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Environment

Luxembourg, 17 October 2016

President **László Sólymos**
Minister for the Environment of Slovakia

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

ITEMS DEBATED

Emission reductions in sectors not covered by the EU ETS

Ministers had their first policy debate on the proposals for an effort-sharing regulation and a regulation on land-use, land use change and forestry (LULUCF regulation). Together with the review of the emission trading system (ETS), these files aim to ensure a domestic reduction of the EU's greenhouse gas emissions by at least 40% by 2030, compared to 1990 levels. Ministers highlighted the importance of this legislation for delivering on the EU's commitment under the Paris Agreement and for maintaining the EU's status as a leader in climate action.

They agreed the October 2014 European Council conclusions provide the right guiding principles for the development of this legislation, namely cost effectiveness, fairness, environmental integrity and balance of effort.

Some delegations considered that the national emission reduction target for their country in the Commission's proposal for an effort-sharing regulation was not appropriate. They asked for clarity on the methodology used to set these targets and for proper consideration of their situation, their specificities and the impact the given targets would have on their economies.

Concerning the starting point, some delegations argued that taking as the reference the most recent verified emissions from 2016-2018, instead of the 2020 targets, penalises member states who have made early efforts and reduces the incentives to take further action. Others agreed with the starting point proposed by the Commission, because they consider that taking the 2020 targets as the starting point would not be ambitious enough.

Regarding the flexibilities proposed - both the existing and the new ones - some ministers considered they should go further, while others warned they should not allow member states to avoid taking the necessary action. Concerning the new possibility to count some credits from LULUCF for targets under the effort sharing regulation, several delegations asked for the inclusion of credits from forest management. In sum, ministers argued, a balance will need to be found between flexibility and incentives for emission reductions.

Regarding the proposal on LULUCF, some delegations underlined the need to take into account the specificities of member states.

The policy debate at the Environment Council will provide guidance for the way forward on these files.

Water

Ministers held a public debate on sustainable water management. They underlined the fact that water remains a top EU priority and highlighted the need to mainstream water policy objectives in related policy areas (for instance, agriculture, fisheries, industry, energy, spatial planning).

During the debate several delegations called on the Commission to involve member states and stakeholders in the preparations for the review of the Water Framework Directive in 2019. Ministers agreed on the need to keep a high level of ambition in terms of water policy objectives for the post-2027 period.

Finally, it was pointed out that water challenges are different across the EU and that member states therefore need flexibility to choose the most appropriate measures to achieve the water policy objectives.

The Council adopted the following conclusions on sustainable water management:

"RECALLING the Council conclusions on EU water diplomacy of 22 July 2013 ¹; on a Blueprint to safeguard Europe's water resources of 17 December 2012 ²; on Protection of water resources and integrated sustainable water management in the EU and beyond of 21 June 2011 ³; on Integrated flood management within the EU of 12 May 2011 ⁴; on Water scarcity, drought and adaptation to climate change of 11 June 2010 ⁵; on Water scarcity and droughts of 30 October 2007 ⁶; and the EU Action Plan for the Circular Economy of 20 June 2016 ⁷;

RECALLING the main EU legislative instruments on water policy, in particular the EU Water Framework Directive (WFD) ⁸, the Floods Directive (FD) ⁹ and the Marine Strategy Framework Directive (MSFD) ¹⁰;

¹ Doc. 12493/13.

² Doc. 17872/12.

³ Doc. 11308/11.

⁴ Doc. 9241/11 + COR 1.

⁵ Doc. 11061/10.

⁶ Doc. 13888/07.

⁷ Doc. 10518/16.

⁸ Directive 2000/60/EC of 23 October 2000 (OJ L 327, 22.12.2000, p.1).

⁹ Directive 2007/60/EC of 23 October 2007 (OJEU L 288, 6.11.2007, p. 27).

¹⁰ Directive 2008/56/EC of 17 June 2008 (OJEU L 164, 25.6.2008, p.19).

RECALLING the General Union Environment Action Programme to 2020 ‘Living well, within the limits of our planet’¹, and the Industrial Emissions Directive², and in particular their water-related provisions;

RECALLING the Council conclusions on The Mid-Term Review of the EU Biodiversity Strategy to 2020 of 16 December 2015³, and in particular the fresh water and marine biodiversity issues;

RECALLING the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs) and HIGHLIGHTING its water-related provisions, in particular SDG 6 (Ensure availability and sustainable management of water and sanitation for all), SDG13 (Take urgent action to combat climate change and its impacts), SDG 14 (Conserve and sustainably use the oceans, seas and marine resources for sustainable development) and their related targets;

RECALLING the Sendai Framework for Disaster Risk Reduction 2015-2030, which *inter alia* aims to increase resilience for the society and the environment, and the OECD Principles on Water Governance welcomed at the OECD Ministerial Council Meeting on 4 June 2015;

WELCOMING the entry into force of the UN Watercourses Convention⁴ and the UNECE Water Convention⁵ becoming a global instrument; RECOGNISING the valuable role of both Conventions in promoting and facilitating sustainable management of transboundary waters; and HIGHLIGHTING the role of the Sea Conventions in the implementation of the MFSO;

RECALLING the outcome of the 7th World Water Forum, which *inter alia* recognised the urgent need to address water-related challenges in a sustainable manner⁶, as well as the World Economic Forum's Global Risk Report 2016, which places water in third place of the top ten risks that can have a significant negative impact for society and the economy;

¹ Decision 1386/2013/EU of 20 November 2013 (OJEU L 354, 28.12.2013, p.171).

² Directive 2010/75/EU of 24 November 2010 (OJEU L 334, 17.12.2010, p.17).

³ Doc. 14950/15.

