



**COUNCIL OF
THE EUROPEAN UNION**



8470/06 (Presse 109)

PROVISIONAL VERSION

PRESS RELEASE

2724th Council Meeting

Agriculture and Fisheries

Luxembourg, 25 April 2006

President

Mr Josef PRÖLL

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and Water Management of Austria

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Main Results of the Council

*After a short debate, the Council unanimously adopted a Regulation laying down **exceptional market support measures in the poultry sector** following the dropping prices and consumption of poultry meat in Europe after that outbreaks of Avian Influenza virus H5N1 appeared in Europe in the autumn of 2005. These measures will be co-financed by the Community budget and will compensate the operators for the marked disturbances caused by the loss in consumer confidence.*

*The Council adopted, without debate, new EU rules on **audit of company accounts**, rules on **fluorinated greenhouse gases** and on **air conditioning in motor vehicles**.*

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the abovementioned Council Internet site or may be obtained from the Press Office.

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PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium:

Ms Sabine LARUELLE

Minister for Small and Medium-Sized Businesses, the Liberal Professions and the Self-Employed and Agriculture

Mr Yves LETERME

Minister-President of the Flemish Government and Flemish Minister for Institutional Reform, Agriculture, Sea Fisheries and Rural Policy

Czech Republic:

Mr Jan MLÁDEK

Minister for Agriculture

Denmark:

Mr Hans Christian SCHMIDT

Minister for Food, Agriculture and Fisheries

Germany:

Mr Gert LINDEMANN

State Secretary, Ministry of Consumer Protection, Food and Agriculture

Estonia:

Ms Ester TUIKSOO

Minister for Agriculture

Greece:

Mr Evangelos BASIAKOS

Minister for Rural Development and Food

Spain:

Ms Elena ESPINOSA MANGANA

Minister for Agriculture, Fisheries and Food

France:

Mr Dominique BUSSEREAU

Minister for Agriculture and Fisheries

Ireland:

Mr John BROWNE

Minister of State for Fisheries

Mr Brendan SMITH

Minister of State

Italy:

Mr Giovanni ALEMANNO

Minister for Agricultural and Forestry Policy

Cyprus:

Mr Panayotis KYRIACOU

Deputy Permanent Representative

Latvia:

Ms Lelde LICE-LICITE

Deputy Permanent Representatives

Lithuania:

Mr Rimantas ČEPONIS

Under-secretary of the Ministry

Luxembourg:

Mr Fernand BODEN

Minister for Agriculture, Viticulture and Rural Development, Minister for Small and Medium-sized Businesses, the Liberal Professions and the Self-Employed, Tourism and Housing

Ms Octavie MODERT

State Secretary for Relations with Parliament, State Secretary for Agriculture, Viticulture and Rural Development, State Secretary for Culture, Higher Education and Research

Hungary:

Mr József GRÁF

Minister for Agriculture and Rural Development

Malta:

Mr Francis AGIUS

Parliamentary Secretary for Agriculture and Fisheries, Ministry of Rural Affairs and the Environment

Netherlands:

Mr Cornelis Pieter VEERMAN

Minister for Agriculture, Nature and Food Quality

Austria:

Mr Josef PRÖLL

Federal Minister for Agriculture, Forestry, the Environment and Water Management
Director-general, Federal Ministry for Agriculture, Forestry, the Environment and Water Management

Mr Andrä RUPPRECHTER

Poland:

Mr Andrzej BABUCHOWSKI

Deputy Minister for Agriculture and Rural Development

Portugal:

Mr Jaime SILVA

Minister for Agriculture, Rural Development and Fisheries

Slovenia:

Ms Marija LUKAČIČ

Minister for Agriculture, Forestry and Food

Slovakia:

Mr Zsolt SIMON

Minister for Agriculture

Finland:

Mr Juha KORKEAOJA

Minister for Agriculture and Forestry

Sweden:

