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European Union

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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Environment)
20 December 2018

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1. **Adoption of the agenda**

The Council adopted the agenda set out in 15318/18.

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

a) **Non-legislative list**

15357/18

The Council adopted the "A" items listed in 15357/18 including COR and REV documents presented for adoption.

For the following items the documents should read as follows:

Internal Market and Industry

- | | | |
|----|--|---|
| 3. | Regulation on quotas for certain agricultural and industrial products
<i>Adoption</i>
approved by Coreper, Part 1, on 12.12.2018 | ☐ C 15232/18
13271/18 + COR 1
+ COR 2 (hr)
UD |
| 4. | Regulation on suspensions on certain agricultural and industrial products
<i>Adoption</i>
approved by Coreper, Part 1, on 19.12.2018 | ☐ C 15554/18
15345/18
+ COR 1 (en)
UD |
| | b) <u>Legislative list</u> (Public deliberation in accordance with Article 16(8) of the Treaty on European Union) | 15358/18 |

General Affairs

- | | | |
|----|--|--|
| 1. | RPS Adaptation - General Omnibus
<i>General approach</i>
approved by Coreper, Part 2, on 19.12.2018 | ☐☐ C 14964/18 + COR 1
+ COR 2
+ ADD 1 - ADD 8
INST
JUR |
|----|--|--|

The Council reached a general approach on this Regulation proposal (Legal basis: Articles 290 and 291 of the TFUE).

- | | | |
|----|--|--------------------------------------|
| 2. | RPS Adaptation - Justice Omnibus
<i>General approach</i>
approved by Coreper, Part 2, on 19.12.2018 | ☐☐ C 14955/18 + COR 1
INST
JUR |
|----|--|--------------------------------------|

The Council reached a general approach on this Regulation proposal (Legal basis: Article 290 of the TFUE).

Culture/Audiovisual

- 3. Regulation on Creative Europe 2021-2027** 📌📄 15618/18 + COR 1
+ ADD 1
CULT
Partial general approach
approved by Coreper, Part 1, on 14.12.2018

The Council agreed on a partial general approach on this Regulation proposal (Legal basis: Article 167(5), and Article 173(3) of theTFUE). Statements related to this item are set out in the Annex.

Economic and Financial Affairs

- 4. VAT Generalised Reverse Charge Mechanism goods and services** 📌📄 13025/18
12852/18
FISC
Adoption
approved by Coreper, Part 1, on 14.12.2018

The Council adopted this Directive as finalised by the legal/linguistic experts in doc. 12852/18 FISC 400 ECOFIN 884 (Legal basis: Article 113 TFUE).

Employment and Social Policy

- 5. Regulation on CEDEFOP** 📌📄 15481/18 + COR 1
+ ADD 1 REV 1
PE-CONS 64/18
SOC
Adoption of the legislative act
approved by Coreper, Part 1, on 19.12.2018

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Articles Article 166(4), 165(4) and 149 TFEU). Statements related to this item are set out in the Annex.

- 6. Regulation on EU-OSHA** 📌📄 15479/18 + COR 1
+ ADD 1 REV 1
PE-CONS 62/18
SOC
Adoption of the legislative act
approved by Coreper, Part 1, on 19.12.2018

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 153(2) TFEU). Statements related to this item are set out in the Annex.

7. **Regulation on Eurofound**  15480/18 + COR 1
Adoption of the legislative act
approved by Coreper, Part 1, on 19.12.2018
+ ADD 1 REV 1
PE-CONS 63/18
SOC

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 153(2) TFEU). Statements related to this item are set out in the Annex.

8. **Revision of Directive on carcinogens and mutagens at work (second batch)**  15477/1/18
Adoption of the legislative act
approved by Coreper, Part 1, on 19.12.2018
+ REV 1 ADD 1
PE-CONS 60/18
SOC

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the United Kingdom delegation voting against, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 153(2) TFEU). Statements related to this item are set out in the Annex.

Internal Market and Industry

9. **Regulation on Brexit type-approval**  15478/18
Adoption of the legislative act
approved by Coreper, Part 1, on 19.12.2018
PE-CONS 67/18
ENT

The Council approved the European Parliament's position at first reading and the proposed act has been adopted, with the German delegation abstaining, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 TFEU).

Legislative deliberations

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

3. **Regulation on CO2 standards for heavy-duty vehicles**   15615/18
General approach 8922/1/18 REV 1
+ ADD 1 REV 1

The Council agreed on a general approach. The text as agreed following the discussion at Council was issued in doc. 15828/18. Germany stated the intention to abstain.

