



Council of the
European Union

Brussels, 23 November 2015
(OR. fr)

13602/15

LIMITE

PV/CONS 55
AGRI 558
PECHE 408

DRAFT MINUTES¹

Subject: **3418th** meeting of the Council of the European Union (**AGRICULTURE AND FISHERIES**) held in Luxembourg on 22 October 2015

* Information on Council legislative deliberations, on other cases of Council deliberations open to the public and on public debates may be found in [Addendum 1](#) to these minutes.

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1. **Adoption of the agenda**

13007/15 OJ CONS 55 AGRI 525 PECHE 357

The Council adopted the above agenda.

LEGISLATIVE DELIBERATIONS

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

2. **Approval of the list of 'A' items**

13029/15 PTS A 76

The Council approved the list of 'A' items set out in 13029/15.

Details on the adoption of these items are set out in the Addendum.

NON-LEGISLATIVE ACTIVITIES

3. **Approval of the list of 'A' items**

13030/15 PTS A 77

The Council approved the list of 'A' items set out in 13030/15.

The Spanish, Cypriot and Romanian delegations abstained on item 22 and submitted statements. The Czech, Slovak and United Kingdom delegations submitted statements, as did the Commission.

The statements relating to these items are set out in the Annex.

FISHERIES

4. **Proposal for a Council Regulation fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea**

(Legal basis proposed by the Commission: Article 43(3) of the TFEU)

– Political agreement

13100/15 PECHE 364

11675/15 PECHE 281

+ ADD 1

The Council reached unanimous political agreement on fishing opportunities for 2016 for certain fish stocks in the Baltic Sea. The Commission supported the final compromise prepared by the Presidency (13269/1/15 REV 1). In addition to the statements set out in the Presidency compromise, BE, ES, FR and PT submitted statements (13404/15 ADD 1) concerning recreational fisheries.

5. EU/Norway annual consultations for 2016

- Exchange of views
12468/15 PECHE 324 N 6

The Council held an exchange of views on the annual consultations to be held by the EU and Norway under their bilateral fisheries agreement. The first round of consultations would take place in Copenhagen from 16 to 20 November 2015, the objective being to complete the negotiations before the beginning of 2016.

Many delegations stressed the importance of the bilateral agreement. Some delegations expressed their concerns about the volume of catches unilaterally decided by Norway for blue whiting for 2015, particularly in view of the scientific advice, which recommends a significant reduction in catch volumes for 2016.

A large number of delegations stressed that it would be important to find a fair and reasonable balance in the exchange of fishing opportunities with Norway. Several delegations recalled that from 1 January 2016 the landing obligation would come into force gradually for demersal species, and that account should be taken of this new context in the negotiations with Norway.

The main topics for discussion with Norway would be:

- management measures concerning the seven jointly managed fish stocks in the North Sea and Skagerrak;
- possible adjustments to existing management arrangements for North Sea haddock and herring, in the light of the new ICES advice;
- exchange of fishing opportunities to enable the continuation of fishing operations which are important for the fishermen of both parties.

AGRICULTURE

6. Towards climate-smart agriculture

- Exchange of views
12693/15 AGRI 511 CLIMA 105 ENV 608

The Council held an exchange of views on the basis of 12693/15.

The discussion was launched by three guest speakers. Several delegations believed that the reformed CAP already provided a sound basis for climate change mitigation. However, priority could be given to a few smart measures and solutions. The majority of delegations supported the idea that the link between science and agricultural practice should be improved, particularly through knowledge transfer and increased awareness on the part of farmers. Several ministers and the Commission representative stressed the importance of the European Innovation Partnership and Horizon 2020.

Many ministers stressed the fact that agriculture is part of the solution for mitigating climate change, including in the context of COP 21, but that objectives must be realistic.

The French delegation invited ministers to join its '4 per 1 000 initiative: soils for food security and climate', due to be launched in the margins of COP 21. Several Member States supported the initiative.

The Council took note of the views expressed by Member States, the Commission and the guest speakers. The President would send the President of the Environment Council a letter summarising the outcome of the discussion.

7. Any other business

(a) **Towards an accelerated greening of Sustainable Plant Protection**

- Information from the Netherlands delegation
12769/15 AGRI 515 PHYTOSAN 48 PESTICIDE 3

The Council took note of the request from the Netherlands delegation, supported by a majority of delegations, and the Commission representative's reaction.

