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Draft

BACKGROUND¹
AGRICULTURE AND FISHERIES COUNCIL

Luxembourg, 23 and 24 June 2008

*Council sessions will start, under the chair of Mr Iztok JARC, Slovenian Minister for Agriculture, Forestry, and Food, on **Monday 23 June at 14.00** dealing with agriculture and "health and consumer protection" heading.*

*The Council will hold a policy debate on the "**Health Check**" of the Common Agricultural Policy (CAP) reform. Commissioner Fischer Boel will inform the Council of the latest developments concerning the negotiations at the World Trade Organisation (**WTO**).*

*In public deliberation, in presence of Commissioner Vassiliou, the Council will intends to endorse a political agreement on a draft common position with regard to a regulation on the placing of plant protection products on the market ("**pesticides regulation**").*

*On **Tuesday 24 June**, the Council will tackle fisheries items. The Council will try to reach a political agreement on **illegal unreported and unregulated fishing (IUUF)**, on the **authorisations** for fishing activities outside Community waters. The Council intends to adopt a regulation on the **protection** of vulnerable **marine ecosystems** in the high seas. The Council will hold an open debate on the state of play of the Fisheries partnership agreement with **Mauritania**.*

*The Council will have an exchange of views on the Commission's Policy Statement on **fishing opportunities** (TAC & Quotas) for **2009**, presented by Commissioner Borg, on the revision of the **cod TAC** in the **Celtic Sea**, and on the decision of the Commission to close **Bluefin tuna** fishery for purse seiners.*

The Presidency will hold press conferences on Monday [+/- 21.00] and at the end of the meeting on Tuesday [+/- 18.00].

*Proceedings open to the public can be followed via video streaming:
<http://www.consilium.europa.eu/videostreaming>*

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¹ This note has been drawn up under the sole responsibility of the Press Service.

AGRICULTURE

Health Check

The Council will hold a *policy debate* on a legislative package based on the "**Health check**"¹ of the CAP since its 2003 reform (9656/08).

The work of the Special Committee on Agriculture, together with an in-depth examination of the proposal's technical details, have focused on certain aspects of the proposal. The discussion will be framed by the following Presidency's questionnaire:

1. *Given that, according to the Commission, decoupled payments provide for a certain degree of income stability for the farmers and are in line with the general orientation of the CAP towards the market, how does your delegation assess the Commission's proposal on further decoupling as regards striking the right balance between its benefits and risks?*
2. *Does the proposal to establish specific support measures under a revised article 69 of Regulation 1782/2003 allow Member States to tackle specific needs in certain regions and/or sectors in a flexible and transparent manner?*

The Commission has presented its legislative proposals on 20 May for their detailed discussion under Slovenian and French Presidencies.

HEALTH AND CONSUMER PROTECTION

Placing of plant protection products on the market – "Pesticides Regulation"

The Council is expected to reach a *political agreement* with a view to the adoption of a common position on a draft regulation concerning the placing of **plant protection products** on the market (7538/08)² following the first reading under the co-decision procedure with the European Parliament.

If political agreement is reached, the Council should be able to adopt its common position on the text in autumn, so that it can be transmitted to the European Parliament for the second reading.

The draft regulation is intended to recast current legislation completely, so as to provide increased protection for human health and the environment, improve the functioning of the internal market and update authorisation procedures.

Its core elements³ include a positive list of active substances, criteria for the approval of substances and a compulsory mutual recognition scheme for authorisations, based on a division of the EU territory in three authorisation zones.

¹ See press release 7508/08 and Council conclusions of 17 March 2008 in document 7150/08.

² The Commission amended its proposal following the first reading opinion of the European Parliament.

³ See press release 9039/08 for more details on the content of the proposal.

FISHERIES

Illegal Unreported and Unregulated Fishing (IUUF)

The Council will seek to reach a *political agreement* on a proposal for a regulation establishing a Community system to prevent, deter and eliminate **illegal, unreported and unregulated fishing** (IUUF) (14236/07), presented by the Commission at the Fisheries Council meeting last November¹.

The most difficult issues needing further discussion relate to provisions laying down sanctions for serious infringements.

The date of entry into force is also expected to be discussed by ministers.

At its meeting on 14 April 2008 the Council had already a policy debate² on this proposal on the basis of questions relating to scope, catch certificates, and sanctions.

The proposal aims at halting importation of IUUF products into the Community by measures covering the whole supply chain (harvesting, transshipment, processing, landing, trade), "from the net to the plate". Its main points are:

- introduction of an EU "blacklist" of non-complying vessels, with detailed rules on the drawing up of such a list, the consequences of being included thereon and, in certain cases, the consequences for third countries harbouring such vessels;
- establishment of a certification scheme designed to cover all imports of fishery products with the exception of products derived from inland fisheries and aquaculture;
- approximation within the Community of the levels of sanctions for serious infringements.

In adopting this draft regulation, the European Union would not only contribute to ensuring the sustainability of fish stocks, but also improve the situation of Community fishermen exposed to unfair competition by illegal products.

The European Parliament gave its opinion on 5 June 2008 and the Economic and Social Committee on 2 April 2008.

¹ See press release 15333/07.

² see press release 7926/08.

Authorisations for fishing activities

The Council will seek to reach a *political agreement* on a proposal for a regulation concerning authorisations for fishing activities (11182/07).

This Proposal aligns procedures and international obligations for authorising fishing activities of all Community vessels outside Community waters, within the framework of bilateral agreements or outside the scope of an agreement. Furthermore, the rules for access of vessels flying the flag of a third country to Community waters are redefined.

