

COUNCIL OF THE EUROPEAN UNION



8713/09 (Presse 89)

PRESS RELEASE

2937th Council meeting

Agriculture and Fisheries

Luxembourg, 23-24 April 2009

President Petr GANDALOVIČ

Minister for Agriculture of the Czech Republic

PRESS

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Main results of the Council

The Council adopted conclusions on an Action Plan for the Conservation and Management of Sharks.

The Council took note of Minister's preliminary reactions on a Green Paper on the reform of the Common Fisheries Policy and on a communication on Sustainable Aquaculture.

The Council held a policy debate on the CAP simplification.

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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:

Mr Didier SEEUWS Deputy Permanent Representative

Bulgaria:

Mr Byurhan ABAZOV Deputy Minister for Agriculture and Food

Czech Republic:

Mr Petr GANDALOVIČ Minister for Agriculture
Mr Ivo HLAVÁČ State Secretary for Agriculture

Denmark:

Ms Eva Kjer HANSEN Minister for Food

Germany:

Mr Gert LINDEMANN State Secretary, Federal Ministry of Food, Agriculture and

Consumer Protection

Estonia:

Mr Helir-Valdor SEEDER Minister for Agriculture

Ireland:

Mr Brendan SMITH Minister for Agriculture, Fisheries and Food

Greece:

Mr Sotiris KHATZIGAKIS Minister for Rural Development and Food

Spain:

Ms Elena ESPINOSA MANGANA
Minister for 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 Castille-La Mancha

France:

Mr Michel BARNIER Minister for Agriculture and Fisheries

Italy:

Mr Vincenzo GRASSI Deputy Permanent Representative

Cyprus:

Mr Panicos POUROS The Director of the Ministry of Agriculture, Natural

Resources and Environment

Latvia:

Ms Dace LUCAUA State Secretary, Ministry of 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

Hungary:

Mr Barnabás FORGÁCS State Secretary (with special responsibility), Ministry of

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 Walter GRAHAMMER Deputy Permanent Representative

Pologne:

Mr Marek SAWICKI Minister for Agriculture and Rural Development

Portugal:

Mr Luís VIEIRA State Secretary for Agriculture and Fisheries, attached to

the Minister for Agriculture, Rural Development and

Fisheries

Romania:

Mr Ilie SÂRBU Minister of Agriculture, Forests and Rural Development

Slovenia: Ms Sonja BUKOVEC State Secretary at the Ministry of Agriculture, Forestry

and Food

Slovakia:

Mr Viliam TURSKÝ State Secretary at the Ministry of Agriculture

Finland:

Ms Sirkka-Liisa ANTTILA Minister for Agriculture and Forestry

Sweden:

Mr Eskil ERLANDSSON Minister for Agriculture

United Kingdom:

Mr Huw IRRANCA-DAVIES

Mr Richard LOCHHEAD

Mr Jane KENNEDY Minister of State for Farming and the Environment

Parliamentary Under Secretary of State for the Natural and

Marine Environment, Wildlife and Rural Affairs

Cabinet Secretary for Rural Affairs and the Environment

(Scottish Government)

Commission:

Mr Joe BORG Member Ms Mariann FISCHER BOEL Member

ITEMS DEBATED

Sharks

Following an exchange of views, the Council adopted conclusions on a European Community Action Plan for the Conservation and Management of Sharks, on the basis of a Commission communication presented in February 2009 (*conclusions*).

The Council already adopted catch limitations for sharks, skates and rays ¹ and a decrease of deep sea sharks catches to zero by 2010. ² (see press release of December 2008 & October 2008 respectively).

The Community Action Plan should contribute to the rebuilding of many depleted stocks within and outside Community waters. Its implementation will require:

- an improved knowledge both on shark fisheries and on shark species and their role in the ecosystem;
- effective coordinated measures ensuring that shark fisheries are sustainable and that bycatches of shark resulting from other fisheries are properly regulated;
- a coherent approach between the internal and external Community policies for sharks,
 primarily within regional fisheries management organisations and in the framework of
 Multilateral Environmental Agreements.