⁴ UN Convention on the Law of the Non-navigational Uses of International Watercourses (1997).

⁵ UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992).

⁶ Ministerial Declaration adopted at the 7th WWF on 13 April 2015 in Gyeongju, Republic of Korea.

THE COUNCIL OF THE EUROPEAN UNION

1. ACKNOWLEDGES that European Union waters are under pressure, caused *inter alia* by water pollution, the increasing demand for water and the speed and intensity of land use and climate change impacts, which compromises water security and exacerbates the negative effects of drought and water scarcity, notably in the Mediterranean area but increasingly also in other EU areas;
2. ACKNOWLEDGES that climate change and the effect of increased heavy precipitation, as well as intensified land use, can cause flash floods and change the flooding phenomena across Europe;
3. RECOGNISES that while a high proportion of river basins in the EU are shared among two or more Member States, the EU regions have diverse physical geography, environment and climate conditions which influence all aspects of society and economy, including water management; UNDERLINES that flexibility in terms of measures is therefore needed in order to achieve the EU water policy goals; and RECOGNISES that since one solution does not fit all, Member States should take measures tailored to specific needs and conditions, while respecting the EU legislation;
4. STRESSES the need to fully implement the existing EU water policy in a coherent and effective way and achieve the objectives of the EU water acquis and HIGHLIGHTS the importance of ensuring the protection of waters against the deterioration of their status and securing sufficient supply of good quality water for the population and for all other sustainable uses of water, in particular by
 - promoting sustainable water use based on appropriate protection and management of water resources, taking into account both the quantitative and qualitative aspects;
 - protecting all water bodies and progressively bringing them to good status, in line with the main objectives of the WFD;
 - promoting new integrated and more effective approaches for urban waste water collection and treatment;

5. APPRECIATES the progress made so far and RECOGNISES the challenges to reach the EU water policy objectives and good status of all EU waters; UNDERLINES the importance of policy coherence in this regard; and EMPHASISES that EU water policy objectives, including the sustainable use and management of water, should be better integrated into other relevant policies such as food, agriculture, fisheries, energy, transport, industry, spatial planning, urban development and tourism at all levels, as well as into relevant EU financial mechanisms;
6. CALLS ON the Member States to seek a balanced combination of green and technical infrastructure when choosing the ways and means to achieve the EU water policy objectives; EMPHASISES that the use of green infrastructure measures such as natural water retention can safeguard and enhance the water storage potential of landscape, soil, and aquifers, thereby reducing the risk of flooding and improving the status of water bodies; and ACKNOWLEDGES that technical infrastructure measures may be needed to deal with droughts and floods;
7. HIGHLIGHTS the importance of sustainable consumption and production (SCP) and circular economy as means of achieving a sustainable use and management of natural resources, including water and resources in waste water; and EMPHASISES that sustainable water management and sound river basin management planning are a prerequisite to achieving a circular economy;
8. HIGHLIGHTS the importance of reducing water consumption in a sustainable way by the EU economic sectors and citizens, and CALLS ON the Member States to implement where appropriate measures to promote the efficient use of water in all relevant economic sectors, *inter alia* by:
 - Ensuring that water-pricing policies provide adequate incentives for users to use water resources efficiently;
 - Investing in the reduction of water losses and leakages;
 - Improving systems for water allocation, including the implementation of water accounts;
 - Creating and developing complementary water supply infrastructure, taking into account relevant measures to prevent and adapt to water scarcity and droughts as well as to promote water efficiency and water demand management;

- Promoting innovative technologies and practices enabling a sustainable and efficient use and re-use of water, including for irrigation systems, agriculture, industry and tourism;
 - Promoting the use of life cycle costing tools, including through public procurement;
 - Increasing users awareness of the need to optimize water use, thereby strengthening the water-saving culture;
 - Deepening knowledge and improving data collection and analysis, including on the impact of climate change and on early warning systems;
 - Improving water governance in basin and local scales;
9. EMPHASISES that water re-use, in addition to other water saving and efficiency measures, can be an important instrument to address water scarcity and to adapt to climate change as part of integrated water management; CALLS ON the Members States to take measures to promote water re-use practices, taking into account regional conditions where appropriate and whilst ensuring a high level of protection for human health and the environment, as water re-use can also deliver benefits in terms of economic savings, environmental protection, stimulating investments in new technologies and creating green jobs; STRESSES that well-treated urban waste water can be re-used for a variety of purposes in the agricultural sector, industrial applications, sustainable urban development and protection of ecosystems; and NOTES with interest the intention of the Commission to present in 2017 a proposal on minimum quality requirements for reused water in the EU;
10. UNDERSCORES that a sound water planning and sustainable water management in relation to river basins, flood risk and droughts are essential components of sustainable development, and therefore requires the effective involvement of all relevant stakeholders, including not only governments but also civil society, researchers and the private sector;
11. EMPHASISES that coastal and marine waters are also subject to sea- and land-based pressures and CALLS on Member States to submit and implement as soon as possible Programmes of Measures under the MSFD that are ambitious and consistent with the WFD Programme of measures and the River Basin Management Plans (RBMPs), as well as with the Flood Risk Management Plans (FRMPs), thereby making progress towards achieving good environmental status of the marine waters by 2020;

12. **HIGHLIGHTS** the importance of strengthening transboundary water cooperation on the basis of subsidiarity, proportionality and reciprocity both within the EU and between the EU and non-EU countries, as well as between River or River Basin and Sea Commissions and with other relevant actors dealing with sustainable water use and management, water scarcity, floods and droughts;
13. **CALLS ON** the Commission and the Member States to
 - work together to implement water-related EU legislative and non-legislative instruments, policies and existing standards in a coherent way;
 - use innovative, science-based and targeted approaches in order to ensure sustainable use and management of water resources and to protect and improve the status of the aquatic environment within the EU;
14. **HIGHLIGHTS** the importance of efficient interaction and coherence between water policy Directives;
15. **UNDERLINES** that the WFD and the FD are the main water-related instruments for addressing the impacts of climate change on water quantity and quality and implementing the measures for adaptation;
16. **NOTES** that the WFD will be reviewed by the Commission in 2019 and hence that the time available for preparation is short; and **CALLS** upon the Commission to work with the Member States to develop, well before the 2019 WFD review, timely and legally sound options to enable continuous and ambitious national implementation by 2027 and beyond, taking into account the prevailing and new challenges to water management planning."

