



Council of the
European Union

121007/EU XXV. GP
Eingelangt am 03/11/16

Brussels, 3 November 2016
(OR. en)

13345/16
ADD 1

PV/CONS 50
ENV 662
CLIMA 142

DRAFT MINUTES

Subject: **3491st** meeting of the Council of the European Union (**Environment**),
held in Luxembourg on 17 October 2016

PUBLIC DELIBERATION ITEMS¹

Page

"A" ITEMS (13125/16 PTS A 77)

1. Draft Regulation of the European Parliament and of the Council repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings [First reading] 3
2. Draft Regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail [First reading] 3
3. Draft Directive of the European Parliament and of the Council amending Directive 2012/34/EU as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure [First reading] 4

"B" ITEMS (13122/16 OJ CONS 49 ENV 651 CLIMA 138)

4. Non-ETS sectors 5
5. Draft Council conclusions on Sustainable Water Management 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. Draft Regulation of the European Parliament and of the Council repealing Regulation (EEC) No 1192/69 of the Council on common rules for the normalisation of the accounts of railway undertakings [First reading]

= Adoption of the Council's position at first reading and of the statement of the Council's reasons

12858/16 CODEC 1377 TRANS 373

11197/16 TRANS 296 CODEC 1056

+ ADD 1

+ ADD 1 COR 1

approved by Coreper, Part 1, on 12.10.2016

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons. (Legal basis: Article 91 and 109 TFEU).

2. Draft Regulation of the European Parliament and of the Council amending Regulation (EC) No 1370/2007 concerning the opening of the market for domestic passenger transport services by rail [First reading]

= Adoption of the Council's position at first reading and of the statement of the Council's reasons

12859/16 CODEC 1378 TRANS 374

+ ADD 1

11198/16 TRANS 297 CODEC 1057

+ ADD 1

+ ADD 1 COR 1

approved by Coreper, Part 1, on 12.10.2016

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons. (Legal basis: Article 91 TFEU).

Statement by Germany

"Germany welcomes the agreement reached on the proposal for an amendment to Regulation (EC) No 1370/2007 on public passenger transport services by rail and by road. Regarding the social provisions contained in the aforementioned Regulation (see recitals 16 and 17 of Regulation (EC) No 1370/2007 and Article 4(5) and (6) in the current version and in the version amended by the proposal including the new recital), Germany believes that in the future, after the Regulation has been amended, Member States will – as has been the case so far under existing law – be at liberty to adopt more extensive rules under national law to flesh out the European standards. This also explicitly comprises the right to make more binding rules in national law than in the Regulation governing the transfer of staff in the event of a change of operator. Germany believes that its legal opinion is vindicated by remarks made by the European Commission and the Presidency (for instance, at the 2581st meeting of Coreper, Part 1, on 13 April 2016)."

3. Draft Directive of the European Parliament and of the Council amending Directive 2012/34/EU as regards the opening of the market for domestic passenger transport services by rail and the governance of the railway infrastructure [First reading]

= Adoption of the Council's position at first reading and of the statement of the Council's reasons

12860/16 CODEC 1379 TRANS 375

+ ADD 1

11199/16 TRANS 298 CODEC 1058

+ ADD 1

+ ADD 1 COR 1

+ ADD 1 COR 1 REV 2

approved by Coreper, Part 1, on 12.10.2016

The Council approved its position at first reading, in accordance with Article 294(5) of the Treaty on the Functioning of the European Union, and the statement of the Council's reasons. (Legal basis: Article 91 TFEU).

Statement by Germany

"The Federal Republic of Germany endorses the compromises on the political pillar of the Fourth Railway Package, which continue to make it possible for integrated systems to exist, while at the same time providing for strong and effective regulation and transparency of financial flows.

The Federal Republic of Germany deems it important to note that Article 7d lays down the conditions for controlling financial transfers for - for example - dividend payments and loans and that recital 17 does not introduce any additional rules.

The Federal Republic of Germany continues to interpret Article 7d and recital 18 in the sense that it is possible for infrastructure managers to pay income and dividends directly or via another legal entity within the undertaking to the owner. The term 'owner of the company', to which revenue may be transferred, under Article 7d, is to be understood as including not only the State as the direct owner of the infrastructure company, but also the State as the ultimate owner."

4. Non-ETS sectors

- a) **Proposal for a Regulation of the European Parliament and of the Council on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union and to meet commitments under the Paris Agreement and amending Regulation No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change [First reading]**
Interinstitutional file: 2016/0231 (COD)
11483/16 CLIMA 92 ENV 511 ENER 293 TRANS 315 AGRI 432
COMPET 432 ECOFIN 730 CODEC 1098 IA 55
+ ADD 1
+ ADD 1 REV 1 (it, da)
+ REV 1 (it, da)
- b) **Proposal for a Regulation of the European Parliament and of the Council on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry into the 2030 climate and energy framework and amending Regulation No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change [First reading]**
Interinstitutional file: 2016/0230 (COD)
11494/16 CLIMA 93 ENV 512 AGRI 434 FORETS 35 ONU 88
CODEC 1101 IA 56
+ ADD 1
- = Policy debate
12696/16 CLIMA 124 ENV 618 ENER 339 TRANS 366 AGRI 511
FORETS 50 COMPET 512 ECOFIN 852 ONU 107
CODEC 1338 IA 76

The Council held a public policy debate on the above Commission proposals on the basis of a background note and two questions prepared by the Presidency, as contained in 12696/16. Following the debate, during which all delegations took the floor, the President of the Council concluded that their contributions would provide valuable guidance for further discussions on the proposals.

NON-LEGISLATIVE ACTIVITIES

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

5. Draft Council conclusions on Sustainable Water Management

= Adoption

12681/16 ENV 614 CLIMA 121 AGRI 508 IND 202 PROCIV 62
RELEX 802 MED 45 DEVGEN 208

The Council adopted the above mentioned conclusions and held a public debate on sustainable water management.

During the debate, Ministers reaffirmed that water remains a top EU priority and highlighted its importance as a scarce natural resource and its strategic role in environmental, health and also economic terms. They expressed strong support for the conclusions and highlighted the need to mainstream water policy objectives in other relevant policy areas, such as agriculture, fisheries, industry, energy and spatial planning. Ministers called on the Commission to involve all Member States, as well as relevant stakeholders, in the preparatory process for the review of the Water Framework Directive in 2019. While recognising that water challenges are different across the EU and therefore the Member States need flexibility in the choice of measures to achieve water policy objectives, Ministers and Commissioner Vella concurred on the need to maintain a strong legal framework and a high level of ambition for water policy objectives for the post-2027 period.
