



**COUNCIL OF
THE EUROPEAN UNION**



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3193rd Council meeting

Agriculture and Fisheries

Luxembourg, 22 and 23 October 2012

President

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Minister for Agriculture, Natural Resources and Environment
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Main results of the Council

During the first day of its meeting, the Council addressed fisheries and agricultural matters.

*Concerning fisheries issues, the ministers reached a political agreement on **fishing opportunities for 2013 for certain fish stocks in the Baltic Sea**. In addition, the Council initiated a debate with a view to agree a partial general approach on a proposal for the **European maritime and fisheries fund (EMFF)** within the framework of the CFP reform package.*

*As regards agriculture, two debates took place in the Council on the proposals for regulations on **direct payments and the common organisation of the markets in agricultural products (single CMO)** within the framework of the common agricultural policy (CAP) reform. In addition the ministers were briefed on an **amendment to the "horizontal regulation"**.*

*Finally, the Council was briefed on the **32nd conference of directors of EU paying agencies and on the 9th CIHEAM Ministerial Conference**.*

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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.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- 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 Council's Internet site or may be obtained from the Press Office.

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PARTICIPANTS

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Flemish Minister for the Economy, Foreign Policy,
Agriculture and Rural Policy
Minister for Public Works, Agriculture, Rural Affairs,
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Mr Tsvetan DIMITROV

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State Secretary, Federal Ministry of Food, Agriculture and
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Ms Keit PENTUS

Minister for the Environment

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Deputy Permanent Representative

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Minister for Agriculture, Food and the Environment

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Minister for Agriculture, Natural Resources and
Environment

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Minister for Agriculture

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Deputy Permanent Representative

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Development, Minister for Sport, Minister with
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State Secretary, Ministry of Rural Development

Mr Olivér VÁRHELYI

Deputy Permanent Representative

Malta:

Mr Patrick R. MIFSUD

Deputy Permanent Representative

Netherlands:

Mr Henk BLEKER

Minister for Agriculture and Foreign Trade

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Deputy Permanent Representative

Austria:

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Deputy Permanent Representative

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Deputy State Secretary, Ministry of Agriculture and Rural
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Mr José DIOGO ALBUQUERQUE

Mr Manuel PINTO DE ABREU

Minister for Agriculture, Maritime Affairs, the
Environment and Regional Planning
State Secretary for Agriculture
State Secretary for Maritime Affairs

Romania:

Mr Achim IRIMESCU

State Secretary, Ministry of Agriculture and Rural
Development

Slovenia:

Mr Franc BOGOVIČ

Minister for Agriculture and the Environment

Slovakia:

Mr Ľubomír JAHNÁTEK

Ms Magdaléna LACKO-BARTOŠOVÁ

Minister for Agriculture and Rural Development
State Secretary, Ministry of Agriculture and Rural
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Finland:

Mr Jari KOSKINEN

Mr Risto ARTJOKI

Minister for Agriculture and Forestry
State Secretary

Sweden:

Mr Eskil ERLANDSSON

Minister for Rural Affairs

United Kingdom:

Mr Owen PATERSON

Mr Richard BENYON

Secretary of State for Environment, Food and Rural
Affairs
Parliamentary Under Secretary of State for Environment,
Food and Rural Affairs

.....
Commission:

Mr Dacian CIOLOȘ

Ms Maria DAMANAKI

Member

Member

.....
The government of the acceding state was represented as follows:

Croatia:

Ms Snježana ŠPANJOL

Deputy Minister for Agriculture

ITEMS DEBATED

FISHERIES

Fishing opportunities in the Baltic Sea for 2013

Ministers reached political agreement on fishing opportunities for 2013 for certain fish stocks in the Baltic Sea.

This item will be included, following finalisation by the Legal/Linguistic Experts, in part "A" of the agenda for a forthcoming Council meeting.

This agreement lays down for 2013 the maximum quantities of fish from specific stocks that can be caught in the Baltic Sea (total allowable catches (TACs) and quotas), as well as the fishing effort limits for Baltic cod stocks. The proposed measures have been established taking into account available scientific advice and, in particular, the reports drawn up by the International Council for the exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF). However, catch limits and fishing effort limits for cod stocks in the Baltic Sea are established in accordance with the rules laid down in regulation 1098/2007 establishing a multi-annual plan. A key element to be considered is that the final agreement was based on a proposal put forward by the member states concerned, making it a first example of responsible and successful regional cooperation.

