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## OUTCOME OF THE COUNCIL MEETING

3397th Council meeting

### Agriculture and Fisheries

Luxembourg, 16 June 2015

President      **Jānis Dūklavs**  
Minister for Agriculture of Latvia

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<sup>1</sup>

- 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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## **ITEMS DEBATED**

### **AGRICULTURE**

#### **Organic farming**

The Council reached agreement on a general approach on a proposal [for a regulation on organic farming](#).

The proposal is aimed at revising the existing legislation on organic production and labelling of organic products so as to remove obstacles to the development of organic production in the EU, guarantee fair competition for farmers and operators and improve consumer confidence in organic products.

A general approach is a political agreement on the position of the Council on a proposal for a regulation. The agreement on organic production and labelling of organic products will make it possible to launch negotiations between the Parliament and the Council with a view to reaching a political agreement between the EU institutions. In the Parliament, the vote on the report presented by the rapporteur is expected to take place in September or October 2015 in the Committee on Agriculture and Rural Development.

## **FISHERIES**

### **Fishing opportunities for 2016**

Ministers were briefed on a [Commission communication on fishing opportunities](#) for 2016.

Several member states acknowledged the overall improvement in the state of fish resources established by the communication; however some delegations stressed that improvements in other stocks, such as bluefin tuna, could have been better recognised. They also recalled the importance of setting up multiannual plans with a multispecies approach for fish stocks. Many delegations also underlined the consequences of the new common fisheries policy (CFP) for fishing opportunities in 2016, and notably the landing obligation which will be extended next year to demersal fisheries in the North Sea and in the Atlantic EU waters.

The impact of fishing fleets on stocks (fishing mortality) will be an important factor in determining the fishing opportunities for 2016 on which the Council will have to reach agreement under the Luxembourg presidency. Several countries noted that this means bringing the impact to levels at which stocks can rebuild to the biomass levels necessary to produce maximum sustainable yield (MSY), and that this also involves socio-economic factors.

The communication sets out the general approach to be taken by the Commission in formulating its proposals for fishing opportunities for 2016. The document outlines the state of the stocks, gives a limited overview of the economic performance of the EU fleet, and stresses the commitment to long-term management plans and to management in accordance with scientific advice.

The main proposal for fishing opportunities for 2016 as regards stocks in the Atlantic, the North Sea, the Antarctic and in other areas will be presented in October with a view to agreement in the Council in December.

Furthermore, the Commission proposals for the Baltic and the Black Sea will be submitted to the Council in August and November, respectively with a view to agreement in October and December.

## **ANY OTHER BUSINESS**

### ***– Animal health***

The Presidency briefed the ministers on the state of play of a [proposal for a regulation on animal health](#).

Member states took note of a provisional agreement reached by the European Parliament and the Council on the regulation at an informal trilogue meeting on 1 June. The regulation is expected to be formally adopted before the end of 2015, after the final procedures including the legal-linguistic revision of the text, are completed. It will become applicable five years after its entry into force.

The animal health law aims to ensure high standards of animal and public health in the EU. It will provide a single overarching legal framework with harmonised principles across the sector, which is currently regulated by a series of linked and interrelated regulations and directives.

### ***– Indication of the country of origin for certain food products***

The Council took stock of Commission reports regarding the mandatory indication of the country of origin for milk and dairy products and certain types of meat, unprocessed foods and single ingredient products.

Most of the member states welcomed the publication of those reports by the Commission. They pointed out the need for an in-depth analysis of the reports. Some member states supported the principle of this indication in particular for milk and dairy products, while others considered that the benefit of providing this additional information to the consumer should be balanced with the cost of the measures for the agri-food sectors concerned.

Regulation 1169/2011 on food information to consumers provides the submission by the Commission to the European Parliament and to the Council of two reports regarding the mandatory indication of the country of origin for:

- [types of meat other than beef, swine, sheep, goat and poultry, milk and milk used as an ingredient in dairy products](#)
- [unprocessed foods, single ingredient products and ingredients that represent more than 50% of a food](#)

– ***Plant health***

The Presidency briefed the Council on the [International Year of Plant Health 2020](#).

At the ninth session of the Commission on Phytosanitary Measures (CPM-9) of the FAO (Food and Agriculture Organisation of the United Nations) it was proposed to examine the possibility of declaring an International Year of Plant Health (IYPH).

