



Council of the
European Union

Brussels, 8 November 2018
(OR. en)

13136/18
ADD 1
LIMITE
PV CONS 51
AGRI 477
PECHE 398

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Agriculture and Fisheries)
15 October 2018

CONTENTS

Page

Non-legislative activities

FISHERIES

3. Regulation fixing for 2019 the fishing opportunities in the Baltic Sea 3

AGRICULTURE

4. G-20 Agriculture Ministerial meeting (Buenos Aires, 27-28 July 2018)..... 3

FISHERIES

6. EU-Norway: Annual consultations for 2019 (Bergen, 26-30 November 2018)..... 3

7. ICCAT Annual Meeting (Dubrovnik, 12-19 November 2018)..... 3

Any other business

8. a) Difficulties in the EU sugar market 4
b) 2019 election of the next Director-General of the FAO 4
c) Elections of the Director-General of the International Organisation of Vine and Wine
(OIV): Spanish candidacy 4
d) African swine fever: State of play..... 4

- ANNEX - Statements for the Council minutes 5

*

* *

Non-legislative activities

FISHERIES

3. **Regulation fixing for 2019 the fishing opportunities in the Baltic Sea** ☐ 13000/18
11735/18 + ADD 1

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

Political agreement

The Council reached unanimous political agreement on the Regulation fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea. Given the need for a timely adoption, the Council agreed to the use of the written procedure for the adoption of this Council Regulation.

AGRICULTURE

4. **G-20 Agriculture Ministerial meeting**

(Buenos Aires, 27-28 July 2018)

Information from the Commission

The Council took note of the information provided by the Commission.

FISHERIES

6. **EU-Norway: Annual consultations for 2019** 12691/18

(Bergen, 26-30 November 2018)

Exchange of views

The Council held an exchange of views on the annual consultations for 2019 between the EU and Norway.

7. **ICCAT Annual Meeting (Dubrovnik, 12-19 November 2018)** 12695/18

Exchange of views

The Council took note of the delegations' and of the Commission's views on this year's ICCAT annual meeting.

Any other business

Agriculture

8. a) **Difficulties in the EU sugar market** 12915/18
Information from the Italian delegation

The Council took note of the information provided by the Italian delegation regarding the situation in the sugar sector, of other Member States' comments, and of the Commission's response.

- b) **2019 election of the next Director-General of the FAO** 13041/18
Information from the Presidency

The Council took note of the information provided by the Presidency regarding the outcome of the informal process aimed at identifying a single EU candidate for the election of the next Director General of the FAO.

- c) **Elections of the Director-General of the International Organisation of Vine and Wine (OIV): Spanish candidacy** 12924/18
Information from the Spanish delegation.

The Council took note of the information provided by Spain regarding their candidate for the OIV Director General post and of the support expressed by some other delegations.

- d) **African swine fever: State of play** 12946/18
Information from the Commission

The Council took note of the information provided by the Commission on the state of play with regard to African Swine Fever. The Council also took note of the comments made by several delegations and of the Commission's response.

C Item based on a Commission proposal

Statements to the non-legislative "A" items set out in 12933/18

Ad "A" item 7: **Regulation on fixing certain aids and refunds as regards the quantitative limitation for buying-in skimmed milk powder**
Adoption
 approved by SCA on 17.09.2018

STATEMENT BY LITHUANIA

"Lithuania understands the complexity of the situation in the skimmed milk powder (SMP) sector. Huge stocks were accumulated through public intervention in the past and only more than 30 % of the total quantity were sold so far by the tender procedure during almost two-year period. This still puts a substantial pressure on the market.

However, public intervention has proved to be a very important *safety net* measure during the recent dairy crisis. From Lithuania's point of view, the situation in the SMP market is not stabilized yet and the prices still remain volatile.