The agreement contains two sections for the management of the Baltic fisheries in 2013 through fishing opportunities: one section fixing the TACs and quotas and a second limiting the fishing effort, by imposing limits on their activity (number of days at sea).

The agreement primarily concerned the total allowable catches (TACs) and fishing quotas for Member States in Community waters of the Baltic region, the main changes to which – in terms of reduction, increase or roll-over of TACs as compared with 2012 – are summarised in the table below. An important fact to be noted is the voluntary higher decrease on cod in Western Baltic proposed by the Member States concerned (-5.9% instead of -2%).

COMMUNITY TOTAL ALLOWABLE CATCHES (TACs) IN THE BALTIC SEA FOR 2013						
<i>Latin name</i>	ICES FISHING ZONES	COMMISSION proposal		COMMISSION targets	COUNCIL agreement	Difference from previous year
		TAC 2012	for 2013	for 2013	TAC 2013	
		in tonnes	in tonnes	in %	in tonnes	in %
		1	2	3	4	5**
<i>Clupea harengus</i>	Baltic Sea subdivisions 30-31 (Gulf of Bothnia)	106.000	99.100	-7%	106.000	0%
<i>Clupea harengus</i>	Baltic Sea subdivisions 22-24 (Western Baltic)	20.900	25.800	23%	25.800	23%
<i>Clupea harengus</i>	Baltic Sea subdivisions 25-27, 28.2, 29, 32 (Eastern Baltic except Gulf of Bothnia)	78.417	85.155	9%	90.180	15%
<i>Clupea harengus</i>	Baltic Sea subdivision 28-1 (Gulf of Riga)	30.576	27.640	-10%	30.576	0%
<i>Gadus morhua</i>	Baltic Sea subdivisions 25-32 (Eastern Baltic)	67.850	61.565	-9%	61.565	-9%
<i>Gadus morhua</i>	Baltic Sea subdivisions 22-24 (Western Baltic)	21.300	20.800	-2%	20.043	-6%
<i>Pleuronectes platessa</i>	Baltic Sea subdivisions 22-32	2.889	3.409	18%	3.409	18%
<i>Salmo salar</i> *	III bed, except subdivision 32 (22-31)	122.553	108.762	-11%	108.762	-11%
<i>Salmo salar</i> *	Baltic Sea subdivision 32	15.419	15.419	0%	15.419	0%
<i>Sprattus sprattus</i>	III bed	225.237	249.978	11%	249.978	11%
Legend: Latin name - English name/ Nom français/ Deutsche name						
<i>Gadus morhua</i> - cod/ morue/ Dorsch						
<i>Pleuronectes platessa</i> - plaice/ plie/ Scholle						
<i>Salmo salar</i> - Atlantic salmon/ saumon atlantique/ Lachs						
<i>Sprattus sprattus</i> - sprat/ sprat/ Sprotte						
* AC expressed as number of individuals						
** a negative % indicates a reduction in the TAC, a positive % indicates an increase in the TAC and 0 % indicates a roll-over of the TAC						

For herring (*Clupea harengus*), it was decided to increase significantly the TAC for the Western Baltic (23%) and the Eastern Baltic (15%) in view of the marked improvement in the stock status. In addition, the current TACs for the Gulf of Bothnia and Gulf of Riga have been maintained.

For sprat (*Sprattus sprattus*), an increase of 11% in the TACs was agreed.

For Atlantic salmon (*Salmo salar*) a reduction was agreed (11%) except for subdivision 32 where a roll-over was decided.

In accordance with the multiannual plan applicable to stocks of Baltic cod (*Gadhus morua*) adopted on 18 September 2007¹, and considering the scientific advice on the stock the Council endorsed a reduction of the TACs in the Eastern Baltic (9%), and agreed on a reduction of TACs in the Western Baltic (5,9%).

