



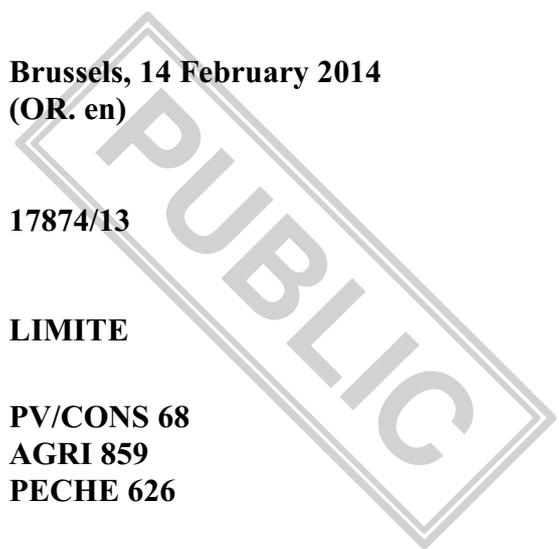
**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 14 February 2014
(OR. en)**

17874/13

LIMITE

**PV/CONS 68
AGRI 859
PECHE 626**



DRAFT MINUTES¹

Subject: **3285th** meeting of the Council of the European Union (**AGRICULTURE
AND FISHERIES**) held in Brussels on 16 and 17 December 2013

¹ Information on Council legislative deliberations, on other cases of Council deliberations open to the public and on public debates may be found in [Addendum 1](#) to these minutes.

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1. **Adoption of the agenda**

17569/13 OJ CONS 68 AGRI 835 PECHE 612

The Council adopted the above agenda.

FISHERIES

NON LEGISLATIVE ACTIVITIES

2. **Proposal for a Council Regulation fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea**

(Legal basis proposed by the Commission: Article 43.3 of the Treaty of the EU)

– Political agreement

16675/13 PECHE 556

+ REV 1 (bg,da,de,et,es,fr,fi,hu,it,lv,lt,mt,nl,pl,pt,ro,sl,sk)

17212/13 PECHE 591

The Council reached unanimous political agreement. The Council agreed to the use of the written procedure for the adoption of this Council Regulation.

3. **Proposal for a Council Regulation fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters**

(Legal basis proposed by the Commission: Article 43.3 of the Treaty of the EU)

– Political agreement

15299/13 PECHE 478

+ REV 1 (de,nl,es,pt,cs,lt,pl,bg,hr)

17772/13 PECHE 623

The Council reached unanimous political agreement. The Council agreed to the use of the written procedure for the adoption of this Council Regulation.

AGRICULTURE

LEGISLATIVE DELIBERATIONS

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

4. **Proposal for a Regulation of the European Parliament and of the Council on information provision and promotion measures for agricultural products on the internal market and in third countries [First reading]**

Interinstitutional file: 2013/0398 (COD)

– Presentation by the Commission

16591/13 AGRI 769 AGRIFIN 195 AGRIORG 170 CODEC 2667

+ ADD 1

The Council took note of the presentation by the Commission representative of the proposal for a Regulation on information provision and promotion measures for agricultural products on the internal market and in third countries, as set out in doc. 16591/13, of delegations' comments, and of the Commission representative's reply to them. The Council mandated its preparatory bodies to proceed with the examination of the proposal.

NON-LEGISLATIVE ACTIVITIES

5. **Approval of the list of "A" items**

17575/13 PTS A 92

The Council approved the list of "A" items listed in doc. 17575/13.

Statements to these items are set out in the Annex.

LEGISLATIVE DELIBERATIONS

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

6. **Approval of the list of "A" items**

17574/13 PTS A 91

+ ADD 1

The Council approved the "A" items listed in:

1) **17574/13**

The documents on item 7 should read as follows:

Item 7: 17294/13 CODEC 2820 FSTR 163 FC 98 REGIO 300 SOC 1014
AGRISTR 150 PECHE 596 CADREFIN 345
+ **COR 1**
+ ADD 1
+ **ADD 1 COR 1**
+ ADD 2
+ ADD 3
PE-CONS 85/13 FSTR 96 FC 56 REGIO 185 SOC 665 AGRISTR 97
PECHE 364 CADREFIN 223 CODEC 1966
+ COR 1 (it)

