



AGRICULTURE AND FISHERIES COUNCIL

Brussels, 12-13 December 2016

The Council meeting will take place on Monday 12 and Tuesday 13 December 2016 in Brussels, starting on both days at 10.00. It will address both agricultural and fisheries matters, and be chaired by Ms Gabriela Matečná, minister for agriculture and rural development of Slovakia.

*On the first day the meeting will start with a preliminary exchange of views on the Commission proposals fixing the **2017 fishing opportunities for the main fish stocks in the Atlantic and the North Sea, and in the Black Sea.***

*The Council is then due to adopt **conclusions on strengthening farmers' position in the supply chain and tackling unfair trading practices.***

*Ministers will also be informed of the state of play of the negotiations on the proposed regulation on **organic production.***

*Ministers will then have the opportunity to have an exchange of views on the agricultural aspects of the Commission proposals for an **effort-sharing regulation (ESR)** and a **regulation on land use, land use change and forestry (LULUCF regulation).***

*At the end of the day the Presidency will inform delegations on the issue of **plant breeders' rights** and the Commission will report on the implementation of the new regulation on **protective measures against plant pests** and on the outcome of the kick-off meeting of **EU Platform on food waste and food losses.***

*On the second day the Council is due to reach a political agreement on the **2017 fishing opportunities for the main fish stocks in the Atlantic and the North Sea, and in the Black Sea.***

Press conferences: on 12 December with Commissioner Hogan and on 13 December with Commissioner Vella, on both days at the end of the meeting

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Press conferences and public events by video streaming: <http://video.consilium.europa.eu>

*Video coverage in broadcast quality (MPEG4) and photo gallery:
<https://tvnewsroom.consilium.europa.eu/permalink/87637>*

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

FISHERIES

2017 Fishing opportunities in EU and non EU-waters

The Council is due to reach a political agreement on a regulation concerning the 2017 catch limits for the main commercial fish stocks in the Atlantic, the North Sea and international fisheries in which EU vessels participate.

The Commission proposal ([13797/16](#) + [ADD 1](#) + [ADD 2](#)) establishes fishing opportunities in the form of yearly total allowable catches (TACs) and quotas by fish stocks in the different fishing zones. It concerns stocks that the Union manages either autonomously or jointly with third countries, for instance with Norway in the North Sea and the Skagerrak, or through Regional Fisheries Management Organisations (RFMOs).

The proposal is based on the scientific advice provided by the International Council for the Exploration of the Sea (ICES), which delivered its last annual advice on 30 June 2016.

The EU's ultimate objective is to bring the stocks to levels that can deliver maximum sustainable yields (MSYs). This objective is one of the pillars of the reformed CFP. In this respect, regulation 1380/2013² on the CFP requires that the MSY objective "*...shall be achieved by 2015, where possible, and by 2020 for all stocks at the latest*".

The CFP regulation also introduced the landing obligation which is becoming progressively applicable from the beginning of 2015 to 2019. This means that since 2015, fish that in the past would have been discarded has to be landed. As from 1 January 2016, certain demersal fisheries in the North Sea, North-Western and South-Western Atlantic waters have been placed under the landing obligation. As the demersal landing obligation will be extended further in 2017, the Commission proposes the so-called "TAC top-ups" for fish stocks that fall under the landing obligation.

The situation to which fishing opportunities in 2017 must respond was presented to the Council in a Commission communication ([10088/16](#)) in June 2016.

The setting of TACs and quotas is an annual management exercise decided upon by the Council in accordance with Article 43(3) of the TFEU. It takes place in parallel the adoption of fishing opportunities in the Black Sea, and is preceded by a similar TAC setting exercise on deep sea fish stocks in November (every second year), and on Baltic Sea stocks in October.

Fishing opportunities for the Black Sea in 2017

In addition to the fixing of general TACs and quotas, ministers will also try to reach a political agreement on the 2017 fishing opportunities for the Black Sea (15029/16).

Fishing opportunities in the Black Sea and the way they are allocated to the member states concerned, i.e. Bulgaria and Romania, are regulated on an annual basis. Two main fish stocks are normally managed in the Black Sea: turbot (*Psetta maxima*) and sprat (*Sprattus sprattus*).

The landing obligation introduced by the reformed common fisheries policy (CFP) for certain fish stocks became applicable from 1 January 2015.

As the existing provisions are applicable until 31 December 2016, the regulation would apply from 1 January 2017.

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

AGRICULTURE

Strengthening farmers' position in the supply chain and tackling unfair trading practices

The Council is due to adopt conclusions on "Strengthening farmers' position in the supply chain and tackling unfair trading practices".

These conclusions build on the momentum this topic has gained in the work of the Council, the European Parliament, and the Agricultural Markets Task Force that has recently published its recommendations in the report "Enhancing the position of farmers in the supply chain".