Taking into account the starting date of the new marketing year (1 March 2019) where new provisions would become applicable and the sole legislative power of the Council to adopt such a Proposal with a relatively fast procedure, **Lithuania is deeply convinced that there is no urgent need for the Council to legislate now. Lithuania suggests this Proposal is discussed again at a later stage in the light of the most recent data of the dairy markets both within the EU and globally."**

Ad "A" item 11: **XXXVII Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)**
(Hobart, Australia, 22 October to 2 November 2018)
Establishment of the EU position

STATEMENT BY THE COMMISSION

"In line with its position in cases C-626/15 and C-659/16, the Commission cannot agree with the Council's conclusion that the proposals for the establishment of an East Antarctic Marine Protected Area (EAMPA) and a Weddell Sea Marine Protected Area (WSMAP) by the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) should be submitted by the European Union and its Member States, as this measure falls, in view of their aim, content and context, within the Union's exclusive competence for the conservation of marine biological resources (Article 3(1)(d) TFEU).

While the Commission will, in accordance with the Council's position, inform the CCAMLR Secretariat that the submission of the proposals to CCAMLR is made on behalf of the European Union and its Member States so as not to prevent the Union from playing its role on this issue, it reserves its position."

- Ad "A" item 19:** **Council Decision on the signing of the Investment Protection Agreement between the European Union and its Member States and the Republic of Singapore**
Adoption
- Ad "A" item 20:** **Council Decision on the conclusion of the Investment Protection Agreement between the European Union and its Member States and the Republic of Singapore**
Request for the consent of the European Parliament

STATEMENT BY THE COMMISSION

"The Commission recalls that it has not proposed and does not intend to propose the provisional application of the agreement. The Commission understands that, in accordance with well-established practice, the Council will refrain from approving the conclusion of the agreement before the Court renders its opinion in the Opinion 1/17. If necessary in light of that Opinion, the Commission will make appropriate proposals before the Council approves the conclusion of the agreement."

STATEMENT BY SLOVENIA

"The Republic of Slovenia is of the opinion that the additional fragmentation of the dispute settlement in the field of investments is not needed because Member States have an impartial, independent and well developed system of national courts put in place, as well as the scrutiny of the European Court of Human Rights and Court of Justice of the EU. Establishing parallel court system would be problematic from the viewpoint of legal certainty and proper judicial hierarchy.

The Republic of Slovenia, while recalling the highly sensitive nature of the investment provisions, considers that its agreement to sign the Investment Protection Agreement between the European Union and its Member states, of one part, and the Republic of Singapore, of the other part, undertaken in the light of a compromise, does not prejudice the principal position of the Republic of Slovenia on the bilateral investment court system nor the position of the Republic of Slovenia that the opinion of the Court of Justice in Opinion 1/17 procedure should be a precondition for the signature of the Agreement.

The Republic of Slovenia stresses that the Opinion 1/17 is very important for the development of the dispute settlement mechanism between the investors and states.

Considering the various concerns expressed during the negotiations on the investment court system provisions as well as during the Opinion 1/17, the Republic of Slovenia expects that the investment court system is further developed in line with the Court's opinion before the IPA agreement shall enter into force.

The Republic of Slovenia does not support the provisional application of the IPA agreement.

The Republic of Slovenia also expects that the Commission shall not propose the provisional application of the agreement before the Opinion 1/17 is adopted as well as before the investment court system is further developed in line with the Opinion 1/17."

- Ad "A" item 21:** **Council Decision on the signing of the Free Trade Agreement between the European Union and its Member States and the Republic of Singapore**
Adoption
- Ad "A" item 22:** **Council Decision on the conclusion of the Free Trade Agreement between the European Union and its Member States and the Republic of Singapore**
Request for the consent of the European Parliament

STATEMENT BY GREECE
on the protection of Geographical Indications

"Greece fully acknowledges the importance of EU – Singapore Free Trade Agreement (FTA) and Investment Protection Agreement, as important steps towards deepening the EU-ASEAN trade and investment relations.

Greece recalls that the FTA itself does not offer direct protection of EU GIs and that Singapore has to run the official opposition procedures for the 196 EU GIs, which are included in the Annex to the Intellectual Property chapter, in order to confirm the final list. Greece notes that a satisfactory outcome for the protection of EU geographical indications in Singapore prior to the conclusion and entry into force of the Agreement is a prerequisite for a mutually beneficial Agreement. Particularly regarding PDO "Feta", Greece considers necessary that it will be granted full protection as for other EU GIs of high economic importance.

