OUTCOME OF THE COUNCIL MEETING

3651st Council meeting

Agriculture and Fisheries

Luxembourg, 19 November 2018

President Elisabeth Köstinger
Austrian federal minister for sustainability and tourism
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1 Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated
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1 Acts adopted with statements for the Council minutes which may be released to the public are indicated by
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ITEMS DEBATED

AGRICULTURE

Post 2020 CAP reform package:
- financing, management and monitoring of the CAP
- common organisation of agricultural products

In public session the Council considered two progress reports on the work carried out in the Council preparatory bodies on the Commission proposals for regulation on financing, management and monitoring of the CAP, and on a common organisation of agricultural products. Ministers were also invited to answer the following questions:

– What are your views on the implications of the adaptation of the proposed Horizontal Regulation to the new CAP delivery model within the proposed CAP Strategic Plans Regulation, particularly with regard to the perceived increased responsibilities of national bodies, such as paying agencies and certification bodies? Do you believe that the proposed new annual performance clearance will result in a more efficient management of the CAP?

– What is your view on the current market support measures and their effectiveness in the past years? Do you consider that the currently available market instruments are already sufficient to react flexibly and timely to a market crisis or do you see a need to complete the existing instruments to improve their reactivity and flexibility?

Ministers focused their interventions on the increased responsibilities of national bodies in the implementation and monitoring of the CAP and restated the need for a simple and effective CAP without excessive administrative burdens. Even though ministers welcomed the proposed move to a performance-based model grounded on enhanced subsidiarity, they criticised some aspects of the new result-based performance framework. Misgivings concerned a possible increase in the workload of paying agencies and certification bodies, the foreseen annual performance report and controls on conditionality. Ministers generally highlighted that an adequate transition period is needed to implement the planned changes.
As to the CMO ministers considered in general that existing market support instruments have proved to be effective against market disturbances. However, some considered that exceptional measures should be triggered in a faster way or even automatically.

During the meeting the Slovak delegation informed the Council on the outcome of the international conference “Risk Valuation and Risk Management Tools in the Agri-Food Sector” which took place in Bratislava on 17-18 October 2018.

The CAP reform package is worth €365 billion and consists of three proposals for:

– a regulation on CAP strategic plans (9645/18 + ADD 1)
– a regulation on financing, managing and monitoring of the CAP (9634/18 + ADD 1)
– a regulation on a common market organisation of agricultural products (9556/18)

and an impact assessment (9646/18 + ADD 1+ ADD 2).

The Commission’s proposals introduce a new delivery model by which member states will have more flexibility in how to use their funds and will be able to tailor-make their programmes. A single set of 9 EU-wide economic, environmental and social objectives will be identified at EU level and each member state will have to draw up a Strategic Plan covering the whole programming period, setting out how it intends to meet those objectives, using both direct payments and rural development. The Commission will approve each plan to ensure consistency and the protection of the single market, and monitor the progress towards objectives and targets using a set of result indicators agreed at EU level.

The Commission proposals also outline new obligations and incentives for farmers on the front of environment and climate action. Direct payments will be conditional on enhanced environmental and climate requirements and member states will have to offer eco-schemes to support farmers in going beyond the mandatory requirements, funded with a share of their national direct payments' allocations.

Moreover the new CAP will better target small and young farmers thereby facilitating generational renewal, and will try and foster greater use of knowledge and innovation.
Market situation

As a continuation of the practice at previous meetings of the "Agriculture and Fisheries" Council, the Commission provided an update on the market situation in the main agricultural sectors, with particular emphasis on the dairy, sugar and pig meat sectors.

Ministers welcomed the generally positive economic situation and outlook in the main market segments, but also expressed concerns as to the difficult situation of the sugar and pig meat sectors. The Commission took the opportunity to announce that it would convene a high level meeting of member states to monitor closely the sugar sector.

In recent years agricultural markets have faced certain challenges, following in particular the Russian ban coupled with excess supply worldwide, increased price volatility in the wake of the end of dairy quotas and various outbreaks of diseases such as African Swine Fever. In response, several support packages were adopted and implemented between 2015 and 2016 focusing in particular on cash-flow measures, market stabilisation and production reduction, the functioning of the food supply chain and other measures such as promotion of European agriculture internally and at export.

The last Council discussion on developments in the most important agricultural markets took place in June 2018. On that occasion ministers shared the broadly positive assessment of the market situation given by the Commission, but also restated their commitment to monitor closely future developments.

Plant protection

The Council had an exchange of views on current challenges in the field of plant protection. In particular, ministers were invited to answer the following questions:

- on plant health: According to you, which actions should be undertaken to reduce the impacts of new exotic diseases and pests on agriculture and forestry as well as on the environment?

