



Brussels, 29 October 2024
(OR. en)

14454/24
PV CONS 49
ENV 995
CLIMA 354

DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Environment)
14 October 2024

1. Adoption of the agenda

The Council adopted the agenda set out in document 14216/24.

2. Approval of 'A' items

- a) **Legislative list** (public deliberation in accordance with Article 16(8) of the Treaty on European Union)

14400/24

Environment

1. **Decision amending Directive 2007/2/EC as regards certain reporting requirements for infrastructures for spatial information**



14029/24

PE-CONS 84/24

ENV

Adoption of the legislative act

approved by Coreper, Part 1, on 09.10.2024

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 192(1) TFEU).

2. **Directive on air quality (recast)**



14028/1/24 REV 1

+ ADD 1 REV 1

PE-CONS 88/24

ENV

Adoption of the legislative act

approved by Coreper, Part 1, on 09.10.2024

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, with Malta abstaining (legal basis: Article 192(1) TFEU).

Statements to this item are set out in the Annex.

Employment and Social Policy

3. **Directive establishing the European Disability Card and the European Parking Card for persons with disabilities**



13954/24

PE-CONS 49/24

SOC

Adoption of the legislative act

approved by Coreper, Part 1, on 09.10.2024

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 21(2), 53(1), 62 and 91 TFEU).

4. Directive extending the Directive establishing the European Disability Card and the European Parking Card for persons with disabilities to third country nationals



13956/24
PE-CONS 70/24
SOC

Adoption of the legislative act

approved by Coreper, Part 1, on 09.10.2024

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 79(2), point (b) TFEU).

5. Directive on improving working conditions in platform work



13952/24 + ADD 1
PE-CONS 89/24
SOC

Adoption of the legislative act

approved by Coreper, Part 1, on 09.10.2024

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, with Germany abstaining (legal basis: Article 153(2), point (b), in conjunction with Article 153(1), point (b), and Article 16(2) TFEU).

Statement to this item is set out in the Annex.

Internal Market and Industry

6. Revision of the Regulation on classification, labelling and packaging of substances and mixtures (CLP)



13335/24 + ADD 1
PE-CONS 108/23
ENT

Adoption of the legislative act

approved by Coreper, Part 1, on 09.10.2024

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 114(1) TFEU).

Statement to this item is set out in the Annex.

b) Non-legislative list

14399/24


The Council adopted all "A" items listed in the document above, including all linguistic COR and REV documents presented for adoption.

Non-legislative activities

- | | | |
|----|---|--|
| 3. | Conclusions on preparations for the 29th Conference of the Parties (COP 29) to the United Nations Framework Convention on Climate Change (UNFCCC)
(Baku, Azerbaijan, 11 - 22 November 2024)
<i>Approval</i> | 14218/24 |
| 4. | Conclusions on the Convention on Biological Diversity (CBD)
(Cali, Colombia, 21 October - 1 November 2024):

a) Preparation of COP 16 to the CBD

b) Preparation of COP-MOP 11 serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety

c) Preparation of COP-MOP 5 serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing
<i>Approval</i> | 14357/24 + COR 1
+ ADD 1 |
| 5. | Preparation for the fifth session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (INC-5)
(Busan, Republic of Korea, 25 November - 1 December 2024)
<i>Exchange of views</i> | 13999/24 |
| 6. | Chemicals Strategy for Sustainability – State of play and way forward
<i>Exchange of views</i> |  13949/24 |

The Council held an exchange of views based on the note prepared by the Presidency, as set out in the document above.

Any other business

7. Report on a recent main international meeting:

**69th meeting of the International Whaling Commission
(IWC69) (Lima, Peru, 23 - 27 September 2024)**

Information from the Presidency and the Commission



14379/24

The Council took note of the information provided by the Presidency and 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 doc. 14400/24**Ad "A" item 2:** **Directive on air quality (recast)**
*Adoption of the legislative act***STATEMENT BY GERMANY**

“Despite improvements in recent years, air pollution continues to pose one of the biggest environmental risks to human health, with the health burden on the population, especially on vulnerable groups, remaining high.

For this reason, Germany welcomes the fact that it has been possible to lay down ambitious yet achievable limit values to progressively reach alignment with the WHO Guidelines as well as the zero-pollution objective and a toxic-free environment in the EU by 2050.

Germany welcomes the fact that a balanced compromise was reached and that core concerns of Germany’s were taken into account, and Germany agrees to the Directive.

As emissions legislation in many sectors is regulated at EU level, it is still necessary, in this context as well, for rules to lower emissions of air pollutants to be adopted at an early stage, so that future limit values can be complied with locally by means of low-threshold measures.

Germany also welcomes the possibility for EU Member States to request postponement of the deadline for attaining the limit values for specific reasons, to the extent that it is, in particular, apparent from projections that the limit values cannot be attained by the deadline.

Therefore, Germany asks the Commission to submit, in a timely manner, a draft of the implementing act provided for in Article 18(5) to set out specific details of the projections, taking into account reasonable and proportionate measures. In this regard, it is Germany’s understanding that, for example, driving bans, decommissioning or limitations on the operations of industrial installations are not to be considered reasonable and proportionate measures, nor can they be demanded as conditions for a deadline postponement, and requests appropriate clarification in the implementing act. In addition, it is assumed that the effective measures referred to in Article 18(1)(b) are also to be understood to mean appropriate and proportionate measures within the meaning of Article 18(5), and thus that only appropriate and proportionate measures are to be taken into account in the establishment of air quality roadmaps.”

STATEMENT BY LATVIA

“Latvia supports the final compromise text of the proposal for a Directive on ambient air quality and cleaner air for Europe.