With a view to simplifying and clarifying the annual TAC and quota decisions, fishing opportunities in the Baltic Sea have been fixed by a separate regulation since 2006.

It should be noted that these fisheries should be open on 1 January 2013.

According to article 43(3) of the Lisbon Treaty it is incumbent upon the Council to adopt the measures on the fixing and allocation of fishing opportunities in the framework of the common fishery policy. The European Parliament's participation and the Economic and Social Committee's opinion are therefore not required for this species.

¹ Regulation (EC) No 1098/2007, [OJ L 248, 22.9.2007, p. 1.](#)

AGRICULTURE

REFORM OF THE COMMON AGRICULTURAL POLICY (CAP)

Ministers held three orientation debates within the framework of the common agricultural policy (CAP) reform. The discussions focussed on specific issues in:

- the proposal for a regulation establishing rules for direct payments to farmers within the framework of the reform of the CAP (direct payments regulation) ([15396/3/11](#)).
- the proposal for a regulation establishing a common organisation of the markets in agricultural products (Single CMO regulation) ([15397/2/11](#)).

Direct payments - Internal convergence and young farmers scheme

The debate on direct payments was organised around two different aspects:

- the internal convergence for which the Commission proposes that member states achieve a uniform level of direct payments at regional or national level by 2019 ([14991/12](#)).
- the young farmer scheme proposed to help this particular category of farmers to access to agriculture ([14993/12](#)).

As regards internal convergence, many delegations have confirmed their view that a direct payment system based on purely historical level of payments constitutes an outdated concept in need of reform. Moreover, many delegations insisted that all member states should achieve significant and irreversible progress towards the principle of uniform payments per hectare although views are diverging on the goal of 2019 proposed by the Commission.

Delegations have also confirmed that member states who are already in the process towards convergence should continue to take steps forward.

While for some member states the ambition for this reform should not go beyond significant and irreversible process, some others considered that full convergence for 2019 is possible and for some, it is necessary for this CAP reform.

On the rhythm and methodology of the internal convergence, many delegations were in favour of a more gradual process. Although most delegations are prepared to take a first step in 2014, almost all have made suggestions for a lower rate than the proposed initial one of 40%.

A number of delegations considered that the model used for internal convergence should be consistent with that used for external convergence.

Finally, on this issue, a number of member states applying the Single area payment scheme (SAPS) expressed concerns and requested an arrangement allowing a smooth transition to the new payment scheme.

Concerning the scheme for young farmers, there was a widespread view that ageing of the farming population is an EU-wide issue. Many delegations agreed on the need for a common EU framework to address this issue provided that this allows member states to tailor measures according to the specific need of their young farmers. In this context, few delegations have re-confirmed their preference to decide themselves on how best to support young farmers: they would favour a voluntary first pillar scheme alongside the voluntary second pillar scheme.

The Council held already orientation debates on internal convergence and young farmers scheme in April 2012.

Single CMO - compulsory recognition of producer organisations and competition rules

The proposal for a Single CMO regulation is part of the CAP reform package and lays down rules for the common organisation of agricultural markets. In this context, in order to strengthen the bargaining power of farmers and the functioning of the food supply chain the Commission proposes to extend current provisions for the fruit and vegetables sector to producer organisations (POs) and inter-branch organisations (IBOs) in all sectors ([14994/12](#)).

Most delegations highlighted that the position of producers in the food chain must be strengthened. View differed on how this can be best achieved. A number of member states considered that compulsory recognition is not the answer and for this reason should be limited to the current situation (where only milk and fruit and vegetable organisations are now recognised). However, several others saw value in compulsory recognition and a need to go beyond the current situation. Furthermore, for many delegations, the strengthening of the producer organisations should concern all agricultural sectors.

Concerning competition rules, if certain delegations had concerns about the way dominant position of producer organisations could interfere with competition laws, most member states insisted to adjust the requirements so that producer organisations do not abuse their dominant position.

Under Cyprus Presidency, several other aspects of the Single CMO have been extensively discussed during the last two Council sessions. The debate in July covered the proposed risk management and income stabilisation tools under rural development policy and exceptional support measures under the single CMO (measures to respond to threats of market disturbances or animal disease and loss of consumer confidence). The second debate on single CMO in September focused on the safety net function of market management measures and the possible need for updating reference prices.

