



EUROPEAN COMMISSION
SECRETARIAT-GENERAL

Directorate D
SG-D-3 – Resource Efficiency

Brussels, 20 April 2017

SI(2017) 164

NOTE TO MEMBERS OF THE COMMISSION

**Subject: Meeting of the Special Committee on Agriculture (SCA)
Brussels, 10 April 2017 - Summary record**


Regarding the OMNIBUs regulation, the Committee supported the final Presidency compromise, despite a few Member States still having reservations. Once the silent procedure is ended, the text will be forwarded to Coreper II, via the Friends of the Presidency Group, for inclusion in the overall Council position.

The Committee held another exchange of views on the Proposal for a Regulation on organic production and labelling of organic products. In addition to drafting sessions at technical level, another (final) exchange of views (and mandate request) is foreseen for the SCA on 24 April with a view to the next Trilogue meeting of 3 May.

Finally, the EEAS and the Commission updated the Committee on the state of play regarding the practical implications of the European Court of Justice ruling of 21 December 2016 on the trade and agriculture agreement with Morocco, and on the way forward.

[signed]



Further information: 

1. Adoption of the agenda

I

**2. Summary record of the 1547th meeting of the SCA
57805/17 CRS CSA 7**

Summary record adopted (but summary record to better reflect comments made by DE delegation during future SCA discussions).

II

3. **Proposal for a Regulation of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union and amending Regulations (EU) No 1296/2013, (EU) No 1299/2013, (EU) 1301/2013, (EU) No 1303/2013, EU No 1304/2013, (EU) No 1305/2013, (EU) No 1306/2013, (EU) No 1307/2013, (EU) No 1308/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, (EU) No 652/2014 of the European Parliament and of the Council and Decision No 541/2014/EU of the European Parliament and of the Council (Omnibus proposal) (First reading)**
- Interinstitutional file 2016/0282 (COD), approval of the final compromise text, 7985/17 AGRI 186 AGRILEG 72 AGRIFIN 37 AGRISTR 34 AGRIORG 36 CODEC 55

Following the debate at the AGRIFISH Council on 3 April, the Presidency invited the SCA to approve the revised compromise text on the agricultural provisions of the Omnibus proposal (doc. 7985/17). This revised compromise text includes the relevant recitals, adjusted to reflect the changes made to the Articles.

The majority of the delegations expressed their support for the compromise text proposed by the PRES which constitutes a good balance in their view. However, RO, BE and PL still expressed reservations on points already raised by then in the past, expressing their intention to vote against (RO) or abstain from voting (BE and PL) the final compromise text unless further amendments are made.

Also, AT (supported by IE, FR, SI) expressed some concerns regarding the deadline for the delimitation of areas facing natural constraints) provisions, requesting an extension of the foreseen deadline. DE and AT also expressed some concerns regarding recital 226 of the Regulation (dealing with FC guidelines). The other main points which were still subject to further discussion concerned Voluntary Coupled Support (PL, LV), capping of direct payments (PL, CZ, BG, RO), and young farmers (CZ, BE, EL). CZ also raised concerns as regards the wine definition proposed by FR which has been reflected in the compromise text of the Presidency. HU agreed with the compromise text regarding the financial national assistance in the fruit and vegetables sector.

In its reply, the Commission mentioned that in its view there is no margin to go beyond 2019 for the delimitation of areas facing natural constraints; the Commission will also propose an alternative text to accommodate concerns expressed by AT and DE delegations on recital 226.

The SCA approved the Council position as set out in doc 7985/17 and took note of the voting intentions of RO, BE and PL. PRES will send a revised text with minor changes (in particular as regards recital 226 and AT request for amending the provision on the areas facing natural constraints). PRES announced it will proceed with a silent procedure (DL 20 April, 12h00) with the agreed revised text - once approved - being forwarded to Coreper II, via the Friends of the Presidency Group, for inclusion in the overall Council position.

Reporting: [REDACTED], DG AGRI, Unit I.5 Tel.: [REDACTED]

4. Proposal for a Regulation of the European Parliament and of the Council on organic production and labelling of organic products, amending Regulation (EU) No XXX/XXX of the European Parliament and of the Council [Official controls Regulation] and repealing Council Regulation (EC) No 834/2007 (First reading)
= Exchange of views

The Presidency briefed the Delegations on the outcome of the drafting sessions and presented possible compromise texts to the Delegations.

