



065750/EU XXIV.GP
Eingelangt am 30/11/11

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 September 2011

**11899/11
ADD1**

**PV CONS 45
ENV 570**

ADDENDUM to DRAFT MINUTES

Subject: **3103rd** meeting of the Council of the European Union (**ENVIRONMENT**), held
in Luxembourg on 21 June 2011

PUBLIC DELIBERATION ITEMS¹

Page

"A" ITEMS list (doc. 11716/11 PTS A 66)

Item 1.	Proposal for a Regulation of the European Parliament and of the Council concerning the placing on the market and use of biocidal products	3
Item 2.	Regulation of the European Parliament and of the Council on European environmental economic accounts	4
Item 3.	Regulation of the European Parliament and of the Council concerning European statistics on tourism	4
Item 4.	Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea	4
Item 5.	Council Directive on the structure and rates of excise duty applied to manufactured tobacco (Codification)	5

AGENDA ITEMS (doc. 11687/11 OJ/CONS 44 ENV 550)

Item 3.	Proposal for a Directive of the European Parliament and of the Council on control of major-accident hazards involving dangerous substances	5
Item 4.	Proposal for a Regulation of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory	5
Item 6.	Protection of water resources and integrated sustainable water management in the European Union and beyond	6
Item 7.	EU Biodiversity Strategy to 2020	6

◦
◦ ◦

¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

"A" ITEMS

1. Proposal for a Regulation of the European Parliament and of the Council concerning the placing on the market and use of biocidal products

- Adoption
 - (a) of the Council's position
 - (b) of the statement of the Council's reasons
 - 5032/1/11 REV 1 ENV 4 MI 2 AGRI 2 CHIMIE 1 CODEC 2
 - 5032/11 ADD 1 ENV 4 MI 2 AGRI 2 CHIMIE 1 CODEC 2
 - 10974/1/11 REV 1 CODEC 945 ENV 417 MI 287 AGRI 416 CHIMIE 36
 - 10974/11 ADD 1 CODEC 945 ENV 417 MI 287 AGRI 416 CHIMIE 36
- approved by COREPER, Part 1, on 15.06.2011

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, with the Danish and Austrian delegations abstaining (Legal basis: Article 114 of the TFEU).

Statement by the Danish delegation

"Denmark regrets that the Council has been unable to reach agreement on Member States having an independent right to restrict or prohibit the placing on the market and use of biocidal products on their own territory, where national conditions indicate an unacceptable risk to the environment and health.

For that reason Denmark wishes to abstain from voting for the common position and reserves the right in further negotiations with the European Parliament to strive for the inclusion of such a right when the proposal is finally adopted."

Statements by the Commission

Comitology

"In a spirit of compromise, the Commission will not stand against a qualified majority vote in favour of the Presidency text. However, the Commission would underline that it does not share the views of the Council that the measures for the approval of active substances (Article 9) and for rules on fees payable to the European Chemicals Agency (Article 79(1)) are of an implementing nature and thus fall under Article 291 TFEU. As regards both these matters, the Commission is of the view Article 290 is the appropriate procedure given that they entail measures of general application which would modify or supplement the non-essential elements of the Regulation."

Resource implications

"The extension of the scope of the Union authorisation together with additional tasks allocated to the European Chemicals Agency, the shorter deadlines and the increased frequency of renewals for active substances will necessarily result in a significant increase in the workload of the Agency and the Commission. At the same time, the workload for national authorities will accordingly be reduced as a result of a wider scope of Union authorisation. In light of the increased workload, the Agency and the Commission will need additional financial and human resources to ensure effective implementation of the Regulation. In view of this, the Commission calls on the Council to address these requirements under the new financial perspectives. The Commission is prepared to work with the Council on a suitable solution."

2. Regulation of the European Parliament and of the Council on European environmental economic accounts

PE-CONS 11/11 ENV 233 STATIS 27 ECO 28 FIN 204 CODEC 498
+ REV 1 (pt)

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 338(1) of the TFEU).

3. Regulation of the European Parliament and of the Council concerning European statistics on tourism and repealing Council Directive 95/57/EC

PE-CONS 14/11 COMPET 128 TOUR 7 MI 176 STATIS 30 CODEC 564
+ REV 1 (lt)
+ REV 2 (pt)

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 338(1) of the TFEU).

4. Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea

PE-CONS 17/11 PECHE 98 CADREFIN 22 CODEC 625

The Council approved the amendment set out in the European Parliament's position at first reading and adopted the proposed act amended accordingly, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 43(2) of the TFEU).

