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European Union

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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Environment)
5 March 2020

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1. Adoption of the agenda

The Council adopted the agenda set out in 6182/1/20 REV 1.

2. Approval of "A" items

a) Non-legislative list

6202/20

The Council adopted the "A" items listed in 6202/20, including COR and REV documents presented for adoption.

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

6203/20

Environment

Directive on drinking water (recast)

Political agreement

approved by Coreper, Part 1, on 26.02.2020



6060/1/20 REV 1

+ ADD 1 REV 2

ENV

The Council reached a political agreement on the Directive on the quality of water intended for human consumption (recast) (Legal basis: Article 192(1) TFEU).

Statements to this item are set out in the Annex (page 6).

Non-legislative activities

3. **European Green Deal**

Exchange of views



6122/20 + COR 1

15051/19 + ADD 1

The Council held an exchange of views on the European Green Deal on the basis of questions prepared by the Presidency as set out in 6122/20 + COR 1.

4. Long-term strategy submission to the United Nations Framework Convention on Climate Change (UNFCCC) *Adoption*

6348/20

5. **Conclusions on air quality** ☒ 6338/20
Adoption

The Council adopted the conclusions as set out in 6650/20

6. **Evaluation of water legislation** ☒ 5977/20 + COR 1
Exchange of views

The Council held an exchange of views on the evaluation of water legislation on the basis of questions prepared by the Presidency as set out in 5977/20 + COR 1.

7. **Greening the European Semester** 5993/20
Exchange of views 15321/19

Any other business

8. a) **Fridays For Future** ☒ 6545/20
Information from the Presidency and Greta Thunberg

The Council took note of the information provided by the Presidency and Greta Thunberg.

- b) **Current legislative proposals** 🗳️
(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

- i) **European Climate Law** 6547/20
Presentation by the Commission

- ii) **Regulation establishing the Just Transition Fund** 5256/20 + ADD 1
Presentation by the Commission

The Council took note of the presentation made by the Commission as well as the interventions by other delegations.

- c) **Communication on Sustainable Europe Investment Plan and European Green Deal Investment Plan** ☐ 5269/20
Presentation by the Commission
- The Council took note of the presentation made by the Commission as well as the interventions by other delegations.
- d) Implementation of full auctioning for aviation sector under EU ETS 6116/20
Information from the Polish delegation
- e) High-Level Symposium on Water - Bridging SDG 6 and SDG 14 (Lisbon, 2 June 2020) 6439/20
Information from the Portuguese delegation
- f) By-catch of common dolphins, harbour porpoises and other protected species in fishing gear - a call for urgent action 6464/20
Information from the Commission



First reading



Item based on a Commission proposal



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

Statements to the legislative "A" items set out in 6203/20

Ad "A" item 1: **Directive on Drinking water (recast)**
Political agreement

STATEMENT BY BELGIUM, CYPRUS, CZECHIA, DENMARK, FRANCE, GERMANY, HUNGARY, MALTA, THE NETHERLANDS AND POLAND
- Recital 40

"The abovementioned Member States support the adoption of the Drinking Water Directive, which will not only ensure high standards of safety of drinking water for our citizens, but will also indirectly improve the smooth functioning of the internal market.

However, we consider it entirely inappropriate to include general wording about the Commission taking action regarding access to justice in Member States in the statement of reasons of a legal act concerned with drinking water. This does not alter the current legal status on access to justice nor does it further empower the Commission to pursue legal action on these matters.

Compliance with the Aarhus Convention, to which the Member States are parties in their own right, is a matter that we take seriously. Member States' compliance with the Aarhus Convention can best be addressed, in accordance with the principle of subsidiarity, at Member State level. The real challenge to be addressed, however, remains the Union's own compliance with the Aarhus Convention, as referred to in Council Decision 2018/881 and in the findings of the Aarhus Convention Compliance Committee in case ACCC/C/2008/32. Notwithstanding the completion of the study requested by the Council, and the Commission's statement in its Communication on the European Green Deal of 11 December 2019 that it would "consider revising the Aarhus Regulation" (Regulation 1367/2006), we note that no such proposal has been mentioned in the Commission's work programme for 2020.

Although we are prepared to support the adoption of this Directive in view of the wider benefits it will bring, we will nevertheless be vigilant in ensuring that such language on access to justice in Member States will not be included in future legislative acts in the environment field."

STATEMENT BY LUXEMBOURG

"In the spirit of compromise, Luxembourg is able to accept the agreement on the proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast), which also provides a positive response to the Right2Water initiative.

However, Luxembourg regrets that the solution retained for pesticide metabolites is not more ambitious and the fact that, in the absence of a detailed impact assessment, the consequences of applying the provisions on contact materials did not undergo sufficient analysis with regard to the costs and expenses to be borne by the stakeholders concerned."

STATEMENT BY THE NETHERLANDS
- Articles 1 and 16

"The Netherlands strongly supports the importance of access to drinking water and welcomed the Right2Water initiative. The Netherlands has a strong practice and legal framework regarding access to and the supply of good quality drinking water at the national level. However, the Netherlands remains of the opinion that the Drinking Water Directive, with a focus on drinking water quality, is not the appropriate instrument to address the issue of improving access to drinking water in the EU. The Netherlands questions the widening of the scope of this Directive in a way that risks treading on the responsibility of Member States, especially the mandatory and specific nature of certain measures. The Netherlands supports the adoption of this Directive in view of the clear and wider benefits it will bring to the quality of drinking water and because we believe our drinking water system to be in line with the obligations of Article 16, but we stress that how the issue of access to drinking water is to be addressed, is the responsibility of Member States."

STATEMENT BY THE COMMISSION
on delegated acts

"The Commission regrets the decision of the co-legislators to limit its empowerment to modify the annexes of the revised Drinking Water Directive to Annex III, whereas the Commission had sought an empowerment to modify Annexes I to IV in its original proposal.

The Commission specifically regrets that the co-legislators did not agree on an empowerment to amend Annex II, which is particularly necessary in light of the need to update the monitoring requirements set out in Annex II to scientific and technical progress."

STATEMENT BY THE COMMISSION
on the procedure of adopting implementing acts

"The Commission underlines that it is contrary to the letter and to the spirit of Regulation (EU) No 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke point (b) of the second subparagraph of Article 5(4), without proper justification. Recourse to this provision must respond to a specific need to depart from the rule of principle, which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established in Article 5(4), it cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."