Following the 2006-08 Action plan for simplifying and improving the Community Fishery Policy (CFP), and the changed circumstances for fisheries outside Community waters since the adoption of Regulation (EC) No 3317/94 as well as in order to comply with international obligations, it was felt necessary to introduce a general Community system for authorisation of all fishing activities outside Community waters.

Vulnerable marine ecosystems in the high seas

The Council will seek to reach a *political agreement* on a proposal for a regulation on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears (14231/08).

Two outstanding issues remain to be resolved by ministers, depth restriction (article 6) and observer coverage (article 11).

This proposal introduces measures to protect vulnerable marine ecosystems from the destructive effects of bottom fishing activities, in particular by introducing a special fishing permit, relevant monitoring measures and a precautionary protected boundary within the water column.

This proposal is in line with the recommendations issued by the United Nations General Assembly on the pressing need to adopt measures to protect vulnerable marine ecosystems from the destructive effects of bottom fishing activities¹.

The opinion of the European Parliament was delivered on 4 June 2008.

Partnership Agreement with Mauritania

The Council will hold an open debate on the state of play regarding the proposals from the Commission on the conclusion of the renegotiated protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania (9295/08, 9298/08).

The European Community has negotiated an adjustment of the terms of this protocol because Community vessels did not fully use the fishing opportunities it opened to them, with the consequence that its economic and financial advantages were put into question. On 13 March 2008, a new protocol was initialled by Mauritania and the European Community for the period from 1 August 2008 to 31 July 2012.

The Council is expected to adopt a decision and a regulation as soon as possible.

¹ Cf. Resolution 61/105 of the General Assembly of the United Nations, adopted on 8 December 2006.

Fishing opportunities for 2009

The Council will hold an *exchange of views* on the so-called "frontloading exercise" with a view to preparing the setting of TACs and quotas 2009 (10264/08)

The aim of the discussion is to provide the Council and the Commission with a clear view of the positions of Member States on fishing opportunities and fishing efforts with a view to steer the work on preparing Council decisions on TAC's and quotas to be adopted in December.

Cod TAC in Celtic Sea

At the request of the French delegation, supported by United-Kingdom and Ireland, the Council will discuss the follow-up to a commitment made by the Commission at the Council's meeting on 17-19 December to review total allowable catches (TAC) agreed for 2008 for Celtic cod in ICES¹ areas VIIb to VIIk, VIII, IX and X and EC waters of CECAF 34.1.1.

These delegations consider that the restriction on fishing effort imposed by the TAC level defined last December has led to a paradoxical situation obliging fishermen to discard large quantities caught because of the abundance of cod in area VII b-k. They insist therefore that this issue should be swiftly tackled.

Bluefin tuna

The Commission has decided on emergency measures on bluefin tuna², pursuant to Article 7(1) of Council Regulation (EC) n° 2371/2002³.

According to such emergency measures, based on the data and information in the possession of the Commission, purse seiners from Greece, France, Italy, Cyprus and Malta have been prohibited from fishing as of 00h00 16 June, and purse seiners from Spain will be prohibited from fishing as of 00h00 23 June.

Pursuant to article 7(4) of the above mentioned regulation, some Member states have decided to refer the Commission decision to the Council (10800/08).

Pursuant to Article 7(5), the Council, acting by qualified majority, may take a different decision within one month of the date of receipt of the referral.

On 17 December 2007, the Council adopted a regulation⁴ implementing, on a permanent basis, the recovery plan decided by the International Commission for the Conservation of Atlantic Tunas (ICCAT) to which the Community has been a Party since 14 November 1997.

¹ International Council for the Exploration of the Sea

² in **the Atlantic Ocean** east of longitude 45 °W, and in the **Mediterranean Sea**

³ Commission Regulation (EC) No 530/2008 of 12 June 2008 establishing emergency measures as regards purse seiners fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45 °W, and in the Mediterranean Sea (OJ L 155, 13.6.2008, p. 9)

⁴ Regulation (EC) No 1559/2007 of 17 December 2007 establishing a multiannual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean and amending Regulation (EC) No 520/2007 (OJ L 340, 22.12.2007).

OTHER BUSINESS

- (a) **World Trade Organisation (WTO)-Doha Development Agenda (DDA) negotiations**
- Information from the Commission

The Council will be updated by Commissioner Fischer-Boel on the latest state of play in negotiations on agriculture issues following several informal bilateral contacts taken with the main players during the past weeks.

- (b) **Blue tongue - Safeguards measures in the bovine sector**
- request by the Belgian delegation (10875/08)

- (c) **Animal products - recent evolution of costs and prices**
- request by the Belgian delegation (10876/08)

- (d) **Adaptation of Bovine Spongiform Encephalopathy (BSE) active surveillance system**
- request by the Belgian delegation (10859/08)

The Belgian delegation will refer to the possibility for a Member State to revise its national BSE active surveillance monitoring programme, as provided for in Article 6 of Regulation (EC) N° 999/2001.

- (e) **Food, feed, animal and plant imports: safety and compliance with Community rules -**
- Memorandum from the French delegation (10698/08)

The French delegation, supported by several others, will raise concerns and suggest improvements with regard to the safety of agricultural and agri-food imports and their compliance with Community standards.

- (f) **Proposal for establishment of a Community Agency coordinating veterinary and food border controls**
- request by the Latvian delegation

- (g) **Implication of high fuel prices for the fisheries sector**

The Council will be informed by the Presidency on the difficulties faced by certain sectors, including fishermen, with regard to the impact of rising fuel prices on their activity.