Biodiversity

In view of the meetings in Cancun, Mexico, in December 2016, the Council adopted the following conclusions on the Convention on Biological Diversity (CBD):

"THE COUNCIL OF THE EUROPEAN UNION

1. CONFIRMS that the EU and its Member States are strongly committed to the implementation of the Convention on Biological Diversity (CBD) and its Protocols as well as of the decisions adopted by their governing bodies, in particular the Strategic Plan for Biodiversity 2011-2020 ('the Strategic Plan') and its Aichi Biodiversity Targets, and the Strategic Plan for the Cartagena Protocol on Biosafety for the period 2011-2020;
2. WELCOMES the adoption of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) it contains; RECOGNISES that its implementation, and in particular that of Goals 14 and 15, should contribute to achieving the objectives of the CBD and the goals and targets of its Strategic Plan; and STRESSES the importance of the objectives of the CBD and the Strategic Plan for achieving the Sustainable Development Goals (SDGs);
3. WELCOMES the concurrent organisation of COP 13, COP-MOP 2 and COP-MOP 8 as a way of enhancing integration and synergies among the CBD and its Protocols, and CALLS for further improvement of the efficiency of structures and processes under the CBD and its Protocols in order to increase awareness, facilitate implementation and improve cost-effectiveness;
4. WELCOMES the adoption of the Paris Agreement, which notes the importance of ensuring the integrity of all ecosystems and the conservation of biodiversity when taking action to address climate change, and STRESSES that the implementation of the Paris Agreement can also contribute to achieving the objectives of the CBD and vice versa;

5. STRESSES the importance of the mutually supportive implementation of the objectives of the CBD and its Strategic Plan and the UN Convention to Combat Desertification (UNCCD) and its ten-year strategic plan and framework (2008-2018);
6. WELCOMES the initiative of the Government of the United Mexican States to host a high-level segment, in the context of COP 13 in order to discuss ways to mainstream the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources into other sectors and into the implementation of the SDGs;

CHAPTER I

Convention on Biological Diversity

Progress in the implementation of the Strategic Plan for Biodiversity 2011-2020

7. While welcoming the efforts and achievements already made and recognised in the fourth Global Biodiversity Outlook (GBO-4), IS DEEPLY CONCERNED about the insufficient progress in implementing the Strategic Plan to achieve most of the Aichi Biodiversity Targets and therefore CONSIDERS that actions should be intensified by all CBD Parties and stakeholders and that concrete decisions should be taken by COP 13;
8. EXPRESSES the need for COP 13 to request that the subsidiary bodies of the Convention take the steps needed for the follow-up to the current Strategic Plan, taking into account the broadest range of relevant sources of information and knowledge, including assessments by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES);

9. HIGHLIGHTS that COP 13 will be an important milestone in the review of the implementation of the Strategic Plan and an opportunity to raise the level of ambition in its implementation as well as to define actions supporting the implementation of the 2030 Agenda for Sustainable Development; in this respect, URGES the Commission and the Member States to work towards effective and efficient coherence and complementarity in the implementation of these processes in the EU and globally;
10. UNDERLINES the importance of cooperation among biodiversity-related MEAs, the Rio Conventions, UNEP and other UN bodies; EMPHASISES that in order to enhance the implementation of the Strategic Plan, it is important that COP 13 continue work on enhancing synergies, coherence and effective cooperation among the biodiversity-related conventions and other multilateral environmental agreements through relevant tools and means; and STRESSES the need to further develop and to prioritise options for action at global level, including through a road map;

Mainstreaming of biodiversity

11. With a view to achieving the Aichi Biodiversity Targets by 2020, HIGHLIGHTS the importance of mainstreaming biodiversity within and across all sectors and policies, into urban and regional planning, including maritime and coastal planning, and into the health sector as cross-sector activities; RECOGNISES that agriculture, fisheries and aquaculture, forestry and tourism are key sectors with significant impacts on biodiversity and on the ecosystem services it provides; ACKNOWLEDGES that other sectors, including extractive industries such as oil and gas and mining, energy, infrastructure, manufacturing, and commercial and residential construction, also impact on biodiversity and on the ecosystem services it provides, and therefore also need to be addressed;

12. CALLS on the CBD and its Parties to promote more integrated policies, adequate incentives and practical approaches such as sustainable and ecological intensification and diversification of agriculture, agro-ecology and organic farming, so as to effectively contribute to protecting and enhancing biodiversity and the ecosystem services it provides, sustainable food production and food security, and limit pressure on vulnerable ecosystems, and ENCOURAGES the EU and its Member States to implement the relevant international multilateral agreements, including the International Treaty on Plant Genetic Resources for Food and Agriculture;
13. CONSIDERS that mainstreaming biodiversity provides new opportunities for all economic sectors, including the private sector; STRESSES the need for businesses to improve their understanding of the benefits for their operations of the conservation and sustainable use of biodiversity and the ecosystem services it provides; RECOGNISES the importance of legal instruments, good governance, including gender equality, and voluntary approaches for the mainstreaming of biodiversity into relevant sectors in order to ensure accountability and transparency in progress; and CALLS ON the business sector to increase its involvement in and contribution to achieving both the Aichi Biodiversity Targets and the biodiversity-related SDGs, and to analyse and invest in improvements and report on their impacts, actions and investments related to biodiversity and the ecosystem services it provides, sharing experiences and best practices, e.g. in the framework of Business and Biodiversity Platforms as well as other initiatives, such as the Natural Capital Protocol;
14. RECOGNISES the National Biodiversity Strategies and Action Plans (NBSAPs) and relevant funding mechanisms from all sources as key instruments for the mainstreaming of biodiversity into and across all relevant sectors;