Ms Ann-Christin NYKVIST

Minister for Agriculture

United Kingdom:

Mr Ben BRADSHAW

Parliamentary Under-Secretary of State and Minister for Local Environment, Marine and Animal Welfare

.....
Commission:

Ms Mariann FISCHER BOEL

Member

.....
The Governments of the Acceding States were represented as follows:

Bulgaria:

Mr Nihat KABIL

Minister for Agriculture and Forestry

Romania:

Mr Gheorghe FLUTUR

Minister for Agriculture, Forests and Rural Development

ITEMS DEBATED

EXCEPTIONAL MARKET MEASURES IN THE POULTRY SECTOR

The Council unanimously adopted a Regulation (7934/06 + COR 1) amending Regulations (EEC) N°2771/75 (Common market organisation on eggs) and (EEC) N°2777/75 (Common market organisation for poultry meat) as regards the application of exceptional market support measures.

The Regulation extends the scope of Article 14 of Regulations (EEC) N° 2771/75 and (EEC) N° 2777/75. This article allows for a 50 percent co-financing from the EU budget of veterinary measures (such as slaughtering of chickens) and a 50 percent co-financing of compensation for animal movement restrictions resulting from an outbreak of animal disease on a farm on the territory of the EU. The new text will allow "exceptional market measures" to be taken at the request of Member States, to take account of: "serious market disturbances directly attributed to a loss in consumer confidence due to public health, or animal health risks". Once Member States submitted their proposed measures, the Commission would have to approve them through the Management Committee procedure.

At its session on 20 March 2006, Commissioner Fischer Boel announced to the Council that her Institution would soon present a proposal amending these regulations. The proposal (7933/06) was adopted by the Commission on 29 March. On 10 April, the Special Committee on Agriculture held a discussion on the proposal.

A declaration of the Commission will be added to the minutes of the Council on the possibility of taking into account market disturbances which have occurred before or after the entry into force of the amended Regulation as long as they still produce effects on the market.

IMPROVING THE ECONOMIC SITUATION IN THE FISHING INDUSTRY

The Council held an exchange of views on a Communication (7217/06) from the Commission on improving the economic situation in the fishing industry.

Several delegations asked for a simplification of the procedure for granting state aids and suggested to amend the legislative framework in line with the adoption of the Regulation establishing the new European Fisheries Fund (EFF). Some delegations insisted on the need to ban aids that may have for consequences to increase the fishing capacity, the engine power and to develop incentives for decommissioning vessels. Other delegations, stressing the considerable rise of the fuel prices and its negative impact on the income of the fishermen, asked for a temporary and exceptional increase of the *de minimis* aid and for a softening of the existing guidelines on state aids.

Considerable increases in fuel costs over the past few years are eroding the profit margins of the fishing sector. This problem has been brought up as AOB before Council on several occasions and most recently by Belgium and France in June and September 2005 respectively. During the 2005 December Fisheries Council, Commissioner Borg announced a Commission Communication that would give guidance to Member States for defining national restructuring plans to secure the long-term viability of the sector.

The Commission adopted its Communication on 9 March 2006. It provides a broad review and interpretation of existing support measures that could benefit the fishing sector both in the short and the long term. The Commission proposes that Member States use the Community financial instruments for fisheries (Financial Instrument for Fisheries Guidance and the future European Fisheries Fund from 2007) throughout the adjustment process to accompany the necessary changes. The Commission will exceptionally accept requests already made by some Member States outside the period fixed for the submission of modifications to modify their 2005 FIFG programmes, with the aim to address the situation described in the Communication.

SIMPLIFYING AND IMPROVING THE COMMON FISHERIES POLICY (CFP)

The Council held an exchange of views on the Communication from the Commission (15613/05) on the Action Plan for simplifying and improving the CFP.

