



Brussels, 21 February 2013

Background¹
AGRICULTURE and FISHERIES COUNCIL
Brussels, 25 and 26 February 2013

The Council meeting will address fisheries and agricultural matters; it will start at 10.00 on Monday 25 February 2013 and will continue on Tuesday 26 February. The Council will be chaired by Mr Simon COVENEY, Minister for Agriculture, Food and the Marine.

*As regards agriculture, ministers will have a public debate on the **direct payments regulation** and the **horizontal regulation** within the framework of the common agricultural policy (CAP) reform. Specific issues discussed will include the **basic payment scheme** and **transparency as to the beneficiaries of CAP payments**.*

*Concerning **fisheries issues**, ministers will try to reach an agreement for a general approach on the basic provisions of the **common fisheries policy (CFP)**. The Council will then be briefed on the state of play of the negotiations on the **EU/Morocco fisheries partnership agreement**.*

*Finally the ministers will be briefed on **mislabelling of beef products***

A first press conference on agriculture will be organised at the end of the first day of the meeting (+/- 16.15). A second press conference on fisheries issues will take place at the end of the second day of the meeting.

*The public events and the press conferences can be followed by video streaming:
<http://video.consiliums.europa.eu>*

Video coverage of the event will be available for preview and download in broadcast quality (MPEG4) on www.eucouncil.tv

Photos of the event can be found in our photographic library on www.consilium.europa.eu/photo where they can be downloaded in high resolution.

¹ This note has been drawn up under the responsibility of the press office.

AGRICULTURE

Reform of the common agricultural policy (CAP)

Ministers will hold two policy debates within the framework of the common agricultural policy (CAP) reform. The discussions will focus on:

- the proposal for a regulation establishing rules for direct payments to farmers (direct payments regulation) ([15396/3/11](#));
- the proposal for a regulation on the financing, management and monitoring of the CAP (horizontal regulation) ([15426/1/11](#)).

Direct payments

One of the main issues within the basic payment scheme is internal convergence. The Commission proposes that member states achieve a uniform level of direct payments at regional or national level by 2019.

In October 2012, many delegations confirmed their view that the direct payment system based on purely historical payment levels was outdated and that member states applying the single payment scheme (SPS) should achieve significant and irreversible progress towards internal convergence by 2019.

While some delegations supported the timetable and methodology proposed by the Commission, most delegations requested greater flexibility. This included a number of delegations who did not support full convergence of payments but rather partial convergence towards a flat-rate. Other proposals for greater flexibility related to a longer transition period (beyond 2019). Some delegations, however, expressed the view that any flexibility on internal convergence should imply less generous possibilities for coupled aid.

Finally on this issue, a number of member states applying the single area payment scheme (SAPS) made clear that their support for the flexibility requested by member states applying the SPS was conditional on a satisfactory reply to their request for some recent historical elements (national top-ups, coupled support) to be taken into account in their transition to the new payment scheme.

The Presidency has drafted a comprehensive package of amendments aimed at taking account of as many concerns of member States as could be reasonable accommodated ([6638/13](#)).

Transparency on CAP beneficiaries

Amendments in the proposal for an horizontal regulation include new rules on the publication of information on all beneficiaries of the EU agricultural funds. This takes account of the objections raised by the Court of Justice to the former rules to the extent that they were applicable to natural persons. The proposed new rules differ from the ones declared invalid by the Court in so far as they:

- are based on a revised detailed justification, centred around the need for public control of the use of European agricultural funds in order to protect the Union's financial interests;
- require more detailed information to be given on the nature and description of the measures for which the funds are disbursed;
- include a *de minimis* threshold below which the name of the beneficiary will not be published.

With regard to the amendments on the publication of beneficiaries' names, some member states argued in October that the *de minimis* threshold was not necessary and should be abandoned for the sake of transparency: in their view, all beneficiaries of CAP payments should be listed. Some others expressed concerns about the details given on the beneficiaries, fearing that the process might interfere with data on their private lives. They questioned whether the proposal complied with the Court of Justice ruling. An opinion of the Council Legal Service was requested by some delegations.