A study concluded that an IYPH would be possible at the earliest in the year 2020. Several member states and the Commission agreed with the presidency that the IYPH would have a substantial impact on public and political awareness of plant health. This would notably highlight the growing threat of new plant pests emerging, spreading or becoming more damaging as a consequence of climate change and increased movement of goods and people.

The final decision on this issue will be made by the United Nations.

– ***Visegrad group***

The Slovak delegation presented to the Council the outcome of the meeting of the agriculture ministers of the Visegrad group, extended to include Bulgaria, Romania and Slovenia, which took place in Bratislava on 18 and 19 May 2015.

Some delegations supported the joint statement made during this meeting highlighting the need to improve the position of farmers in the food supply chain. One member state also supported the common position of the Visegrad group supporting the FOREST EUROPE process for a legally binding agreement on forests in Europe.

– ***Eligibility of 2007-2013 rural development programmes***

As requested by the Romanian delegation, the Commission provided information on its decision not to extend the eligibility of expenditure for 2007-2013 rural development programmes.

The eligibility of funds concerning the 2007-2013 rural development programmes is due to end on 31 December this year. The Romanian delegation supported by several member states stressed that this deadline should be extended by six months to enable the full and effective use of funds, in particular in those countries affected by difficult economic situations.

The Commission pointed out that it has not the legal empowerment to extend the above-mentioned eligibility. However, in order to show some openness, the Commission presented a delegated act allowing for flexibility between axis.

– ***Eligibility of 2007-2013 fisheries programme***

The Council was briefed by the Greek delegation on its request to extend the eligibility period of expenditure for the Operational Programme Fisheries 2007-2013.

The difficult economic situation over the last few years affected the implementation of the current programming period 2007-2013 under the European Fisheries Fund (EFF) and the co-financing of some programmes. Therefore, some payments may not be made in time to be eligible under the EFF eligibility period of expenditure which expires on 31 December 2015. To avoid the loss of resources, the Greek delegation supported by several member states, urgently requested that the eligibility period be extended for six months beyond the current expiry date.

As the Commission explained in relation to other funds (see the point above), it maintained the view that it can not extend the period of eligibility of expenses for the EFF. The Commission referred to the conclusions of February 2014 of the European Council to stress the fact that funds available should be used under existing rules<sup>1</sup>.

– ***Russian embargo on fisheries products***

The ministers were briefed by the Estonian delegation on the situation in the fishing sector in light of the recent Russian import restrictions.

As a result of an audit, the Russian Federation has established import restrictions on all fish products originating from Estonia and Latvia as of 4 June 2015. This measure expands the pre-existing 2014 restrictions on a list of EU fisheries products and in addition it affects imports of canned fish from Estonia and Latvia.

Several member states, together with the Estonian delegation, called on the Commission to propose compensatory measures. The Commission declared itself ready to examine all possible solutions including an increase in storage aid, improved support in identifying alternative markets and an increase in the inter-annual flexibility for transfers of fishing quotas for the most affected stocks.

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<sup>1</sup> Doc. EUCO [237/14](#)

## **OTHER ITEMS APPROVED**

### **FISHERIES**

#### **EU and Tanzania - negotiations for a fisheries partnership agreement**

The Council adopted a decision to authorise the Commission to open negotiations on behalf of the EU for the conclusion of a sustainable fisheries partnership agreement (FPA) and protocol with the United Republic of Tanzania.

The new agreement between the EU and Tanzania should be in line with the Council conclusions of 19 March 2012 on the Commission communication of 13 July 2011 on the external dimension of the Common Fisheries Policy (CFP) as well as [Regulation No 1380/2013](#) on the CFP<sup>1</sup>.

### **AGRICULTURE**

#### **International Organisation of Vine and Wine - EU position**

The Council adopted a decision establishing the position to be taken on behalf of the EU with regard to certain resolutions to be voted on in the framework of the International Organisation for Vine and Wine (OIV) on the occasion of the next general assembly of the organisation in Mainz (Germany) on 10 July 2015 ([9489/15](#) + [ADD 1](#)).

In accordance with Article 218(9) TFEU concerning international agreements, this decision establishes the EU position on certain draft resolutions of EU competence to be adopted by the OIV general assembly (resolutions which may affect the Union acquis). Once adopted in Council, this position is binding for the member states who are members of the OIV.