Delegations broadly welcomed the Communication in an effort from the Commission to simplify the community legislative framework. Several delegations expressed their support towards the establishment of a frontloading exercise aimed at reducing the workload at the end of the year and enhancing the legislative work of the Council. Some delegations insisted in particular on reducing the administrative burden for the fishing industry. These delegations suggested among other priorities the maximum reduction and simplification of the reporting documents currently required.

Since the beginning of the year, the Commission has been consulting with various stakeholders¹ in order to progress on the simplification initiatives established in the said Plan. **Seven initiatives** for 2006-2008 suggest improving the CFP acquis within the areas of: a) conservation policy; and b) the monitoring of fishing activities² by establishing measures and programming for improvements.

¹ Regional Advisory Committees (RACs), Management Committee for Fisheries and Aquaculture and Organizations of European Fisheries Industry.

² a) Conservation policy: Tacs/Quotas, fishing effort; Technical measures for juveniles; management of data.

b) Monitoring: legislative revision of amended basic Regulations; electronic recording; reporting obligations, fishing outside the Community waters.

PLAICE AND SOLE IN THE NORTH SEA

The Council held a policy debate on the draft proposal (5403/06) establishing a management plan for fisheries exploiting stocks of plaice and sole in the North Sea, on the basis of the following questionnaire drawn up by the Presidency. These questions entailed the concerns expressed by the interested delegations, namely the fishing mortality rates proposed, the proposed rate of reduction of the fishing mortality rates, the fishing effort, and the issue of landings. The summary of the discussions can be summarised as follows:

(i) *Do you agree with the fishing mortality targets proposed?*

Three delegations considered the fishing mortality rates proposed for sole and plaice as too ambitious. In the proposal, the mortality rate as proposed by the Scientific Technical and Economic Committee for Fisheries (STECF) would be 0.2 for sole and 0.3 for plaice in the North Sea.

(ii) *Do you agree with the proposed progressive reduction in the fishing mortality rates? Do you agree with the proposed boundaries for inter annual TAC fluctuations?*

Three delegations asked for a more gradual and progressive reduction of the fishing mortality rates, stressing that a legislative change would require a general debate in the Council and a pre-assessment taking into account the social and economic consequences of the proposal in the fisheries sector. The draft proposal foresees the setting of variable TAC +/-15% for plaice and sole depending on either the mortality reduction of the past year or a TAC which would reach the target of mortality rate(0.3 for plaice and 0.2 for sole).

(iii) *Do you believe that fleet segments others than the one deploying beam trawl gear of mesh size equal to or greater than 80 mm should also contribute to the adjustment of effort?*

Although beam trawlers were identified as the predominant fishing vessels for sole and plaice, a few delegations found hard to target a particular type of fleet in order to reducing the fishing effort.

iv) *Do you agree with the proposed margin of tolerance? Could there be other effective alternatives to the proposed measure on the weighing of landings?*

An 8% margin of tolerance in estimation of quantities in kilograms live weight is permitted. Some delegations asked for a higher margin of tolerance, up to 10% of the quantities.

The proposal is a practical application of Article 6 of the Framework Regulation adopted under the reform of the Common Fisheries Policy in December 2002 (Council Regulation N° 2371/2002)¹. The European Parliament has not yet delivered its opinion on this proposal and it is not expected to do so until mid-June.

¹ OJ L 358, 31.12.2002, p. 59

OTHER BUSINESS

– *Avian Influenza*

The Council took note of a written information (8525/06) provided by Commissioner Fischer Boel on the latest developments concerning the identified cases of avian influenza H5N1 strain in the world and in the European Union.

The representative of Romania informed the Council and the Commission that Romania had closed its last outbreak of Avian influenza. He added that there had been 53 outbreaks in the Danube delta during the last seven months, but stressed that no traces of AI had been found lately. Having noted that roughly EUR 20 millions had been spent by his country during this period in order to combat the virus, he expressed his thanks to the European authorities for their support.