- on plant protection products (PPPs) and their availability:
  What are your views on the current developments of the approval & authorisation system at EU level?
  What are in your view the impacts on the European agriculture and farmers of the successive non re-approval of conventional active substances?
Many ministers highlighted the importance of some of the elements of the new plant health and official control regulations, due to come into application in December 2019: prevention, awareness raising of both operators and the wider public, research. They also stressed that adequate financial and human resources should be devoted to the full and timely implementation of the new legislative framework.

As to plant protection products, ministers generally highlighted the importance of ensuring the competitiveness of EU crops and expressed concerns about the reduction in the number of available active substances, especially for minor uses. As alternatives to conventional active substances some suggested the mutual recognition between member states of approved PPPs, the authorisation of low risk active substances and integrated pest management.

Legislation in the plant health sector has been recently overhauled through the adoption of Regulation 2016/2031 on protective measures against pests of plants, and Regulation 2017/625 on official controls, which will come into application on 14 December 2019. Those two regulations provide the overall framework for a new, more proactive approach, which is meant to address the challenges presented by the increase of trade in plants, plant products and other related objects and the climate change. Both phenomena heighten the risk of threats from pests of plants, which can easily spread throughout the EU territory if they are not quickly eradicated or adequately contained.

PPPs and the chemical active substances they contain represent an issue of increasing political and societal saliency. The Commission is continuing a wider ex-post review of the regime for the authorisation of pesticides (REFIT) and could address a report to the Council and the EP in 2019. A legislative proposal to streamline Regulation 1107/2009 on the placing of plant protection products on the market and Regulation 396/2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin may also follow during the next legislative term.

A Special Committee on the Union’s authorisation procedure for pesticides (PEST Committee) was created within the European Parliament and it had its constitutive meeting on 12 March 2018.

The AgriFish Council discussed the issue of plant protection in November 2017, based on a Commission report on the implementation of the Directive on sustainable use of pesticides by member states, in which the Commission highlighted a number of shortcomings despite the significant progress made.
Task Force for Rural Africa

The Commission, together with the TFRA's chairman Mr Tom Arnold, informed the Council about the TFRA's work. Ministers then exchanged views focus on the following questions:

– What priorities would you identify when looking at an enhanced policy dialogue with Africa in the area of agriculture and food production?

– How best should the Commission and Member States work together to maximise the impact of their support and their investments on African rural and agricultural development?

The TFRA chairman presented the work of the task force, which is due to deliver its report by the end of the year, and the issues identified as key: i) use a territorial approach to make rural areas more attractive; ii) support ongoing transition in African agriculture; iii) invest in developing a sustainable African food industry; iv) support management of African natural resources and develop climate-resilient strategies. The initiative was widely welcomed by ministers who then shared ideas on how to prioritise action and maximise the impact of investments in African agriculture and rural development.

In line with the top priority given by the EU agenda to EU-Africa relations, the task force was set up in April 2018. It comprises 6 international experts and its mandate is to provide recommendations on how to strengthen the African rural sector, and how to maximise the role of the EU in creating jobs and economic development in the African agriculture, agribusiness and agro-industries.

The TFRA will hold six dedicated full-day sessions: the first meeting took place on 24 May 2018, back-to-back with the African Union Commission – European Commission College-to-College meeting, and the last one is scheduled on 10-11 December 2018.

The TFRA will present a final report with recommendations by the end of the year including, where appropriate, proposals for further initiatives in this field to be submitted under the Joint Africa-EU Strategy (JAES). The Commission intends to present the final recommendations at the EU-Africa High Level Forum of EU and AU Heads of State and Government, organised by the Austrian Presidency in Vienna on 18 December 2018.
FISHERIES

Fishing opportunities for certain deep-sea fish stocks for 2019-2020

The Council agreed on the total allowable catches (TACs) and quotas for certain deep-sea stocks in the EU and international waters in the North-East Atlantic, for 2019 and 2020. The fish stocks concerned are: deep sea sharks, black scabbardfish, alfonsino, roundnose grenadier and red seabream.

Deep-sea fish stocks: agreement on catch limitations over 2019 and 2020

ANY OTHER BUSINESS

Implementation of the European Maritime and Fisheries Fund (EMFF)

The Council was updated by the Commission on the implementation of the EMFF. According to the Commission the rate of execution of the EMFF would be low compared to other funds such as the cohesion or rural development funds. The Commission highlighted the risk of de-commitment of part of the EMFF budget at the end of 2018 and urged member states to accelerate programme implementation and spending through calls for proposals, selection of projects and financing agreements with beneficiaries.
OTHER ITEMS APPROVED

AGRICULTURE

Pesticides: maximum residue levels for iprodione

The Council decided not to oppose the adoption of three Commission regulations amending regulation 396/2005 as regards maximum residue levels for iprodione in or on certain products.

