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DRAFT MINUTES
COUNCIL OF THE EUROPEAN UNION
(Environment)
17 December 2024

1. Adoption of the agenda

The Council adopted the agenda set out in document 16745/24 with the addition, at the request from France, of an item under "Any other business" (**new item 6(g)**). The Council also agreed to hold that additional item in public session as per Article 8(2) of the Council's Rules of Procedure.

2. Approval of 'A' items

Non-legislative list

16785/24

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

Legislative deliberations

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

3. Regulation on preventing plastic pellet losses to reduce microplastic pollution



16721/24 + ADD 1

General approach

The Council reached a general approach on the Regulation on preventing plastic pellet losses to reduce microplastic pollution, as reflected in the outcome of proceedings (16980/24).

Estonia, Germany and Latvia presented statements, while Cyprus, Greece and Malta presented a joint statement, as set out in the Annex.

4. Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles, amending Regulations (EU) 2018/858 and 2019/1020 and repealing Directives 2000/53/EC and 2005/64/EC



16276/24

Policy debate

The Council held a policy debate based on questions prepared by the Presidency, as set out in the document above.

Non-legislative activities

5. **Communication on Europe's 2040 climate target**

 16277/24

Exchange of views

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

Any other business

6. (a) **On-line marketplaces - non-compliance with EPR obligations and how to address them**

 16815/24

Information from Czechia, Denmark, France and Slovakia

The Council took note of the information provided by Czechia, Denmark, France and Slovakia, as well as the intervention from other delegations.

(b) **Very large online platforms (VLOPs) - non-compliance with extended producer responsibility and how to address it**

 16850/24

Information from Austria

The Council took note of the information provided by Austria, as well as the intervention from other delegations.

(c) **Update on Progress of Horizon Europe EU Missions as a tool for local climate action**

 16502/24

Information from the Commission

The Council took note of the information provided by the Commission.

(d) **Reports on main recent international meetings**



(i) **29th Conference of the Parties (COP 29) to the United Nations Framework Convention on Climate Change (UNFCCC) (Baku, Azerbaijan, 11-22 November 2024)**

16744/24

(ii) **5th session of the Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution (INC-5) (Busan, Republic of Korea, 25 November-1 December 2024)**

16734/24

- (iii) **Convention on Biological Diversity (CBD)**
(Cali, Colombia, 21 October-1 November 2024)
- **COP 16 to the CBD**
 - **COP-MOP 11 serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety**
 - **COP-MOP 4 serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit Sharing**

16867/24

- (iv) **16th Conference of the Parties to the Convention on Combating Desertification (UNCCD COP 16)**
(Riyadh, Saudi Arabia, 2-13 December 2024)

16906/24

Information from the Presidency and the Commission

The Council took note of the information provided by the Presidency and the Commission, as well as the intervention from other delegations.

- (e) **Key issues in the targeted revision of the REACH Regulation**



16416/24

Information from Sweden, supported by Denmark, Finland and Luxembourg

The Council took note of the information provided by Sweden, supported by Denmark, Finland and Luxembourg.

- (f) **Work programme of the incoming Presidency**
Information from Poland

- (g) **The need to avoid weakening car manufacturers through penalties, while maintaining the targets and ambition of the regulation on CO2 standards for cars and vans**

 16972/24

Information from France

The Council took note of the information provided by France, as well as the intervention from other delegations.



First reading



Item based on a Commission proposal



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

Statement to the "B" items

Ad "B" item 3:

Regulation on preventing plastic pellet losses to reduce microplastic pollution
General approach

STATEMENT BY ESTONIA

“Estonia supports the overall aim of the Regulation to prevent plastic pellet losses to the environment and protect ecosystems and human health. However, we consider it necessary to express the following concern.

In principle, Estonia does not support the introduction of sector-specific civil law rules in EU internal market legislation since such differences unduly complicate the legal system and may lead to a situation where persons, including injured persons or businesses operating in different sectors, are treated differently, which could pose problems regarding the principle of equal treatment manifested in our Constitution. This applies regarding the rules foreseen in the Regulation on the limitation periods of health damage claims, which have resulted due to infringements of the Regulation.

Although the current text states that Member States may establish limitation periods for such compensation claims, it still provides specific mandatory rules regarding the starting point of the limitation period. This means that the limitation period for health damage claim arising due to the infringement of the Regulation is different from the limitation period for other health damage claims, for which Estonian law provides a uniform limitation period, considering, that victims should not be treated differently depending on the wrongful act that caused the health damage.

Therefore, Estonia would urge to consider the above-mentioned arguments in the course of the upcoming negotiation phases.”

STATEMENT BY GERMANY

“DEU unterstützt ausdrücklich das Ziel, den Eintrag von Kunststoffgranulat in die Umwelt zu verringern. Deswegen stimmt DEU der Allgemeinen Ausrichtung des Rates zu, um möglichst bald zu EU-weiten ambitionierten Regelungen zu kommen.

DEU hält es allerdings für wichtig, in den Trilogverhandlungen mit dem Europäischen Parlament und der Europäischen Kommission zu einigen Regelungen des Verordnungsentwurfes noch weitere Fortschritte zu erzielen.