That legal opinion was presented to the Special Committee on Agriculture (SCA) on 11 February and was discussed by the SCA on 18 February, on the basis of a Presidency questionnaire. The Presidency has prepared a further paper (6640/13) where the Council is invited to indicate whether, in accepting the objective of the Commission's amended proposal.

- it accepts that the means proposed by the Commission to achieve that objective are appropriate and proportionate, or
- it believes that further consideration is necessary in particular, whether the same objective could not be attained in a less intrusive way.

The CAP reform package was presented by the Commission at the Agriculture Council meeting in October 2011. Since then, the Council has held general policy debates on the CAP reform proposals almost monthly.

Following a progress report presented by the Danish Presidency for the first half of 2012 ([8949/12](#)); the Cyprus Presidency presented its own report highlighting the progress achieved during the second half of 2012 on key issues of the CAP reform proposals ([17592/12](#)).

FISHERIES

Reform of the common fisheries policy

The Council is expected to adopt a second general approach on the proposal for a regulation on the common fisheries policy (CFP) ([12514/11](#)) replacing the basic provisions of the CFP as part of the CFP reform "package":

A general approach constitutes a political agreement in the Council on a proposal for a regulation. The agreement sought on the CFP basic provisions will follow up on the first general approach agreed by the Council in June 2012 ([11322/12](#)), which was not fully conclusive with respect to the following parts of the proposal:

- implementation of the discards ban and the possibility of by-catch quotas;
- responsibilities for implementing environmental obligations that impact on fishing activities;
- definitions, delegated acts to be adopted by the Commission and recitals.

The European Parliament voted on its position at first reading on 7 February 2013.

The proposal's general objective is to ensure fisheries and aquaculture activities that provide long-term sustainable environmental, economic and social conditions, and contribute to the availability of food supplies. New elements concern in particular:

- a landing obligation,
- maximum sustainable yield (MSY) as a compulsory reference for fisheries management,
- regionalised decision-making,
- individually transferable fishing quotas,
- EU measures accompanying member state obligations under environmental legislation.

EU/Morocco fisheries agreement

The Council will be briefed by the Commission on the state of play of the EU/Morocco bilateral negotiations to conclude a new protocol to their fisheries partnership agreement.

The current fisheries partnership agreement between the EU and Morocco entered into force in 2007. The first protocol to this agreement ran until 27 February 2011 and provided for a financial contribution of EUR 36.1 million, of which EUR 13.5 million was dedicated to the support of Morocco's fisheries policy. Vessels from 11 EU member states could obtain fishing authorisations from Morocco under the agreement and this protocol.

A second protocol, extending its predecessor by one year under essentially the same terms, was negotiated in February 2011 and provisionally applied until December 2011, when the European Parliament decided not to consent to its conclusion. Following this rejection, the Council decided in February 2012 to grant the Commission a mandate to open negotiations for a new protocol with Morocco. Negotiations were opened in early November 2012 in Rabat.

The 5th round of negotiations between the EU and Morocco took place in Rabat (Morocco) on 11 and 12 February 2013. The parties agreed to meet again for a 6th round in Brussels at a later stage. The first rounds essentially dealt with technical conditions that would apply to the EU fleet under the new protocol while the last discussion dealt with financial aspects and political issues.

ANY OTHER BUSINESS

Mislabelling of processed beef products

At the request of the Presidency, the Commission will give an overview of the current situation regarding food products containing horsemeat mislabelled as beef.

Following the discovery in January in Ireland of the presence of horse traces in beef burgers, several other member states subsequently found horse meat in a range of processed beef products. Very specific tests had uncovered what appears to be a widespread fraud and mislabelling of certain processed products resulting in consumers being misled.

On 13 February, an informal ministerial meeting was called by the Presidency firstly to establish the state of play of the ongoing investigations in the member states concerned, and secondly to establish how to reinforce the cooperation between member states in their response to this fraud. On that occasion, the Commission outlined a proposed recommendation for a programme of tests foreseen to assess the extent of the use of horse meat in beef products.

The conditions under which the tests should be performed were better defined during an extraordinary meeting of the Standing committee on the food chain and animal health (SCOFCAH) on 15 February 2013 where general consensus on their applicability was reached.