15. STRESSES the importance of traditional knowledge, citizen science and knowledge-based tools, such as the mapping and assessment of ecosystem services and natural capital accounting, where appropriate, in the mainstreaming of biodiversity and the ecosystem services it provides in sectors and in decision-making;
16. URGES the Commission and the Member States to further mainstream biodiversity considerations into the development and implementation of sectoral policies at all levels, including through incentives and other funding mechanisms and decision processes in line with CBD COP Decision XII/3 on resource mobilisation, the Paris Declaration on Aid Effectiveness and Financing for Development and the Addis Ababa Action Agenda; and URGES the Member States to continue working to achieve Aichi Target 3 on phasing out incentives, including subsidies, harmful to biodiversity and developing positive incentives for the conservation and sustainable use of biodiversity by 2020 in all relevant sectoral policies;
17. BELIEVES that mainstreaming biodiversity into key economic and development sectors can help mobilise resources to conserve biodiversity whilst also tackling drivers of biodiversity loss and therefore decreasing resource needs in the longer term; and RECALLS the importance of resource efficiency and the circular economy in reducing biodiversity loss and fostering progress towards biodiversity targets;
18. UNDERLINES the important role of sub-national and local governments and of regional and sub-regional instruments and initiatives, such as the Alpine and Carpathian Conventions in promoting sustainable development and mainstreaming of biodiversity in mountain regions, as well as in polar and marine areas through OSPAR, HELCOM, the Barcelona and Bucharest Conventions, the Arctic Council as well as regional fisheries management organisations for enhancing cooperation between biodiversity and marine policies; and WELCOMES their activities as good practice in terms of mainstreaming biodiversity across various sectors and policies, while enhancing international and cross-border cooperation in their respective regions and increasing the involvement of a broad range of stakeholders;

Pollinators

19. IS DEEPLY CONCERNED about the current and future state of pollination and pollinators, in particular wild pollinators, which are fundamental for the conservation of biological diversity and the maintenance of natural terrestrial ecosystems and key ecosystem services, such as food production; and WELCOMES the recommendations derived from the IPBES thematic assessment on pollinators, pollination and food production;
20. URGES all CBD Parties, relevant organisations and stakeholders at all levels to take action to protect pollinators and their habitats in order to mitigate and stop their decline, including in order to avoid related financial losses and including through strategies to avoid or reduce the use of pesticides harmful to pollinators;

Climate change

21. UNDERLINES the strong interlinkages between policies and instruments for achieving the objectives for biodiversity conservation and sustainable use, the objectives of the Paris Agreement for climate change adaptation and mitigation, and objectives for ecosystem restoration, sustainable food security and disaster risk reduction; and SUPPORTS the development of voluntary guidelines for the design and effective implementation of ecosystem-based approaches for mitigation, adaptation and disaster risk reduction that can be adapted to national circumstances and serve multiple purposes for climate change and biodiversity;

22. HIGHLIGHTS the fundamental role and functions of terrestrial, freshwater and marine ecosystems, green infrastructure and ecosystem-based approaches and nature-based solutions for climate change adaptation and mitigation, such as mitigation and adaptation approaches for the sustainable management of forests, and disaster risk reduction at all levels of governance; RECOGNISES the multiple benefits delivered through these approaches and ENCOURAGES the Member States and the Commission to continue increasing the information base and integrating conservation and sustainable use of biodiversity, in particular ecosystems, in their strategic planning and implementation of relevant climate and energy policies, especially for the full implementation of the Paris Agreement;

Protected areas and ecosystem restoration

23. NOTES the contribution to achieving Aichi Target 11 made through the full implementation of the EU Biodiversity Strategy to 2020, in particular the Natura 2000 network of protected areas both on land and at sea;
24. STRESSES that priority needs to be given to the conservation, maintenance and sustainable use of existing terrestrial, marine and inland water ecosystems and natural and semi-natural habitats, with restoration being a complementary activity, not an alternative to the conservation of existing habitats in a favourable status;
25. EMPHASISES the urgent need to accelerate and upscale ecosystem restoration activities to achieve Aichi Biodiversity Target 15, in particular in forests, mangroves, coral reefs and wetlands; and RECOGNISES the potential and importance of ecosystem restoration as a key activity that can help to reverse the degradation of ecosystems and related services and bring multiple benefits; SUPPORTS in this respect the short-term Action Plan on Ecosystem Restoration recommended by SBSTTA 20 as a flexible framework adaptable to national circumstances;

