



Council of the
European Union

Brussels, 11 October 2016
(OR. en)

12788/16

LIMITE

PV/CONS 45
ENV 629
CLIMA 131

DRAFT MINUTES

Subject: **3486th** meeting of the Council of the European Union (**Environment**),
held in Brussels on 30 September 2016

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1. **Adoption of the agenda**

12408/16 OJ CONS 45 ENV 612 CLIMA 120

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

2. **Ratification of the Paris Agreement**

Draft Council Decision on the conclusion on behalf of the European Union of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change

= Agreement in principle

= Request for the consent of the European Parliament

12689/16 CLIMA 123 ENV 616 ONU 104 DEVGEN 210 ECOFIN 851

ENER 338 FORETS 47 AGRI 509 MAR 242 AVIATION 193

12256/16 CLIMA 111 ENV 588 ONU 96 DEVGEN 195 ECOFIN 803

ENER 323 FORETS 42 AGRI 488 MAR 229 AVIATION 182

+ ADD 1

+ ADD 2

+ ADD 2 COR 1

The Council agreed in principle on the text of the Council Decision as set out in 12256/16 and agreed to send a letter to the European Parliament as part of the consent procedure. The Council also agreed on the text of the joint statement (see Annex).

3. **Draft Council conclusions on the preparations for the United Nations Framework Convention on Climate Change meetings (Marrakech , 7–18 November 2016)**

= Adoption

12688/16 CLIMA 122 ENV 615 ONU 103 DEVGEN 209 ECOFIN 850

ENER 337 FORETS 46 MAR 241 AVIATION 192

The Council adopted the conclusions as set out in 12807/16.

4. **Any other business**

No issues were raised under this item.

STATEMENTS FOR THE COUNCIL MINUTES

Ad "B" item 2): **Ratification of the Paris Agreement**
 Draft Council Decision on the conclusion on behalf of the European
 Union of the Paris Agreement adopted under the United Nations
 Framework Convention on Climate Change
 = **Agreement in principle**
 = **Request for the consent of the European Parliament**

STATEMENT BY THE COUNCIL, THE MEMBER STATES AND THE COMMISSION

"The Council, the Member States and the Commission underline:

- that the rapid development at the international level and sense of urgency leading to the likely early entry into force of the Paris Agreement in 2016 creates a historic opportunity, but also an unprecedented situation and challenge for the European Union and its Member States. The agreement in the Council on the early ratification, on behalf of the EU, of the Paris Agreement – departing from the best practice of simultaneous deposit of the EU and its Member States' instruments of ratification – is reached unanimously in this unique context, in order to confirm the continuous commitment of the European Union and its Member States to the new climate agreement and to ensure the participation of the European Union at the first meeting of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA) and it cannot be interpreted as a precedent for any other ratification process;
- the essential role of the national parliaments in ratification processes. The agreement in the Council on the ratification, on behalf of the EU, of the Paris Agreement does not in any way pre-empt or prejudge the role of national Parliaments in the respective national ratification processes in the Member States in accordance with their domestic constitutional provisions;
- that the process of ratification of the Agreement by the Union and its participation at the CMA will not affect the division of competences between the Union and the Member States;
- that the positions to be adopted by the EU and its Member States at the CMA will be determined in the usual manner, in accordance with the existing EU rules and working arrangements in the context of the UNFCCC;
- that during the CMA the Member States and the Commission should cooperate closely during the negotiation process, ensuring unity in the external representation of the European Union.

It is the understanding of the Council, the Member States and the Commission that the EU and its Member States' INDC, will become their NDC in accordance with paragraph 22 of Decision 1/CP.21 and that the terms of the agreement by the EU and its Member States to act jointly will be communicated jointly to the UNFCCC Secretariat according to Article 4.16 of the Paris Agreement as soon as consensual agreement is reached on the submission.

The emissions level allocated to each Member State in the context of the 2030 climate and energy framework will be established recalling the recognition in the Treaties of the need to take into account Member States' specificities in respect of their energy mix.

The Council, the Member States and the Commission recall the conclusions of the European Council of October 2014 on the 2030 climate and energy framework, which state that the European Council will keep all the elements of the framework under review and will continue to give strategic orientations as appropriate, notably with respect to consensus on ETS, non-ETS, interconnections and energy efficiency. Each Member State may seek the inclusion on an agenda of the European Council of any issues mentioned above. In this context the principles including cost effectiveness, fairness, environmental integrity and balance of effort as provided for in the European Council Conclusions of October 2014 should be respected."