– *WTO negotiations*

The Council took note of an information from Commissioner Fischer-Boel on the latest state of play of the negotiations at the WTO. She confirmed that the 30 April deadline, decided in Hong Kong to complete full modalities in agriculture and non-agricultural market access (NAMA), would not be met. She endorsed the suggestion made by the WTO director general Pascal Lamy to maintain the negotiating working process on the basis of written documents. She stressed that the EU offer on agriculture, made on 28 October 2005, remained on the table.

The French, Irish and Polish delegations underlined that the EU offer of October 2005 reached the limits of the EU negotiating positions on agriculture and required reciprocity from other WTO members.

The delegations of the Netherlands and Luxembourg indicated that possible new moves concerning the reduction of domestic support decoupled from production ("green box" support) shall not be performed at the expense of the reformed Common Agriculture Policy (CAP). These delegations also asked for the Non Trade Concerns (NTCs) to be part of the overall result of the negotiations.

The Council fully supported the Commission in its efforts to negotiate an ambitious, comprehensive and balanced WTO agreement. The Council concluded that an agreement on the modalities will require efforts of all partners in all fields of the negotiations, and not only in agriculture.

OTHER ITEMS APPROVED

AGRICULTURE

Sugar imports from ACP/India to the EC

The Council adopted a Decision authorising the Commission to negotiate the appropriate agreements concerning the guaranteed prices applicable in the 2006/2007 delivery period to cane sugar originating in the ACP States and in India. Under the Sugar Protocol to the ACP-EC Partnership Agreement and the EEC-India Cane Sugar Agreement, the Community undertakes to purchase and import quantities of sugar at guaranteed prices. The guaranteed prices apply to white and raw cane sugar in accordance with the reference prices fixed for the marketing year 2006/2007¹. These prices will have to be decided upon by 1 May.

Manioc imports from Thailand to the EC

The Council adopted a Decision authorising the Commission to enter into negotiations with the Kingdom of Thailand with a view to simplifying the import regime for manioc from Thailand into the Community.

A Cooperation Agreement between the EC and Thailand on manioc production, marketing and trade is in place since 1982².

With a view to simplify the administration of the import regime of manioc from Thailand, the Commission proposes to transfer management of the import quota to a "first come first served" (FCFS) system. For this purpose, the provisions of the Cooperation Agreement concerning the management of the import quota (Article 5) need to be amended in line with the Community Customs Code³.

¹ EUR 631,9 per tonne for white sugar and EUR 496,8 per tonne for raw sugar - Article 3 of Regulation (EC) No 318/2006

² Cooperation Agreement between the European Economic Community and the Kingdom of Thailand on manioc production, marketing and trade (OJ L 219, 28.7.1982, p. 53), renewed in 1986 and 1990.

³ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

FISHERIES

Agreement with Micronesia

The Council adopted a regulation approving a partnership agreement between the EU and Micronesia on fishing in the waters off Micronesia (6231/06).

The agreement provides for economic, financial, technical and scientific cooperation in the fisheries sector with a view to guaranteeing the conservation and sustainable exploitation of resources, as well as partnerships between undertakings aimed at developing economic activities in the fisheries sector and related activities of common interest.

It will apply for nine years from the date of its entry into force and it will be renewable for additional periods of three years.

The regulation also determines the allocation of fishing opportunities among the EU's member states set out in a protocol to the agreement. They are expressed in vessel numbers (8 surface longliners for Spain and 4 for Portugal) and percentage of fishing possibilities for freezer tuna seiners (75% of fishing possibilities for Spain and 25% for France).

The financial contribution is set at EUR 559 000 per year.

Fishing licences

The Council adopted a regulation repealing regulation (EC) n°3690/93 establishing a Community system laying down rules for the minimum information to be contained in fishing licences (5232/06).

The Commission adopted regulation (EC) n°1281/2005 on the management of fishing licences and the minimal information to be contained therein in August 2005 (OJ L 203, 4.8.2005, p. 3), which is to apply from the date of repeal of regulation (EC) n°3690/93.

