



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 September 2012

13828/12

CRS CSA 21

SUMMARY RECORD

**Subject : 1438th meeting of the Special Committee on Agriculture (SCA)
held in Brussels on 17 September 2012**

SUMMARY

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1. **Adoption of the provisional agenda**

13580/12 OJ CSA 21

The agenda was approved.

I

2. **Summary record of the 1437th meeting of the SCA**

13579/12 CRS CSA 20

The SCA approved the summary record.

II

3. **Proposal for a Regulation of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural development (EAFRD)**

- Areas facing natural constraints (Article 33(3))

- *Orientation debate*

10878/1/12 REV 1 AGRI 381 AGRISTR 81 CODEC 1552

13698/12 AGRI 571 AGRISTR 118 CODEC 2118

The SCA took note of delegations' views and of the Commission's reply. This issue was referred to Council for political consideration.

4. **Proposal for a Regulation of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy**

- *Orientation debate*

15396/3/11 REV 3 AGRI 679 AGRIFIN 87 CODEC 1656

13206/1/12 REV 1 AGRI 539 AGRIFIN 145 CODEC 2025

To follow up on the discussion on 3 September 2012, the SCA considered further Presidency suggested amendments on the basis of document 13206/1/12 REV 1.

The SCA noted the Presidency's summary of the discussion, the main points of which were as follows:

- Overall the Presidency noted that delegations considered the text to be an improvement.
- The suggested clarifications in **Article 18** and **Article 21(1) and (2)**, were broadly supported as an improvement, although a few reserves on the **new paragraph d) of Article 21(2)** were noted.

- While some delegations supported the reworded **paragraph (3a) of Article 21**, provided this provision remained optional, several others requested further improvement or clarification.
- There was broad support for the clarification in **Article 23(5)(a)**, although the continued concerns of some delegations on the inclusion of "*force majeure* or exceptional circumstances" were noted.
- Delegations were generally open to the suggested possibility in **Article 23(5)(c)** to use the national reserve for allocating payment entitlements to "cross-border farmers", provided such a provision remained optional; several requests for clarification were noted.
- Delegations supported the suggested amendment to **Article 25(2)(a)**.
- Delegations were generally open to the suggested amendment to **Article 25(2)(b)** to exclude areas which are predominantly used for non-agricultural activities, while one reservation and a few requests for clarification were noted.
- Most delegations supported the amended text on the reduction coefficient in **Article 25(2)(b)**, with some delegations reiterating their request for a broader discussion on this issue.

The SCA further took note of delegations' comments and requests relating to other aspects of the text, as well as of the comments made by the Commission representative.

The SCA finally noted the Presidency's invitation for written comments and/or drafting suggestions to be submitted to the General Secretariat by the end of the week, as well as of its intention to reflect on the outcome of the discussion.

5. - **Proposal for a Regulation of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (Single CMO Regulation) (CAP Reform)**
15397/11 AGRI 680 AGRIFIN 88 AGRIORG 178 CODEC 1657
+ REV 1+ REV 2
- **Proposal for a Council Regulation determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products**
15400/11 AGRI 683 AGRIORG 180
- *Orientation debate*
13512/12 AGRI 556 AGRIFIN 153 AGRIORG 137 CODEC 2071

The SCA held a discussion on Article 43(3) TFEU on the basis of a Presidency paper (doc. 13512/12).

The SCA noted the Presidency's summary of the discussion, the main points of which were as follows:

1. On the fixing of the reference price for products subject to intervention, a very large majority considered this decision should be taken by Council under Article 43(3).
2. On the fixing of intervention prices, a very large majority considered this decision should be taken by Council under Article 43(3). Moreover, many delegations confirmed that the Commission should continue to apply these prices taking into account varying product quality in the final price. Delegations considered that it was not necessary to give the Commission further powers in this field.
3. On the fixing of private storage aid, without prejudice to delegations' political positions on the scope, a very large majority considered that this decision should be taken by Council under Article 43(3). Many delegations confirmed that the Commission should continue to be given the power to set the level of aid. Delegations considered that it was not necessary to give the Commission further powers in this field.
4. On the school milk scheme, all delegations were in favour of the fixing of Union aid being decided upon by Council under Article 43(3). A very large majority considered that the level of aid for milk, as well as the maximum quantity of milk equivalent eligible for aid, should be fixed directly by the Council. A very large majority indicated that for eligible milk products other than milk, the Commission should continue to determine the amount of aid.

5. On the school fruit scheme, a very large majority considered that the Council should determine the level of Union aid under Article 43(3). The Presidency also noted that while there was broad support that the Council should decide on the conditions applicable to each participating Member State and the minimum aid amount per Member State, a few reserves were also entered. A very large majority agreed that the Commission should be able to continue to decide on the definitive allocation of aid between Member States.
6. Finally on export refunds the Presidency noted that, without prejudice to delegations' political positions on export refunds, a very large majority supported the Commission proposal that the fixing of export refunds should be taken by the Council under Article 43(3), that the Commission should continue to be given the power to fix export refunds and their adjustment, and that the list of powers proposed was complete.

The SCA further took note of the scrutiny reserves entered by some delegations, as well as of the reaction by the Commission representative.

The SCA finally took note of the Presidency's invitation for detailed written comments to be submitted to the General Secretariat by the end of the week, as well as of its intention to reflect on the outcome of the discussion.

6. **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 834/2007 on organic production and labelling of organic products**

- *Presidency debriefing*
9448/12 AGRI 277 AGRILEG 64 CODEC 1157

The Presidency required some indications from delegations on the way to proceed on this dossier. Delegations were asked whether they considered that it was still possible to get closer to EP's views and negotiations should be reopened in an early second reading exercise or whether they were of the view that all possible efforts had already been made to get an agreement with the European Parliament. In such a case, the Presidency suggested that this dossier could be put on hold for the time being, the current Regulation (EC) No 834/2007 remaining in force.

The Council Legal Service confirmed that although the Council must take action, it is not bound by any time constraint to adopt its own first reading position. Following comments raised by two delegations, the Presidency agreed to give more time to delegations to reflect on this issue and to table again this item at a next SCA.

7. Organisation of future work

The Presidency informed the SCA on the preparation for the Council "Agriculture and Fisheries" on 24-25 September 2012.