The Community has already signed the FAO's International Plan of Action for Sharks of 1999 (IPOA SHARKS) and has produced over the years important legislation on sustainable exploitation of sharks³ but a coordinated action was lacking. The EU is determined to take a leading role in shark conservation and management worldwide.

See Regulation (EC) nº 43/2009 fixing TAC's and quotas for 2009 (OJ L 22, 26.1.2009, p. 1).

See Regulation (EC) no 1359/2008 fixing for 2009 and 2010 the fishing opportunities for Community fishing vessels for certain deep-see fish stocks (OJ L 352, 31.12.20089, p. 1).

See Council Conclusions of 29 September 2008 on the Commission Communication on the role of the Common Fishery Policy in implementing an ecosystem approach to marine management (12769/08)

The Commission should present to the Council a first report on the Action Plan implementation well in advance of FAO's Committee of Fisheries (COFI) meeting in 2011.

For further information:

Convention on International Trade in Endangered Species of Wild Fauna and Flora: http://www.cites.org/

Convention on the Conservation of Migratory Species:

http://www.cms.int/species/sharks/

Convention on the protection of the marine environment of the North-East Atlantic: http://www.ospar.org/

Background

Men have become more dangerous to sharks than they ever were to human beings: their populations face significant decline and, for some species, even a real threat of extinction worldwide.

Sharks' low reproductive rate and particularly long reproductive cycle make them vulnerable species with a limited capacity for stocks to recover from over-fishing or by-catches.

Moreover, sharks sit at the top of the marine food chain, and their disappearance could have repercussions in the eco-system which could go far beyond anything we can presently anticipate.

Researchers used fishermen's notes and archives to show that numbers had declined by as much as 99 % in the last two centuries. Nowadays 47 species of sharks should still be living in the Mediterranean, but many of them had not been seen for decades. Other predators, such as whales, turtles and large fish such as tuna, have declined similarly which puts the entire Mediterranean ecosystem at risk.

According to a research for the International Union for Conservation of Nature (IUCN), in the north-east Atlantic more than 25% of sharks are at risk of extinction and another 20% have been put in the near-threatened category.

The demand for shark products (fins in particular, which can fetch as much as €430 per kilo, but also meat, skin, cartilage, etc) has been increasing significantly, and has been sustained by a number of factors, including improvements in fishing technology, marketing techniques and decline in other fish stocks. World catches of sharks grew from 600,000 to over 810,000 tons between 1984 and 2004, although they still account for a limited share of the world fishing production.

Sharks are living aquatic resources and therefore fall within the scope of the Common Fisheries Policy whose general objective is to protect and conserve those resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine eco-systems.

Green Paper on the reform of the Common Fisheries Policy

The Council took note of a Green paper on the reform of the Common Fisheries Policy (CFP) adopted on 22 April by the Commission (8977/09) and of Minister's first reaction pending the indepth discussion expected to take place in May.

The recurrent concerns expressed by member states were about discards and the need to improve selective fishing, the taking on board of social and economical as well as environmental contexts, the strengthening of existing tools such as catch limitations and fishing efforts reduction, the maintaining of relative stability and the fight against illegal fishing. They also stress the importance of close consultation with stakeholders in order to ensure their buy-in of the reform.

The CFP laid down in 1983 has since then been reviewed every ten years. The latest reform was agreed in 2002 and the next one is scheduled in 2012 at the latest.

The outcome of the consultation of all interested parties¹ launched by the Commission, will be published in 2010 and followed by a legislative proposal to the Council and the Parliament.

More information:

http://ec.europa.eu/fisheries/reform

comments to be sent by 31 December 2009 to:

mare-cfp-consultation@ec.europa.eu

or to:

"CFP reform", B-1049 Brussels, Belgium

Registration on http://ec.europa.eu/transparency/regrin

Sustainable development of Community Aquaculture

The Council took note of the Commission's communication: "Building a sustainable future for aquaculture – a new impetus for the Strategy for the Sustainable Development of European Aquaculture" and of the first interventions by Ministers (8677/09).

The Presidency intends to present draft conclusions at June's Council session.

