



Council of the  
European Union

Brussels, 3 November 2016  
(OR. en)

13345/16

LIMITE

PV/CONS 50  
ENV 662  
CLIMA 142

## DRAFT MINUTES<sup>1</sup>

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Subject: **3491<sup>st</sup>** meeting of the Council of the European Union (**Environment**),  
held in Luxembourg on 17 October 2016

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<sup>1</sup> Information on Council legislative deliberations, on other cases of Council deliberations open to the public and on public debates may be found in [Addendum 1](#) to these minutes.

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- d) 39th ICAO Assembly (Montreal, Canada, 27 September–7 October 2016)
- e) 17th meeting of the Conference of the Parties (COP 17) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Johannesburg, South Africa, 24 September–5 October 2016)
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1. **Adoption of the agenda**

13122/16 OJ CONS 49 ENV 651 CLIMA 138

The Council adopted the above agenda.

**NON-LEGISLATIVE ACTIVITIES**

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

13126/16 PTS A 78

The Council adopted the "A" items listed in 13126/16, with the exception of item 12.

A statement to item 13 items is set out in the Annex.

**LEGISLATIVE DELIBERATIONS**

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

3. **Approval of the list of "A" items**

13125/16 PTS A 77

The Council adopted the "A" items listed in 13125/16.

Details on the adoption of these items are set out in the Addendum.

4. **Non-ETS sectors**

- a) **Proposal for a Regulation of the European Parliament and of the Council on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 for a resilient Energy Union and to meet commitments under the Paris Agreement and amending Regulation No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change [First reading]**

Interinstitutional file: 2016/0231 (COD)

11483/16 CLIMA 92 ENV 511 ENER 293 TRANS 315 AGRI 432

COMPET 432 ECOFIN 730 CODEC 1098 IA 55

+ ADD 1

+ ADD 1 REV 1 (it, da)

+ REV 1 (it, da)

- b) **Proposal for a Regulation of the European Parliament and of the Council on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry into the 2030 climate and energy framework and amending Regulation No 525/2013 of the European Parliament and the Council on a mechanism for monitoring and reporting greenhouse gas emissions and other information relevant to climate change [First reading]**

Interinstitutional file: 2016/0230 (COD)

11494/16 CLIMA 93 ENV 512 AGRI 434 FORETS 35 ONU 88

CODEC 1101 IA 56

+ ADD 1

= Policy debate

12696/16 CLIMA 124 ENV 618 ENER 339 TRANS 366 AGRI 511

FORETS 50 COMPET 512 ECOFIN 852 ONU 107

CODEC 1338 IA 76

The Council held a public policy debate on the above Commission proposals on the basis of a background note and two questions prepared by the Presidency, as contained in 12696/16.

Following the debate, during which all delegations took the floor, the President of the Council concluded that their contributions would provide valuable guidance for further discussions on the proposals.

## **NON-LEGISLATIVE ACTIVITIES**

### **5. Draft Council conclusions on Sustainable Water Management**

= Adoption

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

12681/16 ENV 614 CLIMA 121 AGRI 508 IND 202 PROCIV 62

RELEX 802 MED 45 DEVGEN 208

The Council adopted the above mentioned conclusions and held a public debate on sustainable water management.

During the debate, Ministers reaffirmed that water remains a top EU priority and highlighted its importance as a scarce natural resource and its strategic role in environmental, health and also economic terms. They expressed strong support for the conclusions and highlighted the need to mainstream water policy objectives in other relevant policy areas, such as agriculture, fisheries, industry, energy and spatial planning. Ministers called on the Commission to involve all Member States, as well as relevant stakeholders, in the preparatory process for the review of the Water Framework Directive in 2019. While recognising that water challenges are different across the EU and therefore the Member States need flexibility in the choice of measures to achieve water policy objectives, Ministers and Commissioner Vella concurred on the need to maintain a strong legal framework and a high level of ambition for water policy objectives for the post-2027 period.

**6. Draft Council conclusions on the Convention on Biological Diversity (CBD)**

- a) **Preparation of the 13th meeting of the Conference of the Parties (COP 13) to the CBD (Cancun, Mexico, 4–17 December 2016)**
- b) **Preparation of the 8th meeting of the Conference of the Parties to the CBD serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP–MOP 8) (Cancun, Mexico, 4–17 December 2016)**
- c) **Preparation of the 2nd meeting of the Conference of the Parties to the CBD serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing (COP–MOP 2) (Cancun, Mexico, 4–17 December 2016)**

= Adoption

12988/16 ENV 642 AGRI 540 DEVGEN 220 FORETS 54 PI 109  
 PECHE 355 RECH 285 ONU 112 CADREFIN 84

The Council adopted the conclusions as set out in 13398/16. The discussion focused on Marine and coastal biodiversity and Indigenous peoples and local communities. Ministers also referred to the links between the implementation of the Strategic Plan for Biodiversity 2011-2020 and the Sustainable Development Goals, the role of the private sector and businesses to achieve the Aichi Targets, the phasing out of subsidies harmful to biodiversity and the uneven progress in the implementation of some of the Aichi Targets.

