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NOTE

From: General Secretariat of the Council

To: Delegations

Subject: **"Agriculture and Fisheries" Council, 17-18 December 2018**

Agenda item 6 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

Transcript of the oral information given by the Presidency

Delegations will find annexed the transcript of the oral information given by the Presidency at the "Agriculture and Fisheries" Council meeting on 17-18 December 2018, under agenda item 6 f).

Now I would like to inform you on the state of play on the legislative work that we have advanced during our Presidency but which are not on today's Council agenda as discussion items.

First, regarding the Directive on unfair trading practices in the food supply chain, we built on the precious work of the Bulgarian Presidency and advanced the file as much as possible.

After five meetings at the trilogue level and intensive consultations with delegations, we managed to find an agreement on the majority of issues, although no political agreement was reached on the entire text. This progress was possible thanks to your efforts made under the extreme time pressure. I would like to thank you and also the Commission for the support. In order to make one more attempt to agree, we have scheduled an additional trilogue for 19 December. Being an optimist, I hope we will find an agreement. If not, the file will be handed over to the incoming Romanian Presidency and I truly hope that the political agreement will be reached soon next year, so that the farmers can benefit from this long awaited Directive and improve their position in the food supply chain.

Next, on Spirit drinks, which is a very technical but also political file, we are happy to inform you that an agreement was reached with the Parliament.

On that basis, last week, we sent the offer letter to the Parliament and the procedure for the revision of the text by lawyer-linguists could be launched.

Moreover, the procedure for the notification of the provisionally agreed text to the WTO in accordance with Article 2.9.2 of the Uruguay Round Agreement on Technical Barriers to Trade was also launched by the Commission Services.

If everything goes well - and I am confident that the Romanian Presidency will put all efforts to this end - the new Regulation might enter into force next spring.

I wish to acknowledge the enormous work all presidencies preceding us and all Member States, including their experts, have invested in this file: your efforts since December 2016 were essential in reaching the provisional agreement. I am also aware of the key role played by the Commission in facilitating the negotiations. Thank you.

Finally, on the Regulation on fertilisers, the Presidency can inform you that on this important file after more than 30 months of negotiations, we have reached an agreement. The final trilogue with the representatives of the European Parliament took place on 20 November, followed by a final technical meeting on 27 November.

The Permanent Representatives Committee endorsed the compromise text on 12 December and the letter to the EP was sent. It is a balanced compromise which has some degree of disappointment for those with a more pronounced circular economy- and environmental-friendly agenda, but it is a clear improvement with regard to the current system. With colleagues around the table, I take the opportunity to thank all previous Presidencies that have negotiated in Council or later between the institutions, that is the Netherlands, Slovakia, Malta, Estonia and Bulgaria.

The most likely date of final adoption after the lawyer-linguists revision is March 2019, most of the substantial provisions will then consequently become applicable in 2022.

I would like to thank all of you for your excellent cooperation in advancing this legislative work during our Presidency and, I am sure, this cooperation will also be extended to the next Presidency.