All member states, either with regard to costal or inland waters, shared the views of the Commission on the need to stimulate the sector's competitiveness, sustainability and governance while simplifying the administrative burden, making it more environmental friendly and improving communication to and information of consumers.

The Commission representative has taken note of some specific needs submitted by member states with regard to animal welfare, feed, quality, ambitious public health standards, the use of veterinary medicines, predators, biodiversity and financial support, either for research and technologies or with a view to taking on board the slow return on investments of the aquaculture sector.

In September 2002, the Commission presented a Communication on a strategy for the sustainable development of European aquaculture. In January 2003, the Council adopted conclusions on that strategy¹. In June 2008 a memorandum promoting sustainable development of aquaculture in Europe was signed by 18 Member States.

Good progress has been achieved in ensuring the sustainability, safety and quality of EU aquaculture production on the basis of actions taken in the framework of the first strategy.

Nevertheless, the sector has faced stagnation in recent years. Based on a broad public consultation on the prospects of European aquaculture launched in 2007, the Commission will now summarise its ideas on how to foster and encourage further development of European aquaculture as laid down in its Communication that was adopted on 8 April 2009.

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See press release <u>5433/03</u>, page 11.

This new Strategy for the Sustainable Development of European Aquaculture will build on the achievements of the 2002 aquaculture strategy and also on the new framework of the EU Integrated Maritime Policy. It aims to address the various challenges for the EU aquaculture sector, propose measures enhancing its competitiveness and sustainability and put forward reflections on how to improve the sector's image and governance.

Consumption of fish worldwide, to feed both people and animals, is steadily increasing. Given the depletion of some fish stocks, aquaculture may help to meet this growing demand for aquatic products.

Almost half of fish consumption worldwide already comes from aquaculture.¹

Simplification of the Common agricultural policy

The Council held a policy debate on the Communication from the Commission "A simplified CAP for Europe - a success for all "(7771/09) and on the Presidency note "A Simplified Common Agricultural Policy: What next?" (7932/09) framed by a Presidency questionnaire (8709/09).

The Presidency took careful note of the positions expressed by delegations and of the reply given by Commissioner Fisher Boel. It announced that it would draw up draft conclusions with a view to their adoption by Council at its session on 25 May.

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EUR 3 billions for EC production and EUR 2,8 billions for EU imports, ensuring 65 000 jobs.

Less Favoured Area Scheme

The Council took note of the presentation by the Commission of the Communication entitled "Towards a better targeting of the aid to farmers in areas with natural handicap" (8858/09) and of the initial views expressed by delegations.

The Council instructed its preparatory bodies to examine the communication with a view to drafting conclusions which should be adopted at Council's session on 22-23 June.

The Commission representative accepted to postpone the deadline for the sending of data by member states to 21 January 2010. Mariann Fischer Boel insisted that any legislative proposal could in any case, not be implemented before the next financial perspective framework of 2014-2020.

The purpose of the Commission's communication is twofold:

- Setting out a set of biophysical criteria and indicators for classification of intermediate Less Favoured Areas in future;
- Inviting Member States to "test out" the suggested criteria and indicators by carrying out stimulations based on detailed soil and climate data available only at Member States level and to produce maps of the areas that would qualify as LFAs in this new system.

The European Agricultural Fund for Rural Development (EAFRD) is geared towards activities seeking to enhance the competitiveness of the agricultural and forestry sector (Axis I), improve the environment (Axis II), support the quality of life in rural areas and diversify the rural economy (Axis III), and the LEADER programme, promoting rural initiatives (Axis IV).

One of the significant measures under Axis II is a measure designed to support less favoured areas (LFAs). Throughout the EU territory, these areas have such diverse definitions that it can cause discrepancies among the beneficiaries of aid in different countries.

A consistent approach needs thus to be secured throughout the EU, on the basis of comparable and clearly defined criteria.

For more information see:

http://ec.europa.eu/agriculture/eval/reports/lfa/shortsum_en.pdf

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ANY OTHER BUSINESS

- (a) Piracy in Somalia
 - information from the Spanish delegation

The Council took note of the concerns expressed by the Spanish delegation supported by the Greek, French, Bulgarian and Italian delegations.