2) **17574/13 ADD 1:**

15. Proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the procedures for the adoption of certain measures (OMNIBUS I) [First reading] (LA+S)
- Statements
 - = agreement to enter the statements into the minutes of the Council
 - = decision to publish the statements in the Official Journal
- 17823/13 CODEC 2970 COMER 291 WTO 349 COWEB 186 USA 68
ACP 215 COEST 406 NIS 86 SPG 23 UD 335
+ ADD 1
approved by Coreper, Part 2, on 16.12.2013
16. Proposal for a Regulation of the European Parliament and of the Council amending certain regulations relating to the common commercial policy as regards the granting of delegated powers for the adoption of certain measures (OMNIBUS II) [First reading] (LA+S)
- Statements
 - = agreement to enter the statements into the minutes of the Council
 - = decision to publish the statements in the Official Journal
- 17825/13 CODEC 2971 COMER 292 WTO 350 COWEB 187 USA 69
ACP 216 COEST 407 NIS 87 SPG 24 UD 336 STIS 6 DEVGEN 346
SAN 526
+ ADD 1
approved by Coreper, Part 2, on 16.12.2013
17. 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 and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 [First reading] (LA+S)
- 17682/13 CODEC 2938 AGRI 844 AGRIFIN 210
+ **COR 1 (sk)**
+ ADD 1
PE-CONS 95/13 AGRI 637 AGRIFIN 154 CODEC 2209
+ **COR 1 (da)**
approved by SCA on 16.12.2013

18. Proposal for a Regulation of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 [First reading] (LA+S)
- Adoption of the legislative act
16967/13 CODEC 2751 AGRI 793 AGRIFIN 200 AGRIORG 172
+ ADD 1 REV 1
PE-CONS 96/13 AGRI 638 AGRIFIN 155 AGRIORG 128 CODEC 2211
approved by SCA on 16.12.2013
19. 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) and repealing Council Regulation (EC) No 1698/2005 [First reading] (LA+S)
- Adoption of the legislative act
17683/13 CODEC 2939 AGRI 845 AGRISTR 155
+ ADD 1
PE-CONS 93/13 AGRI 624 AGRISTR 113 CODEC 2187
approved by SCA on 16.12.2013
20. Proposal for a Regulation of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 [First reading] (LA+S)
- Adoption of the legislative act
17684/13 CODEC 2940 AGRI 846 AGRISTR 156 AGRIORG 177
+ ADD 1
+ ADD 2 REV 1
PE-CONS 94/13 AGRI 625 AGRISTR 114 AGRIORG 126 CODEC 2188
approved by SCA on 16.12.2013
21. Proposal for a Regulation of the European Parliament and of the Council laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), amending Regulation (EU) No .../2013 of the European Parliament and of the Council as regards resources and their distribution in respect of the year 2014 and amending Council Regulation (EC) No 73/2009 and Regulations (EU) No .../2013, (EU) No .../2013 and (EU) No .../2013 of the European Parliament and of the Council as regards their application in the year 2014 [First reading] (LA+S)
- Adoption of the legislative act
17685/13 CODEC 2941 AGRI 847 AGRIFIN 211 AGRISTR 157 AGRIORG 178
+ ADD 1
PE-CONS 103/13 AGRI 675 AGRIFIN 170 AGRISTR 129 AGRIORG 143
CODEC 2325
approved by SCA on 16.12.2013

Details on the adoption of these items are set out in the Addendum.

7. Any other business

(a) **Coastal States consultations on mackerel**

- Information from the Commission
17568/13 PECHE 611

In the context of the discussions on the adoption of annual TACs and quotas, the Commission gave an update regarding the latest developments in the multilateral negotiations with Iceland, Faeroes Islands and Norway regarding the on-going mackerel dispute. Despite considerable political efforts from the EU side, no immediate agreement could be found. The Commission undertook to continue the diplomatic efforts, however, not at any cost, highlighting the potential use of trade measures if the situation remains unchanged.

(b) **European Maritime and Fisheries Fund (EMFF)**

- Information from the Presidency

The Presidency debriefed the Council on the progress made in the intense negotiations with the European Parliament on the European Maritime and Fisheries Fund. While members of the Council were invited to show flexibility in relation to the revised negotiation mandate, which the Presidency would seek in COREPER the following day, the Presidency expressed its intention to seek a political agreement on the proposal at its last trilogue on Thursday 19th December 2013 because of the importance of reaching an agreement as soon as possible. It felt that this view was also shared by the European Parliament.

