



Council of the
European Union

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15421/15

CRS CSA 25

SUMMARY RECORD

Subject: 1520th meeting of the Special Committee on Agriculture (SCA), held in
Brussels on 16 December 2015

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1. **Adoption of the agenda**
15317/15 OJ CSA 24

The SCA adopted the above agenda.

I

2. **Summary records of the 1518th and 1519th meetings of the SCA**
13895/1/15 CRS CSA 23 REV 1
15158/15 CRS CSA 24

The SCA adopted the above summary records.

II

3. - **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**
– Analysis of the outcome of the latest trilogue
15239/15 AGRI 663 AGRIFIN 111 AGRIORG 95 CODEC 1709 + COR 1
- **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**
15242/15 AGRI 664 AGRIORG 96 + COR 1
- Finalisation of the overall agreement
15263/15 AGRI 669 AGRIFIN 114 AGRIORG 98 CODEC 1714

The SCA:

- finalised the discussions on the draft Council Regulation amending Regulation (EU) No 1370/2013 and approved the text as set out in 15242/1/15 REV 1, subject to revision by the legal/linguistic experts and taking note of the opposition expressed by the Hungarian and Netherlands delegations and the abstention of the United Kingdom delegation;

- was informed of the outcome of the negotiations on the draft 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, and conducted an evaluation of the outcome of the negotiations;
- confirmed that it could accept the amendments contained in the consolidated version of the draft Regulation as set out in 15239/15 + COR1, subject to revision by the legal/linguistic experts and taking note of the opposition expressed by the Hungarian and Netherlands delegations and the abstention of the United Kingdom delegation;
- instructed the Presidency to notify in writing the Chair of the EP's Committee on Agriculture and Rural Development that, if the EP could adopt these amendments to the Commission proposal at first reading, the draft Regulation would be acceptable to the Council, subject to revision by the legal/linguistic experts.

In response to questions from several delegations:

- on the priority to be given to fresh products (Article 23(2)(a)), the Commission representative stated:
 - that this requirement would not entail any obligations for Member States in terms of quantified targets or percentages to be achieved and that national circumstances, such as eating habits, would have to be taken into account by Member States when deciding on the share of total distribution to be represented by fresh products, which interpretation was endorsed by the representative of the Council Legal Service;
 - that the Commission had no delegated powers to set a minimum or maximum share of product distribution to be represented by fresh products;
- on the scope of the second subparagraph of Article 23(6), the Chair of the SCA and the Commission representative confirmed that this provision would allow Member States to include in their strategies specific elements intended to simplify the management of the scheme, including by setting a minimum amount for aid applications, for the sake of simplification;

- on the limitation of aid to the milk component only, provided for in the second subparagraph of Article 23(3), the Commission representative and the Chair of the SCA confirmed that this provision would apply only to the products listed in Annex V and not to the cheeses and other milk products referred to in Article 23(2).

The German delegation took this opportunity to issue the statement set out in the Annex, in which it has been joined by the Czech, Estonian, Netherlands and Polish delegations and which several other delegations support or are considering supporting. The Hungarian delegation also submitted a statement, which is also set out in the Annex. These two statements are to be entered in the minutes of the Council meeting at which the two Regulations are adopted. The Lithuanian delegation also indicated its intention to submit a statement ahead of this Council meeting.

The Commission also undertook to submit an interpretative declaration regarding the priority to be given to fresh products.

4. **Proposal for a Regulation of the European Parliament and of the Council on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Council Regulation (EC) No 834/2007**

- Presidency briefing on the outcome of the first two trilogues
15269/15 AGRILEG 251 CODEC 1717

The SCA took note of the Presidency briefing on the first two trilogues.

The SCA also took note of the comments made by several delegations. In particular, one delegation requested information on the impact of including salt in the text of this Regulation. The Commission, supported by certain delegations, emphasised that quality, not speed, should take precedence on this file.

5. **Organisation of future work**

The SCA took note of the information provided by the incoming Netherlands Presidency.

Statements for the minutes**Statement for the minutes by the German delegation regarding the overall negotiations on the**

- **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 educational establishments (first reading)**
- **Proposal for a Regulation of the Council amending Regulation (EU) No. 1370/2013 determining measures on fixing certain aids and refunds to the common organisation of the market in agricultural products**

Germany's agreement with the overall compromise that has been reached does not prejudice the ongoing proceedings in Case C-113/14.

Pursuant to the Treaty on the Functioning of the European Union, the Council, on a proposal from the Commission, shall adopt measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities (Article 43 (3) TFEU). It is therefore exclusively the responsibility of the Council to lay down such rules.

According to the European Court of Justice's most recent findings (C-124/13, C-125/13), Article 43 (3) TFEU may include measures that are not limited to the fixing and allocation of fishing opportunities provided that they do not entail a policy choice that is reserved to the EU legislature. Germany therefore welcomes the fact that the overall compromise now - as called for by Germany - bases the indicative distribution of aid among the Member States on Article 43 (3) TFEU.

However, Germany considers Article 43 (3) TFEU to be in principle the more appropriate legal basis for rules on the transfer of funds from one sector to the other as well. Germany does, however, note that there are different opinions on the matter.

Germany hereby states that a differentiation is to be made between the legal bases (Articles 43 (2) and 43 (3) TFEU) for draft legislation relating to the Common Agricultural Policy - and consequently for the individual measures of the above proposals.

Germany therefore calls upon the Council and the European Parliament to ensure that the selection of Article 43 (2) or Article 43 (3) as legal basis is subjected to a thorough and differentiated examination for all future draft legislation.

Declaration of Hungary on the proposals merging the School Fruit and Vegetable Scheme and the School Milk Scheme

In Hungary both the School Fruit and Vegetable Scheme and the School Milk Scheme are very popular and thanks to the legislation actually in force both programmes have substantially developed over the past years.

Throughout the negotiations on the merging of the two schemes Hungary has supported the use of a historical criterion when setting the indicative allocations for both schemes, for the sake of ensuring the fulfilment of the European objectives of the schemes and the effective use of financial resources.

The amendment of Council Regulation (EU) No 1370/2013 divides financial resources between Member States fundamentally based on the number of 6 to 10 year children and taking into account differences in regional development. Only in the milk scheme appears the historical use component as a third criterion.

Therefore Hungary hereby reiterates the importance of the application of the historical use of resources as a criterion when setting the indicative allocations and in particular when setting the final allocations for Member States in both schemes.
