out the simulations requested by the Commission, without prejudice to their final position on the future LFA Scheme.

The Communication reports on the work carried out by the Commission on reviewing the delimitation of intermediate less-favoured areas, in order to follow up on the revision of the LFA scheme undertaken in 2005 in the framework of Regulation (EC) No 1698/2005.

The new approach to LFA delimitation described in the Communication aims to increase the transparency and accountability of the LFA scheme and to enhance equal treatment of beneficiaries across the EU, by introducing a set of eight biophysical criteria for determining whether an area is affected by natural handicaps.

AGRICULTURAL PRODUCTS QUALITY POLICY - Council conclusions

The Council adopted conclusions on a Communication from the Commission on **Agricultural Products Quality Policy (10722/09)** and took note of the statements made by some delegations, which will be entered in the Council minutes.

FUTURE OF THE COMMON AGRICULTURAL POLICY (CAP) AFTER 2013

The Council took note of Presidency conclusions, supported by a number of delegations, on the future of the CAP and especially direct payments, intending to send a clear political message on direct payments, but without in any way prejudging their future shape or the future Financial Perspectives ([10713/09](#)).

The conclusions concentrate in particular on:

- the future discussion on the function and role to be played by any future direct payments scheme,
- the wish to improve the direct payments scheme so that, to meet the challenges for agriculture after 2013, it is fair and legitimate, effective, easy to implement, and
- stressing that further discussions and in-depth analysis will be necessary.

PROTECTION OF ANIMALS AT THE TIME OF KILLING

The Council reached political agreement on a regulation improving the welfare of animals at slaughter ([13312/08](#)).

The regulation aims at revising the legislation in force - Council Directive 93/119/EC on the protection of animals at the time of killing or slaughter - in the light of new technical and scientific elements. It also introduces a new approach - mirroring the one followed in the food safety field - increasing operator's responsibilities concerning welfare.

Directive 93/119/EC had not been substantially amended since its adoption although Community food safety legislation applicable to slaughterhouses, as well as hygiene rules for food of animal origin had meanwhile been extensively amended by the adoption of several regulations in this field¹, including animal welfare requirements and checks for conformity.

The approved regulation aims therefore at reviewing the legislation with the following main objectives:

- to address new animal welfare concerns about avoiding pain and minimising distress or suffering for animals, in particular establishing more humane killing practices in the event of eradication of contagious diseases;
- to update the stunning/killing requirements taking into account the most recent scientific data;
- to simplify the legislative framework in line with the food safety regulations by increasing operators' responsibilities.

¹ Regulations (EC) No 852/2004, 853/2004, 854/2004 and 882/2004 respectively.

Specific differences introduced by the new regulation:

- changing from a directive to a regulation: it provides for uniform and simultaneous application, avoiding administrative burdens and inequalities sometimes due to national transpositions and allowing faster implementation. It also establishes a single set of rules that will be clearer and easier to apply both for EU operators and trading partners;
- better integration of animal welfare concerns into the production process through the requirement of Standard Operating Procedures for operators and the appointment of Animal Welfare Officers in certain slaughterhouses to assist them in ensuring compliance with the rules laid down in the regulation;
- increasing the level of competence of the operators and officials concerned, proper training and issue of certificates of competence for personnel involved in killing and related operations;
- updating of a number of technical standards in view of scientific progress;
- regular monitoring of the efficiency of stunning techniques;
- Animal welfare to be taken on board in the design, construction and equipment of slaughterhouses;
- promotion of innovation and a common approach in relation to stunning and killing techniques;
- improving protection of animals during mass killing operations;
- in the case of meat imported from third countries, an attestation accompanying the health certificate will be required, certifying that requirements at least equivalent to those laid down in Chapters II and III of the regulation have been met.

Community rules on animal welfare are among the strictest worldwide: the present text intends to minimise distress and avoid pain for animals throughout the slaughtering/killing process.

In 2004 and 2006 the European Food Safety Authority produced two scientific opinions suggesting a review of the legislation in force, to take into account the new technologies which had been developed. In addition, the World Organisation for Animal Health (OIE) adopted in 2007 the Terrestrial Animal Health Code, which includes guidelines for the slaughter of animals and for the killing of animals for disease control purposes.

Every year, nearly 360 million pigs, sheep, goats and cattle as well as several billion poultry are slaughtered in the EU for their meat. In addition, about 25 million animals are killed for their fur. The control of contagious diseases may also require the killing of thousands or millions of other animals.