The Commission representative concurred with the need to reach an agreement at the earliest possible moment. She recognised the need for flexibility and highlighted the issues of engine replacement and the European Parliament's wish to see bigger allocations for controls and data collection. She did, however, warn that the time pressure should not entail an agreement at any price.

While supporting the view that an agreement should be reached as early as possible, the Latvian delegation recalled its problem in relation to the use of the definition of SMEs which would exclude certain Latvian firms with more than 750 employees but less than EUR mio 200 in annual turnover.

The Spanish delegation agreed to be flexible, but insisted that financial aid be retained in case of non renewal of FPAs or protocols thereto.

The Bulgarian and the Romanian delegations recalled their serious problem with the allocation criterion "absorption of funds" in Article 17 which had prevented them from supporting the General Approach.

The top priorities for the Belgian delegation were a fund which supports the implementation of the CFP and that account is taken of small fleets in mixed fisheries. There is a need for less red tape and focus on sustainable fisheries and aquaculture.

The Polish delegation did not support as drastic increases in funds for controls and data collection as proposed by the European Parliament, but supported its idea of flexibility between various chapters. It opposed any power reduction bigger than 20% in relation to engine replacements.

The Estonian delegation shared the view in relation to reduction of engine power for safety reasons, but suggested to consider power reductions in relation to groups of vessels as had been the case under the European Fisheries Fund.

The French delegation felt it was essential to reach a good agreement before the end of the year. It took the view that EMFF should benefit all segments of the fleet and include help for young fishermen, temporary cessation and non renewal of FPAs or protocols thereto. It highlighted the need to ensure sufficient funding to develop the outermost regions. Like others it advocated less red tape and could agree to transferring a moderate amount from direct to shared management.

The United Kingdom delegation felt the general approach set out the right set of priorities and advocated staying as close as possible to it in relation to its main concerns, namely engine replacement and temporary cessation.

The Danish delegation supported more funding for controls and data collection as proposed by the European Parliament.

The Presidency concluded that the Council had been debriefed on the negotiations and took note of the positions expressed by various delegations and the Commission.

(c) Possible amendment of EU Directive 2001/81/EC of 23 October 2001 on national emission ceilings for certain atmospheric pollutants ("NEC Directive")

- Requested by the German delegation
17477/1/13 ENV 1176 AGRI 827 REV 1

The Council took note of the request from the German delegation, supported by ES, FI, FR, DK, IE, LV, LU and UK delegations to be kept informed on a regular basis of the proceedings regarding the proposal to amend the Directive on national emission ceilings for certain atmospheric pollutants.

(d) Public consultation results (organic farming)

- Presentation by the Commission
17375/13 AGRI 819 AGRILEG 170

The Commission informed delegation about the results of the public consultations on the review of the EU policy on organic agriculture conducted by its services. It stressed that most of the responses came from EU citizens and consumers who indicated their great expectations about the organic sector. On this basis, the Commission is currently finalizing an impact assessment report and a review of the legal and political aspects of organic production and farming in Europe (including a new action plan) which is foreseen for March 2014.

Several delegations highlighted the following points: national logos should be maintained, risk-based controls should be more efficient, unnecessary burden should be eliminated, the review should not impede trade, (organic) selenium should be authorized in organic farming and trade with China should be encouraged in this sector.

As a final intervention, the Commission clarified the following points: the objective of the review is not to undertake a full revision of the current legislation nor to restrict the use of national logos but to strengthen the controls, provide a clear framework for operators, put an end to derogations and ensure confidence to consumers. The Commission also confirmed that the Council conclusions submitted at the "Agriculture and Fisheries" Council on 13-14 May 2013, as set out in doc. 8906/13, will be taken into account, and that negotiations with China are underway on mutual recognition of systems of controls. The Commission also confirmed that it will tackle the issue on selenium as early as January 2014.

(e) Conference on "The EU dairy sector: developing beyond 2015" (Brussels, 24 September 2013)

- Presentation by the Commission
17713/13 AGRI 848 AGRIORG 179

The Council took note of the presentation from the Commission on the outcome of the conference and of the comments made by several delegations.