Non-legislative activities

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

4. **Clean Planet for all: Strategic long-term vision for a climate neutral economy**  15210/1/18 REV 1
Presentation by the Commission and exchange of views 15011/18

The Council held an exchange of views on the above-mentioned Commission communication on the basis of the question set out in doc. 15210/1/18 REV 1. Ministers inter alia highlighted the need for a cost-efficient and socially just transition and looked forward to a comprehensive and inclusive debate involving all relevant sectors and society as a whole.

Legislative deliberations

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

5. **Regulation on LIFE**   15489/18 + COR 1
Partial general approach 9651/18 + ADD 1
9651/1/18 REV 1

The Council agreed unanimously on a partial general approach as set out in doc. 15489/18.

Any other business

6. a) Report on recent international meeting 15645/18
COP 24 United Nations Framework Convention on
Climate Change
(Katowice, Poland, 2-14 December 2018)
*Information from the Presidency, the Commission and the
Polish delegation*
- b) Report on the implementation of the EU Strategy on 14328/18
adaptation to climate change
Information from the Commission
- c) Graz Declaration - Starting a new era: Clean, safe and 15476/18
affordable mobility for Europe
Outcome of the Informal Meeting of Environment and
Transport Ministers (Graz, Austria, 29-30 October 2018)
Information from the Presidency
- d) Adoption of measures at EU level to create the conditions 15443/18
for discontinuing the use of the environmentally
problematic substances contained in plant protection
products
Information from the Belgian delegation
- e) Intermediary Sessions of the Meetings of the Parties to the 15446/18
Convention on Environmental Impact Assessment in a
Transboundary Context (Espoo Convention) and the
Protocol on Strategic Environmental Assessment (SEA)
(Geneva, 5-7 February 2019)
*Information from the Lithuanian delegation, supported by
the Luxembourg delegation*

- f) **Current legislative proposals** C1
 (Public deliberation in accordance with Article 16(8) of
 the Treaty on European Union)
- i) **Regulation on taxonomy** 9355/18
 - ii) **Directive on single-use plastics** 9465/18 + COR 1
+ ADD 1
 - iii) **Regulation on persistent organic pollutants
(POPs) (recast)** 7470/18 + ADD 1
 - iv) **Regulation on the alignment of environmental
reporting obligations** 9617/18
 - v) **Directive on drinking water (recast)** 5846/18 + ADD 1
 - vi) **Regulation on CO2 standards for cars and vans** 14217/17 + ADD 1
Information from the Presidency 14217/1/17 REV 1
+ ADD 1 REV 1

The Council took note of the information provided by the Presidency on the state of play of the current legislative proposals.

- g) Report on recent international meeting 15700/18
 Convention on Biological Diversity (CBD)
 (Sharm El-Sheikh, Egypt, 17-29 November 2018)
- COP 14 to the CBD
 - COP-MOP 9 serving as the Meeting of the Parties to
the Cartagena Protocol on Biosafety
 - COP-MOP 3 serving as the Meeting of the Parties to
the Nagoya Protocol on Access and Benefit Sharing
- Information from the Presidency and the Commission*
- h) Illegal Wildlife Trade Conference 15518/18
 (London, 11-12 October 2018)
Information from the United Kingdom delegation
- i) The future of European Environment Policy – Towards an 15536/18
 8th Environment Action Programme
 Outcome of the Informal Meeting of Environment and
 Transport Ministers (Graz, Austria, 29-30 October 2018)
Information from the Presidency

- j) The environmental and climate ambition of the future
Common Agricultural Policy (CAP)
*Information from the German delegation, supported by the
Luxembourg delegation*
- k) Work programme of the incoming Presidency
Information from the Romanian delegation



First reading



Item based on a Commission proposal



Public debate proposed by the Luxembourg delegation (Article 8(2) of the Council's Rules of Procedure)

Statements to the legislative "A" items set out in 15358/18

Ad "A" item 3: **Regulation on Creative Europe**
Partial general approach

**JOINT STATEMENT BY GERMANY, IRELAND AND ITALY
on the regulation text and on the European Youth Orchestra**

"Germany, Ireland and Italy wholeheartedly welcome the decision to maintain the European funding programme Creative Europe, with its lines of funding for culture and audiovisual media, as an independent, visible programme through the period 2021 to 2027. Following negotiations in the Council working party and the debate in the meeting of the European ministers responsible for culture and media, we now have a strong foundation for our future work.

However, Germany, Ireland and Italy can only agree to the text with reservations, given that efforts to explicitly anchor the European Union Youth Orchestra in the draft sectoral regulation failed. Germany, Ireland and Italy will therefore approve the funding programme in the hope and expectation that a long-term, stable financial basis will continue to be provided for the European Youth Orchestra in the period 2021 to 2027.

