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Eingelangt am 20/07/11

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 March 2011

**5009/11
ADD 1**

**PV/CONS 1
ENV 1**

ADDENDUM to DRAFT MINUTES

Subject: **3061st meeting of the Council of the European Union (ENVIRONMENT), held
in Brussels on 20 December 2010**

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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

2. Council Regulation implementing enhanced cooperation in the area of the law applicable to divorce and legal separation

17523/10 JUSTCIV 227 JAI 1051

- + COR 1
- + COR 2 (es)
- + COR 4 (et)
- + REV 1 (hu)
- + REV 2 (fr)
- + REV 3 (ro)
- + REV 4 (lv)
- + REV 5 (pt)
- + REV 6 (lt)
- + REV 7 (nl)
- + REV 8 (sl)
- + REV 9 (pl)

The Council adopted the above Regulation (Legal basis: Article 81(3) of the Treaty on the Functioning of the European Union).

Statement by the Council

"The Council invites the Commission to submit at its earliest convenience to the Council and to the European Parliament a proposal for the amendment of Regulation (EC) No 2201/2003 with the aim of providing a forum in those cases where the courts that have jurisdiction are all situated in Member States whose law either does not provide for divorce or does not deem the marriage in question valid for the purposes of divorce proceedings (*forum necessitatis*)."

AGENDA ITEMS

3. Proposal for a Regulation of the European Parliament and of the Council setting emission performance standards for new light commercial vehicles as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles

- Political approach

The Council took note of the latest state of play of the negotiations with the European Parliament and provided some political orientation towards an agreement in first reading between the institutions.

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

– Political agreement

11063/09 ENV 440 MI 246 AGRI 267 CHIMIE 50 CODEC 849

17474/10 ENV 842 MI 530 AGRI 532 CHIMIE 54 CODEC 1462

+ ADD 1

The Council reached political agreement on the proposal for a Regulation of the European Parliament and of the Council concerning the placing on the market and use of biocidal products on the basis of the Presidency's overall compromise package set out in the Annex to document 17474/10 ADD 1, with AT and DK indicating that it intended to abstain when the Council adopted its position at first reading. It noted that adoption of the Council's position at first reading should take place in the summer of 2011, following legal/linguistic finalisation of the text.

While accepting the Presidency compromise package, and therefore modifying its proposal accordingly, the Commission made the statements to the minutes hereafter.

Statements by the Commission

Statement on 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 8a) and for rules on fees payable to the European Chemicals Agency (Article 70(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."

Statement on 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."

5. Proposal for a Directive of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (recast)

- Progress report
17367/08 ENV 1022 MI 554 CODEC 1863
17217/2/10 ENV 824 MI 510 CODEC 1413 REV 2
+ COR 1 (pt)

The Council took note of the progress report.

6. 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
17443/10 ENV 838 AGRILEG 153 AGRI 530 MI 527 DENLEG 147
CODEC 1459

The Council took note of a report from the Presidency on the state of play of the work concerning the proposal to allow member states to restrict the cultivation of genetically modified organisms (GMOs) in their territory.

A majority of delegations was in favour of continuing the work on this dossier, provided that the legal uncertainties are clarified, a list with acceptable grounds for banning or restricting cultivation is made available by the Commission and the December 2008 Council Conclusions are fully implemented.

NON LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(public debate in accordance with Article 8(2) of the Council's Rules of Procedure)

9. Improving environmental policy instruments

- Adoption of Council conclusions
17454/10 ENV 841 DEVGEN 386 SAN 292 ECOFIN 816 FIN 699
COMPET 415 ONU 211

The Council held a debate on Improving environmental policy instruments and adopted the conclusions set out in doc. 17454/10. The Council took note of the statement hereafter made by the Commission.

Statement by the Commission

"The Commission takes note of the Council's invitations in paragraphs 4 and 5 of the Conclusions to present a general Environment Action Programme setting out priority objectives and a second Environment and Health Action Plan respectively and will give them due attention. The Commission believes that in line with the principles of better law and policy making, any future proposals should be preceded by a full assessment of the current programme and plan taking into account the changing context since their adoption. The substance of any proposal for future policy making must be developed on the basis, inter alia, of an understanding of the current state of the European environment, in light of the SOER 2010, the policy context of the Europe 2020 Strategy, state of implementation of the EU environmental law and the forthcoming proposals on the Roadmap towards a resource efficient Europe and the post 2010 EU Biodiversity strategy."

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