(b) **Commission reports on the necessity, if any, for provisions regarding milk-based drinks and similar products for young children on the one hand, and food for sportsmen on the other**

- Information from the French delegation
12735/15 DENLEG 129 AGRI 513 SAN 322

The Council took note of the comments by the French, Irish and Greek delegations on the consequences of the delay in publishing the reports, in particular as regards setting out the legal framework applicable to such foods following the entry into force of Regulation (EU) No 609/2013.

The Council also took note of the Commission's intention to publish the reports in the coming months.

(c) **Ministerial Conference 'How to maintain GMO-free agriculture in Europe' (Ptuj, Slovenia, 21 August 2015)**

- Information from the Slovenian delegation
12600/2/15 AGRI 504 ENV 600 DENLEG 127 REV 2

The Council took note of the information provided by the Slovenian delegation on the outcome of the conference. The Council also took note of the comments made by several delegations and by the Commission representative.

(d) **G7 Health Ministers Meeting 'Antimicrobial resistance' (Berlin, 8-9 October 2015)**

- Information from the German delegation
12933/15 AGRI 521 VETER 82 PHARM 43

The Council took note of the information provided by the German delegation on the outcome of the meeting. The Council also took note of the comments made by several delegations and by the Commission representative.

(e) New techniques for plant and animal breeding

- Information from the German delegation
13179/15 AGRI 533 ANIMAUX 52 SEMENCES 23 PI 74

The Council took note of the request from the German delegation, supported by several delegations, and of the Commission representative's reply.

(f) Outcomes of the meeting of the Visegrad group countries plus Bulgaria, Austria, Romania and Slovenia (V4+4)

(České Budějovice, Czech Republic, 26 August 2015)

- Information from the Czech delegation
12914/15 AGRI 520 AGRIFIN 87 AGRIORG 74 AGRISTR 64

The Council took note of the information provided by the Czech delegation and of the comments made by the Commission representative.

STATEMENTS FOR THE COUNCIL MINUTES**Re item 1 on the
list of 'A' items:**

Recommendation for a Council Decision authorising the Commission to open negotiations on behalf of the European Union for the renewal of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Gabonese Republic
– **Adoption**

STATEMENT 1 BY THE COMMISSION

'The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis.'

STATEMENT 2 BY THE COMMISSION

'Following Article 31(2) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council on the Common Fisheries Policy, the Commission fully recognises the importance of the sustainable exploitation of marine biological resources and the consequent need to ensure a proper implementation of the concept of surplus, as expressed in Article 62(2) of the UNCLOS, particularly when Sustainable Fisheries Partnership Agreement and associated protocols rule the access of the EU external fleet to resources distributed in waters of the partner country.

However, regarding Article 64 of the UNCLOS and Article 31(4) of Regulation (EU) No 1380/2013, the Commission considers that the concept of surplus applies to a lesser degree to fishing activities exploiting highly migratory species, where adequate management objectives and appropriate management measures – priority access rules, catch, capacity or effort limits, and sharing keys where relevant – have to be primarily fixed at regional or sub-regional levels by the Contracting Parties to competent Regional Fisheries Management Organisations, taking in due account the relevant scientific advice.'

**Re item 22 on the
list of 'A' items:**

Relations with Kosovo *

- **Council Decision on the signing, on behalf of the Union, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part**
- **Council Decision approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part**
- **Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part**

STATEMENT BY SPAIN

'Spain's position concerning the Council adoption of the decisions on the signing and on the conclusion of the Stabilisation and Association Agreement with Kosovo is without prejudice to the Spanish position on the international status of Kosovo and is in conformity with UNSCR 1244/99 and the ICJ Opinion on the Kosovo Declaration of Independence.

The use of the legal basis for the Stabilisation and Association Agreement with Kosovo of Article 37 of the Treaty of the European Union in relation with Article 31 of the Treaty of the European Union, as well as of Article 217 of the Treaty on the Functioning of the European Union in relation with Article 218 of the Treaty on the Functioning of the European Union, is without prejudice to the Spanish position on the international status of Kosovo and is in conformity with UNSCR 1244/99 and the ICJ Opinion on the Kosovo Declaration of Independence.