COMMUNITY AQUACULTURE

The Council had an exchange of views on a Communication on Sustainable Aquaculture and adopted Council Conclusions on the matter (10915/09).

The Council Conclusions support the need to newly stimulate the sector's competitiveness, sustainability and governance. With a view to enhancing competitiveness they emphasize in particular the necessity to simplify the administrative burden, to take account of the sector's needs in terms of space and to promote related research and development. They call for improving communication to and information of consumers. Furthermore, the conclusions address some specific issues, such as the importance of both parts of the sector, namely freshwater and marine aquaculture, fish health, the issue of cormorants and the need of a level playing field for domestic and imported aquaculture.

Since the first Strategy for the Sustainable Development of European Aquaculture in 2002 good progress has been achieved in ensuring the sustainability, safety and quality of EU aquaculture production. Nevertheless, the sector was faced with stagnation in recent years.

For some of the measures set out in the Strategy, a clear timetable is set out, whereas other measures need a long term commitment of all parties concerned.

CONTROL SYSTEM OF THE COMMON FISHERIES POLICY

The Council held a policy debate framed by questions from the Presidency (10626/09) on a proposal intending to substantially reform the Common Fisheries Policy control system ([15694/08](#)).

The harmonization of sanctions, the implementation of a penalty point system and the extension of the powers of the Commission, Community inspectors and the Control Agency, still raise concerns among member states and further work is needed within the Council preparatory bodies. Consequently, the Swedish Presidency commit itself to closely cooperate with member states and the Commission to try to bring the file to a close before the end of the year.

The European Parliament's opinion was delivered on 22 April.

According to the Commission, the main objectives of the proposal are:

- simplification of the current CFP control rules, which are currently scattered across many different regulations, some of them overlapping each other;
- a reduction of the costs and of the administrative burden;
- an effective application of CFP rules, in order to remedy the shortcomings identified by both the European Commission and the European Court of Auditors;
- a control system which is global and integrated, from net to plate, including a comprehensive traceability system;
- the introduction of a "culture of compliance" involving all stakeholders. Harmonized deterrent sanctions and a "penalty point system" for infringements committed by holders of fishing authorizations and by masters and officers of vessels are proposed;

- full use of modern technologies and efficient data validation systems in order to carry out systematic and comprehensive cross-checks of all relevant data;
- the extension of the mandate of the Community Fisheries Control Agency and of the powers of Community inspectors;
- conditionality of Community financial assistance upon compliance with CFP control rules;
- the monitoring of recreational fisheries.

FISHING OPPORTUNITIES FOR 2010

The Council had an *exchange of views* on the so-called "frontloading exercise" with a view to preparing the setting of TACs and quotas 2010 ([9838/09](#))

The Commission presented its intention concerning the rules to apply when setting 2010 fishing opportunities. Ministers expressed preliminary views on it with a view to steer the work on preparing Council decision making on TAC's and quotas to be adopted in October (Baltic Sea and Black Sea) and December (other relevant areas) respectively.

OTHERBUSINESS**(a) Agriculture and Climate Change - Follow-up of CSD-17**

- Request from the Netherlands delegation

The Council took note of a number of suggestions put forward by the Netherlands delegation¹ to follow-up on the outcome of CSD-17 with a view to the 15th Conference of the Parties (COP15)² to the UN Framework Convention on Climate Change to be held in Copenhagen in December ([11103/09](#)).

The United Kingdom delegation took this opportunity to circulate a report on the impact of climate change on its territory.

(b) 25th Conference of EU paying agencies - conclusions (Prague, 22-24 April 2009)

- Information from the Presidency

The Council noted the conclusions of the 25th Conference of EU paying agencies convened by the Czech Presidency in Prague from 22 to 24 April 2009 ([11106/09](#)).

¹ On 25 May, the Council already took note of the information provided by the Presidency on the outcome of United Nations 17th meeting of the Commission on Sustainable Development (UN CSD-17) which took place in UN headquarters in New York from 4 to 15 May 2009 and was chaired by Ms Gerda Verburg, Minister for Agriculture, Nature and Food Quality of the Netherlands.

² COP15 should finalise an agreement on the framework for combating climate change after 2012, when current commitments under the Kyoto protocol end.

(c) Balance within the agri-food chain

- Request from the French delegation

The Council took note of the views expressed by the French delegation, supported by several delegations¹, regarding the balance in the agri-food sectors, and of remarks expressed by other member states ([11157/09](#)).