The European Youth Orchestra is an outstanding institution that serves as a showpiece of European culture and an ambassador for the European project. The orchestra also represents transnational cooperation among young musicians. Germany, Ireland and Italy therefore regret the omission of a strong political signal in support of the European Union Youth Orchestra. Germany and Ireland also made clear their desire to ensure secure future funding of the EUYO at the meeting of EU culture and media ministers on 27 November 2018. Nonetheless, Germany, Ireland and Italy acknowledge that specific inclusion in the regulation text of an entity to be funded should generally remain the exception."

**JOINT STATEMENT BY GERMANY, FRANCE, BELGIUM, GREECE AND CYPRUS
on delegated acts**

"Germany, France, Belgium, Greece and Cyprus are expressing their concerns with regard to the use of delegated acts (foreseen in articles 17 and 19) in order to develop the provisions for a monitoring and evaluation framework, including by reviewing or supplementing the indicators of Annex II.

These evaluation indicators are crucial for the further development of the programme. That's why Germany, France, Belgium, Greece and Cyprus consider that these indicators are to be listed in the basic act and thus be adopted by the European legislator, i.e. the European Parliament and the Council, rather than by the European Commission by way of delegated acts."

- Ad "A" item 5:** **Regulation on CEDEFOP**
Adoption of the legislative act
- Ad "A" item 6:** **Regulation on EU-OSHA**
Adoption of the legislative act
- Ad "A" item 7:** **Regulation on Eurofund**
Adoption of the legislative act

COMMISSION STATEMENT

"The Commission regrets that the co-legislators have decided to deviate on several points from the Common Approach of the Parliament, the Council and the Commission on decentralised agencies of 19 July 2012, without providing the necessary justification.

The deletion of the sunset/review clause is not in line with the Common Approach. However, the absence of the sunset clause in the Founding Regulations will not affect in any way the Commission's right of initiative.

The Commission also regrets the deviation from the Common Approach with regard to the process for conducting an overall evaluation of the Agency referring to the need to consult stakeholders, including Members of Parliament and of the Management Board, during the evaluation of the work of agencies. The Commission recalls that such evaluations have to be conducted in full independence. In carrying out evaluations, the Commission will apply its usual practices for stakeholder consultation activities.

The Commission will assess the impact of the deviations from the Common Approach on the functioning of the tripartite agencies at the appropriate opportunity. They should not be considered as a precedent for other agencies.

Finally, the Commission regrets the re-introduction of the function of Deputy Director in the Founding Regulation of Eurofound. The Commission would like to recall that, given the size of this Agency, this provision is disproportionate.

The Commission would also like to stress that it is now the Executive Director's responsibility to decide on the internal structures of each Agency and for CEDEFOP to define the necessary deputising arrangements to ensure continuity of service."

STATEMENT BY ITALY

"Italy has been among the most active delegations during the negotiations in the Council on the three files and contributed to the achievement of the General Approach in December 2016. Italy also contributed positively during the course of the trilogues, by showing flexibility towards the requests of the European Parliament, while keeping the spirit of the General Approach in Council.

With the Common Approach of 2012 and the tripartite nature of the three agencies in mind, we have tried to keep the maximum degree of homogeneity among them, in terms of governance and rules.

The appointment of a Deputy Director by the Executive Director for Eurofound and Cedefop - for the first one on a mandatory basis, for the second on a voluntary basis – is not consistent with the strategic role of the Managing Board, which is the Appointing Authority in the three Agencies. For this reason, without opposing the agreement, we express our deep regret."

Ad "A" item 8: **Revision of Directive on carcinogens and mutagens at work (second batch)**
Adoption of the legislative act

STATEMENT BY THE UNITED KINGDOM

"The United Kingdom strongly supports Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work and the Commission limit setting process, which involves a thorough assessment process to consider scientific, technical and socio-economic factors and the views of stakeholders, including the social partners.

The United Kingdom recognises the legitimate concerns that exist regarding exposure to diesel engine exhaust emissions and exposure to these emissions has been subject to controls in the UK for over 20 years. Binding occupational exposure limits should only be included in the Carcinogens and Mutagens Directive, however, once they have successfully completed the limit setting process. The UK regrets that this process was not followed in setting a binding occupational exposure limit for elemental carbon as a marker for diesel engine exhaust emissions. Whilst the UK continues to support action to tackle exposure to diesel engine exhaust emissions, we cannot support the way in which this limit has been set and therefore cannot support this change to the Directive."