(f) Report from the Commission to the European Parliament and the Council on the case for a local farming and direct sales labelling scheme

- Presentation by the Commission
17572/13 AGRI 836 AGRILEG 172 AGRIORG 176
+ ADD 1

The Commission presented its report. It stressed that there is no clear-cut solution and while a light labelling scheme may be useful, the issue needs further reflection before framing a legislative proposal.

Some delegations emphasized that a labelling scheme may not be needed and that in any case it should not impose additional constraints on sales.

The Council took note of the report by the Commission and of comments by delegations.

(g) Problematics of the rice sector

- Requested by the Italian delegation, supported by Bulgaria, Greece, Spain, France and Portugal
17559/13 AGRI 834

The Council took note of the request made by the Italian delegation set out in doc. 17559/13, supported by Bulgaria, Greece, Spain, France, Hungary, Portugal and Romania, as well as of the reply given by the Commission representative.

The Council also took note of the comments made by the Commission representative on the agricultural aspects of the agreement reached at the World Trade Organisation (WTO) of the Ministerial meeting in Bali on 7 December 2013.

(h) "Hybrid" nutrition labelling system recommended in some Member States

- Requested by the Italian delegation, supported by the Croatian delegation
16575/13 DANLEG 133 AGRI 768 SAN 464 COMPET 860 MI 1070
CONSOM 203

The Italian delegation, with the support of BG, BE, CY, CZ, EL, ES, FR, HR, HU, IE, LU, LV, PT, RO, SK and SI, shared doubts about the legal conformity and accuracy of the "traffic lights" nutrition labelling scheme, recommended by the UK. Products integrating well-balanced diets, recognised by EU quality schemes, risk having a "red" label.

In particular, Italy required that the Commission would assess the effects of the scheme on:

- the free circulation of food products within the EU internal market;
- the fact that the traffic light colour coding does not help consumers to understand the contribution of food and drinks to the nutrient content of a diet;
- the safeguard of traditional regional food products, bearing EU Quality schemes marks.

The UK delegation, while stressing the voluntary nature of the scheme, recalled that the scheme does not represent a barrier to trade, does not entail any discrimination against specific products, does not cause any disruption to the internal market, as it only aims at making consumers aware of a food content in fat, saturated fats, sugar, salt and to allow informed choices.

The Commission reminded that the Regulation on Food Information for Consumers allows for different voluntary schemes to be developed on the front of food packaging, as long as the criteria defined in the Regulation are respected. The Commission will in due course prepare a report on the impact of such schemes on the internal market and on the advisability of further harmonisation. Adequate safeguards against schemes that could create "de facto" barriers to trade and could disrupt the functioning of internal market are in place. The Commission further reminded that the UK authorities have given assurances that the scheme would remain voluntary and will be closely monitored.

(i) Animal, Plant and Control package: smarter rules for safer food

- Progress report from the Presidency
17654/13 AGRI 841 AGRIFIN 209 AGRILEG 173 ANIMAUX 40 CODEC 2928
DENLEG 153 PHYTOSAN 62 SAN 519 SEMENCES 41 VETER 122

The Council took note of the progress report from the Presidency and of the comments made by some delegations.

(j) Market access to the Russian Federation concerning EU exports of plants and plant products

- Information from the Presidency
17634/13 AGRI 838 SAN 517 PHYTOSAN 60

The Council took note of the information provided by the Presidency (17634/13) and related concerns (supported by all delegations), regarding the ban imposed by the Russian authorities to EU exports of plant propagating materials, in particular seed potatoes.

In sharing Presidency and delegations' views, the Commission representative emphasised that the results of ongoing technical discussions between the Commission and the Russian authorities show that there is still room to further discuss Russian import requirements with a view to ensure the lifting of the ban by the said authorities.

STATEMENTS FOR THE COUNCIL MINUTES

Ad "A" item 1: Proposal for a Council Regulation determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products - Adoption

STATEMENTS BY THE COMMISSION

"The Commission considers that since the re-allocation of sugar quotas falls under (Article 138 of the sCMO Regulation, the adjustment of these quotas should do so as well."

"The Commission confirms that, in the context of the revision of the school fruit and school milk schemes, it intends to review the aid for the distribution of milk as well as the co-financing of the school fruit scheme costs, including in the smaller Aegean islands."