The OIV is an intergovernmental scientific and technical organisation made up of members, observers and international organisations with a particular status active in the vines, wine, wine-based drinks, table grapes, raisins and other vine products sectors. The OIV has 46 members of which 21 are member states of the EU. However, the EU is currently not a member of the OIV.

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<sup>1</sup> OJ L 354/2013, p. 22.

**EU-financed rural development project grants - report of the European Court of Auditors**

The Council adopted the following conclusions on the [European Court of Auditors' special report 22/2014](#) entitled "Achieving economy: keeping the costs of EU-financed rural development project grants under control" (9134/15):

"THE COUNCIL OF THE EUROPEAN UNION

- (1) WELCOMES Special Report No 22/2014 from the European Court of Auditors entitled: "Achieving economy: keeping the costs of EU-financed rural development project grants under control";
- (2) ACKNOWLEDGES that the giving of grants towards the costs of investments and other projects undertaken by farmers, businesses, local authorities and other organisations in rural areas is a key element in the EU's rural development policy;
- (3) ACCEPTS the Court's assessment that, in view of the large amounts at stake, the Commission and the Member States should ensure that the costs of rural development grants are kept under control and that better approaches to controlling these costs should be explored in the context of the 2014-2020 programming period and beyond;
- (4) SUPPORTS the Court's recommendation that the principle of economy should be fully applied by all managers of the EU budget, that the costs approved for rural development grants are reasonable and that a risk-based approach is followed for all rural development projects according to defined assessment criteria.
- (5) RECALLS that the Commission is working with the Member States to improve the effectiveness of their control systems to ensure that they comply better with the relevant legislation and NOTES in this respect the Commission guidance on tackling fraud as well as the 'action plans' developed by the Member States with the aim of reducing errors in the implementation of rural development measures, including better methods for assessing the reasonableness of costs;

- (6) ENCOURAGES the Commission and the Member States to have an effective and efficient control system in place up front, taking into account the cost-benefit, proportionality and simplification principles, and WELCOMES the 'checklist' and the criteria developed by the Court in this regard but RECALLS, however, that the aim should be to improve control systems in qualitative terms rather than increasing the number of controls and that the application of simplified cost options should take due account of the diverse nature of rural development grants in the Member States."

### **Errors in rural development spending - report of the European Court of Auditors**

The Council adopted the following conclusions on the [European Court of Auditors' special report 23/2014](#) entitled "Errors in rural development spending: what are the causes, and how are they being addressed?" ([9135/15](#)):

"THE COUNCIL OF THE EUROPEAN UNION

- (1) WELCOMES Special Report No 23/2014 from the European Court of Auditors entitled: "Errors in rural development spending: what are the causes, and how are they being addressed?", which describes the main causes of the error rate for rural development expenditure incurred in the 2011-2013 period and assesses the steps taken by the Member States and the Commission to address the identified causes in future;
- (2) ACKNOWLEDGES that rural development policy objectives are attained through the allocation of a substantial rural development budget in support of investment measures and area-related aid and NOTES the Court's estimated average error rate for expenditure incurred in the 2011-2013 period;
- (3) NOTES in particular the Court's assessment that, in view of the root causes of error for rural development spending, preventive and corrective actions be taken, in particular with regard to the application of public procurement rules, the identification of indicators of suspected fraudulent actions, and in regard of the frequency and scope of administrative controls and on-the-spot checks in the context of agri-environment payments;

- (4) RECALLS that rural development policy expenditure is generally more prone to errors than other policy areas, such as environment, fisheries and health, but at the same time WELCOMES the slight downward development in the error rate for EAFRD-expenditure in the 2011-2013 period and SUPPORTS in this regard the joint efforts from the Commission and the Member States to reduce the error rate further through the implementation of action plans and other initiatives;
- (5) RECALLS the Council conclusions of 15 December 2014 on the error rate for agricultural expenditure;<sup>1</sup>
- (6) RECALLS the Court's recommendation that the Commission should complete its corrective actions to date by continuing to focus on the root causes for rural development spending;
- (7) WELCOMES the Commission's intention, in view of making proposals for the following programming period, to prepare a strategic report of the Fund by 2017, summarising the annual progress reports submitted by Member States (Article 53, [Regulation 1303/2013](#))."

