



Brussels, 12 December 2007

***Background note*<sup>1</sup>**  
**AGRICULTURE AND FISHERIES COUNCIL**  
**Brussels, 17, 18 and possibly 19 December 2007**

*The Council will meet at 10 a.m. on Monday 17 December 2007 and will begin by discussing reform of the **wine** sector, with political agreement expected on this matter<sup>2</sup>. The Council will also be invited to adopt a Regulation on the **spirit drinks** legislation. Ministers will receive from the Commission a Report on the Milk Market and a proposal to **increase milk quotas** from April 2008.*

*The Council should reach political agreement on the common position, following first reading under codecision with the European Parliament, on a Framework Directive concerning **sustainable** use of **pesticides** and will be briefed on progress on the draft Regulation concerning the placing of **plant protection products** on the market.*

*The Council will also be asked to adopt a Regulation on the date of introduction of mandatory **electronic identification** for **small ruminants** and reach political agreement on a legislative package of four Regulations concerning **food improvement agents** (**common authorisation procedure, additives, enzymes and flavourings**).*

*Lastly, the Council should reach political agreement on **fishing** opportunities for **2008** (TACs and quotas).*

*As "A" items, the Council will adopt conclusions on the **Community Animal Health Strategy**, a Directive supplementing the **prohibition** on the use of certain **hormones** in the veterinary field and a Decision to temporarily suspend **import duties** on certain **cereals**.*

*It will be chaired by Mr **Jaime Silva**, Portugal's Minister for Agriculture, Rural Development and Fisheries.*

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*The Presidency will hold press conferences probably on Monday evening, Tuesday evening and following the session on Wednesday morning.*

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*Public events may be followed by video streaming at:*  
<http://www.consilium.europa.eu/videostreaming>

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<sup>1</sup> This note has been drawn up under the sole responsibility of the Press Office.

<sup>2</sup> An initial compromise text on TACs and quotas could also be distributed to Ministers so that they have enough time to examine it.

## **Fishing opportunities for 2008**

The Council should reach political agreement on a Regulation fixing for 2008 the fishing opportunities for Community vessels by fishing zone and by species (15874/07).

The Commission presented its proposal on 28 November 2007, based on the latest scientific advice regarding the state of stocks, as submitted in October by the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF), and on contributions from stakeholders consulted.

Thanks to the success of recovery plans for Southern hake and North Sea sprat, the TAC for these two species will be increased by 15 %.

Conversely, significant cuts are proposed for the following species:

- 25 % cut in the fishing opportunities for cod. Other accompanying measures are envisaged to substantially reduce discards and fishing effort.
- 41 % cut in herring quotas and 32 % cut in catches of blue whiting in the North Sea.
- 15 % cut in the TAC for North Sea sole and agreement with Norway on a TAC of 49 000 tonnes for plaice in accordance with the provisions of the European Union's multiannual management plan, adopted in June 2007.
- The fishery for anchovy in the Bay of Biscay will remain closed pending a re-examination of stocks in the spring.

The proposal also contains a number of associated measures in the context of regional fisheries organisations.

Thanks to the front-loading process, Baltic TACs were approved in October; TACs for deep-sea species follow the two-yearly framework established in autumn 2006.

The Commission has for the first time, following the accession of Bulgaria and Romania to the EU, proposed TACs for turbot and sprat in the Black Sea. The corresponding Regulation should be approved without discussion.

TACs and quotas are defined every year to establish fishing opportunities for the coming year by species and by fishing zone (as defined by the ICES). In addition, to authorise catches, the Regulations establishing fishing opportunities consist of measures on the number of days at sea or other technical measures such as: the closure of zones for specific seasons, bans on certain fishing gear and bans on fishing during the spawning season, thus enabling recovery of the most vulnerable stocks.

## **Sustainable use of pesticides – "Pesticides Framework Directive"**

The Council should reach political agreement on a common position following its first reading<sup>3</sup> of a draft Directive establishing a framework for Community action to achieve a sustainable use of pesticides (*11896/06*).