Almost all delegations expressed scrutiny reservations following the late transmission of the texts. Although most delegations expressed preliminary concerns regarding the provisions under the controls section, many recognised that the text is going in the right direction, but more detailed comments will be sent in writing. The main doubts regarded the content of delegated and implementing acts, the frequency of controls, the removal of the word “serious” in relation to non-compliance, the fact that any unannounced inspection should be risk-based.

On limitations on retailers selling unpacked products, some delegations were concerned that the proposal implies a too heavy administrative burden, and the system would be difficult to control in practice. Moreover, some found the criterion based on the cost of the certificate is too complicated to calculate, while the other criteria should be updated regularly and adapted to each MS. On the other hand, it was mentioned that this system would hamper harmonisation, as MS may set lower limits.

On databases/derogations, many delegations welcomed the Commission text proposal on making the information available by 30 June. Some delegations expressed concerns over the fact that too many data are still required for the databases and that, for animals, there should be no fixed end date of derogations, rather their expiration should be linked to the results of the COM report on availability.

In this context, the Commission thanked the Presidency for having accepted a number of drafting sessions and reiterated that the 4 main political issues should continue to be considered as a package. On greenhouses, the Commission recognised progress has been made, but we should not depart from the basic principles of organics. On controls, it stressed the need to provide the organic sector and consumers with a clear set of rules reflecting a robust control system; these rules apply in addition to the rules under the Official Controls Regulation. Moreover, the system should ensure the necessary flexibility to meet future challenges and be able to evolve according to the needs of a dynamic sector.

COM flagged that there has been a drafting mistake under article 26b concerning the verification that the requirements for the exemption are fulfilled: this should concern both pre-packed and unpacked products (as opposed to unpacked only, as the current reference points to).

The Cion underlined the need to have databases and information systems in place (with credible derogations deadline), but it is ready to work further with MS to improve the text. It added it is necessary to have a limit for exemptions for retailers selling unpacked products as risks are higher, and reminded MS that these criteria should also apply when

it comes to imports from third countries; Finally, the Commission is at the disposal of delegations to discuss bilaterally more detailed points, reiterating its intention to obtain an agreement by the end of the MT Presidency.

PRES announced that another two days of drafting is scheduled for 11 and 12 April and revised text proposals will be sent by 12 April in view of the next SCA meeting of 24 April, when another (final) exchange of views (and mandate request) is foreseen in view of the next Trilogue meeting of 3 May.

Reporting: [REDACTED], DG AGRI, Unit B.4 Tel.: [REDACTED]

5. EU-Morocco trade and agriculture agreement

– State of play following recent ECJ ruling

(Point treated by EEAS and TAXUD.)

The EEAS and the Commission updated the SCA on the state of play regarding the practical implications of the European Court of Justice ruling of 21 December 2016 on the trade and agriculture agreement with Morocco, and on the way forward.

COM (MABS) recalled the general context after the ECJ ruling : the Decision pertaining to the EU-Morocco agricultural agreement remains valid. The Association Agreement was determined not to cover Western Sahara, and consequently no tariff preferences should be granted to Western Sahara under the Agreement. Two other cases are pending before the ECJ : a direct action by the Front Polisario regarding the Fisheries Agreement and a preliminary reference from the UK concerning the validity of both the Association Agreement and the Fisheries Agreement. [REDACTED]

The way forward envisaged, [REDACTED] is to put in place quickly a proper legal basis to apply preferences to products from Western Sahara, in the form of an amendment to the agricultural agreement and the protocol on rules of origin. This solution would have to respect a number of criteria, including the consultation of the people concerned by the agreement and its benefits for the population of Western Sahara. EEAs recalled that the measure would aim at maintaining the trade flows but not increasing them. COM ([REDACTED] Taxud) clarified that products from Western Sahara were not banned but could not benefit from preferences any longer under the agreement.

The Commission proposal in preparation would create a legal basis to grant preferences again without prejudice to the UN process. It should be adopted very soon and transmitted to the Council before the end of April.

Reaction by MS:

[REDACTED]

[REDACTED]

PRES requested the delegations to liaise with the corresponding Maghreb WP and notified it will keep the delegations informed.

Reporting: [REDACTED], *DG AGRI, Unit A.5 Tel.:* [REDACTED]

6. Organisation of future work

The next SCA meeting will take place on **24 April** in Brussels. The provisional agenda includes Organic production (Omnibus not expected to be discussed).

The next AGRIFISH Council is foreseen for **11 May**. Only Coreper items are currently foreseen (no SCA points).

Reporting: [REDACTED], *DG AGRI, Unit I.5 Tel.:* [REDACTED]