Greece highlights that the protection of EU geographical indications substantially contribute to regional development and employment. Greece also recalls the Commission's commitments on the occasion of CETA and SADC Agreements namely: a) to achieve the best possible level of protection of all EU registered geographical indications, including PDO "Feta", under ongoing or future negotiations of trade Agreements with third countries and b) to take all necessary measures to protect the PDO "Feta" not only within EU, but also in third –countries' markets as regards all possible unfair practices, which led to consumer misinformation. Furthermore, Greece welcomes the assurances of Commissioner Malmström as set out in her letter of the 1st of June 2018 that the Commission remains confident that PDO "Feta", like all other EU high-value GIs, will be protected in Singapore in line with the terms of protection laid down in the FTA.

Taking into account the aforementioned, Greece gives its consent as regards the Council Decision on the signing, on behalf of the EU, of the FTA between the EU and the Republic of Singapore and states its expectation that PDO "Feta" will be registered as a geographical indication in Singapore with exclusive rights. Greece reserves its position as regards the adoption of the Council Decision on the conclusion EU-Singapore FTA Agreement, which will be conditional upon the outcome as regards the level of protection of the PDO "Feta" in the Singaporean market."

STATEMENT BY ITALY

on the protection of geographical indications

"Italy recognises the importance of the EU-Singapore Free Trade Agreement in the context of strategic, trade and investment relations between the European Union and ASEAN. Free trade agreements are an important instrument for ensuring reciprocal and mutually beneficial market access and improving global governance when it comes to issues such as working conditions, food security, public health and environmental protection. Free trade agreements are also a vital legal instrument for the international protection of geographical indications, which is covered by multilateral (the Lisbon Agreement and the Geneva Act) and bilateral agreements.

In this connection, Italy considers that the EU-Singapore Free Trade Agreement is of crucial importance for protecting geographical indications, both as intellectual property rights and as part of the cultural heritage of Italy and of the EU.

Italy accordingly wishes to point out that the Free Trade Agreement with Singapore does not offer direct protection for the 196 EU geographical indications listed in the Annex to the Chapter on Intellectual Property and that, in order to be protected, the geographical indications of the EU will have to be scrutinised and subject to opposition proceedings during the registration procedure in Singapore. It will only be possible to apply this registration procedure once the implementing legislation on geographical indications has been adopted and once Singapore's register for geographical indications has been established, after the European Parliament has given its consent to the conclusion of the Free Trade Agreement. The Singapore authorities will only be able to confirm the final list once this whole process has been concluded, with no guarantees as to whether each GI in the list will be registered or rejected.

Italy wishes to point out that the Singapore authorities have undertaken to ensure that the administrative proceedings will be expedited and to establish the generic nature of a GI where this is asserted during the opposition proceedings. It has also made other commitments in order to reassure the EU side. Following an informal public consultation by Singapore, a list of names that are likely to be subject to opposition proceedings, including Fontina PDO, has already been communicated.

In this context, Italy wishes to stress that proper protection for all EU geographical indications in Singapore must be achieved before the conclusion and entry into force of the agreement, if that agreement is to be mutually beneficial.

Italy therefore calls on the Commission to continue intensive discussions with the Singapore authorities with a view to ensuring that all EU geographical indications are protected in line with the protection clauses laid down in the Free Trade Agreement.

Taking account of the above comments, Italy hereby gives its consent with regard to the Council Decision on the signing, on behalf of the EU, of the Free Trade Agreement between the EU and the Republic of Singapore, and reiterates its expectation that all the GIs will be registered in Singapore as indications with exclusive rights, with no exceptions or limitations (including the footnote annexes), in order to provide protection for the legitimate producers of GIs and also for consumers. Italy reserves its position on the adoption of the Council Decision on the conclusion of the EU-Singapore Free Trade Agreement; this position will depend on whether the Italian GIs on the list are successfully registered and given total protection in the territory of Singapore under that Free Trade Agreement."

UNILATERAL STATEMENT BY IRELAND

"Should the implementation of the Agreement by the European Union necessitate a recourse to measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, the provisions of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the functioning of the European Union, will be fully respected."