Resource mobilisation and financial mechanism

26. UNDERSCORES the need to strengthen implementation of all elements of the CBD Resource Mobilisation strategy and targets, including through mobilisation of resources (financial, human, technical and institutional) from a variety of sources, including the private sector, and to use the available resources efficiently and in an integrated manner;
27. STRESSES the importance, in terms of transparency and accountability, of enhancing the quality and quantity of reporting on domestic resource mobilisation, funding gaps and needs, national priority setting and finance plans, which provide baseline information for future investments, and that such domestic reporting should not be disconnected from reporting on international biodiversity-related financial resource flows; and CALLS ON the Member States and the Commission to contribute to delivering, together, on the international commitment for resource mobilisation, recalling that this does not imply any specific burden-sharing agreement between Member States and/or the EU;
28. CALLS for synergies with other relevant processes beyond the CBD to be effectively used for resource mobilisation, including through the 2030 Agenda for Sustainable Development, and for coherence with relevant approaches under other international bodies and instruments including the Paris Agreement and other relevant agreements;
29. CALLS for COP 13 to provide key guidance to the Financial Mechanism, in the form of a four-year framework of programme priorities, that will orient the support from the Global Environment Facility Trust Fund during its seventh replenishment period (2018-2022) and in this regard to give due consideration to the advice that may come from other biodiversity-related conventions;

Reporting

30. EMPHASISES the importance of facilitating access to biodiversity data and further use of CBD reporting results, developing tools for monitoring biodiversity and timely reporting under the CBD; RECOGNISES the need for fit-for-purpose guidelines for the sixth national report as the primary basis for assessing Parties' progress on the Aichi Biodiversity Targets; and STRESSES the importance of the regional and global assessments of biodiversity and ecosystem services by IPBES as a significant contribution to GBO-5 and as a basis for the assessment of progress on the Strategic Plan;
31. CALLS FOR a balanced harmonisation of reporting processes and consistency of indicators among the biodiversity-related conventions, international organisations and processes and the biodiversity-related targets of the 2030 Agenda for Sustainable Development, and ENCOURAGES the EU and its Member States to provide information based on CBD reporting for relevant SDG indicators; in this regard, WELCOMES Resolution 2/17 adopted by the second meeting of the United Nations Environmental Assembly in 2016;
32. UNDERSCORES the need to avoid an additional reporting burden and SUPPORTS the alignment of national reporting under the CBD and its Protocols, including through the synchronisation of reporting cycles, a common approach to the format of the national reports and the gradual integration of the reporting facilities available in the central Clearing-House Mechanism;
33. ENCOURAGES Parties to regularly review progress on their contribution to achieving the Aichi Biodiversity Targets, using the most appropriate tools; ACKNOWLEDGES the ongoing consideration of the development of new review and reporting structures and STRESSES that there has to be a clear identification and evaluation of their effectiveness and added value;

Marine and coastal biodiversity

34. SUPPORTS the technical and scientific process of describing Ecologically or Biologically Significant Marine Areas (EBSAs), under and beyond national jurisdiction, as it provides Parties with a useful tool for contributing to achieving the Aichi Targets; and RECOGNISES the importance of finalising the ongoing processes, improving the procedures to modify the description of existing EBSAs and to facilitate the process of describing new EBSAs;
35. CONSIDERS the process of describing areas that meet the agreed scientific criteria for EBSAs as an open and evolving process which should include the participation of all relevant stakeholders, and that the description of EBSAs under national jurisdiction should fully involve the concerned States;
36. UNDERSCORES the importance of COP 13 requesting that the Executive Secretary of the CBD include additional areas that were described as meeting the criteria for EBSAs in the repository and submit this information to all relevant entities;
37. SUPPORTS the adoption of further specifications on: (a) a voluntary specific work-plan on biodiversity in cold-water areas within the jurisdictional scope of the Convention; (b) addressing impacts of marine debris and anthropogenic underwater noise on marine and coastal biodiversity; and (c) marine spatial planning for sustainable development and training initiatives, as well as the ongoing work to combat marine litter and micro-plastics; and CALLS for urgent actions to achieve a sustained reduction in the consumption of single-use plastic bags;
38. WELCOMES the ongoing UN process to negotiate a new legally binding implementing agreement under UNCLOS on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction; and RECOGNISES the significance of the information collected through the EBSAs process for this ongoing UN process;

Invasive alien species (IAS)

39. LOOKS FORWARD to the development of mechanisms for the identification and prioritisation of potential new pathways of IAS introduction, and the development of preventive measures for IAS and potentially IAS in trade, including reducing the risk associated with e-commerce, as well as mechanisms for the exchange of information, and STRESSES the need, to adapt, improve or further develop tools for better development and application of management programmes, including safe and effective biological controls against IAS based on an appropriate risk assessment;
40. WELCOMES the entry into force on 8 September 2017 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention), which aims to limit the spread of invasive alien species from ships;

Indigenous peoples and local communities

41. NOTES that the concept of *free, prior and informed consent* is used in other international fora under legally as well as non-legally binding instruments; SUPPORTS that the voluntary guidelines, applied in accordance with domestic law, use the terminology "*Free, prior and informed consent*" for the involvement of indigenous peoples and local communities in decision-making procedures;
42. SUPPORTS the recommendations to COP-MOP 8 of the Cartagena Protocol and to COP-MOP 2 of the Nagoya Protocol to apply, *mutatis mutandis*, Decision XII/12 F of the Conference of the Parties on the use of the terminology 'indigenous peoples and local communities';
43. NOTES that the use of the terminology 'indigenous peoples and local communities' according to point 2 (a), (b) and (c) of Decision XII/12 F applies *mutatis mutandis* to the two Protocols;

Horizontal issues related to the Convention on Biological Diversity and its Protocols*Synthetic biology*