Ad "A" item 2: Proposal for a Council Decision on conclusion of the Protocol between the European Union and the Gabonese Republic setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the two parties currently in force - Adoption

STATEMENT BY THE COMMISSION

"The Commission maintains its position and is therefore opposed to the Council's amendment replacing the legal basis of article 43(2) in conjunction with article 218(6)a with article 43 (without mentioning the paragraph) in conjunction with article 218(6)a."

Ad "A" item 3: **Proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Seychelles - Adoption**

Ad "A" item 4: **Proposal for a Council Regulation concerning the allocation of fishing opportunities under the Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Seychelles - Adoption**

Ad "A" item 5: **Proposal for a Council Decision on the conclusion of a Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Seychelles - Adoption**

STATEMENT BY THE COMMISSION

"The Commission maintains its position and is therefore opposed to the Council's amendment replacing the legal basis of article 43(2) in conjunction with article 218(6)a with article 43 (without mentioning the paragraph) in conjunction with article 218(6)a."

STATEMENT BY THE NETHERLANDS

"In general, the Netherlands is of the opinion that fishery within the framework of a partnership agreement constitutes a better guarantee for sustainability than private agreements. However the Netherlands is disappointed that the protocol with the Seychelles does not contain measures to protect sharks and rays.

By-catches of shark and rays are a concern in tuna fisheries in the Indian Ocean.

The Netherlands will abstain from voting and request the Commission to elaborate in the Joint Committee on measures to protect sharks and rays."

Ad "A" item 9: **Recommendation for a Council Decision to authorise the opening of negotiations between the European Union and the Republic of Senegal for a new Fisheries Partnership Agreement and Protocol - Adoption**

STATEMENT BY THE COMMISSION

"The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicates a substantive legal basis."

STATEMENT BY THE NETHERLANDS

"The Netherlands will vote in favour of the mandate to open the negotiations with the Republic of Senegal. However the Netherlands is concerned about the possible impact of a new protocol on the skip jack tuna stock. In order to assess the sustainability of a new protocol a new stock assessment is needed. Until this time the protocol should focus on fishing possibilities for pole and line vessels."

Ad "A" item 11: Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement in force between the two Parties - Adoption

STATEMENT BY DENMARK

"Denmark emphasizes the importance of EU's contribution towards resource conservation and environmental sustainability through fishing only on surplus resources and preventing the overfishing of stocks within the fisheries partnership agreements. Denmark recalls the negotiating directives set out in the Council decision of 14 February 2012 to grant the Commission a mandate to open negotiations for a new protocol to the Fisheries partnership Agreement with Morocco.

Denmark finds that it is not sufficiently documented in the text of the protocol that a sustainable management of fishing resources is ensured, especially that fishing only must take place on a surplus. Thus, a sustainable management seems to fully depend on the fisheries management in Morocco, regional management measures and the collaboration between the EU and Morocco.

Denmark also stresses that the Union must promote the respect of human rights and democratic principles when entering into bilateral agreements. However, these aspects are not as clearly stated in the Morocco protocol as in other fisheries protocols within fisheries partnership agreements.

It is imperative that international law is respected, including that the fisheries resources benefit the local population, including West Sahara. In the opinion of Denmark the compliance with international law and the respect of human rights depend on the concrete implementation of the protocol by Moroccan authorities.

For these reasons, Denmark votes against the proposals for signature, conclusion of the new Protocol and allocation of fishing opportunities."

STATEMENT BY GERMANY, AUSTRIA AND IRELAND

"Germany, Austria and Ireland are of the opinion that the proposals for the renewal of the Protocol to the Fisheries Partnership Agreement with the Kingdom of Morocco include elements that address concerns expressed previously.

Germany, Austria und Ireland attach fundamental importance to respect for democratic principles and human rights pursuant to Art. 2 of the Protocol.

In principle, Germany, Austria und Ireland welcome the introduction of provisions to the Protocol on the planning and reporting duties of Morocco in respect of the regional distribution of funds, especially with regard to the expected economic and social benefits and the geographical distribution of these benefits.

Germany, Austria and Ireland ask the Commission to inform the Council comprehensively and regularly on the returns received by the West Saharan population as a result of the agreement. It must be ensured that the West Saharan Sahrawi population is also given an appropriate stake, and a stake that is in line with their interests, in the financial resources ensuing from the agreement.

