



Council of the
European Union

111553/EU XXV. GP
Eingelangt am 13/07/16

Brussels, 13 July 2016
(OR. en)

10472/16

PV/CONS 36
ENV 441
CLIMA 78

DRAFT MINUTES

Subject: **3476th** meeting of the Council of the European Union (**ENVIRONMENT**),
held in Luxembourg on 20 June 2016

CONTENTS

Page

1. Adoption of the **agenda**..... 3

NON-LEGISLATIVE ACTIVITIES

2. Approval of the list of "A" items 3

LEGISLATIVE DELIBERATIONS

3. Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC to enhance **cost-effective emission reductions and low-carbon investments** [First reading] 3

NON-LEGISLATIVE ACTIVITIES

4. **Ratification of the Paris Agreement** 4
- i) Proposal for a Council Decision on the conclusion on behalf of the European Union of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change
 - ii) Draft Council statement on the ratification of the Paris Agreement

LEGISLATIVE DELIBERATIONS

5. Proposal for a Directive of the European Parliament and of the Council on the **reduction of national emissions of certain atmospheric pollutants** and amending Directive 2003/35/EC [First reading] 5

NON-LEGISLATIVE ACTIVITIES

6. Draft Council conclusions on **Closing the loop – an EU action plan for the Circular Economy** 5
7. Draft Council conclusions on the **EU action plan against Wildlife Trafficking** 6
8. **Any other business**..... 6

*

* *

1. **Adoption of the agenda**

10150/16 OJ CONS 35 ENV 410 CLIMA 67

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

2. **Approval of the list of "A" items**

10350/16 PTS A 53

The Council adopted the "A" items listed in 10350/16.

LEGISLATIVE DELIBERATIONS

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

3. **Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments [First reading]**

Interinstitutional file: 2015/0148 (COD)

= Policy debate

9719/16 CLIMA 59 ENV 380 ENER 231 TRANS 210 IND 125 COMPET 349
MI 408 ECOFIN 534 CODEC 802

11065/15 CLIMA 88 ENV 499 ENER 289 TRANS 241 IND 116
COMPET 370 MI 498 ECOFIN 621 CODEC 1059

+ ADD 1

The Council held a policy debate on the basis of a Presidency background note accompanied by two questions for the ministers, as set out in 9719/16. The discussion, during which all delegations took the floor, showed that delegations broadly agreed with the Presidency's assessment of the state of play and suggested a way forward on the key issues of the proposal. While the general aims and principles of the revision of the EU ETS are largely shared, further work is needed on many details of the key issues, in particular the criteria for free allocation and the implementation of the funding mechanisms.

Ministers agreed on the importance of the revision of the EU ETS in terms of fulfilling the EU's commitments under the Paris Agreement, and underlined that the revision of the directive should fully respect the European Council conclusions of October 2014. Many also considered that a review clause should be included to reflect the review process provided for in the Paris Agreement. However, several other delegations stressed that an increase in ambition would require a decision by the European Council. At the end of the debate, the President of the Council thanked the delegations for their contributions and concluded that the outcome will help to steer and focus further work within Council.

NON-LEGISLATIVE ACTIVITIES

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

4. Ratification of the Paris Agreement

i) Proposal for a Council Decision on the conclusion on behalf of the European Union of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change

= Presentation by the Commission

10179/16 CLIMA 68 ENV 413 ONU 70 DEVGEN 127 ECOFIN 605

ENER 252 FORETS 24 AGRI 330 MAR 169 AVIATION 128

+ ADD 1

+ ADD 2

The Commission presented its proposal for a Council decision on the conclusion on behalf of the EU of the Paris Agreement. The Council took note of the information and will consider the proposal.

ii) Draft Council statement on the ratification of the Paris Agreement

= Adoption

9855/1/16 CLIMA 66 ENV 396 ONU 68 ENER 241 REV 1

The Council adopted a statement on the ratification of the Paris Agreement, the global legally binding agreement on climate change adopted in December 2015.

LEGISLATIVE DELIBERATIONS

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

5. **Proposal for a Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC [First reading]**

Interinstitutional file: 2013/0443 (COD)

= State of play

9713/16 ENV 379 ENER 230 IND 124 TRANS 208 ENT 108 SAN 235

PARLNAT 179 CODEC 799

+ COR 1

18167/13 ENV 1235 ENER 600 IND 388 TRANS 693 ENT 356 SAN 555

PARLNAT 325 CODEC 3086

+ ADD 1

The Council took note of the progress made in negotiations with the European Parliament during the Netherlands Presidency. In their intervention, several Ministers encouraged the Presidency to continue their effort in order to come to an agreement soon. In this context, a number of Ministers recalled that the emission reduction targets should not only be ambitious, but also realistic and feasible. The Presidency, aware that the margins of flexibility were small, concluded that it would continue to look at constructive solutions with the European Parliament and the Commission, in order to reach an agreement in the very near future.

NON-LEGISLATIVE ACTIVITIES

(Public debate in accordance with Article 8(2) of the Council's Rules of Procedure for items 6 and 7)

6. **Draft Council conclusions on Closing the loop – an EU action plan for the Circular Economy**

= Adoption

10151/16 ENV 411 COMPET 372 AGRI 326 TRANS 231 MI 443 IND 137

CONSUM 146 ECOFIN 601 ENER 250 RECH 233 SAN 255

14972/15 ENV 768 COMPET 557 AGRI 642 TRANS 402 MI 779 IND 201

CONSUM 212 ECOFIN 954 ENER 417 RECH 305 SAN 424

+ ADD 1

The Council reiterated its commitment in supporting a transition to a Circular Economy and adopted the draft Council conclusions as set out in the Annex to 10151/16. In this context, the Council stressed the need to address product design and lifetime and to strengthen the market for secondary raw materials and its links to the international market. Efficient use of resources and the proper application of the waste hierarchy were also strongly advocated. Finally, the Council called upon the Commission to deliver on the Action Plan.

