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European Union

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ADD 1**

**PV/CONS 74
AGRI 674
PECHE 484**

DRAFT MINUTES

Subject: 3437th meeting of the Council of the European Union (AGRICULTURE
AND FISHERIES) held in Brussels on 14 and 15 December 2015

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¹ Deliberations on Union legislative acts (Article 16(8) of the TEU), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

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

'A' ITEMS

1. Draft Regulation of the European Parliament and of the Council on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (First reading) (LA + S)

= Adoption

(a) of the Council's position at first reading

(b) of the statement of the Council's reasons

14903/1/15 REV 1 CODEC 1642 AGRI 634 VETER 107 AGRILEG 238
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14903/15 ADD 1 CODEC 1642 AGRI 634 VETER 107 AGRILEG 238
ANIMAUX 61 SAN 419

+ ADD 1

11779/15 AGRI 460 VETER 68 AGRILEG 165 ANIMAUX 40 SAN 268
CODEC 1161

+ ADD 1 REV 1

approved by Coreper, Part 1, on 9 December 2015

The Council approved its position at first reading, with the Austrian and United Kingdom delegations voting against and the Slovenian delegation abstaining, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union. (Legal basis: Article 43(2), Article 114(3) and point (b) of Article 168(4) of the TFEU).

Statement by Austria

'With regard to the position of the Council at first reading with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council of ... on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law'), Austria wishes to draw attention to the following.

In Austria's view, the diseases listed under Article 5 of the Regulation represent the key element of the Regulation, since the specific rules for prevention and control apply to those diseases. Austria regrets, in this regard, that the Regulation does not follow the approach taken in Regulation (EU) No 652/2014 ('Financial Regulation') nor stipulate that diseases may be removed from the list only by way of the co-decision procedure.

Austria is concerned that, as a result of the procedure selected, certain diseases that have been covered for decades by additional guarantees in EU legislation could be removed. Securing a particular animal health status is expensive and time-consuming for the Member States. It would not be reasonable to lose the status achieved due to a change in legislation aimed at ensuring as uniform a level as possible across the Union. Austria supports the idea of a comparable level of animal health, but this must not be achieved by lowering standards. If animal health status in the EU were to worsen under the new regime, rather than being at least maintained or even improved, this would also have a negative impact on public opinion.

Austria will therefore vote against the Council's position at first reading with a view to the adoption of Regulation (EU) 2015/... of the European Parliament and of the Council of ... on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law').'

Statement by the United Kingdom

'The UK would like to thank the Presidency and past Presidencies for their hard work and determination in getting the Animal Health Regulation to the final stage. The UK would like especially to mention the flexibility to manage disease threats appropriately and the emphasis on prevention of diseases as well as cure which the Regulation provides, all underpinned by a very welcome risk-based approach. Protecting our individual countries and the Union from animal disease is a top priority for us all and this Regulation goes a long way to ensure this aim and simplify how we go about it. The UK therefore regrets that it is not able to support the Regulation, specifically due to areas where Delegated Acts will be used to define technical detail such as the list of diseases to which the Regulation applies. For these reasons, the UK OPPOSES the Regulation.'

Statement by Slovenia

'Agreeing with the majority of provisions in the new Regulation on transmissible animal diseases (Animal Health Law) Slovenia welcomes modernisation of legislation in the field of animal health and wishes to express the gratitude and congratulations to everyone involved in bringing this proposal to the conclusion of the legislative process. Animal Health Law will undoubtedly bring additional clarity to the EU system of prevention, control and eradication of transmissible diseases.

Nevertheless, Slovenia is of the opinion that the new regulation covering animal health should also promote a new and improved approach to listing of transmissible diseases which should be the very essence of the document and indeed the reason for taking on this immense task of modernising this piece of very important legislation. The final proposal in our view does not reflect such ideas.

The new listing of diseases will serve as the base for further categorisation of diseases therefore it must be up to date. Final proposal contains the list which was transposed from the new CFF regulation (Reg. 652/2014). Unfortunately, this list only includes diseases relevant for financial intervention of the EU and thus a number of transmissible diseases that are currently regulated and have an impact on trade and animal health management (e.g. EGL, AD, IBR) are not included in the scope of the new AHL. Moreover, the list had not been updated in time of adoption of the CFF regulation. Thus it includes diseases, which have been removed from OIE listing years ago (i.e. Teschen disease) and diseases, believed to be completely eradicated (i.e. Rinderpest).

Furthermore, Slovenia is concerned about the envisaged procedure for updating the said list of diseases. Throughout the discussions, Slovenia's position has been that the legal instrument for updating the list should be an implementing act rather than a delegated act.

Albeit Slovenia welcomes the general concept of the new Animal Health Law, Slovenia will ABSTAIN from voting on the proposal of the Regulation on transmissible diseases of the animals (Animal Health Law) for the above-mentioned reasons.'

Joint statement by the European Parliament, the Council and the Commission on antimicrobial resistance

'The Communication from the Commission to the European Parliament and the Council – Action plan against the rising threats from Antimicrobial Resistance² – emphasises the preventive role of the Regulation on transmissible animal diseases ('Animal Health Law') and the consequent expected reduction of the use of antibiotics in animals. In addition to the requirements of this Regulation, Member States are called upon to commit themselves to collect relevant, comparable and sufficiently detailed data on the actual use of antimicrobial medicinal products in animals and to send such data to the Commission in order to ensure a more prudent use of antimicrobial medicinal products in animals, hence contributing to the reduction of the risk of antimicrobial resistance.'