The sustainable use of fish stocks is of the highest priority to Germany, Austria and Ireland. Germany, Austria and Ireland ask the Commission to ensure that, with regard to sustainable management, regular controls of stocks and fishing opportunities are carried out and the Council is informed of the results of these controls accordingly.

The signature of the Protocol is without prejudice to the EU's longstanding position in relation to the status of Western Sahara. Against this background and in view of the possibilities granted under Art. 8 of the Protocol, Germany, Austria and Ireland consider it acceptable to sign the Protocol."

STATEMENT BY FINLAND

"With regard to the Proposal for a Council Decisions on the signing and conclusion, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement in force between the two Parties and the Council Regulation on allocation of the fishing opportunities, Finland cannot support the Council Decisions and the Regulation, and abstains.

In accordance with the principles of international law, including the right to self-determination, permanent sovereignty over natural resources and the protection of human rights and fundamental freedoms, Finland emphasizes the need to take into account the interests and opinion of the people in Western Sahara. The economic gains resulting from the implementation of the Protocol should benefit the people in Western Sahara region.

Finland finds it essential that the European Commission timely and comprehensively reports to the Member States of the European Union on the implementation of the Protocol. In this regard, specific attention should be given to projects selected in the Joint Committee and to the benefits created by these projects in the Western Sahara region."

STATEMENT BY THE NETHERLANDS

"The Netherlands has assessed the new fisheries protocol between the EU and the Kingdom of Morocco on three criteria: compliance with international law with regard to the fishing opportunities under the protocol in the waters of the non self-governing territory of the Western Sahara, sustainability and economic profitability.

International Law

The protocol does not explicitly refer to the Western Sahara, but allows for its application to maritime areas adjacent to the Western Sahara that are not under the sovereignty or jurisdiction of Morocco. Morocco, as the administering power of the Western Sahara, may not disregard the interests and wishes of the people of the Western Sahara, when applying the protocol to such maritime areas. The Netherlands notes that the protocol does not contain any provisions ensuring that Moroccan authorities will use the amount paid for access to the resource in accordance with their obligations under international law owed to the people of the Western Sahara. The Netherlands considers that, under international law, a proportionate share of this amount should benefit the people of the Western Sahara. Compliance with international law will therefore depend on the implementation of the protocol by Moroccan authorities.

Sustainability

The Netherlands welcomes the flexibility with regard to the adjustment of fishing opportunities and the financial compensation. Article 3 of the document clearly establishes the role of the Council in this procedure. However, the Netherlands questions the current increase in fishing opportunities for the pelagic sector in light of the available scientific advice.

Economic Profitability

The Netherlands estimates that the category pelagic constitutes eighty per cent of the value of the protocol. In this regard the Netherlands is concerned that the adjustments of the technical conditions for the EU pelagic sector will hamper an optimal uptake of the fishing possibilities.

In general, the Netherlands is of the opinion that a fishery within the framework of a partnership agreement constitutes a better guarantee for sustainability than private agreements. Nevertheless, taking into account all of the above, the Netherlands will abstain from voting on both the Council decision on the signing and the conclusion of the protocol."

STATEMENT BY SWEDEN

Explanation of vote

"Sweden has been questioning whether the EU's fisheries partnership agreement with Morocco is compatible with international law for some time. Since Western Sahara is not part of Moroccan territory, international law requires that its fishery resources should be used for the benefit of the Sahrawi people in Western Sahara and in accordance with their interests and wishes.

Sweden notes the efforts made by the Commission and by Morocco to guarantee a better allocation of the revenue from the agreement within the region. Despite some progress in the right direction, Sweden's view is that the changes made are insufficient to ensure that the obligations of international law are fulfilled in relation to the Sahrawi people in Western Sahara.

This overall assessment is the reason why Sweden cannot support the protocol to the fisheries partnership agreement and will vote against all three proposals relating to the new protocol, i.e. the proposals on the signing and conclusion of the new protocol, and on the allocation of fishing opportunities."

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom recognises progress on areas of concern since the 2011 negotiating mandate to extend the Fisheries Partnership Agreement with Morocco. This includes the agreement by the European Union and Moroccan authorities to a new requirement to report on the geographical impact of the protocol. While acknowledging that these are steps in the right direction, the United Kingdom still has concerns with this protocol regarding value for money and the sustainability of stocks to be fished.