Commissioner Joe Borg will inform Commissioner Ferrero-Waldner about the issue of piracy acts going beyond the geographical area designed in the mandate of EU "Atalanta" military operation.

Since the deployment of the EU "Atalanta" military operation the number of attacks in the Gulf of Aden has decreased but pirates have extended their operation zone southwards up to the EEZ of the Seychelles and North East of Madagascar, the areas where the Community tuna fleet is usually operating.

For more information on Community action against piracy in Somalia:

http://www.consilium.europa.eu/showPage.aspx?id=1518&lang=en

- (b) Eels and CITES
 - request from the Netherlands delegation

The Council took note of the request tabled by the Netherlands delegation supported by Denmark, Greece and Poland regarding eel stocks¹ and of its request to ban the exports or imports of eel and eel products, included in Annex II to the CITES² regulation, to or from countries outside the Community.

The Commission representative invited Member states to ensure that glass eels are only exported in accordance with EU rules and insisted that this does not preclude member states from maintaining stricter national export rules if appropriate.

The Council adopted a recovery plan on european eel in 2007.

Convention on International Trade in Endangered Species of Wild Fauna and Flora http://www.cites.org/

- (c) Common approach for gill nets in the coastal zone/harbour porpoises
 - request from the Netherlands delegation

The Council took note of the concerns expressed by the Netherlands delegation, supported by the Belgian delegation, and of the Commission representative.

Joe Borg stated that the existing EC legislative framework is sufficient to allow achieving good results and invited the concerned Member states to limit the delivery of national licences to vessels using gill nets.

The Polish delegation called for a sound analysis and reliable scientific research before any decision be taken.

The Netherlands delegation informed the Council about the increase of gill net fishery in the coastal zone and its consequences, particularly the by-catch of harbour porpoises (*Phocoena phocoena*) that requires new management measures.

The increased use of gill nets (or entangling nets) in the Dutch coastal zone, including by the currently increasing fleet of small vessels, leads to higher fishing mortality of stocks such as cod and sole. Harbour porpoises, whose population has now moved to the southern North Sea, are often being caught in these long nets. Over the past winter the Netherlands has counted an unusually high number of about 200 stranded porpoises.

- (d) Delays in European Fishery Fund (EFF) spending by Member States
 - Information from the Commission

The Council took note of the information provided by the Commission on delays in EFF spending by Member States and the suggestions made by the United-Kingdom and Spanish delegations.

The Commission representative declared that he was ready to look into such suggestions provided that they comply with the rules governing other structural funds but under the strict conditions that management structures are in place in due time.

The EFF programming period started in 2007. All Operational Programmes (OP) have now been adopted. The required Management and Control Systems (MCS) should have been set within the following 12 months but the process is taking much longer than expected and the whole implementation process thereby substantially delayed. As a result EFF money is still largely unspent.

- (e) Clearance of accounts
 - Request from the Danish delegation

The Council took note of the view expressed by the Danish delegation supported by a number of delegations¹ regarding the clearance of accounts procedure (8830/09).

The Commission representative answered that flat rate has always been used as a last resort tool which reflects the risk for public money not to be used correctly. She mentioned that, in average, the clearance of accounts procedure last no more than two years.

Denmark had proposed fixed penalties instead of flat rate corrections.

- (f) Request from the Romanian delegation to increase the top-up for 2009 (Withdrawn)
- (g) Payment scheme advance as liquidity support for agriculture
 - Request from the German delegation

The Council took note of the request made by the German delegation supported by the Belgian, Netherlands and Lithuanian delegations regarding a payment scheme advance as liquidity support for agriculture (8839/09).

In her reply Commissioner Fischer Boel - whilst acknowledging the difficulties faced by certain farmers due to the financial crisis - recalled that under the budget rules the earliest date for an advance payment would be 16 October, within the maximum limit of 75% of the total amount and all conditions being fulfilled. The Commission would keep the situation in all Member States under review and intended to return to it later in the year.