COMMON SECURITY AND DEFENSE POLICY

Democratic Republic of Congo – EU mission on the security sector reform

The Council adopted a joint action amending joint action 2005/355/CFSP on the EU mission to provide advice and assistance for security sector reform in the Democratic Republic of Congo (DRC), and extending it for one year (7733/06).

The new joint action extends the mandate of the ongoing EU mission on the security sector reform (“EUSEC RD Congo” mission) until the end of June 2007 and provides for the adaptation of the mission’s structure to the post transition phase in the DRC.

The total allocation for the action amounts to EUR 4 750 million.

The Council adopted, in May 2005, the joint action 2005/355/CFSP¹ and, subsequently on 1 December, adopted joint action 2005/868/CFSP amending joint action 2005/355/CFSP with regard to setting up a technical assistance project on improving the chain of payments of the Ministry of Defence in the DRC.

The overall objective of the EUSEC RD Congo mission is to provide practical support for the integration of the Congolese army and good governance in the field of security, including the identification and the development of projects in this area, in cooperation with the other actors of the international community.

ECONOMIC AND FINANCIAL AFFAIRS

Indices of consumer prices - EU standards for price collection periods

The Council adopted a regulation aimed at establishing minimum standards for price collection periods in order to improve the comparability, reliability and relevance of harmonised indices of consumer prices (HICPs) (6998/06). Ireland and United Kingdom voted against.

¹ Published in the OJ L 112 of 3.5.2005, p. 20.

Under the regulation, which implements regulation 2494/95, the HICP will represent the average change in prices between the month of the current index and the period to which it is compared.

HICPs are harmonised inflation figures required by the Commission and the European Central Bank for the performance of their functions (article 121 of the treaty). They are designed to facilitate international comparisons of consumer price inflation and serve as important indicators for the management of monetary policy.

EUROPEAN ECONOMIC AREA

Amendment to the EEA agreement - Procurement

The Council adopted a decision enabling the European Economic Area (EEA) joint committee to adopt a decision amending the EEA agreement in order to introduce technical adaptations on procurement issues (7490/06).

The EEA joint committee's remit includes integrating all Community legislation relevant to the EEA agreement in order to ensure the legal certainty and homogeneity of the internal market.

EEA agreement - Future EU enlargement

The Council adopted a decision authorising the Commission to open negotiations with Iceland, Liechtenstein and Norway in order to adapt the agreement on the European Economic Area, in view of the accession of Bulgaria and Romania to the EU.

COMPANY LAW

New EU rules on audit of company accounts

The Council adopted a directive updating, and introducing additional EU rules on the audit of company accounts, aimed at reinforcing the reliability of company financial statements by establishing minimum requirements for statutory audit of annual accounts and consolidated accounts (3667/05). The Council accepted all of the European Parliament amendments in first reading.

The directive broadens the scope of application of existing EU legislation (directive 84/253/EEC) by specifying the duties of statutory auditors, their independence and ethics, introducing requirements for external quality assurance, in particular with a view to ensuring better public oversight over the audit profession and improving co-operation between oversight bodies in the EU. It also amends directives 78/660/EEC and 83/349/EEC on accounting.

The new measures are intended to help improve quality audits within the EU and hence underpin confidence in the functioning of EU capital markets. They will also provide a basis for cooperation with oversight bodies of third countries to take account of globally interconnected capital markets.

(for more details see press release 8635/06).

INTERNAL MARKET

Machinery

The Council approved the European Parliament amendments (15696/05) on a draft directive on technical harmonisation for machines, and amending Directive 95/16/EC¹ (recast). Therefore, the Directive is deemed to have been adopted in the form of the common position as amended by the European Parliament in second reading.

This Directive is aimed at simplifying the approval and testing procedures, and at updating the technical prescriptions, extending inter alia the scope of the Directive 98/37/EC² to portable cartridge devices and to construction site lifts.

