



Council of the
European Union

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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Agriculture and Fisheries)
17 and 18 December 2018

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MEETING ON MONDAY 17 DECEMBER 2018


1. Adoption of the agenda

The Council adopted the agenda set out in 15189/18. Item 7 was discussed under public debate by request from the Commission.


2. Approval of "A" items

- a) **Legislative list (Public deliberation in accordance with Article 16(8) of the Treaty on European Union)** 15303/18

Internal Market and Industry


1. **Trade in certain goods which could be used for capital punishment (codification)**  15175/18
Adoption of the legislative act
approved by Coreper, Part 1, on 12.12.2018
PE-CONS 59/18
CODIF
COMER

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 207(2) TFEU).

2. **Regulation amending Regulation (EU) No 168/2013 on the type approval of two or three-wheel vehicles and quadricycles**  15176/18
Adoption of the legislative act
approved by Coreper, Part 1, on 12.12.2018
PE-CONS 65/18
ENT

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU).

Agriculture

3. **Regulation amending general food law**  15559/18 + COR 1
General approach
approved by Coreper, Part 1, on 12.12.2018
+ COR 2
+ ADD 1
+ ADD 1 COR 1
+ ADD 2

The Council adopted a general approach on this Regulation proposal. Statements related to this item are set out in the Annex.

2. Approval of "A" items

b) Non-legislative list

15297/18

The Council adopted the "A" items listed in 15297/18 including COR and REV documents presented for adoption. Statements related to these items are set out in the Addendum.

For the following items the documents should read as follows:

Transport

- | | |
|---|---|
| 4. Commission Delegated Regulation (EU) .../... of 9.11.2018 on the adaptation of Annex III to Regulation (EU) No 1315/2013 of the European Parliament and of the Council on Union guidelines for the development of the trans-European transport network
<i>Delegated act - Intention not to raise objections</i>
approved by Coreper, Part 1, on 05.12.2018 | 14862/18
14245/18
+ COR 1 (mt)
+ ADD 1 - ADD 6
TRANS |
|---|---|

FISHERIES

Non-legislative activities

3. **Council Regulation on Atlantic and North Sea TACs and Quotas for 2019**
(Legal basis proposed by the Commission: Article 43.3 of the TFEU)
Political agreement

☐ 15118/1/18 REV 1
13731/18
+ ADD 1 - 2

The Council reached political agreement, by qualified majority, on a regulation setting fishing opportunities for 2019 for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters. Italy voted against.

Given the need for a timely adoption, the Council agreed to use a written procedure to adopt the regulation.

AGRICULTURE

Non-legislative activities



4. **Updated EU Bioeconomy Strategy**  14950/18
Exchange of views

The Council exchanged views on the updated EU Bioeconomy Strategy and the role in it of the agricultural sector, and took note of the information provided by the Commission on those topics.

The Council took note of the information provided by the Hungarian delegation on the BIOEAST conference "Bioeconomy in the forefront of national policies".

Legislative deliberations

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)


5. **Post 2020 CAP reform package**   15027/18
- a) **Regulation on CAP strategic plans**
 - b) **Regulation on financing, management and monitoring of the CAP**
 - c) **Regulation on common market organisation (CMO) of agricultural products**

Progress report

The Council took note of the Presidency progress report on the examination of the Commission proposals for the Common Agricultural Policy after 2020, as set out in document 15027/18 and of delegations' comments on it. The Council took also note of the information provided by the Croatian delegation on the interparliamentary conference on "The role of Parliaments in shaping the future of food and farming" that took place in Zagreb on 22-23 November.

Any other business

Agriculture

6. a) **BIOEAST conference "Bioeconomy in the forefront of national policies" (Budapest, 8 November 2018)** 15385/18
Information from the Hungarian delegation
- Item 6 a) was addressed under item 4.
- b) **Interparliamentary conference "The role of Parliaments in shaping the future of food and farming" (Zagreb, 22-23 November 2018)** 15260/18
Information from the Croatian delegation
- Item 6 b) was addressed under item 5.
- c) **Current legislative proposals**
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)
- Regulation amending Regulations (EU) No 1305/2013 and (EU) No 1307/2013 as regards certain rules on direct payments and support for rural development in respect of the years 2019 and 2020**  15344/18
Information from the Commission
- The Council took note of the information provided by the Commission on its proposal amending Regulation (EU) No 1305/2013 and (EU) No 1307/2013 as regards certain rules on direct payments and support for rural development in respect of the years 2019 and 2020.
- d) Conference "The development of Plant Proteins in the European Union – Opportunities and Challenges" 15258/18
(Vienna, 22-23 November 2018)
Information from the Presidency
- e) Massive forest damages in Europe 15101/1/18 REV 1
Information from the Presidency 15528/18 + ADD 1
Information from the Italian delegation

- f) **Current legislative proposals**
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)
- i) **Directive on unfair trading practices**
- ii) **Regulation on spirit drinks**
- iii) **Regulation on fertilisers**
Information from the Presidency on the state of play
- The Council was informed¹ on the state of play on ongoing legislative files and took note of the comments made by the delegations and the Commission. The Council also took note of the Presidency's intention to have a sixth trilogue on 19 December and of the comments made by delegations.
- g) **Situation in the pigmeat market** 15632/18
Information from the Polish delegation

MEETING ON TUESDAY 18 DECEMBER 2018

FISHERIES

Non-legislative activities

3. **(continuation) Council Regulation on Atlantic and North Sea TACs and Quotas for 2019** 15118/1/18 REV 1
(Legal basis proposed by the Commission: Article 43.3 of the TFEU) 13731/18
Political agreement + ADD 1 - 2
- See page 4.