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.

In March this year ministers held a debate on the simplification of the CAP. At its meeting in April, the Council held an orientation debate on young farmers, small farmers, voluntary coupled support and top ups for farmers in areas with natural constraints, as well as the definition of "active farmer" and the capping of support to large farms. During the same meeting minister discussed of internal convergence. In May the Council held another orientation debate on the greening of the CAP and as recently as June it held one on rural development issues.

The Danish Presidency also presented a progress report highlighting the progress achieved during the first half of 2012 on key issues of the CAP reform proposals.

Furthermore in September this year a debate on areas with natural constraints (rural development) completed the discussion on single CMO.

Using the outcome of these debates, the Council is expected to adopt a partial general approach on the CAP reform proposals in November or December under the Cyprus Presidency.

Amendment on a proposal on the financing, management and monitoring of the CAP

The Commission briefed the Council on an amendment to a proposal for a regulation on the financing, management and monitoring of the common agricultural policy (CAP) or "horizontal regulation" in CAP reform package ([14314/12](#)).

With regard to the amendments on the publication of the names of the beneficiaries, some member states pointed out that the *de minimis* threshold was not necessary 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 this process should interfere with data on private life. They questioned whether the proposal complies with the Court of Justice ruling. An opinion of the Council Legal Service has been requested by some delegations.

In addition, to amendments to the provisions related to cross-compliance for Croatia in view of its accession, the proposal on the horizontal regulation also includes other amendments, regarding new rules on the publication of information on all beneficiaries of the EU agricultural funds. This takes account of the objections formulated by the Court of Justice against the former rules to the extent that they were applicable to natural persons. The new rules will differ from the ones declared invalid by the Court in the said Joined Cases 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.

ANY OTHER BUSINESS

32nd conference of the directors of paying agencies of the EU

At the initiative of the Presidency, ministers were informed about the general conclusions of the 32nd conference of the directors of EU paying agencies which took place in Paphos (Cyprus) from 11 to 13 September 2012 ([15025/12](#)).

The first workshop of this conference concluded that there were significant risks to the successful implementation of CAP reform, particularly in respect of direct payments. The risks include the lack of time to specify and procure new systems, complexity of requirements, unavailability of the draft implementing acts, shortage of resources and uncertainty amongst farmers. The second workshop underlined the main experiences gained from the implementation of the rural development program 2007-2013 as well as their importance towards implementing the corresponding program of the 2014-2020 period.

This conference is a bi-annual meeting between the heads of EU paying agencies, representatives of agricultural sector institutions of EU candidate states and representatives of EU institutions. The aim of the meeting is to discuss issues which are of interest to EU paying agencies, exchange ideas and best practices in task completion and to discuss problems connected with the operations of paying agencies. This becomes particularly important in the context of the ongoing CAP reform.

9th CIHEAM ministerial conference

The Maltese delegation will report to the Council on the outcome of the 9th CIHEAM (Internal Centre for Advanced Mediterranean Agronomic Studies) Ministerial Conference on “Food Security and Pricing: a Mediterranean Perspective” which was held in Malta on 27 September 2012 ([15076/12](#)).

The conference raised close links between issues of food security and food price volatility in the Mediterranean and some of the themes being currently debated in the Council within the reform of the CAP.

The meeting of CIHEAM's Ministers of Agriculture focused on food security and price volatility, and was attended by 10 ministers, commissioners Ciolos and Dalli, EP Agriculture Committee Chair Paolo De Castro, and representatives of the FAO, OECD, the Union for the Mediterranean, and non-governmental organisations.

The CIHEAM is made up of four Mediterranean agronomic institutes, located in Bari (Italy), Chania (Greece), Montpellier (France) and Zaragoza (Spain), and a General Secretariat based in Paris.

OTHER ITEMS APPROVED

AGRICULTURE

Follow-up on Codex decision on ractopamine

The Council adopted conclusions on the follow-up to the adoption by the Codex Alimentarius Commission during its session on 2-7 July 2012 of a maximum residue limit (MRL) for ractopamine in beef and pork meat. For further details, see [Council conclusions](#).