¹ OJ L 213 of 07/09/1995 p. 0001 - 0031

² Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery Official Journal L 207 , 23/07/1998 P. 0001 - 0046
European Parliament and Council Directive 95/16/EC of 29 June 1995 on the approximation of the laws of the Member States relating to lifts Official Journal L 213 , 07/09/1995 P. 0001 - 0031

ENVIRONMENT

Fluorinated greenhouse gases and air conditioning in motor vehicles *

The Council adopted a regulation on fluorinated greenhouse gases and a directive on emissions from air conditioning systems in motor vehicles, amending directive 70/156/EEC, following an agreement reached with the European Parliament in the conciliation committee (*PE-CONS 3604/06 + 7786/06 ADD1 and PE-CONS 3605/06*).

The legal acts are part of the European Climate Change Programme, established in June 2000, introducing cost-effective measures aimed at reducing emissions of fluorinated greenhouse gases so as to contribute to the achievement of the European Community and member states commitments under the Kyoto Protocol, while preventing distortion of the EU's internal market.

(for more details see press release 8593/06.)

Stockholm Convention on persistent organic pollutants

The Council adopted a decision authorising the Commission to submit a proposal at the second meeting of the persistent organic pollutants (POPs) review committee¹, on behalf of the European Community and the member states, to add three more substances² to the relevant annexes of the Stockholm Convention on POPs.

¹ The second meeting of the POPs review committee will take place in Geneva, Switzerland, in November 2006.

²

- octabromodiphenyl ether (CAS number: 32536-52-0);
- pentachlorobenzene (CAS number: 608-93-5); and
- short-chained chlorinated paraffins (alkanes, C10-C13, chloro).

The Stockholm Convention is a global treaty to protect human health and the environment from POPs (www.pops.int). POPs are chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of living organisms and are toxic to humans and wildlife.

For further background information, please see point 6 of the Stockholm Convention Council conclusions (6762/06).

European Convention for the protection of animals used for scientific purposes

The Council adopted a decision mandating the Commission to support, on behalf of the Community, the adoption of a revised appendix to the European Convention for the protection of vertebrate animals used for experimental and other scientific purposes. The revision concerns guidelines for accommodation and care of animals.

Batteries and accumulators

The Council decided not to approve the European Parliament's second reading amendments to a proposal for a directive on batteries and accumulators and waste batteries and accumulators and repealing directive 91/157/EEC.

The Council accordingly decided to convene the Parliament-Council conciliation committee with a view to negotiating a joint text.

Access to justice in environmental matters

The Council decided not to approve the European Parliament's second reading amendments to a proposal for a regulation on the application of the provisions of the Århus Convention on access to information, on public participation in decision-making and on access to justice in environmental matters to EC institutions and bodies.

The Council accordingly decided to convene the Parliament-Council conciliation committee with a view to negotiating a joint text.

Quality of fresh waters

The Council adopted a directive on the quality of fresh waters needing protection or improvement in order to support fish life (*PE-CONS 3653/05*).

The directive codifies and repeals directive 78/659/EEC, substituting the various acts incorporated in it together with only such amendments as are required by the codification exercise itself.

APPOINTMENTS

Committee of the Regions

The Council adopted decisions appointing:

– as members:

Mr Stanislav Juránek, President of the Regional Council of Jihomoravský kraj, in place of Mr František Dohnal;

Mr Petr Osvald, Member of the town assembly of the City of Plzeň, Plzeňský kraj in place of Mr Martin Tesařík;

– as alternate members:

Mr Miloš Vystrčil, President of the Regional Council of Vysočina kraj, in place of Mr Stanislav Juránek;

Mr Martin Tesařík, Lord Mayor of the City of Olomouc, Olomoucký kraj in place of Mr Petr Osvald.

for the remainder of the current term of office, which runs until 25 January 2010.