Das betrifft insbesondere folgende Aspekte:

- Reduzierung des Verwaltungsaufwands für die zuständigen Behörden und die Unternehmen – insbesondere Kleinst- und kleine Unternehmen;
- Einführung eines Schwellenwertes von beispielsweise 5 Tonnen transportiertes Kunststoffgranulat pro Kalenderjahr für Frachtführer; anderenfalls ist mit einem hohen Verwaltungsaufwand für die zuständigen Behörden zu rechnen, die gemäß Artikel 3 (2) und (3) die An- und Änderungsmeldungen der Frachtführer zu erfassen haben;
- Beseitigung von Unstimmigkeiten zwischen dem Rechtstext und der etablierten, praktischen Umsetzung im Transportbereich; so sind Frachtführer in Deutschland beispielsweise – anders als in Annex III vorgesehen – zumeist nicht für die Be- und Entladung - einschließlich der Verwendung von Hilfsmitteln wie Gabelstapler -, die beförderungssichere Verpackung der Güter sowie die Reinigung der Transportbehälter zuständig.
- Vermeidung von Doppelregulierungen hinsichtlich der Informations- und Offenlegungspflichten (Artikel 7a) sowie effektive, auf die Ziele der Verordnung ausgerichtete - Verwaltungsaufgaben.“**STATEMENT BY LATVIA**

“Latvia supports the main objectives of the Regulation to increase the level of environmental protection by preventing spills of plastic pellets from primary containment during routine handling, thus reducing the risk of spills to the lowest possible level. Latvia can support Presidency compromise text and an agreement on a mandate for negotiations with the European Parliament.

At the same time, **Latvia has serious concerns** about the expansion of the scope of the Regulation, namely **the inclusion of maritime transport** therein.

Latvia is particularly concerned that **there has been no comprehensive impact assessment** regarding the inclusion of this particular sector in the scope of this Regulation. Moreover, the **practical implementation** of the Regulation may be complicated, given the regional nature of the Regulation. IMO Recommendations (MEPC.1/Circ.909) are voluntary for all IMO member states - they have a right to choose whether to implement these recommendations. By adopting IMO Recommendations in this Regulation, all EU Member States will be obliged to mandatory implement them.

Latvia believes that **this matter requires thorough consideration within the International Maritime Organization (IMO)**, with active participation of **all stakeholders** (including NGOs) in the decision-making process. We are of the view that EU Member States should collaborate within the IMO framework to promote the timely development and adoption of amendments to the IMO conventions that effectively address the issue on the carriage of plastic pellets by sea on a global scale.

In the light of the above **Latvia does not support the inclusion of maritime transport** in the scope of the Regulation.”

JOINT STATEMENT BY CYPRUS, GREECE AND MALTA

“Cyprus, Greece, Malta wish to express their serious concerns and reservations about the inclusion of the shipping sector in the scope of the Regulation on preventing plastic pellet losses to reduce microplastic pollution on the following grounds.

Firstly, in the Commission’s proposal, the shipping sector was excluded from the scope of the Regulation. Hence the inclusion of shipping has never been impact-assessed. This is contrary, *inter alia*, to the fundamental principles of subsidiarity and proportionality. As highlighted by the Court of Justice of the European Union in its case law, the EU legislature must assess the proportionality of the obligations being introduced and ensure that these obligations comply with the requirements arising from the principle of proportionality.

From the outset we have repeatedly argued for the non-inclusion of the shipping sector in the scope of this Regulation, given that this issue should be examined at international level. In particular, the issue should be examined within the framework of the IMO, as the only Organization with the necessary expertise, experience, and competence to adopt the appropriate measures to address the issue on a global scale, while maintaining a level playing field in international shipping.

In fact, IMO already addresses this issue. In particular, in its recent 82nd Session, the IMO’s Marine Environment Protection Committee (MEPC) agreed to include in the Organization’s Action Plan the development of amendments to relevant IMO conventions, in order to introduce requirements for the maritime transport of pellets, mandating the preparation of a text to be submitted to the next session of the competent Sub-Committee (PPR). It also instructed the PPR Sub-Committee to analyze the legislation that could be amended and the possible implications, with a view to submitting a report to MEPC, once completed.

In light of the above, it is clear that IMO is giving careful consideration to the issue of maritime transport of pellets and is already working on the development of relevant international standards with a view to their adoption and mandatory implementation at international level.

Based upon these considerations, we believe that the transport of pellets by sea should remain out of the scope of the draft Regulation, given particularly that the development of relevant international regulations is already underway within the competent IMO organs.

In our view, EU member states should join forces and work together within the IMO framework, to promote - for example by submitting common proposals - the swift development and adoption of amendments to IMO conventions to address the issue of the transport of pellets by sea effectively and at the appropriate global level.

We also believe that this approach would have a greater impact upon the other IMO Member States, rather than the –once again– effort to impose EU regulations on other states. This practice has already caused negative reactions within the IMO on a number of occasions.

Finally, we wish to express our disappointment as far as shipping is concerned, that proposed concrete amendments aiming at further improving the legislative text in order to avoid overlaps with existing EU legislation (article 15 “Penalties”), ensuring alignment with international measures (article 18b para 3 “Evaluation and review”) have not been included in the draft legislative text we are called upon to adopt as a General Approach.”