5. Council Directive on the structure and rates of excise duty applied to manufactured tobacco (Codification)

10865/11 CODIF 32 FISC 77

+ COR 1 (it)

+ REV 1 (pl)

The Council adopted the above Directive unanimously (Legal basis: Article 113 of the Treaty on the Functioning of the European Union).

AGENDA ITEMS

3. Proposal for a Directive of the European Parliament and of the Council on control of major-accident hazards involving dangerous substances

- Progress report

18257/10 ENV 892 IND 190 PROCIV 190 CODEC 1586

11312/11 ENV 475 IND 82 PROCIV 80 CODEC 990

The Council took note of the progress report, contained in document 11312/11, about ongoing work on the above-mentioned proposal.

4. Proposal for a Regulation of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory

- Progress report

12371/10 ENV 499 AGRILEG 100 AGRI 271 MI 254 DENLEG 71

CODEC 714 ADD 1

11326/11 ENV 481 AGRILEG 82 AGRI 440 MI 303 DENLEG 90 CODEC 994

The Council took note of the remarks made by delegations and of the Commission response to those remarks, on the basis of the Presidency's Progress Report . The Ad Hoc Working Party responsible for the technical examination of this file is therefore asked to take due account of the main concerns expressed in order to find a way towards a compromise solution. The future Polish Presidency announced that the first meeting of the Ad Hoc Working Party will take place in September.

NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(pursuant to Article 8 (2) of the Council's Rules of Procedure[Proposed by the Presidency])

6. Protection of water resources and integrated sustainable water management in the European Union and beyond

(Public debate pursuant to Article 8(2) CRP [proposed by the Presidency])

- Adoption of Council conclusions
- Exchange of views

11308/11 ENV 474 AGRI 437 PROCIV 79 MED 24 RELEX 631 DEVGEN 183

The Council adopted the conclusions contained in document 11308/11.

The Commission expressed its strong support for the Council Conclusions, considering the text well balanced and in line with Commission's intentions.

The Council also discussed the expectations regarding the upcoming Blueprint to Safeguard Europe's Water Resources, scheduled by the Commission for 2012.

Most delegations called upon an integration of water policy objectives in other areas (in particular the CAP).

Some delegations highlighted the need to harmonize what already exists rather than create new legislative instruments. They also underlined prevention activities with regard to extreme events (notably as far as drought and floods are concerned).

Many delegations urged that regional differences be taken into account, while others commented on the need for adequate instruments and financial mechanisms.

7. EU Biodiversity Strategy to 2020

(Public debate pursuant to Article 8(2) CRP [proposed by the Presidency])

- Adoption of Council conclusions

9658/11 ENV 327 AGRI 337 DEVGEN 131 PI 39 FORETS 39 PECHE 112
RECH 94 ONU 71

+ ADD 3

11249/11 ENV 469 AGRI 433 DEVGEN 180 PI 66 FORETS 52 PECHE 150
RECH 176 ONU 87

The Council adopted the conclusions contained in document 11978/11 + COR 1.

Bulgaria, Denmark, Germany and Italy made statements as set out hereafter:

Statement by Bulgaria

Bulgaria endorses the EU Biodiversity strategy to 2020 and will consider its targets when the sets of “*current assessments*” of the conservation status of the habitats and species for Bulgaria, as per the requirements of the Habitat Directive and of the species status, as per the requirements of the Birds Directive, are clearly defined. It is very important to continue the discussion on the targets and the actions of the Strategy for the purpose of ensuring effective and coherent implementation of the EU Biodiversity Strategy to 2020.

This statement is to be attached to the Council Conclusions on EU Biodiversity Strategy to 2020 as agreed on 21 June, 2011 and will constitute an integral part of the said Conclusions.

Statement by Denmark

Denmark welcomes the European Commission's Biodiversity Strategy to 2020 and can support the Council Conclusions on the strategy.

The strategy could potentially have very significant economic consequences. The EU-Commission has not put forward a specific cost estimate but according to the strategy and the impact assessment the annual costs could amount to several billion euros. It is therefore of utmost importance that the strategy, its targets, instruments and financial consequences for the EU and the individual Member States are analysed and discussed very thoroughly before any concrete decisions on the strategy are made.

The current Council conclusions on the strategy do not in any way prejudice concrete decisions stemming from the strategy, which have economic consequences for the EU and individual Member States.

Statement by Germany

Germany's agreement to the conclusions of the Environment Council is without prejudice to its opposition to a Framework Directive on soil protection for reasons of subsidiarity.

Statement by Italy

Italy states that the text of the Conclusions on the EU Biodiversity Strategy to 2020, as agreed on 21 June 2011, does not imply any automatic support for the targets indicated in that Strategy, which would have to be discussed further in greater detail by all the competent institutional bodies of the European Union.

=====