Wording referring Kosovo's European perspective can only be understood as approximation to the EU, without the ultimate objective of EU accession, as the unilateral declaration of independence is not unanimously recognised.'

STATEMENT BY THE REPUBLIC OF CYPRUS

on the conclusion and signing of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo *, of the other part

'The Republic of Cyprus reiterates its position that it does not recognize the 2008 Unilateral Declaration of Independence by Kosovo and considers that the designation "Kosovo" is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo Declaration of Independence.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

The Republic of Cyprus further declares that the conclusion and signing of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community of one part, and Kosovo, of the other part, does not prejudice the position of the Republic of Cyprus on the status of Kosovo, which will be decided in accordance with national practice and international law, and it does not establish any treaty relations or obligations on behalf of the Republic of Cyprus towards Kosovo.

The use of the legal basis for the Stabilisation and Association Agreement with Kosovo, including Article 37 of the Treaty on European Union, is without prejudice to the position of the Republic of Cyprus on the international status of Kosovo, and is in conformity with UNSCR 1244/99 and the ICJ Opinion on the Kosovo Declaration of Independence.

Furthermore, the conclusion and signing of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community of the one part, and Kosovo, of the other part does not, in any case create any precedent as to the future relations between the European Union and Kosovo.'

STATEMENT BY ROMANIA

on the signing of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part

'Romania shall take note of the signing of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community of one part, and Kosovo, of the other part, during the ceremony that shall take place on [date and place of signing to be inserted].

Romania reiterates its national position of non-recognition of Kosovo as a State.

The signing of the Stabilisation and Association Agreement with Kosovo by the European Union and the European Atomic Energy Community is done without prejudicing the position of Romania vis-à-vis the status of Kosovo and does not presume in anyway the recognition by Romania of the statehood of Kosovo.'

STATEMENT BY SLOVAKIA

**on the Council Decision on the signing, on behalf of the European Union, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part; and
the Council Decision approving the conclusion, by the European Commission, on behalf of the European Atomic Energy Community, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part**

'The Slovak Republic declares that its position concerning the Council decisions on the conclusion and signing of the Stabilisation and Association Agreement is without prejudice to its national position on the status of Kosovo and is in conformity with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.'

STATEMENT BY THE UNITED KINGDOM AND THE CZECH REPUBLIC

'The United Kingdom and the Czech Republic agree with the Council Decision, including the agreement reached on Article 3(1) (chairs arrangements on the EU side). The United Kingdom and the Czech Republic are of the view that this provision should be applied with due regard to the content of issues to be discussed by the Association Council.'

STATEMENT BY THE UNITED KINGDOM

on the Council Decision on the conclusion, on behalf of the European Union, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part COM(2015)181; and

the Council Decision on the signing, on behalf of the European Union, of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part COM(2015) 183;

'The United Kingdom welcomes the signature of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and of Kosovo, of the other part.

However, the United Kingdom considers that the Agreement contains provisions related to the temporary presence of natural persons for business and readmissions which are pursuant to Title V of Part III of the Treaty on the Functioning of the Union. The United Kingdom recalls that, in accordance with Article 2 of Protocol (No. 21) to the Treaties on the position of the United Kingdom and Ireland in Respect of the Area of Freedom, Security and Justice, no provision of any international agreement concluded by the Union pursuant to that Title shall be binding upon or applicable in the United Kingdom unless, in accordance with Article 3 of the Protocol, it notifies its intention that it wishes to take part in the adoption and application of a proposed measure.

As a result, in accordance with Article 3 of Protocol (No. 21), the United Kingdom notified the President of the Council that, to the extent that the Decisions relate to the temporary presence of national persons for business, it intends to take part in the Council Decisions.'

COMMISSION STATEMENT

on the definition of 'specialised knowledge' as referred to in Article 55(2)(b)

'The Commission considers that the term "specialised knowledge" in Article 55 (2)(b) of the SAA is in line with the equivalent definition ("person possessing uncommon knowledge") used in the EU's schedule of specific commitments of the WTO's General Agreement on Trade in Services (GATS). The use of the word "specialised" instead of "uncommon" does not entail any change or extension of the GATS definition and is only adapted to the language now in use.'