The draft conclusions acknowledge the importance of a well-functioning food supply chain and the current existence of imbalances due to the overly vulnerable position of farmers. They therefore suggest solutions that the Commission and member states could put in place to guarantee, among others, that risks are shared more equally along the supply chain, contractualisation is enhanced, and market transparency and risk management are improved.

The draft conclusions also recommend the adoption of an EU legislative framework to address unfair trading practices, which respects the principle of subsidiarity and safeguards well-functioning national systems.

Organic production and labelling of organic products

Ministers will be informed of the state of play of the proposed regulation on organic production, with regard to the negotiations with the European Parliament.

The proposal on organic production and labelling of organic products, presented by the Commission in March 2014, is aimed at revising the existing legislation on organic production and labelling of organic products so as to remove obstacles to the sustainable development of organic production in the EU. Its objectives are also to guarantee fair competition for farmers and operators, prevent fraud and unfair practices and improve consumer confidence in organic products. The Commission proposed to strengthen the rules on the control system, trade regime, animal welfare practices and non-authorised substances.

The Council reached a general approach on the organic regulation on 16 June 2015 and the EP Committee on Agriculture and Rural Development (COMAGRI) voted on its report on 13 October 2015. Negotiations started in November 2015 and so far ten trilogues have taken place, and a last one is scheduled on 7 December 2016.

Agricultural and climate change: Effort sharing and LULUCF proposals

The Council will have an exchange of views on the agricultural aspects of the Commission proposals for an effort-sharing regulation (ESR) and a regulation on land use, land use change and forestry (LULUCF regulation). The debate will be based on a Presidency document ([14970/16](#)). These pieces of legislation, together with the revision of the emission trading system (ETS), aim to deliver on the EU's commitment to the Paris Agreement on climate change. They are therefore intended to contribute to reducing greenhouse gas emissions by at least 40% by 2030 compared to 1990 levels.

Ministers will focus their contributions in particular on the following questions:

1) In the European Council conclusions of October 2014, it is stated that the multiple objectives of the agriculture and land use sector, with their lower mitigation potential, should be acknowledged. Are the Agriculture Ministers of the view that this guidance has been sufficiently recognised by the Commission in the proposal on LULUCF?

2) In the meeting of the commitments under the non-ETS, are the flexibilities in the proposals on the Effort Sharing Regulation and LULUCF adequate from the point of view of agriculture and land use?

The [effort sharing regulation](#) addresses emissions from the sectors not covered by the EU ETS. These sectors include buildings, agriculture (non-CO₂ emissions), waste management and transport, which accounted for almost 60% of total EU emissions in 2014. The regulation sets annual emission reduction targets based on relative GDP per capita for each member state for the period 2021–2030. Member states will be able to decide what measures to take in order to achieve the targets.

The [proposed LULUCF](#) regulation sets out the role of the sectors linked to the use of soil (landuse, land-use change and forestry) in greenhouse gas emission reductions. These sectors are linked to the use of soils, trees, plants, biomass and timber. Their particularity is that they not only emit greenhouse gases but can also remove CO₂ from the atmosphere. The proposal requires Member States to ensure that accounted greenhouse gas emissions and removals stay in balance and that the overall LULUCF sector does not generate net emissions ("no-debit rule"). Several flexibilities are included to help Member States ensure compliance with that rule. The proposal also introduces a new EU governance process for monitoring of forest management reference levels.

Although the Environment Council is leading the legislative process, the Agriculture and Fisheries Council held a first exchange of views on climate smart agriculture on 22 October 2015 and a second one on agriculture and climate on 17 May 2016.

ANY OTHER BUSINESS

Plant breeders' rights

The Presidency will inform ministers about a Commission explanatory notice clarifying certain articles of directive 98/44 on the protection of biotechnical inventions. The Commission notice seeks to clarify the demarcation line between patentable biotechnological inventions and plant varieties obtained through conventional breeding, for whom a separate system of protection exists, which includes the 'plant breeders' privilege'.

The notice, published on 8 November, states that products created through essential biological processes should be excluded from patentability. It comes in response to recent decisions of the European Patent Office on the patentability of plant material obtained through conventional breeding methods, and the impact of these decisions on the plant breeder's privilege.

The breeder's privilege of the Community plant variety rights system enables breeders to use any plant variety, whether protected by a Community plant variety right or not, for the creation of new ones.

The Council already had in June 2016 the opportunity to be informed about the outcome of a conference organised by the Presidency in Brussels on the debate surrounding patents and plant breeders' rights".

Protective measures against plant pests

The Commission will report on the implementation of the new regulation on protective measures against plant pests ([15096/16](#)). It will focus in particular on the expected workload and extra resources needed to adopt and implemented all the necessary measures, and on the role of Commission, member states and professional operators.

The regulation on protective measures against plant pests was adopted on 26 October 2016 and will apply as of December 2019, after a three-year transitional period.