Commission Statement on antimicrobial resistance

'The Commission undertakes to publish a regular report as regards the use of antimicrobial medicinal products in animals in the EU on the basis of data made available by the Member States.'

² COM (2011) 748

Commission Statement **on animal welfare**

'This Regulation lays down rules for the prevention and control of animal diseases which are transmissible to animals or to humans and does not contain provisions which regulate specifically animal welfare, albeit animal health and welfare are linked. The Union has a well-developed acquis regarding animal welfare covering different species (broilers, laying hens, pigs, calves) or activities (farming, transport, slaughter, research, etc.). This animal welfare legislation will necessarily continue to apply. The Commission is fully committed to paying full regard to animal welfare in accordance with Article 13 of the Treaty and within the limits set out therein, including ensuring full implementation and appropriate development of this legislation.'

2. Directive of the European Parliament and of the Council on insurance distribution (recast) (First reading) (LA + S)

PE-CONS 49/15 EF 155 ECOFIN 631 SURE 22 CODEC 1079
+ COR 1

The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 53(1) and Article 62 of the TFEU).

Statement by the Commission

'The wording of the second sentence of recital 69 of the text is not fully in line with the Common Understanding on Delegated Acts because it refers to the need for appropriate contacts with Parliament and Council ahead of the adoption of the delegated act.

In the context of a general compromise, the Commission can nevertheless accept this wording because it generally adheres to the Common Understanding that we remain committed to upholding. The Commission considers transparency in preparation of delegated acts of paramount importance. The Commission will continue to act in accordance with the Common Understanding and particularly declaration 39 of the Treaty on the Functioning of the European Union in the area of financial services.'

3. Regulation of the European Parliament and of the Council repealing certain acts from the Schengen acquis (First reading) (LA)

PE-CONS 54/15 PROAPP 18 CATS 95 SCHENGEN 30 COMIX 458
CODEC 1281

The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish, Irish and United Kingdom delegations did not participate in the vote. (Legal basis: points (a), (b) and (d) of Article 77(2), points (e) and (g) of Article 78(2), points (c) and (d) of Article 79(2) and point (a) of Article 87(2) of the TFEU).

4. Regulation of the European Parliament and of the Council repealing certain acts from the Schengen acquis in the field of police cooperation and judicial cooperation in criminal matters (First reading) (LA)

PE-CONS 55/15 PROAPP 19 CATS 96 SCHENGEN 31 COMIX 459
CODEC 1282

The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish and United Kingdom delegations did not participate in the vote. (Legal basis: point (d) of Article 82(1) and points (a) and (c) of Article 87(2) of the TFEU).

5. Regulation of the European Parliament and of the Council repealing certain acts in the field of police cooperation and judicial cooperation in criminal matters (First reading) (LA)

PE-CONS 56/15 PROAPP 20 CATS 97 CODEC 1284

The Council approved the European Parliament's position at first reading and the proposed act was adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. In accordance with the relevant Protocols annexed to the Treaties, the Danish delegation did not participate in the vote. (Legal basis: Articles 82(1), 83(1), 87(2), and 88(2) of the TFEU).

'B' ITEMS

8. Proposal for a Regulation of the European Parliament and of the Council on the manufacture, placing on the market and use of medicated feed and repealing Council Directive 90/167/EEC (First reading)

Interinstitutional File: 2014/0255 (COD)

and

Proposal for a Regulation of the European Parliament and of the Council on veterinary medicinal products (First reading)

Interinstitutional File: 2014/0257 (COD)

– State of play

13196/14 AGRILEG 179 VETER 84 CODEC 181

13289/14 AGRILEG 185 VETER 87 PHARM 70 MI 665 CODEC 1838 IA 2

+ REV 1 (es)

14836/15 AGRILEG 236 VETER 105 PHARM 52 MI 772 CODEC 1632 IA 21

The Council took note of the Presidency's report, the comments from delegations and the observations from the Commission representative.

Many delegations thanked the Presidency for its work on the two proposals. They also stressed the importance of maintaining an approach that ensured joint adoption of the two proposals, and indicated that fighting antimicrobial resistance was an essential element of both proposals.

Some delegations also highlighted the need to prohibit online sales of veterinary medicinal products requiring a prescription and to ensure consistency between internal rules and import rules.

The Commission representative welcomed the progress made during the discussions in the Council's preparatory bodies and called for work to be concluded under the Netherlands Presidency.

NON-LEGISLATIVE ACTIVITIES

'B' ITEMS

7. Any other business

Agriculture

(a) Current legislative proposals

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

- **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in the educational establishments (First reading)**

Interinstitutional File: 2014/0014 (COD)

– Information from the Presidency

15219/15 AGRI 661 AGRIFIN 110 AGRIORG 94 CODEC 1704

(b) Proposal for a Council Regulation amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products

– Information from the Presidency

– *(Public debate in accordance with Article 8(1) of the Council's Rules of Procedure)*

15219/15 AGRI 661 AGRIFIN 110 AGRIORG 94 CODEC 1704

The Council took note of the information provided by the Presidency on the outcome of negotiations with the Parliament and the broadly positive assessment of most delegations.

The Council invites the SCA, at its meeting of 16 December, to analyse that outcome and to conclude the review of the Council Regulation in order to finalise the whole programme.