German, Estonian, French, Cypriot, Irish, Italian, Luxembourg, Netherlands, Hungarian, Austrian, Polish, Slovenian, Swedish and United-Kingdom delegations

(h) Situation on the milk market

Request from the Irish delegation

The Council took note of the request submitted by the Irish delegation and supported by the Belgian, German, Greek, Spanish, French, Hungarian, Austrian, Slovenian, Slovak and Portuguese delegations regarding the situation on the milk market and of the need to continue to use market management measures in order to get the market back into balance as soon as possible (8854/09). The Council also took note of the other suggestions made by delegations in this regard¹.

In her reply, the Commission, supported by the Netherlands delegation, confirmed that recent efficient use of market management tools has contributed to stabilising the milk commodity price and that the Commission is committed to continue its efforts. She further recalled that the dairy market crisis was of a global nature and had to be understood in this context.

- (i) Situation on the pig meat market
 - Request from the Belgian delegation

The Council took note of the request tabled by the Belgian delegation, supported by the Irish, Greek, French, Hungarian, Polish, and Austrian delegations for the introduction of temporary export refunds for fresh and frozen pig meat, as well as of the interventions made by other delegations (8930/09).

The Commission representative noting the recent market developments maintained the Commission position that no market support is required.

e.g. making the school milk scheme more attractive.

Italy opting for private aid storage instead of export refunds and Denmark and United-Kingdom relying more on trade partnership agreements with pig meat importing third countries 8713/09 (Presse 89)

OTHER ITEMS APPROVED

ENLARGEMENT

Application of Montenegro for membership of the EU

The Council adopted the following conclusions:

"On 15 December 2008, President Mr. Filip Vujanovic, President of Parliament, Mr. Ranko Krivokapic, and Prime Minister Mr Milo Dukanovic presented the application of Montenegro for membership of the European Union. The Council decided to implement the procedure laid down in Article 49 of the Treaty on the European Union. Accordingly, the Commission is invited to submit its opinion.

Recalling the renewed consensus on enlargement as expressed in the conclusions of the European Council of 14/15 December 2006, the Council reaffirms that the future of the Western Balkans lies in the European Union. It reiterates that each country's progress towards the European Union depends on its individual efforts to comply with the Copenhagen criteria and the conditionality of the Stabilisation and Association Process. Recalling Council conclusions of 8/9 December 2008, it is noted that a country's satisfactory track-record in implementing its obligations under a Stabilisation and Association Agreement (SAA), including trade related provisions, is an essential element for the EU to consider any membership application." ¹

EXTERNAL RELATIONS

Fifth EU/Egypt Association Council

The Council approved a draft agenda for the fifth EU-Egypt Association Council, which will take place in Luxembourg on 27 April 2009.

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The Commission intends to submit its opinion in the course of 2010.

ECONOMIC AFFAIRS

Amendment of the European Economic Area

The Council approved a draft decision of the European Economic Area Joint Committee amending Annex II of the European Economic Area agreement and Protocol 37 to it in order to take account of a number of new EU legislative acts (6759/09).

INTERNAL MARKET

Dichloromethane - Health protection from dangerous substances

The Council adopted a decision restricting the marketing and use of dichloromethane in the internal market with a view to reducing risks posed by this substance to human health (3610/09).

The decision imposes a ban on the supply to consumers of paint strippers containing dichloromethane (DCM), which is commonly used for domestic purposes to remove paints, varnishes and lacquers. It also imposes restrictions to better control and reduce the risks involved in industrial and professional uses.

Member states will be able to allow further use of DCM by approved professionals where the replacement of DCM with other authorised chemical agents is proved to be particularly difficult or inappropriate. In that case, the national authorities will be responsible for granting and monitoring such a derogation, and will have to be accompanied with specific preventive measures.

The risks posed to human health by DCM in paint strippers have been assessed in scientific studies which have concluded that risk reduction measures are required throughout the Community.

The decision modifies Council directive 76/769/EEC on restrictions in the marketing of dangerous substances.

Transfers of defence products

The Council adopted a directive simplifying the terms and conditions for transfers of defence-related products within the Community (3732/08).