Furthermore, the United Kingdom believes the protocol should also clarify Moroccan obligations, ensuring that the people of Western Sahara would benefit from this protocol appropriately. The United Kingdom is therefore abstaining on the decisions to sign and to conclude this Protocol as this does not fully satisfy these concerns."

STATEMENT BY THE COMMISSION

"The Commission emphasises that the consent of the European Parliament will in any event be required for the conclusion of the new Fisheries Protocol with Morocco and that, for this reason, the precise material legal basis of Article 43(2) TFEU as it had proposed was most appropriate in conjunction with the procedural legal basis of Article 218(6)(a) and (7) of the TFEU.

Yet, in order to facilitate a swift conclusion of the intended new Protocol in the now prevailing circumstances of urgency, the Commission would not oppose a Presidency compromise, by way of which the legal basis would be changed to "Article 43 TFEU in conjunction with Article 218(6)(a) and (7) TFEU" with the same consent procedure still to be applied.

This shall not in any way constitute a precedent."

Ad "A" item 32: Proposal for a Council Regulation on the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 - The Framework programme for Research and Innovation (2014-2020)

STATEMENT BY LUXEMBURG

"Luxembourg recognises the importance of the Research and Training Programme of the European Atomic Energy Community (2014-2018) complementing the Horizon 2020 Framework Programme for Research and Innovation, as well as the need to put greater emphasis on nuclear safety, contributing to a shift in nuclear research. Thus Luxembourg welcomes the compromise text while, however, maintaining its critical attitude in respect of nuclear research in general.

Luxembourg stresses, however, that in future, European funds for research and training should be geared more towards renewable energy.

Since the Research and Training Programme of the European Atomic Energy Community (2014-2018) does not start such a shift towards renewable energy, Luxembourg cannot subscribe to it in its entirety and is, therefore, abstaining in the vote."

STATEMENT BY GERMANY

"Germany agrees to the proposal in order to avoid blocking a decision on the Presidency proposal. The Presidency proposal does give consideration to additional needs in the budget, but Germany believes a different weighting of the priorities is appropriate in view of the measures adopted in 2011 following Fukushima. The current draft of the Regulation does not attach adequate priority to the research into nuclear safety and radiation protection which remains necessary in order to continuously improve safety and radiation protection".

STATEMENT BY THE COMMISSION

"The Commission regrets that the budget distribution between the three components of the Euratom programme, as indicated in the Commission proposal of 30 November 2011, has not been retained by the Council.

In particular, the Commission regrets that the distribution in the text of the Council entails a lower share for the direct actions than the Commission proposal which was supported by the legislative resolution adopted by the EP on 19/11/2013.

Nuclear safety and security are important priorities of the European Union energy policy. Direct research contributes to the definition of commonly agreed safety and security solutions. The cost of maintaining the Euratom infrastructures that are enabling this research is increasing due to more stringent technical requirements defined by the national supervising authorities. Therefore, it is important to maintain an adequate financial framework for direct research."

- Ad "A" item 40:** **Proposal for a Council Decision on the signing, on behalf of the European Union, of the Agreements in the form of an Exchange of Letters between the European Union and the Commonwealth of Australia, the Federative Republic of Brazil, Canada, the Hong Kong Special Administrative Region of the People's Republic of China, the Republic of India and Japan pursuant to Article XXI of the General Agreement on Trade in Services (GATS) 1994, relating to the modifications of the commitments in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union**
- **Decision on the signing**
 - **Request by the Council for the consent of the European Parliament**

DECLARATION BY THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL

"The Governments of the Member States of the Union as of 1 January 2007, meeting within the Council agree to sign the Agreements in the form of an Exchange of Letters with the Commonwealth of Australia, the Federative Republic of Brazil, Canada, the Hong Kong Special Administrative Region of the People's Republic of China, the Republic of India and Japan pursuant to Article XXI of the General Agreement on Trade in Services (GATS) 1994, relating to the modifications of the commitments in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union in accordance with their respective constitutional requirements."

DECLARATION BY THE EUROPEAN COMMISSION

"The Commission reaffirms its position that all the matters covered by the Agreements fall within the Union's exclusive competence and that the Agreements should be signed by the Union alone. The Commission also notes that it made a proposal for a Decision based on Article 207 TFEU. It did not propose and therefore disagrees with the addition of legal bases, in particular Articles 91 and 100 TFEU."