7. **Draft Council conclusions on the EU action plan against Wildlife Trafficking**

= Adoption

9721/1/16 ENV 381 JAI 504 CRIMORG 41 RELEX 467 DEVGEN 112
COMER 72 EUROJUST 71 ENFOPOL 164
ENFOCUSTOM 74 REV 1

6570/16 ENV 100 JAI 141 CRIMORG 10 RELEX 154 DEVGEN 30 COMER 2
EUROJUST 19 ENFOPOL 48 ENFOCUSTOM 30

The Council adopted the draft conclusions as set out in the Annex to 9721/1/16 REV 1. In this context, the Council underlined the need to address wildlife trafficking and its negative impact on biodiversity, as well as its links with corruption, armed conflict, poverty and other forms of crime; and it also emphasized the importance of the EU Action Plan in the run up to the Conferences of the Parties to the CITES and the Convention on Biological Diversity.

8. **Any other business**

a) **NO_x emissions by diesel cars**

= Information from the Presidency

10186/16 ENV 415 CLIMA 69 ENT 119 MI 446 TRANS 236 COMPET 374

The Presidency reminded the main message from the debate at the TTE Council on transport on this matter. Ministers underlined the need to restore consumers' confidence and increase transparency regarding the automotive sector, following the diesel emissions scandal. They agreed on the need to take measures to ensure that such a situation is not repeated, and some delegations proposed legislative changes to that end.

The Council took note of the information provided by the Presidency and of the interventions made by delegations.

b) **Endocrine disruptors**

= Information from the Commission, requested by the French delegation

10222/16 ENV 422 CONSOM 148 SAN 258 CHIMIE 39 AGRI 334 MI 450

Following a recent court case where the Commission was urged to propose criteria to identify endocrine disruptors, the Commission presented its proposal to the Council. Some ministers expressed strong concerns about the Commission's approach, where criteria are based on evidence. They asked the Commission to respect the precautionary principle and also address the suspected endocrine disruptors for which no evidence is yet available.

The Council took note of the information provided by the Commission and of the interventions made by delegations.

c) Recent international meetings:

- i) High-Level Meeting (Montreal, 11-13 May 2016) and preparations for the ICAO Assembly (Montreal, 27 September–7 October 2016)
10290/16 CLIMA 75 ENV 432 AVIATION 130
 - ii) Second session of the United Nations Environment Assembly of the United Nations Environment Programme (Nairobi, 23–27 May 2016)
10201/16 ENV 418 DEVGEN 128 ONU 72
 - iii) Eighth Environment for Europe Ministerial Conference (Batumi, Georgia, 8-10 June 2016)
10322/16 ENV 434 UNECE 13 ONU 75 COEST 160
- = Information from the Presidency and the Commission

The Council took note of the information provided by the Presidency and the Commission regarding the above mentioned international meetings.

d) High-Level Meeting "Make it Work" (Amsterdam, 4 April 2016)

- = Information from the Presidency
10080/16 ENV 402

The Council took note of the information provided by the Presidency on the main outcomes of this meeting and the 'Make it Work' initiative, which was meant to improve both the drafting and implementation of EU environmental legislation, with the involvement of Member States and the Commission.

e) Policy conference "REACH Forward" (Brussels, 1 June 2016)

- = Information from the Presidency
10098/16 ENV 404 COMPET 369 IND 136 RECH 230 ECOFIN 593 ECO 45
SOC 404 SAN 249 CONSOM 145 MI 439 CHIMIE 38 ENT 117

The Council took note of the information provided by the Presidency on the conference which intended to provide input for the review of REACH in 2017. Some delegations pointed to the need for a ministerial discussion and guidance on these matters.

- f) **Communication from the Commission on Delivering the benefits of EU environmental policies through a regular Environmental Implementation Review**
= Information from the Commission
9704/16 ENV 376 ECOFIN 532 SOC 371 COMPET 346 POLGEN 44
CONSOM 133

The Council took note of the information provided by the Commission as a follow-up to last year's ministerial discussion. The Presidency pointed to the complementarity with the Make it Work initiative.

- g) **Informal meeting of the Environment and Transport Ministers**
(Amsterdam, 14–15 April 2016)
= Information from the Presidency
10203/16 ENV 419 CLIMA 71 TRANS 237 COMPET 376

The Council took note of the information provided by the Presidency and of the intervention made by the Commission.

- h) **Global amphibian deaths – combatting the fungus *Batrachochytrium salamandrivorans* (Bsal) infecting salamanders and newts in the EU**
= Information from the German and Belgian delegations, supported by the Luxembourg delegation
10149/16 ENV 409 VETER 60 ANIMAUX 17

The Council took note of the information provided by the abovementioned delegations who called urgently for protection measures for amphibians at EU level.

The Commission indicated that they were taking action with a view to establishing a European early warning system.

- i) **Work programme of the incoming Presidency**
= Information from the Slovak delegation

The Council took note of the information provided by the Slovak delegation with regard to its Presidency's priorities and main events.