Parliament delivered its opinion at first reading on 23 October.

This Directive aims at promoting the rational use of pesticides and recourse to non-chemical plant protection methods.

It also provides for measures intended to keep users and the general public better informed and measures enabling the impact of pesticides on public health and the environment to be reduced, such as:

- a ban on aerial spraying, except in special cases;
- national action plans with the necessary flexibility for adapting measures to the specific situation of the various Member States;
- regular inspection of application equipment and measures governing the handling and storage of pesticides, their packaging and remnants;
- protection of the aquatic environment and of areas with "sensitive" groups in line with the Water Framework Directive, the Birds Directive or the Habitats Directive, for example;
- measuring progress in risk reduction through harmonised indicators;
- establishment of a system of information exchange for continuous development and improvement of appropriate guidance, best practices, and recommendations.

## **Placing of plant protection products on the market – "Pesticides Regulation"**

The Council will be briefed on progress in discussions on the draft Regulation concerning the placing of plant protection products on the market (*11755/06*).

The Parliament delivered its opinion at first reading on 23 October.

On 26 July 2001 the Commission sent the Council and Parliament a report on the implementation of Directive 91/414/EEC, highlighting certain improvements to be made to the current legislative framework.

On that occasion, the Council called on the Commission, while strengthening the high level of protection for human health and the environment, to consider improving the functioning of the internal market and defining rules to make it possible, in particular, to propose criteria for approval

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<sup>3</sup> Codecision procedure.

of active substances, further strengthen the rules on substances with a very hazardous profile, introduce a simplified procedure for low risk substances and products, protect non-professional users and avoid repetition of animal testing.

### **Food improvement agents**

The Council should reach political agreement on a common position resulting from its first reading<sup>4</sup> of a legislative package on food improvement agents<sup>5</sup>.

Parliament delivered its first-reading opinion on 10 July on all the Regulations and the Commission forwarded the corresponding amended legislative proposals on 24 October, mentioning the amendments that it could not accept.

The package on food improvement agents aims at ensuring the proper operation of the market across the board, in accordance with the "farm to table" concept, while ensuring the highest level of protection of human health.

The respective aims of the four Regulations are:

– **Common authorisation procedure for food improvement agents (14421/07)**

Establishment of a harmonised authorisation procedure based on a **risk assessment** carried out by the European Food Safety Authority (**EFSA**) and establishment by the committee procedure of a positive **list** for each category of food improvement agents, valid throughout the Community.

The three other proposals make placing of these substances on the Community market subject to compliance with harmonised criteria and the granting of a specific authorisation.

– **Food additives (14419/07)**

The Regulation proposes that the common list of food additives be established by the committee procedure instead of the codecision procedure, as provided for in the existing Directive 89/107/EEC. The legislative and technical review covers a dozen types of additives, including antioxidants, preservatives, colours and sweeteners.

– **Food enzymes (14510/07)**

The draft Regulation introduces for the first time a harmonised Community procedure for the authorisation of food enzymes. Previously, the use of enzymes in food was regulated at national level by each Member State. Authorisation will be subject to a scientific assessment carried out by the EFSA.

At present, only two enzymes have been authorised under Directive 89/107/EEC: invertase (E 1103) and lysozyme (E 1105), because they are considered as additives. The other food enzymes are considered to be processing aids.

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<sup>4</sup> Codecision procedure.

<sup>5</sup> Food additives, food enzymes and food flavourings.

– **Food flavourings** (14509/07)

The new proposal supplements Regulation (EC) 2232/96 with the following measures:

- clearer rules on the maximum levels of substances of concern from the toxicological point of view;
- allowing private operators to submit requests for authorisation;
- updating the list;
- provisions concerning new substances and the procedure necessary for obtaining an authorisation, as well as labelling requirements.

**Identification of ovine and caprine animals**

The Council should adopt a Regulation postponing the date of introduction of mandatory electronic identification for small ruminants (15314/07).