Regulation 396/2005 establishes the maximum quantities of pesticide residues permitted in products of animal or vegetable origin intended for human or animal consumption. These maximum residue levels (MRLs) include, on the one hand, MRLs which are specific to particular foodstuffs intended for human or animal consumption and, on the other, a general limit which applies where no specific MRL has been set. MRL applications are communicated to the European Food Safety Authority (EFSA) which issues a scientific opinion on each intended new MRL. Based on EFSA's opinion, the Commission proposes a regulation such as those listed above to establish a new MRL or to amend or remove an existing MRL and modifying the annexes of regulation 396/2005 accordingly.

International Olive Council: EU position in the council of members

The Council adopted a decision on the position to be taken on behalf of the European Union within the Council of Members of the International Olive Council (IOC) as regards the conditions for the accession of the Government of Syria to the International Agreement on Olive Oil and Table Olives, 2015.
**HEALTH**

**Recent scientific opinions on particular substances that may be used in food contact materials would be taken into account**

The Council decided not to oppose the adoption of a Commission regulation amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food (13624/18).

The Commission Regulation aims at amending Regulation (EU) No 10/2011 following the publication by the European Food Safety Authority of further scientific opinions on particular substances that may be used in food contact materials (‘FCM’) as well as on the permitted use of already authorised substances. It also aims at correcting certain textual errors and ambiguities that were identified.

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

**N-(2-methylcyclohexyl)-2,3,4,5,6-pentafluorobenzamide to be listed as an evaluated substance in the Union list of flavouring substances**


On 1 February 2017, the European Food Safety Authority completed the evaluation of the safety of the substance when used as a flavouring substance and concluded that its use does not give rise to safety concerns at the estimated levels of dietary intake. The Authority also noted that this substance is intended to be used as a substance with flavouring modifying properties. The conditions of use of this substance should therefore reflect this fact. Based on this, restrictions of use for certain foods in certain food categories should be introduced.

The Commission decision is subject to the so called regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt the decision unless the European Parliament objects.
Schengen information system (SIS)

The Council today adopted three regulations on the use of the Schengen Information System. The SIS is being reinforced through updated rules which will address potential gaps in the system and introduce several essential changes on the types of alert entered.

Fight against antisemitism

The Council approved the acquisition by the EU of a permanent international partner status with the International Holocaust Remembrance Alliance (IHRA). (14048/18)

Prüm decisions

The Council adopted an implementing decision determining that, for the purposes of automated searching and comparison of DNA data, Ireland is entitled to receive and supply personal data pursuant to Articles 3 and 4 of decision 2008/615/JHA as from the date of the entry into force of the implementing decision. (11282/18)

Prüm decisions

The Council adopted an implementing decision determining that, for the purposes of automated searching of dactyloscopic data, Ireland is entitled to receive and supply personal data pursuant to Article 9 of decision 2008/615/JHA as from the date of the entry into force of the implementing decision. (11265/18)

Prüm decisions

The Council adopted an implementing decision determining that, for the purposes of automated searching of dactyloscopic data, Croatia is entitled to receive and supply personal data pursuant to Article 9 of decision 2008/615/JHA as from the date of the entry into force of the implementing decision. (11284/18)

See press release
ENVIRONMENT

Ecolabel - New criteria for graphic paper, tissue paper and tissue products

The Council decided not to oppose the adoption of a Commission decision establishing the EU Ecolabel criteria for graphic paper, tissue paper and tissue products (12061/18 and 13384/18).

This decision establishes a new set of criteria for each of the two product groups to better reflect best practice in the market for these product groups. The new criteria and related assessment and verification requirements for each product group should remain valid until 31 December 2024, taking into account the innovation cycle for the two product groups.

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

FOREIGN AFFAIRS

EU-Ukraine association committee in trade

The Council adopted the EU position to be taken within the EU-Ukraine association committee in trade configuration.

EU-Ukraine relations
TRANSPORT

International road transport - work of crews

The Council adopted an EU position for the Group of Experts on the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR) of the United Nations Economic Commission for Europe (UNECE) (13916/18 13711/18 and 13711/18 ADD 1).

The position aims at better security and data protection standards for the non-EU Contracting Parties by redirecting their connection to the TACHOnet, the telematic network for automatic exchange of information on driver cards, via the eDelivery platform developed by the Commission.

TRANSPARENCY

Transparency - Public access to documents

On 19 November 2018, the Council approved the reply to confirmatory application No 26/c/02/18 (doc. 12846/18).

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19 November 2018