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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

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Subject: Draft Council conclusions on Special Report No 3/2016 from the European Court of Auditors entitled "Combating eutrophication in the Baltic Sea: further and more effective action needed"
- Adoption

1. On 14 April 2016 the European Court of Auditors (ECA) Special report No 3/2016 entitled "Combating eutrophication in the Baltic Sea: further and more effective action needed" was published in the Official Journal of the European Union ¹. On 18 May 2016 the Committee of Permanent Representatives instructed the Working Party on Environment (WPE) to examine the report ² in accordance with the Council conclusions governing this matter ³.

¹ OJ C 131, 14.4.2016, p. 5.

² Doc. 8268/16.

³ Doc. 7515/00 + COR 1.

2. At its meeting on 31 May 2016 the WPE examined the report after a presentation of its main findings by the representatives of the Court of Auditors. On 13 June 2016, the WPE considered the draft Council conclusions prepared by the Presidency ⁴. Through an informal silence procedure which ended on 24 June 2016 an agreement in principle was reached on the basis of a revised text. The text as agreed is set out in Annex to this note.

 3. The Committee of Permanent Representatives is therefore invited to submit to the Council the draft conclusions as set out in the Annex to this note for adoption as an "A" item on the agenda of one of its next meetings.
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⁴ Doc. 9984/16.

**Special Report No 03/2016 from the European Court of Auditors entitled
"Combating eutrophication in the Baltic Sea: further and more effective action needed"**

- Draft Council conclusions -

THE COUNCIL OF THE EUROPEAN UNION:

RECALLING the Marine Strategy Framework Directive (MSFD) ¹, the Water Framework Directive (WFD) ², the Nitrates Directive ³, the Urban Waste Water Treatment Directive (UWWTD) ⁴, the EU Strategy for the Baltic Sea Region (EUSBSR) and the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area (HELCOM), all of which contain provisions to reach a good environmental status, improve water quality and reduce nutrient inputs;

1. WELCOMES special report N°03/2016 from the European Court of Auditors;
2. NOTES that the audit covers eight Member States that border the Baltic Sea, of which four joined the EU only in 2004 (Poland, Estonia, Latvia and Lithuania);
3. NOTES that the economic potential of a healthy Baltic Sea with functioning ecosystem services has in a recent report ⁵ been estimated to offer 550,000 job opportunities and up to €32 billion added value by the year 2030;

¹ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (OJ L 164, 25.6.2008, p. 19).

² Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

³ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1).

⁴ Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.5.1991, p. 40).

⁵ "Turning adversity into opportunity - A business plan for the Baltic Sea" of August 2013, commissioned by WWF.

4. EMPHASIZES that eutrophication is the key environmental problem for all Baltic Sea riparian States and UNDERLINES the importance of efforts and comprehensive measures by all countries that contribute to the eutrophication of the Baltic Sea in order to fight eutrophication and improve the water quality in the Baltic Sea;
5. NOTES that although actions to reduce nutrient inputs have been taken and a generally decreasing trend of nutrient inputs has been achieved since the end of the 1980s, more measures are needed and should be taken in the coming years to combat eutrophication in the Baltic Sea, including at regional level;
6. WELCOMES in this context the Baltic Sea Action Plan (BSAP) agreed in the framework of HELCOM in 2007 which includes provisional country-wise nutrient input reduction requirements and has been revised in 2013; NOTES that the 2009 EUSBSR takes account of this action plan;
7. UNDERLINES that the implementation of the measures laid down in River Basin Management Plans (RBMPs) under the WFD is essential for achieving better water quality; CONSIDERS that the identification of pressures and impacts and of the most significant water management issues in the first management plans from Member States that border the Baltic Sea has been a step forward;
8. ACKNOWLEDGES that eutrophication is a very complex problem, caused by an excess of nutrients from many different sources. In order to effectively address eutrophication in the Baltic Sea, it is important to address the entire spectrum and the flow of nutrient sources, taking account of the natural conditions of the Baltic Sea;

Member States' implementation of nutrient input reduction into the Baltic Sea

9. NOTES that the report observes a lack of ambition and of indicators regarding the expected nutrient reductions in the RBMPs as they focus on 'basic measures' for implementing EU directives in relation to the specific activities causing nutrient pollution, mainly urban waste water and agriculture; UNDERSTANDS that the measures in the first RBMPs were mostly targeted at reducing the gap between the four Member States which joined the EU in 2004 and the other EU Member States and that therefore the focus was on "basic measures" for the implementation of existing legislation;
10. AGREES with the Court's recommendation that Member States should define measures and targets to reduce nutrient loads so as to achieve the goals of the MSFD and the WFD, and improve monitoring of nutrient loads in river basins and inputs into the Baltic Sea to enable them to take cost-effective measures to reduce these loads in the future;

Effectiveness of actions to reduce nutrient pollution from urban waste water

11. NOTES that the report observes a lack of compliance with the UWWTD; URGES the Commission to support the Member States to improve compliance;
12. CALLS UPON Member States to construct and operate waste water infrastructure as efficiently as possible, including by helping households to connect to sewage networks where possible, and set stricter nutrient standards than under the UWWTD, such as those identified in HELCOM Recommendation 28E/5 on municipal wastewater treatment, for effluents that drain into waters failing to reach nutrient conditions consistent with the WFD and MSFD good status;

13. RECOGNISES that while the implementation of both the UWWTD and the HELCOM recommendations has brought about considerable progress, there remains room for improvement, for instance by applying innovative and cost-effective technologies for phosphorous removal from waste water and taking account of the aims and actions of the circular economy action plan ⁶;
14. CALLS ON the Commission to continue to promote projects aimed at reducing the nutrient loads into the Baltic Sea from Russia and Belarus, considering the leverage effect of EU funding;

Effectiveness of actions to reduce agricultural nutrient pollution of water

15. UNDERSTANDS the Court's concerns about eutrophication from agriculture; ENCOURAGES Member States to designate appropriate nitrate vulnerable zones, consistent with information in the RBMPs;
16. RECOGNISES the mutual dependencies and challenges between a good water quality and optimizing agricultural productivity and therefore the need for intensified cooperation between representatives of both the environment and agriculture sectors at national and EU level;
17. NOTES that the Rural Development Programmes are a useful instrument for Member States to support measures to reduce agricultural nutrient leakages;

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled "Closing the loop – An EU action plan for the circular economy", COM(2015) 614 final, doc. 14972/15 + ADD 1.

18. AGREES with the Court's recommendation on the necessity for the Member States to set appropriate limits for the use of phosphorus in agriculture where risks exist, to establish their nitrate action programmes based on the most recent scientific evidence and to apply most relevant agri-environmental schemes regarding nutrient pollution and target the measures where impact on nutrient load reduction is highest;

Added value of the EU Strategy for the Baltic Sea Region (EUSBSR)

19. RECOGNISES that the EUSBSR has the potential to further strengthen international and intersectoral cooperation and the development of actions to combat eutrophication;
20. CALLS ON the Commission to ensure that targeted projects under the EUSBSR focus on sustainable growth in the region, including through intensified efforts to reduce eutrophication and increased support to the “Save the Sea” component.