#### **EU support for forests - report of the European Court of Auditors**

The Council adopted the following conclusions on the [European Court of Auditors' special report 24/2014](#) entitled "Is EU support for preventing and restoring damage to forests caused by fire and natural disasters well managed?" (9136/15):

"THE COUNCIL OF THE EUROPEAN UNION

- (1) WELCOMES Special Report No 24/2014 from the European Court of Auditors entitled: "Is EU support for preventing and restoring damage to forests caused by fire and natural disasters well managed?"
- (2) ACKNOWLEDGES the socio-economic importance of forests, as forests and the forest-based value chain contributes to rural development and provides millions of jobs, as well as the environmental functions of forests in terms of climate change mitigation and the protection of biodiversity, and UNDERLINES the importance of the inclusion of forest protection in the EU's rural development policy;

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<sup>1</sup> Doc. 16798/14.

- (3) NOTES that, in the period 2007-2013, EAFRD support for restoring forest damaged by natural disasters and fire, as well as for introducing preventive actions, successfully contributed to the objectives of the rural development programmes, including fewer occurrences of fire taking place;
- (4) AGREES with the Court's assessment, however, that efforts could be stepped up to improve the management of the support for restoring forestry potential and for introducing preventive actions in order to ensure that the intended objectives and results are achieved in a cost-effective way and NOTES the Court's recommendations in this context;
- (5) RECALLS the Communication and Commission Staff Working Document of the Commission on "A new EU forest strategy: for forests and the forest-based sector", which covers economic, environmental and social aspects of sustainable forest management;
- (6) ENCOURAGES the Member States and the Commission to apply the lessons learned in relation to the 2014-2020 programming period, especially as regards the scope of preventive measures as well as improved guidance and monitoring."

### **Pesticides - maximum residue levels**

The Council decided not to oppose the adoption of a Commission regulation amending annexes II and III to [regulation 396/2005](#) as regards maximum residue levels for amidosulfuron, fenhexamid, kresoxim-methyl, thiacloprid and trifloxystrobin in or on certain products ([8623/15](#)).

Regulation 396/2005 establishes the maximum quantities of pesticide residues or MRLs permitted in products of animal or vegetable origin intended for human or animal consumption. These MRLs include, on the one hand, levels which are specific to particular foodstuffs intended for human or animal consumption and, on the other, a general limit which applies where no specific level 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 the EFSA's opinion, the Commission proposes a regulation to establish a new MRL or to amend or remove an existing MRL and to modify the annexes of regulation 396/2005 accordingly.

This 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.

## **Direct payments - implementation of financial discipline**

The Council adopted by written procedure on 15 June 2015 a regulation fixing the adjustment rate provided for in [Regulation No 1306/2013](#) for direct payments in respect of calendar year 2015 ([PE-CONS 27/15](#)).

In order to support agriculture in case of major crises affecting the production or distribution, a reserve for crises is established by applying, at the beginning of each year, a reduction to direct payments through a financial discipline mechanism which is provided for by Regulation No 1306/2013 of 17 December 2013 on the financing, management and monitoring of the common agricultural policy (CAP - Horizontal regulation)<sup>1</sup>. The amount of the reserve to be included in the Commission 2016 Draft Budget amounts to EUR 441.6 million in current prices, covered via a reduction to direct payments.

## **ENVIRONMENT**

### **Assessment of air quality**

The Council has decided not to oppose the adoption of a Commission directive ([8460/15](#)) on the assessment of ambient air quality. This directive lays down the rules on reference methods, data validation and location of sampling points, by amending several annexes to directives [2004/107/EC](#) and [2008/50/EC](#).

Unless the European Parliament opposes them, the Commission may adopt the proposed measures in accordance with Article 5a(3)(d) of [Council Decision 1999/468/EC](#), which sets out the procedures for the exercise of the Commission's implementing powers.

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<sup>1</sup> OJ L 347, 20.12.2013, p. 549.

**ENERGY**

**Energy labelling**

The Council confirmed that it had no intention to object to the Commission regulation supplementing [Directive 2010/30/EU](#) with regard to energy labelling of solid fuel boilers and packages of a solid fuel boiler, supplementary heaters, temperature controls and solar devices ([8363/15](#)).

The aim of this delegated act is to introduce a harmonised scheme for labelling products according to their energy efficiency and energy consumption and providing standard product information to consumers.

The Commission and the European Parliament will be informed of the Council's intention. This implies that, unless the European Parliament objects to it, the delegated act will be published and enter into force on the twentieth day following its publication in the Official Journal of the European Union.

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