Nonetheless outstanding issues of concern remain. Therefore, we would like to highlight our concerns regarding the set deadlines for implementing the new monitoring requirements, as well as introduction of compensation mechanism for damage to human health and rules on penalties.

Member States will need sufficient time and additional investments to fulfil the new requirements regarding the establishment of monitoring supersites and measurements of new pollutants. Setting up appropriate procurement procedures, training employees, obtaining new equipment, and adapting existing legislation is both costly and time consuming.

Furthermore, we still see substantial challenges in transposing provisions regarding compensation for damage to human health and rules on penalties applicable to infringements into our national legal system. Given Latvia's legal system, provisions regarding compensations and penalties will be immensely complicated to transpose into our national legal system.

Overall, we regret that the transitional periods are too short for a successful implementation of the new provisions.

Finally, Latvia emphasises that the overall implementation of this proposal will require substantial investments over the next years and a rapid revision of already planned investments, which in turn will create significant additional administrative burden.”

STATEMENT BY MALTA

“As highlighted in previous instances, Malta recognises the importance of the Revision of the Ambient Air Quality Directive and its contribution to the health and well-being of European citizens and the environment. During the negotiation process, Malta was very vocal on the difficulty of attaining the new stricter limit values, particularly in the case for particulate matter (PM₁₀) and Nitrogen Dioxide (NO₂). This is further confirmed by the Commission's impact assessment itself, which shows that Malta will not be able to attain the limit value for nitrogen dioxide, even with the implementation of the ‘maximum technically feasible reduction’ scenario.

Furthermore, Malta has carried out a national high-level economic impact assessment of the impacts of the recast of the Ambient Air Quality Directive, focusing on vulnerable communities, and therefore quantifying the excessive additional burden on low-income and low-to-medium income families.

The assessment of the costs of a number of measures and the resulting economic benefits from achieving the revised air pollution targets, translate to a benefit-to-cost ratio of 0.07. This outcome clearly demonstrates that attaining the proposed limit values will involve the incurrence of disproportionate socio-economic costs, thereby resulting in negative direct and indirect impact on low-income families. This is further exacerbated by the fact that such households are generally more dependent on vehicles of a relatively older age.

It is therefore evident that this outcome indeed goes against the spirit of the Ambient Air Quality Directive, which calls for ‘*necessary measures not entailing disproportionate costs*’.

It is for such reasons that throughout the negotiations, Malta advocated for a more inclusive and equitable approach that takes into consideration a wider array of socio-economic factors by means of the inclusion of realistically achievable limit values.”

STATEMENT BY SLOVENIA

“Slovenia supports the recast of the Directive on ambient air quality and cleaner air for Europe, which aims to progressively improve air quality in the EU to levels no longer considered harmful to human health or natural ecosystems. Slovenia also agrees that, in the event of inadequate decisions by Member States related to the implementation of certain articles of the Directive, members of the public concerned should have access to an appropriate review procedure before the appropriate authority.

However, Slovenia considers the inclusion in this Directive of a specific provision on access to justice at EU level, in the context of this Directive, which only concerns one area of environmental law, to be redundant. Both the EU and its Member States, including Slovenia, are parties to the Aarhus Convention, which is directly applicable.

Regulating access to justice in individual sector-specific acts of environmental legislation at EU level could lead to uneven coverage of the right of access to justice in environmental matters.

It is also necessary to consider the potential risk of diverging interpretations regarding the implementation of such a provision by the compliance mechanism of the Aarhus Convention or by the Court of Justice of the EU, which could contribute to further uncertainties in the implementation of the relevant article of the Aarhus Convention.

Furthermore, Slovenia believes that regulating this matter through such a sector-specific approach in the EU goes against the principles of better EU legislation and the principle of proportionality.

Therefore, from the point of view of implementation of the Aarhus Convention, Slovenia sees no reason to regulate this matter at EU level in the Directive on ambient air quality and cleaner air for Europe.”

Ad "A" item 5: **Directive on improving working conditions in platform work**
Adoption of the legislative act

STATEMENT BY AUSTRIA

“Austria supports the objective of the Directive on improving working conditions in platform work in the European Union. However, the heterogeneous characteristics of national labour markets and, in this case, the platform economy, must be taken into account in corresponding EU actions.

As stated in Recital 17, this Directive should apply to persons performing platform work in the Union who have or who, based on an assessment of facts, are deemed to have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in each Member State, with consideration to the case-law of the Court of Justice.

In Austria, there is a third category of employment at national level called *Freie Dienstnehmer*. Therefore, if this intermediate status is the correct employment status according to Austrian law, the rights and obligations pursuant to that status should apply.

In this context, Austria emphasizes that the Austrian law, collective agreements or practice with regard to the intermediate status of *Freie Dienstnehmer* is in no way affected by this Directive.”

STATEMENT BY SLOVAKIA

“The Slovak Republic is in favour of the proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures that will contribute to a high level of protection of human health and the environment.

We would like to express our concerns regarding the introduction of new hazard classes (ED, PBT/vPvB, PMT/vPvM) in the CLP Regulation performed via a Delegated Act.

We understand that the CLP Regulation should ensure a high level of protection of human health and the environment as well as the free movement of chemical substances, mixtures and certain specific articles, while enhancing competitiveness and innovation.

In case new hazard classes are introduced in the CLP Regulation earlier than in the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), the alignment of the CLP Regulation with the GHS at the UN level may be problematic and uncertain in the future. In addition, it would create barriers to global trade in chemicals in relation to competitiveness and the free movement of substances, mixtures and products and would allow market fragmentation worldwide.”