Under Article 9(3) of Regulation (EC) No 21/2004, electronic identification for sheep and goats should have come into force on 1 January 2008.

The European Parliament should deliver its advisory opinion under the urgent procedure at its plenary part-session from 10 to 13 December.

**Wine**

The Council should reach a political agreement on the reform of the wine sector (11361/07).

Ministers will thus be asked to hold a last round of negotiations to resolve a number of key points that still have to be improved on, such as:

- planting rights;
- the content of national envelopes (eligible measures and budget);
- transfer for rural development;
- the conditions to be met in order to make use of sugar enrichment<sup>6</sup> (chaptalisation).

The European Parliament's advisory opinion should be adopted at its plenary part-session from 10 to 13 December.

**Spirit drinks**

The Council should **adopt**, by the co-decision procedure, the Regulation of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks (3631/07).

The European Parliament's opinion was adopted on 19 June 2007 with a view to agreement at first reading.

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<sup>6</sup> Must enrichment will be discussed in parallel with this last question.

## **Increase in milk quotas - Report and legislative proposal**

The Commission will present to the Council the proposal which it should adopt on 12 December with a view to increasing by 2 % the milk quotas for the next milk production year, starting on 1 April 2008. The Council noted the provisional views expressed by Ministers on 26 September when this initiative was mentioned by Mariann Fischer Boel, Member of the Commission.

The proposal is accompanied by an assessment report on the milk market situation which justifies it.

The planned increase would enable the industry to respond more effectively to the rising demand in the market, pending the end of quotas, which was decided for 2015 at the time of the last CAP reform in 2003. The following table shows the current reference quantities and the values obtained with the 2 % increase:

	Member State	Reference quantities (tonnes) 2008-2009	Commission proposal (+ 2 %)
BE	Belgium	3 360 087,000	3 427 288,740
BG	Bulgaria	979 000,000	998 580,000
CZ	Czech Republic	2 682 143,000	2 735 785,860
DK	Denmark	4 522 176,000	4 612 619,520
DE	Germany	28 282 788,000	28 848 443,760
EE	Estonia	624 483,000	636 972,660
EL	Greece	820 513,000	836 923,260
ES	Spain	6 116 950,000	6 239 289,000
FR	France	24 599 335,000	25 091 321,700
IE	Ireland	5 395 764,000	5 503 679,280
IT	Italy	10 530 060,000	10 740 661,200
KY	Cyprus	145 200,000	148 104,000
LV	Latvia	695 395,000	709 302,900
LT	Lithuania	1 646 939,000	1 679 877,780
LU	Luxembourg	273 084,000	278 545,680
HU	Hungary	1 947 280,000	1 986 225,600
MT	Malta	48 698,000	49 671,960
NL	Netherlands	11 240 814,000	11 465 630,280
AT	Austria	2 790 642,000	2 846 454,840
PL	Poland	8 964 017,000	9 143 297,340
PT	Portugal	1 948 550,000	1 987 521,000
RO	Romania	3 057 000,000	3 118 140,000
SI	Slovenia	560 424,000	571 632,480
SK	Slovakia	1 013 316,000	1 033 582,320
FI	Finland	2 443 069,324	2 491 930,710
SE	Sweden	3 352 545,000	3 419 595,900
UK	United Kingdom	14 828 597,000	15 125 168,940
<b>TOTAL</b>		<b>142 868 869,324</b>	<b>145 726 246,710</b>

## **OTHER BUSINESS**

### **(a) Procedure for setting maximum residue limits (MRLs) in foodstuffs – progress report**

The Presidency will report to the Council on the progress of discussions on the proposal for a Regulation setting maximum residue limits in foodstuffs.

### **(b) Avian influenza – Briefing by the Commission**

The Commission will brief the Council on the current situation regarding avian influenza in the Community.

### **(c) Common shark action plan – requested by the German delegation**

The German delegation will inform the Council of its concerns regarding the common shark action plan.

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