44. ACKNOWLEDGES the operational definition as developed by the Ad Hoc Technical Expert Group (AHTEG) on Synthetic Biology; CALLS FOR the use of this definition as a non-binding starting point to facilitate further work in the context of the CBD; and SUPPORTS the continuation of the AHTEG with new terms of reference based on the relevant SBSTTA recommendation;
45. WELCOMES the inter-sessional activities of the open-ended online forum and the conclusion of the AHTEG on Synthetic Biology that living organisms developed through current and near-future applications of synthetic biology are similar to living modified organisms (LMOs) as defined in the Cartagena Protocol; SUPPORTS the recommendation by the AHTEG on Risk Assessment and Risk Management under the Cartagena Protocol to establish a process for the development of guidance on risk assessment of LMOs developed through synthetic biology if such gaps are identified;
46. UNDERLINES the importance of taking into account socio-economic, cultural and ethical considerations when conducting research into possible effects of synthetic biology;
47. With regard to the use of digital sequence information on genetic resources and its relation to access and benefit sharing and any deliberations on access and benefit sharing (ABS) related issues, UNDERSCORES that any consideration or decision on these issues should be dealt with by the meeting of the Parties to the Nagoya Protocol;

Capacity building

48. REITERATES the importance of capacity building for Parties to be able to implement the Strategic Plan; INVITES Parties and partners to express their needs and opportunities as well as report on capacity-building best practices, on a voluntary basis, through the Clearing-House Mechanism (CHM); SUPPORTS the continuation of the work of the Informal Advisory Committee to the CHM; also WELCOMES the Bio-Bridge Initiative as a match-making facility for the CBD;
49. REITERATES its continued commitment to supporting targeted capacity-building activities with a view to facilitating further development and implementation of the CBD and its Protocols;

Functional review and administrative matters

50. UNDERSCORES the importance of completing the functional review of the Secretariat in line with Decision XII/32 and draft recommendation UNEP/CBD/SBI/1/L.6 and of adopting realistic budgets for the Convention and its Protocols consistent with the agreed strategic priorities, functions and programme of work for the effective implementation of the CBD and its Protocols.

CHAPTER II**Cartagena Protocol on Biosafety**

51. STRESSES the importance of an effective implementation of the Protocol by all Parties as well as the need for progress towards the realisation of its Strategic Plan for the period 2011-2020, to continue and strengthen work to enhance synergies, coherence and effective cooperation at all levels, and ENCOURAGES Parties and invites other governments to include biosafety in their NBSAPs and Relevant Sectorial and Cross-Sectorial Policies, Plans and Programmes;

52. CONSIDERS that progress needs to be made in relation to national reports, NOTES WITH CONCERN the lower rate of submission of the third national reports, and URGES Parties to the Cartagena Protocol that have not yet submitted their national report to do so as soon as possible, in particular those Parties that have not submitted any national report since they became Parties;
53. NOTES the analysis of the third national reports and the recommendation of the Subsidiary Body on Implementation (SBI) regarding the third assessment and review of the Protocol and the mid-term evaluation of the Strategic Plan, and CALLS UPON Parties, for the remaining period of the Strategic Plan, to consider prioritising the operational objectives relating to the development of biosafety legislation, risk assessment, detection and identification of living modified organisms, and public awareness, education and training, in order to facilitate the implementation of the Protocol;
54. REITERATES the importance of all Parties registering with the Biosafety Clearing-House all information needed for the effective implementation of the Protocol in order to facilitate access to information on biosafety and enhance the exchange of experience;
55. REITERATES the crucial importance of environmental risk assessment in decisions related to living modified organisms (LMOs) and WELCOMES the inter-sessional activities of the open-ended online forums and the AHTEG on Risk Assessment and Risk Management;
56. WELCOMES the activities on socio-economic considerations during the inter-sessional period through the online forums and the work of the AHTEG on Socio-Economic Considerations;
57. REITERATES the need for capacity-building activities for the implementation of the Cartagena Protocol and, in this context, the importance of reviewing and improving the Framework and Action Plan for capacity-building at COP-MOP 8;

58. WELCOMES the recent ratifications of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress, and HIGHLIGHTS the importance of expediting its entry into force;
59. CALLS on COP-MOP 8 to take the necessary steps and decisions to further strengthen and implement the Cartagena Protocol framework by:
- a) urging the Parties that have not yet submitted their third national report or a complete report to do so as soon as possible while recalling that GEF funding is available for the preparation of national reports;
 - b) endorsing the revised Guidance on Risk Assessment of LMOs, which incorporates improvements that emerged during the testing of the Guidance, and deciding on the way forward in terms of supporting the implementation of the risk assessment and risk management provisions under the Cartagena Protocol by all Parties;
 - c) considering appropriate further steps towards fulfilling operational objective 1.7 of the Strategic Plan for the Cartagena Protocol on Biosafety (2011-2020) regarding socio-economic considerations;
 - d) considering appropriate follow-up to the compiled information in the area of unintentional transboundary movements of LMOs and emergency measures and detection and identification of LMOs, as well as in the area of transit and contained use of LMOs.

CHAPTER III

Nagoya Protocol on Access and Benefit Sharing

60. CALLS UPON Parties to the CBD that have not yet done so to ratify or accede to the Nagoya Protocol and URGES Member States that have not yet ratified or acceded to it to continue their efforts to do so as soon as possible; and UNDERSCORES that effective implementation of the Nagoya Protocol contributes directly to the achievement of Sustainable Development Goals 2 and 15 and indirectly to the achievement of many others by contributing to poverty alleviation, equity, social justice and sound environmental management;