¹ The transcript of the oral information given by the Presidency can be found in doc. 5851/19.

Any other business

Agriculture

7. **Follow-up to the fipronil incident of 2017** 15123/18
Information from the Commission

The Council took note of the information provided by the Commission on the follow-up actions to the fipronil incident. The Council also took note of the comments made by several delegations and of the Commission's response.



First reading



Item based on a Commission proposal



Public debate proposed by the Presidency (Article 8(2) of the Council's Rules of Procedure)

Statements to the legislative "A" items set out in 15303/18

Ad "A" item 3: **Regulation amending general food law**
General approach

STATEMENT BY THE NETHERLANDS

"The Netherlands supports the ambition for more transparency and the adjustment in the procedures in order to achieve more transparency and objectivity in the risk assessment in the Food Chain.

The proposed measures are useful to achieve these targets, such as the plan on risk communication as well as the Union register for the publication of the studies accompanying an approval for regulated products.

Nevertheless, The Netherlands wants to emphasize the importance of a level playing field for European food business operators regarding the development of innovative products. In some cases this needs additional attention, meaning that the obligation to disclose non-confidential studies immediately after having submitted a request for approval to EFSA may hinder instead of promote innovation.

Furthermore, it is important that the system to be set up with the Union register for the publication of studies, including procedures, is efficient and effective. The administrative burden should be kept to a minimum for the food business operators, for EFSA and for Member States.

The Netherlands supports the proposal of the Austrian Presidency to start the negotiation with the European Parliament and the Commission (trilogue).

The Netherlands would however like to stress that the general approach in no way pre-empts or prejudices the negotiations on the MFF.

That means that an agreement to start negotiations with the EP does not in any way imply consent on the financial impact of the proposal as stated by the Commission in the Legislative Financial Statement which accompanied the legislative proposal of 11 April 2018.

Though NL recognizes that as a result of the present proposal a limited amount of additional means are necessary for EFSA to fulfil the new tasks, the Netherlands have strong doubts if the present proposal of € 62,5 million is realistic. It is almost a doubling of the present EFSA budget. Here the lack of an impact assessment has been felt strongly.

Moreover, and even more important the financial impact of the proposal of the Commission goes beyond the present MFF framework. The indicative ceilings for the EFSA can only be agreed upon once there is a final decision about the available budget for the MFF 2021-2027 in total, heading 7, the agencies and in particular the EFSA.

If the Parliament, Council and Commission could come to an agreement in the trilogues, all parties should take the financial impact of the proposal in reconsideration and have a clear and balanced position."

Statements to the non-legislative public "A" items set out in 15297/18

Ad "A" item 1: **Council Regulation fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks**

Adoption

JOINT STATEMENT BY FRANCE AND SPAIN on red seabream in Union and international waters of 6-8

"The ICES scientific advice sets out that the stock of red seabream in areas 6-8 is seriously depleted and advises that there should be zero catches for this stock in 2019 and 2020. Since 2014 the ICES advice has been to reduce mortality by all means, to allow the stock to rebuild, and avoid a further collapse. ICES furthermore recommend that measures be put in place to protect juveniles.

By 1 March 2019, taking into account national specificities, Member States concerned commit to implement coordinated national plans necessary for rebuilding the stock of red seabream in ICES subareas 6-8, in particular through measures such as:

- Closing for commercial and recreational fishing the areas where juveniles occur on the basis of scientific evidence, as identified by the Member States;
- Increasing minimum size to 35cm, to incentivize avoiding catching red seabream that has not reached the size of maturing into females;
- Fixing catch limits per vessel and per trip to ensure that red seabream is only fished as a by-catch species;
- Undertaking a scientific research project with the view to finding ways to avoid catching juvenile red seabream in the longline and otter trawl fleets that account for the main share of the catches. This project should, as recommended by STECF, include improving the biological knowledge on species reproduction and maturity stages and update the estimates of size/age at maturity as male and female, the size-at sex-change and the proportion of gonochoric individuals.

The above coordinated national plans will be communicated to the Commission by 1 March 2019 and will be assessed by the STECF, in order to ensure that the plan is comprehensive and effective. Should the STECF assess that additional measures need to be taken to ensure an improvement in the state of the stock, then Member States commit to review this plan and the relevant national measures in light of the recommendations by the STECF. The above measures may, as appropriate, be included in the joint recommendations from the relevant Member States Groups.

Member States concerned will agree on necessary quota swaps to avoid "choke" situations."