At the last Council meeting in September together with the Presidency and the Commission, many member states regretted the potential consequences of the adoption of a MRL for ractopamine by the international organisation. Delegations defended in particular the current EU legislation banning growth promoters and raised concerns about the decision procedure in the Codex alimentarius.

Ractopamine is a growth promoter belonging to the family of beta-agonists: it has an anabolic effect which significantly increases muscle mass while decreasing the fat content of carcasses. Since 1996, the use of growth promoters and the import of meat from animals treated with these substances are strictly prohibited in the EU. The EU policy towards this substance has been established on the grounds of persisting scientific uncertainty about the safety of products derived from animals treated with ractopamine and opposition to the use of veterinary drugs as growth promoters.

However, as fixing a MRL is considered as setting a threshold under which the use the product is considered as safe, the new standard fixed by the Codex can be considered *de facto* as an authorisation of using ractopamine below the fixed MRL in food producing animals. This could lead some third countries to question the EU policy, since Codex standards are usually considered as benchmarks in the framework of the SPS agreement of the WTO.

Council conclusions on a Court of auditors report - Reform of wine market organisation

The Council adopted conclusions on the special report No 7/2012 from the European Court of Auditors entitled "The reform of the common organisation of the market in wine: Progress to date" ([14227/12](#)).

The Council stresses the need to evaluate the impact of the reform on the levels of supply and demand in the wine sector and determine if structural market imbalances persist. The Commission should present a report on the situation of the wine market later this year.

The key objective of the wine reform is to enhance the competitiveness of EU wine producers. The grubbing-up scheme has resulted in a reduction of supply in line with the aim of reducing the structural surplus. The restructuring and conversion scheme has had a positive impact at the level of vine growers and has contributed to the improvement of vine management techniques.

ENERGY

Ecodesign requirements for electrical lighting products

The Council decided not to oppose the adoption by the Commission of a regulation implementing directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for directional lamps, light emitting diode lamps and related equipment ([13227/12](#)).

The Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

TRADE POLICY

Anti-dumping - wires and strands - ironing boards - China

The Council clarified the scope of the anti-dumping duties imposed by regulation 383/2009 on imports of certain wires and strands originating in China ([14251/12](#)).

It also re-imposed a definitive anti-dumping duty on imports of ironing boards manufactured by Zhejiang Harmonic Hardware Products Co. Ltd. ([14349/12](#)).

Laos – Accession to WTO

The Council and the representatives of the member states adopted decisions establishing that the EU and its member states should take a position within the WTO General Council approving the accession of Laos to the WTO ([14172/12](#) + [14173/12](#)).

Accession to the WTO is expected to make a positive and lasting contribution to the process of economic reform and sustainable development in Laos. Market opening commitments undertaken by Laos, laid down in a protocol of accession, satisfy the EU's requests and are in line with the country's level of development.

DEVELOPMENT

Products originating in ACP states

The Council reached political agreement on a draft regulation amending annex I to regulation 1528/2007 ("market access regulation") as regards the exclusion of a number of countries from the list of regions or states that have concluded negotiations on economic partnership agreements (EPAs) with the EU.

The draft regulation is aimed at withdrawing the benefits of the market access regulation for those countries that have not yet taken the necessary steps towards ratifying EPAs signed with the EU.

The Council's text differs from the Commission's proposal in that it adds Zimbabwe to the list of beneficiary countries, given that Zimbabwe has notified the deposit of its instrument of ratification of the interim EPA between the Eastern and Southern African States and the EU.

The Council will adopt its position at first reading once the text has been finalised.

TRANSPORT

Update of driving licence requirements

The Council decided not to oppose adoption by the Commission of a directive updating some of the requirements set out in the annexes to the 2006 driving licences directive ([12921/12](#)). The update concerns in particular motorcycles used during skills tests, vehicles with automatic transmission and utility vehicles used by drivers for whom driving is not the principal activity.

The draft directive is subject to the regulatory procedure with scrutiny; now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

APPOINTMENTS

Committee of the Regions

The Council appointed Mr Hannes WENINGER (Austria) as member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([14734/12](#)).