7. **Any other business**

a) **28th meeting of the Parties (MOP 28) to the Montreal Protocol on Substances that Deplete the Ozone Layer (Kigali, Rwanda, 10–14 October 2016)**

= Information from the Presidency and the Commission  
12984/16 CLIMA 136 ENV 644 MI 625

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

b) **Unspent funds from the NER300 Funding Programme**

= Information from the Cyprus delegation  
12845/16 CLIMA 133 ENV 632 ENER 346 TRANS 370 IND 206  
COMPET 518 MI 615 ECOFIN 869

The Council took note of the information provided by the Cyprus delegation and comments from the Croatian, Greek, Hungarian, German and Austrian delegations, and the Commission.

c) **Communication from the Commission on a European Strategy for Low-Emission Mobility**

= Information from the Commission  
11333/16 TRANS 310 COMPET 485 ENV 587 CLIMA 95  
+ COR 1  
+ COR 2  
+ ADD 1  
+ ADD 1 COR 1  
+ ADD 1 REV 1 (fr)

The Council took note of the information provided by the Commission and comments by the Irish, Swedish, Danish and Slovenian delegations.

d) **39th ICAO Assembly (Montreal, Canada, 27 September–7 October 2016)**

= Oral information from the Commission

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

- e) **17th meeting of the Conference of the Parties (COP 17) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Johannesburg, South Africa, 24 September–5 October 2016)**

= Information from the Presidency and the Commission  
13190/16 ENV 655 WTO 287

The Presidency and the Commission indicated that the outcome of this meeting was very satisfactory, with a number of proposals put forward by the EU and its Member States adopted by the COP 17. The EU participated as a Party for the first time, and the EU and its Members States acting together managed to keep a high level of ambition in CITES and contributed significantly to the overall success of the COP 17.

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

- f) **Natural resources management on the example of Białowieża Forest: Repercussions for Europe**

= Information from the Polish delegation  
12911/16 ENV 635 FORETS 53

The Polish delegation informed about the status of the Białowieża Forest and the measures it was taking in order to ensure its protection and the sustainable management of its natural resources.

The Commission underlined the importance and unique features of this type of forests in terms of biodiversity and ecosystems, and the usefulness of using and promoting best practices in the EU.

The Council took note of the information provided by the Polish delegation.

**g) Proposal for a Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC (NEC) – lessons learnt**

= Information from the Polish, Hungarian and Romanian delegations  
12846/16 ENV 633 ENER 347 IND 207 TRANS 371 ENT 178 SAN 344

The Polish, Hungarian and Romanian delegations expressed their strong concerns with regard to the negotiating methods concerning the NEC proposed Directive, in particular in terms of lack of transparency, sufficient information provided to delegations in support of national emission reduction targets and fair burden among Member States. They also underlined the significant impact that implementation of this legislation will have in financial and social terms. Supported by the Lithuanian and Italian delegations, they called on avoiding in the future similar situations.

While acknowledging that taking stock was useful, the Commission recalled this was a major achievement for air quality and invited all to focus on implementation. The Commission also indicated it was ready to support Member States in achieving their targets.

The Council took note of the information provided.

**h) Identification of endocrine disrupting substances**

= Information from the Danish, Netherlands and Swedish delegations, supported by the Luxembourg delegation  
12959/16 ENV 637 CONSOM 234 SAN 347 CHIMIE 55 AGRI 537 MI 620

The Danish, Netherlands and Swedish delegations, supported by the Luxembourg, French and Belgian delegations, expressed serious concerns on the criteria proposed by the Commission for the identification of endocrine disruptors to be applied to the Pesticides and Biocides Regulations and asked the Commission to take into account such concerns. These delegations considered that, on the one hand, the proposed criteria exceeded the delegated powers conferred to the Commission and, on the other hand, they restricted the scope of the Regulations in detriment of the level of environmental and human health protection.

The Commission replied that the proposed criteria were in line with the WHO standards and maintained a high level of environmental and health protection; the Commission indicated it would reflect on the way forward in light of the comments received.

The Council took note of the information provided.



- i) **2016 World Conservation Congress of the International Union for Conservation of Nature (IUCN) (Hawaii, 1–10 September 2016)**  
= Information from the Presidency  
13224/16 ENV 658

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

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**STATEMENT FOR THE COUNCIL MINUTES**

**Ad "A" item 13:**      **Draft Council Decision on the position to be adopted on behalf of the European Union at the International Maritime Organization during the 70th session of the Marine Environment Protection Committee and the 97th session of the Maritime Safety Committee on the adoption of amendments to MARPOL Annex VI, SOLAS Regulations II-1, SOLAS Regulations III/1.4, III/30 and III/37, SOLAS Regulations II-2/1 and II-2/10, SOLAS Regulation II-1/3-12, the STCW Convention and Code, the Fire Systems Safety Code and the 2011 Enhanced Survey Programme Code**  
=      **Adoption**

**STATEMENT BY THE COMMISSION**

"In so far as the relevant amendments to SOLAS Regulations II-1/1, II-1/2, II-1/3, II-1/4, II-1/5, II-1/6, II-1/7, II-1/8-1, II-1/9, II-1/10, II-1/12, II-1/13, 15 – 17, 19, 21, 22 and 35, SOLAS Regulations II-2/1 and II-2/10 and Chapter 13 of the FSS Code are concerned, their adoption at the IMO affects existing Union legislation. Therefore, these amendments fall within the exclusive external competence of the Union. Consequently, the Union position established in respect of those amendments cannot be limited in scope and must therefore be understood as covering them in their entirety, without prejudice to Article 2(2) TFEU."

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