The new rules are intended to contribute to the development of a single market for defence products and equipment, hereby reinforcing the competitiveness of Europe's defence industry.

The gradual establishment of a European defence equipment market is deemed essential for strengthening the defence industrial and technological base in Europe and developing the military capabilities required to implement European security and defence policy.

The aim of the directive is to reduce obstacles to the circulation of defence-related goods and services within the internal market, as well as to diminish distortions of competition, by simplifying and harmonising licensing conditions and procedures. In view of the specific features of the defence market and the need to protect national security, licensing requirements will be replaced by a streamlined system of general licenses, to which individual licensing would remain the exception.

EU governments procuring from suppliers established in other countries will see security of supply improved by reducing licence application costs and by allowing more predictable conditions.

The directive, which covers all defence-related products that correspond to those on the EU's common military list¹, will also increase opportunities for small and medium-sized enterprises to supply components, thereby contributing to making the European market more dynamic.

The deadline for the transposition of the directive by the member states into their national legislations is two years from its entering into force (twenty days after publication in the Official Journal).

The new legislation will combine with a directive on defence and security procurement (<u>5191/09</u>), which is due to be adopted by the Council once the text has been finalised.

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Official Journal L 88 of 29.3.2007, p. 58.

TRANSPORT

Carriage of goods and passengers by sea- Statistical returns

The Council adopted a recast directive on statistical returns in respect of carriage of goods and passengers by sea, following a first reading agreement with the European Parliament (3715/08).

The new text includes the various amendments made to the directive over time and adjusts its implementing provisions to the regulatory procedure with scrutiny, introduced in EU legislation in 2006.

The directive provides for collecting Community statistics by member states on the carriage of goods and passengers by seagoing vessels calling at ports in their territories.

Safety rules and standards for passenger ships

The Council adopted a recast directive on safety rules and standards for passenger ships, following a first reading agreement with the European Parliament (3710/08).

The new text includes the various amendments made to the Council directive 98/18/EC over time and adjusts its implementing provisions to the regulatory procedure with scrutiny, introduced in EU legislation in 2006.

The directive is aimed at introducing a uniform level of safety of life and property on new and existing passenger ships and high-speed passenger craft, when both categories of ships and craft are engaged on domestic voyages, and at laying down procedures for negotiation at international level with a view to a harmonisation of the rules for passenger ships engaged on international voyages.

SOCIAL AFFAIRS

European Works Council

The Council adopted a revised directive on European Works Councils, following a first reading agreement with the European Parliament (3731/08). For further information see 8954/09.

TRANSPARENCY - public access to documents

The Council adopted:

- the reply to confirmatory application 05/c/01/09 made by Mr Klaus-Dieter SOHN, the Danish, Finnish, Slovenian and Swedish delegations voting against (7390/09);
- the reply to confirmatory application 06/c/01/09, the Danish, Dutch, Finnish, Slovenian and Swedish delegations voting against (7710/09);
- the reply to confirmatory application 07/c/02/09 made by Ms Eva MORAGA GUERRERO, the Danish, Finnish, Slovenian and Swedish delegations voting against (7968/09).

APPOINTMENTS

The following is hereby appointed to the Committee of the Regions as a member for the remainder of the current term of office, which runs until 25 January 2010:

Ms Nicola BEER, Staatssekretärin für Europa, Hessisches Ministerium der Justiz, für Integration und Europa.

ACTS ADOPTED BY WRITTEN PROCEDURE

Technical requirements for inland waterway vessels

On 16 April the Council decided not to oppose to the adoption by the Commission of a decision correcting directive 2008/126/EC amending directive 2006/87/EC laying down technical requirements for inland waterway vessels, as regards its date of transposition.

Imports of farmed salmon from Norway - Scope of anti-dumping duties

On 16 April the Council adopted a regulation clarifying the scope of definitive anti-dumping duties imposed by regulation 85/2006 on imports of farmed salmon originating in Norway.

The regulation was published in the Official Journal L 101 of 21.4.2009 and applies retroactively from 21 January 2006.