As on 25 May, Commissioner Fischer Boel gave an overview of the initiatives taken by the Commission since last year. She referred in particular to the Commission's roadmap to improve the functioning of the food supply chain and to the work carried out by the High Level Group on Competitiveness of the Agro-Food Industry. She also indicated that the final report on the Commission's actions was expected by the end of 2009.

(d) Pesticides: Active substances

- Oral information from the Presidency

The Council took note of Presidency information on the following seven proposals designed to include or not certain active substances in plant protection products on a positive list:

- proposal for a directive amending directive 91/414/EEC to **include tetraconazole** as an active substance ([10254/09](#));
- proposals for decisions concerning the **non-inclusion** of the following substances in Annex I to directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing those substances:
 - bifenthrin ([10260/09](#))
 - diphenylamine ([10255/09](#))

¹ The Irish, Spanish, Luxembourg, Belgium, Greek, Hungarian, Portuguese, Finnish, Lithuanian, Romanian and Polish delegations.

- metam ([10258/09](#))
- paraffin oils CAS 64742-46-7, CAS 72623-86-0 and CAS 97862-82-3 ([10261/09](#))
- paraffin oil CAS 8042-47-5 ([10263/09](#))
- triazoxide ([10257/09](#)).

Active substances to be used as plant protection products are assessed and authorised at Community level under directive 91/414, which established a harmonised framework for the authorisation and placing on the market of plant protection products. Authorised substances are listed in Annex I to the directive. The inclusion of an active substance in Annex I is decided by the Commission - on the basis of risk assessments carried out by the European Food Safety Authority - subject to the opinion of the experts on the Standing Committee on the Food Chain and Animal Health (SCoFCAH).

As the SCoFCAH did not provide an opinion supported by the majority required on any of the seven proposals, it is up to the Council to take the decisions in the coming weeks.

(e) Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers

- Progress report from the Presidency

The Council took note of the Presidency progress report on the proposal for a Regulation on the provision of food information to consumers (labelling), which briefly describes the state of play of the discussions within the Council's preparatory bodies on this complex legislative dossier ([10641/09](#)).

The examination of the file should continue during the Swedish Presidency in order to reach an agreement within the Council, while awaiting the outcome of the European Parliament's first reading.

(f) Proposal for a Directive of the European Parliament and of the Council on the protection of animals used for scientific purposes

– Progress report from the Presidency

The Council took note of the Presidency progress report on the Commission proposal for a Directive of the European Parliament and of the Council on the protection of animals used for scientific purposes (11101/09).

(g) Proposal for a Regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market

– Progress report from the Presidency

The Council took note of a Presidency progress report on the state of play on this file as well as of the comments from some delegations and the Commission ([14482/08](#)).

h) Communication from the Commission to the Council and the European Parliament on the implementation of the Action Plan for simplifying and improving the Common Fisheries Policy (2006-2008)

– Information from the Commission

Commissioner Borg informed the Council that all the commitments listed in the Action Plan have been met ([10838/09](#)).

This plan adopted in 2005 was conceived as a contribution to the simplification of the regulatory environment to the benefit of citizens, businesses and administrations.

The actions listed in the plan were regularly supplemented by those inserted in the annual Commission's Simplification Rolling Programme, some of which related to fisheries.

The Communication covers the most important simplification initiatives in relation to the existing fisheries legislation (*acquis communautaire*), main legislative initiatives, data management and reduction of administrative burden. A detailed overview is contained in the annex entitled "List of acts related to the Simplification Action Plan".

The Commission concluded that efforts will be continued to simplify the regulatory environment concerning fishing and related activities, since the tasks set by the better regulation agenda are of a permanent nature.

Specific initiatives on the simplification of the CFP will be inserted in the programme the Commission presents annually.

Cutting pointless reporting obligations will also remain a main objective as well as regrouping legal provisions in fewer acts, while improving their clarity and accessibility.

Simplification goals will be kept in mind when drawing up the reformed Common Fisheries Policy, while the impact of procedural rules that the Lisbon Treaty will have on the legislative process, will also be taken into due consideration.

i) The bluefin tuna campaign

– Oral information from the Commission on the state of play

The Council took note of the state of play of the Bluefin tuna campaign presented by Commissioner Joe Borg.