61. CALLS UPON all Parties to the Protocol to strengthen their efforts to make the Nagoya Protocol operational by establishing relevant institutional structures and by adopting and implementing legislative, administrative or policy measures, while recalling that GEF funding is available for establishing legal and regulatory frameworks and administrative procedures that enable access to genetic resources and benefit sharing in accordance with the provisions of the Nagoya Protocol;
62. UNDERSCORES that the effective use of the ABS Clearing-House (ABS CH) is essential to the effective functioning of the Nagoya Protocol, and hence URGES all Parties to publish and update the information required by the Nagoya Protocol on the ABS CH, and ENCOURAGES Parties and non-Parties to make all ABS-relevant information, including best practices and experiences, available on the ABS CH; and SUPPORTS the continuation of the work of the Informal Advisory Committee on the ABS CH;
63. Acknowledging that the compliance mechanism established under the Nagoya Protocol is a major tool for promoting compliance of Parties with the Protocol and for addressing cases of non-compliance, RECOGNISES that experience with the implementation of the Protocol gained so far does not allow for the drawing of general conclusions on compliance challenges or specific support needs by Parties, and hence WELCOMES the recommendations of the Compliance Committee in this regard;
64. HIGHLIGHTS the need to create conditions to promote and encourage research which contributes to the conservation and sustainable use of biological diversity, and RECOMMENDS that the Parties to the Protocol consider simplified measures for access to genetic resources for non-commercial purposes when developing and implementing their access and benefit-sharing legislation or regulatory requirements;

65. WELCOMES the WHO initiative to carry out a study on how the implementation of the Nagoya Protocol might affect the sharing of pathogens and the potential public health implications thereof;
66. WELCOMES the conclusions of the expert group on Article 10 of the Protocol, in particular regarding the importance of the bilateral approach between users and providers, and ENDORSES the view that the bilateral approach should be followed wherever possible;
67. IS READY to further contribute to the substantive international work on measures that are essential for the implementation of the Protocol, such as further improvement of the ABS CH, capacity building and awareness raising; and STRESSES that the supportive instruments of model contractual clauses, best practices and codes of conduct, among others, are crucial for the effective implementation of the Nagoya Protocol;
68. WELCOMES the recommendation of the SBI on the Review of progress towards the Aichi Biodiversity Target 16 on the Nagoya Protocol; REITERATES the importance of capacity building at all levels both for non-Parties to be able to ratify the Nagoya Protocol and for Parties to be able to fully implement it; RECALLS that capacity building should be based on needs expressed by potential beneficiary Parties and should be in line with the Strategic Framework for Capacity-building and Development to Support the Effective Implementation of the Nagoya Protocol; and therefore CALLS UPON Parties, non-Parties and other stakeholders to express their needs, experiences and opportunities through the ABS CH and support capacity development through activities such as the ABS Capacity Development Initiative;

69. CALLS upon Parties to submit the national reports called for under Article 29 of the Protocol in a timely manner and RECOGNISES that timely submission of national reports will be one of the instruments allowing for evaluation of the effectiveness of the Protocol;
70. UNDERSCORES the importance of mutually supportive implementation, at all levels, of the Nagoya Protocol and the International Treaty on Plant Genetic Resources for Food and Agriculture as well as other international instruments relevant to the Protocol."

Any other business

- Montreal Protocol on substances that deplete the ozone layer - Meeting in Kigali, Rwanda (10-14 October 2016)

The presidency and the Commission informed the Council about the outcome of the recent meeting of the parties to the Montreal Protocol. They highlighted the importance for climate action of phasing down hydrofluorocarbons, which are potent greenhouse gases.

[Information from the Presidency and the Commission \(12984/16\)](#)

- Unspent funds from the NER300 funding programme

The Cyprus delegation presented its ideas for the use of unspent funds from the NER300 funding programme. The delegation suggested using these unspent funds to provide additional support to projects already awarded funding to help them overcome financing problems. Some delegations however expressed concerns about the legal accommodation of this proposal. The Commission said the different alternatives are currently being studied.

- Communication on a European strategy for low-emission mobility

The Commission presented the European strategy for low-emission mobility. This strategy sets out the initiatives the Commission is planning in the coming years and maps the areas where it is exploring options. Some delegations welcomed the communication and explained their ongoing efforts in this area.

[Information from the Commission \(11333/16\)](#)

- International civil aviation organisation (ICAO) - Assembly in Montreal, Canada (27 September - 7 October 2016)

The Commission informed the Council about the outcome of the recent ICAO Assembly, where it was agreed to establish a global market based measure (GMBM) to offset international aviation CO₂ emissions.

- Convention on international trade in endangered species of wild fauna and flora (CITES) - Meeting in Johannesburg, South Africa (24 September - 7 October 2016)

The Presidency and the Commission informed the Council about the main outcome of the recent conference of the parties to CITES (COP17). The agenda of the meeting featured some 120 concrete proposals - some of them put forward by the EU and its member states - to bring species under the scope of the convention, change the level of protection for plants and animals already listed, and reinforce the monitoring, implementation and enforcement of obligations under the convention. The Commission highlighted that the meeting was extremely successful in further underlining the priority of tackling the current poaching crisis and in taking concrete measures to address existing threats to endangered animals and plants.

[Information from the Commission \(13190/16\)](#)

- Natural resources management: the example of Białowieża Forest: repercussions for Europe

The Polish delegation informed the Council about the ongoing restoration of natural habitats in the Białowieża Forest, and about the country's proposal to launch similar programmes in other EU member states with comparable habitats.

[Information from the Polish delegation \(12911/16\)](#)

- Proposal for a directive on the reduction of national emissions of certain air pollutants: lessons learnt

The Council took note of the information provided by the Polish, Romanian and Hungarian delegations. These delegations underlined the need to guarantee that work on EU legal acts is fully transparent, in particular when discussing and determining country-specific commitments. They argued that, in the case of the directive on the reduction of national emissions of certain air pollutants, the method by which the respective reduction targets were established was not sufficiently explained to member states. Two other delegations supported them and also showed their dissatisfaction with the transparency, fairness and proportionality in the process and in the division of the efforts required under this legislation. The Commission said it was ready to support member states in the implementation of the new legislation which it considered a major achievement for air quality.