**JOINT STATEMENT BY SPAIN AND PORTUGAL
on red seabream in Union and international waters of 9**

"Spain and Portugal will agree on necessary quota swaps for red seabream in ICES subarea 9 to avoid "choke" situations."

**JOINT STATEMENT BY SPAIN AND PORTUGAL
on alfonsinos in Union and international waters of 3-10, 12 and 14**

"Spain and Portugal will agree on necessary quota swaps for alfonsinos in ICES subareas 3-10, 12 and 14 to avoid "choke" situations."

**STATEMENT BY DENMARK
on roundnose grenadier in Union and international waters of 3**

"Denmark supports the Presidency compromise for a Council Regulation fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks. It is important to ensure effective protection of vulnerable deep-sea stocks.

Following the implementation of the landing obligation, it is important to avoid that a stock develops to a choke species. This is the reason why Denmark has argued for a long term solution for roundnose grenadier in Union waters of 3. Denmark recognizes that roundnose grenadier in this area will probably not be a choke species for the moment. However, should a problem arise in 2019 or 2020, Denmark should urge for a swift solution."

**STATEMENT BY THE COMMISSION
on deletions of TACs for deep-sea species**

"Where TACs have been deleted in the deep-sea fishing opportunities for 2019-2020, as is the case for greater forkbeard in 1-10, 12, roundnose grenadier in 1, 2, 4 and black scabbardfish in 1-4, the Commission will continue monitoring the development of these stocks in light of the best available scientific advice."

Ad "A" item 2: Council Regulation fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea
Adoption

STATEMENT BY BULGARIA AND ROMANIA

Bulgaria and Romania, in the context of the adoption of the Regulation fixing for 2019 the fishing opportunities for certain fish stocks in the Black Sea and having recognized the importance of continuing implementing a robust monitoring, control and surveillance system in achieving sustainable use of fisheries marine resources in the Black Sea, commit to the following:

1. To follow up and further implement:

a) Turbot fisheries

- to keep the fishing authorisations for turbot at 116 for Bulgaria and 53 for Romania and the minimum allocation per vessel,
- to establish their respective number of designated ports for landings, 8 for Bulgaria and 13 for Romania, in order to streamline the control of landings,
- to continue the strict policy for the recording of all catches, including below 50 kg, in corresponding logbooks, landing declarations and sales notes of all authorised vessels,
- to keep, at least to the level of 2018, the number of market inspections and inspections at sea, including during the closed season, based on a risk assessment methodology and time schedule agreed with the European Commission and the European Fisheries Control Agency (EFCA),
- to keep or increase in 2019 the joint inspection actions under the coordination of EFCA, including controls at sea, at landings, on the markets as well as the monitoring of the transport of fish by road,
- to monitor the discards in the *Rapa whelk* fishery, in order to evaluate the impact on juveniles of turbot, complementary to the provisions of the GFCM multiannual management plan for turbot fisheries in Black Sea,
- to increase by 10% the control at sea of the implementation of the marking and identification of the static gears in accordance with European Union rules,
- to statistically monitor the imports/exports of turbot to and from the European Union,
- to work with the Commission and the European Fisheries Control Agency (EFCA) in implementing Recommendation GFCM/41/2017/4 (turbot MAP), as well as any other measures that are deemed necessary to address the misreporting, the IUU fishery of turbot in the Black Sea and the marketing of the catches illegally caught in the region.

b) Picked dogfish fisheries

- to keep their respective catches of picked dogfish in 2019 to their 2015 level of catches and to inform the Commission on a quarterly basis of the actions taken to meet this objective,
- to continue implementing the strict policy adopted in 2016 for the recording of all catches, including below 50 kg, in corresponding logbooks, landing declarations and sales notes of all authorised vessels as well as vessels having by-catches of dogfish.
- to further improve data collection on dogfish, catches and by-catches, and make data available.

2. Catch registration

To appropriately address any control weaknesses in the catch registration system identified in recent audits by the Commission services, so as to ensure full compliance with Council Regulation (EC) No 1224/2009 and with its implementing measures."

**STATEMENT BY COUNCIL AND COMMISSION
on control issues**

"The Council and the Commission consider that it is a high priority to address the endemic existence of IUU fishery of turbot in the Black Sea through the effective implementation of the Regional Plan of Action to combat illegal, unreported and unregulated fishing in the GFCM area of application and of the joint control and inspection pilot scheme in the context of the multiannual management plan of turbot in the Black Sea.

Control and monitoring measures should be at least maintained or further increased, as stipulated in the declaration by Bulgaria and Romania. The relevant Member States should dedicate the necessary efforts and resources to enhance their control system and to ensure effectiveness of the measures that have been decided.

Furthermore, the EU will seek to ensure that GFCM pay particular attention to the full compliance of its Contracting Parties and Cooperating non-Contracting Parties to implement the Regional Plan of Action to combat illegal, unreported and unregulated fishing in the Black Sea, to implement the mid-term strategy 2017-2020 adopted by GFCM in 2016, the Sofia Ministerial Declaration signed by the Black Sea Fisheries Ministers in June 2018 and the Blacksea4fish project in line with the Bucharest Declaration."