



Council of the
European Union

**Brussels, 9 June 2016
(OR. en)**

**9002/16
ADD 1**

**PV/CONS 24
AGRI 265
PECHE 164**

DRAFT MINUTES

Subject: **3464th meeting of the Council of the European Union (AGRICULTURE
AND FISHERIES)**, held in Brussels on 17 May 2016

PUBLIC DELIBERATION ITEMS¹

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LEGISLATIVE DELIBERATIONS

"A" ITEMS (doc. 8733/16 PTS A 34)

1. Regulation of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ("Animal Breeding Regulation")
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3. Regulation of the European Parliament and of the Council indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 [First reading] (LA) 6
4. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 471/2009 on Community statistics relating to external trade with non-member countries as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures [First reading] 6

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5. Animal Welfare 7
 - a) Eurobarometer on Animal Welfare
 - b) Establishment of an EU Platform on Animal Welfare

¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

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- h) Current legislative proposal
- Proposal for a Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC [First reading]

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LEGISLATIVE DELIBERATIONS

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

"A" ITEMS

- 1. Regulation of the European Parliament and of the Council on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ("Animal Breeding Regulation") [First reading] (LA + S)**

PE-CONS 3/16 AGRI 36 VETER 8 AGRILEG 9 ANIMAUX 4 CODEC 108

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the Belgian and German delegations abstaining and the Slovak and Hungarian delegations voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 42 and Article 43(2) TFEU).

Statement by the Commission

"The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5, paragraph 4, second subparagraph, point (b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5, paragraph 4, recourse to second subparagraph, point (b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."

Statement by Hungary

"In principle Hungary welcomes the review of the current legislation on zootechnics.

Hungary notes that on a technical level the text of the proposal on the regulation has improved significantly during the expert discussions in the Council and in this respect appreciates greatly the work of all presidencies dealing with this file.

However while Hungary agrees with the intention to update the legislation in this field, this exercise should focus on developing harmonised rules for additional species, and must not result in the breakdown or weakening of well-functioning structures within Member States. Hungary underlines that a directive is and would remain suitable for this purpose, a regulation however would not. Hungary is also of the view that in this field Union law should put more emphasis on the protection of biodiversity.

For these reasons Hungary cannot support the present proposal on a regulation."

Statement by Germany

"The Federal Republic of Germany abstains from voting as the following important points have not been satisfactorily solved:

1. Recognition of breeding organisations

We reject the recognition of breeding organisations in which the breeders have no right to membership, as only the implementation of purebred breeding programmes by breeding societies ensures that the individual breeders can decide on, define and continue to develop the breeding programmes for purebred breeding animals.

Germany believes it is vital for breeders to have direct influence on the breeding programme.

2. Option of conducting performance tests and genetic evaluations (LP/ZWS) at national level as a sovereign task

Germany believes that the enacting section should also provide for the option – as hitherto – of enabling the performance test and the genetic evaluations to be carried out at national level as a sovereign task.

3. Technical reasons for rejecting breeding programmes

It should only be possible to reject a breeding programme if the approval of a further breeding programme for the same – already endangered – breed would result in a threat to the population of this breed."

Statement by Slovakia

"Slovakia understands the reasons for adoption of harmonised rules for the market in breeding animals and their germinal products and appreciates the effort made by all the Presidencies concerned to improve the proposal by taking into consideration all the technical concerns of the Member States. Nevertheless, Slovakia is afraid that the new regulation will cause some serious problems and adversely affect the existing system and organisation of breeding activities in Slovakia. The breeders' organisations and other breeding organisations involved as well as the whole structure of the breeding system in Slovakia are based on long tradition and are organised on high professional level. After adoption of the proposal the stability of this organisation structure of breeding activities could be seriously threatened. The proposal for a regulation also introduces significant liberalisation of breeding activities in the Union which may negatively affect some Member States in terms of their dependency on the import of breeding animals and their germinal products. In addition, Slovakia assumes that the competent authorities of the Member States should have stronger decision-making power regarding the carrying out of breeding programmes in their territories by breeders' organisations which are established and recognised in other Member States. It is important that genetic diversity is also preserved in the case of the widely-reared commercial breeds, in the form of individual breeding programmes carried out in each Member State and supervised by its competent authorities.

Consequently, after thorough consultations with the representatives of the operators in the animal breeding sector in Slovakia and careful consideration of all the positive and negative aspects of the new harmonised rules, Slovakia cannot support the proposal."

2. Draft Directive of the European Parliament and of the Council concerning measures for a high common level of security of network and information systems across the Union [First reading]

= Adoption of the Council's position at first reading and of the statement of the Council's reasons

8300/16 CODEC 527 TELECOM 62 DATAPROTECT 38 CYBER 44

MI 265 CSC 117

5581/16 TELECOM 7 DATAPROTECT 6 CYBER 4 MI 37 CSC 15 CODEC 84

+ COR 1 (hu)

+ ADD 1

approved by Coreper, Part 1, on 04.05.2016

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons. (Legal basis: Article 114 TFEU).

3. Regulation of the European Parliament and of the Council indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (First reading) (LA)

PE-CONS 72/15 EF 228 ECOFIN 973 CODEC 1710

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU).

4. Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 471/2009 on Community statistics relating to external trade with non-member countries as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures (First reading)

= Political agreement

8492/16 STATIS 20 COMPET 192 UD 91 CODEC 559

7105/16 STATIS 11 COMPET 125 UD 59 CODEC 303

approved by Coreper, Part 1, on 11.05.2016

The Council confirmed the political agreement on the text of this Regulation proposal as set out in 7105/16.

NON-LEGISLATIVE ACTIVITIES

"B" ITEMS (doc. 8718/16 OJ CONS 23 AGRI 243 PECHE 156)

5. Animal Welfare

- a) Eurobarometer on Animal Welfare**
- b) Establishment of an EU Platform on Animal Welfare**
 - Report from the Commission on the state of play
 - Exchange of views
(*Public debate in accordance with art. 8(2) of the Council's Rules of Procedure*)
8410/16 AGRI 215 VETER 43

The Council took note of the information provided by the Commission representative on the results of the second Eurobarometer survey on animal welfare and on the state of play of the establishment of an EU platform on animal welfare.

Delegations broadly welcomed the results of the survey and generally supported the establishment of such a platform. They further gave their views on the specific topics that this platform should address. The Presidency suggested to collect all ideas raised with the view to sending them to the Commission afterwards.

8. Any other business

- h) Current legislative proposal**
(*Public deliberation in accordance with Article 16(8) Treaty on European Union*)
 - **Proposal for a Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC (First reading)**
Interinstitutional file: 2013/0443 (COD)
 - Information from the Polish delegation
7946/16 AGRI 186 CLIMA 31 ENV 220

The Council took note of information given by the Polish delegation who was supported by several delegations. The Council also took note of comments made by the delegations and by the Commission.