[Information from the Polish, Romanian and Hungarian delegations \(12846/16\)](#)

– Identification of endocrine disrupting substances

The Council took note of the comments regarding the Commission proposal for criteria to identify endocrine disruptors by the Danish, Netherlands and Swedish delegations, which were supported by several other delegations. Some delegations expressed concerns about the level of environment and health protection and highlighted that the criteria should be consistent with existing legal texts and also with the globally accepted approach for identification of hazardous substances according to the Globally Harmonised System for Classification and Labelling of Chemicals. The Commission said it would consider the comments received in the comitology procedure. It also defended its proposal and said it was based on the World Health Organisation's definition.

[Information from the Danish, Netherlands and Swedish delegations, supported by the Luxembourg delegation \(12959/16\)](#)

– 2016 World Conservation Congress of the International Union for Conservation of Nature (IUCN) (Hawaii, 1-10 September 2016)

The presidency informed the Council about the 2016 World Conservation Congress of the IUCN. The theme of the congress was the challenge of attaining the Sustainable Development Goals (SDGs) and complying with the Paris Agreement.

[Information from the presidency \(13224/16\)](#)

OTHER ITEMS APPROVED

ENVIRONMENT

Eastern partnership

The Council approved, on behalf of the EU, the declaration on cooperation on environment and climate change in the Eastern Partnership due to be adopted at the EU-Eastern Partnership meeting on 18 October 2016.

[Declaration](#)

TRANSPORT

Railway market opening and infrastructure governance

The Council adopted its position at first reading on a revised regulation governing public service contracts ([11198/16](#); Council's reasons: [11197/16 ADD 1](#); statement: [12859/16 ADD 1](#)), a revised directive on establishing a single European railway area ([11199/16](#); Council's reasons: [11197/16 ADD 1](#); statement: [12860/16 ADD 1](#)) and a regulation repealing the regulation on the normalisation of accounts of railway undertakings ([11197/16](#); Council's reasons: [11197/16 ADD 1](#)). Together, the three proposals make up the 'market' pillar of the 4th railway package.

The new rules aim to improve the quality and efficiency of rail services in Europe. They should encourage investment and innovation as well as fair competition in the rail market. Together with the technical pillar of the 4th railway package, they are an important step towards the completion of the single European rail area.

This adoption by the Council of its position at first reading paves the way for final approval of the legal acts by the European Parliament at second reading.

For details, see the press release:

[Better rail services: Council adopts 4th railway package market pillar](#)

Revision of the European agreement on road transport vehicle crews (AETR)

The Council established the position to be taken on behalf of the EU in the Group of Experts on the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR) of the United Nations Economic Commission for Europe (UNECE) on 24 and 25 October 2016 ([12042/16](#) + [12042/16 ADD 1](#)).

International Maritime Organisation: position to be adopted on behalf of the EU

The Council adopted a decision on the position to be taken on behalf of the EU at the following meetings under the International Maritime Organisation (IMO):

- the 70th session of the Marine Environment Protection Committee (MEPC 70) on 24 to 28 October 2016 with regard to amendments to Chapter 4 of Annex VI to the International Convention for the Prevention of Pollution from Ships ('MARPOL Annex VI')
- the 97th session of the Maritime Safety Committee (MSC 97) on 21 to 15 November 2016 with regard to amendments to Regulation II-1, Regulations III/1.4, III/30 and III/37, Regulations II-2/1 and II-2/10 and Regulation II-1/3-12 of the International Convention for the Safety of Life at Sea (SOLAS), to the International Convention and Code on Standards of Training, Certification and Watchkeeping for Seafarers ('STCW Convention and Code'), to the International Code for Fire Safety Systems ('FSS Code') and to the 2011 Enhanced Survey Programme Code (the '2011 ESP Code').

[Statement \(12245/16 ADD 1\)http://data.consilium.europa.eu/doc/document/ST-12245-2016-ADD-1/en/pdf](http://data.consilium.europa.eu/doc/document/ST-12245-2016-ADD-1/en/pdf)

ECONOMIC AND FINANCIAL AFFAIRS

Bank capital requirements

The Council decided not to object to a Commission regulation supplementing regulation 575/2013 on bank capital requirements with regard to regulatory technical standards specifying conditions for data waiver permissions ([12977/16](#) + [12836/16](#)).

The regulation is a delegated act pursuant to article 290 of the Treaty on the Functioning of the European Union. It can now enter into force, unless the European Parliament objects.

SPACE

EU-ESA statement on the future of Europe on space

The Council authorised the Commission to sign, on behalf of the EU, a joint statement with the [European Space Agency](#) (ESA) on a shared vision and goals for the future of Europe in space.

The [joint statement](#) emphasises the intention of the EU and the ESA to further reinforce cooperation to achieve their shared vision and goals for Europe to remain a world-class player in space.

The statement is to be signed on the occasion of the release of the Commission communication on "A Space Strategy for Europe", scheduled on 26 October.

INTERNAL MARKET

Safety of toys - Lower thresholds for lead content in toys

The Council decided not to oppose to amending the directive on toy safety (2009/48/EC) with the objective of strengthening the limit values for lead in toys in order to ensure adequate protection of children ([12153/16](#)).

New scientific evidence shows that the level of protection against exposure to lead, as established in 2009 (point 13 of part III of annex II to [directive 2009/48/EC](#)) is no longer appropriate. Therefore, it is necessary to amend the current migration limits for lead and align them with the latest scientific data in order to reduce children's exposure to lead.

The new amendment is subject to the regulatory procedure with scrutiny. Now that the Council has given its consent, the amendment will be incorporated into the toys safety directive, unless the European Parliament objects.