Member States and the Commission services have dedicated very considerable energy and resources in surveying the campaign, with the following results:

- the fishing season for purse seiners ended on 15 June 2009, the respective fleets having returned to port. The current assessment of this year's campaign seems positive;

- a verification still needs to be made of the precise volume of bluefin tuna caged and subsequently harvested from European farms to ensure that the Community quota has indeed been respected. If necessary, any fish caught in excess of the individual quota shall immediately be released; and
- Member States must establish a management plan for fishing capacity for the period 2010 to 2013 to be submitted to the Commission by 15 August 2009 (which will subsequently submit to ICCAT a Community management plan before 15 September 2009).

j) Identification of sheep and goat

- Request from the United Kingdom delegation

The Council took note of the request made by the United Kingdom delegation, supported by some delegations, regarding the introduction of compulsory electronic identification for sheep and goats ([11236/09](#) and [11236/09 ADD1](#)).

In December 2007 the Council adopted a Regulation to postpone the date of introduction of compulsory electronic identification for sheep and goats - initially scheduled for 1 January 2008 - to 31 December 2009.

Androulla Vassiliou indicated that the Commission services were ready to provide the necessary technical assistance to implement such measures in member states facing difficulties¹. However, she made it very clear that the principle of individual identification of sheep, agreed in 2004, was essential to ensure traceability and better prevent the spreading of epidemic animal diseases and shall in no way be put into question.

¹ A Commission proposal laying down implementing measures will be submitted in the coming days to the Standing Committee on the Food Chain and Animal Health.

OTHER ITEMS APPROVED

AGRICULTURE

Council agrees on new rules for novel foods

The Council approved a political agreement¹ on a draft regulation concerning novel foods ([11218/09](#)).

Placing on the market and use of feed

The Council adopted a regulation on the placing on the market and use of feed, following a first-reading agreement with the European Parliament ([11169/09](#)).

San José Scale - *Council conclusions*

The Council adopted conclusions on the possibility of repealing legislation on San José Scale and carnation leaf-rollers ([10942/09](#)).

ECONOMIC AND FINANCIAL AFFAIRS

Council improves rules for EU investment funds

The Council adopted a directive on undertakings for collective investment in transferable securities (UCITS), following a first-reading agreement with the European Parliament ([11167/09](#)).

¹ The United Kingdom and Greece abstained, the Commission voted against.

TRANSPORT

Agreements on air services

The Council adopted decisions approving the conclusion of agreements on certain aspects of air services with the following countries: Australia, United Arab Emirates, Jordan, Armenia, Nepal, Israel, India and Pakistan.

The agreements are the result of negotiations carried out by the Commission under a mandate granted by the Council in June 2003 with a view to bringing member states' existing bilateral aviation agreements into line with Community law.

INTERNAL MARKET

Vehicles: type-approval system

- Safety of motor vehicles - Consumers and environmental protection

The Council adopted a regulation strengthening type-approval requirements for the general safety of motor vehicles in the EU ([3621/09](#) and [10820/09 ADD1](#)).

The new rules are intended to enhance safety by requiring the mandatory fitting of advanced technological features, and to improve environmental performance by reducing road noise and CO2 emissions from tyres.

The new requirements for type-approval will include the installation of tyre pressure monitoring systems, gear shift indicators and newly-manufactured tyres. As a general rule, these requirements will initially apply only to new vehicles, whereas existing vehicles will be allowed an additional period in which to comply.

Furthermore, the mandatory installation of tyre pressure monitoring systems will initially apply only to passenger cars, and other advanced safety features will initially apply only to heavy goods vehicles.

The Commission will present an assessment of the technical and economic feasibility and market maturity of other advanced safety features by 1 December 2012, and every three years thereafter.

The regulation, whose adoption follows on from an agreement with the European Parliament at the first reading of the co-decision procedure, also simplifies existing rules with regard to type-approval methods by repealing 50 directives.

- Two or three-wheel motor vehicles - Tractors

The Council adopted codified versions of existing directives applying to type-approval of two or three-wheel motor vehicles and of agricultural or forestry tractors, for the purposes of their clarification and simplification.

The directives on two or three-wheel motor vehicles concern the space for mounting the rear registration plate ([3682/1/08](#)) and the installation of lighting and light-signalling devices ([3688/08](#)).

The directives on tractors concern the steering equipment ([3632/1/08](#)); rear-view mirrors ([3635/1/08](#)); the maximum design speed and load platforms ([3681/1/08](#)); roll-over protection structures ([3683/4/08](#) + [3690/1/08](#)); the coupling device and the reverse ([3684/08](#)); the installation of lighting devices ([3685/1/08](#)); the component type-approval of lighting and light-signalling devices ([3689/08](#)); radio interferences and electromagnetic compatibility ([3686/1/08](#)), and certain other parts and characteristics of tractors ([3631/2/08](#)).