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## OUTCOME OF THE COUNCIL MEETING

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### Environment

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President      **László Sólymos**  
Minister for Environment

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's internet site or may be obtained from the Press Office.

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## **ITEMS DEBATED**

### **Revision of the EU ETS**

The Slovak presidency presented its progress report on the revision of the EU emissions trading system (ETS) and delegations broadly welcomed the effort made and progress achieved during the presidency.

In the presidency's view, the main focus of further work should be on the main outstanding issues in the following three areas:

- measures to reduce the need for a cross-sectoral correction factor (CSCF)
- measures to strengthen the ETS while ensuring protection against the risk of carbon leakage
- low-carbon funding mechanisms for low-income member states

During the debate, delegations reiterated that the application of a correction factor should be avoided as far as possible. Ministers referred to key elements that affect the need to apply the CSCF: the free allocation rules, including the methodology for updating the benchmarks; the alignment of allocations to changes in production levels; and protection against carbon leakage. Regarding this last point, some delegations supported a more targeted approach. A number of delegations agreed the share of allowances to be auctioned should be 57%, as proposed by the Commission, while others supported a lower percentage or were open to considering this option.

Many member states highlighted the need to strengthen the ETS and argued the carbon price signal should provide industry with real incentives to reduce emissions. Some considered the presidency's proposal to amend the market stability reserve decision was an option to be considered in this context. However, others rejected the idea of amending the decision before the reserve has started to work.

On the funds, there were differences between the beneficiary and non-beneficiary member states regarding the most appropriate system for decision-making and managing the fund.

The Council will continue its work in the coming months to try to reach a general approach and start negotiations with the European Parliament as soon as possible.

## **Chemicals**

Ministers highlighted the need to keep a high level of protection of human health and of the environment in the context of the REACH review and the fitness check of the rest of the legislation on chemicals. Some ministers also referred to the need for greater ambition in the ongoing development of criteria to identify endocrine disruptors.

The Council adopted conclusions on the protection of human health and the environment through the sound management of chemicals ([15673/16](#)).

**Any other business**

– *Climate: effort-sharing and LULUCF*

The Council took note of the state of play of the two legislative proposals to cut emissions in sectors not covered by the ETS: the effort-sharing regulation and the regulation on land-use, land-use change and forestry (LULUCF). Some delegations commented on some specific aspects of the files, such as the flexibilities. Ministers recalled some of the principles to keep in mind, namely ambition, environmental integrity, cost-efficiency, fairness and transparency.

Information from the presidency on the state of play ([15520/16](#))

– *Energy union*

The Council took note of the information provided by the Commission on its latest proposals on clean energy.

Communication: 'Clean energy for all Europeans' ([15172/16](#) + ADD1 + ADD2)

– *European action for sustainability*

The Council took note of the information provided by the Commission on its communication regarding next steps for a sustainable European future: European action for sustainability.

Communication: European action for sustainability ([14774/16](#) + ADD1)

– *European sustainable development week*

The Council took note of the information provided by the Austrian delegation, supported by other delegations, on the European sustainable development week (ESDW) to take place from 30 May to 5 June 2017.

Information note ([15345/1/16 REV 1](#))

– ***Budapest water summit***

The Council took note of the information provided by the Hungarian delegation about the Budapest Water Summit 2016 that took place in Budapest from 28 to 30 November 2016.

Information note ([15356/16](#))

– ***EU nature legislation: birds and habitats directives***

The Commission informed the Council about the fitness check of the EU nature legislation (birds and habitats directives). The fitness check has confirmed the directives are fit for purpose but shortcomings in the implementation have been identified. The Commission announced an action plan that will address this. The Council took note of the information provided and of the comments of some ministers, who agreed more efforts are needed in the implementation of these two directives.

– ***Recent international meetings***

The Council took note of the information provided by the presidency and the Commission on several recent international meetings:

- Marrakech climate change conference (COP 22, Marrakech, 7-18 November 2016) ([15527/16](#))

- Convention on Biological Diversity and its protocols (Cancún, 4-17 December 2016)

- Session of the International Whaling Commission (Portorož, Slovenia, 20-28 October 2016) ([15529/16](#))

- Conference of the Parties to the UNECE Convention on the Transboundary Effects of Industrial Accidents (Ljubljana, 28-30 November 2016) ([15405/16](#))

– ***Circular economy: legislative proposals on waste***

The presidency informed the Council about the state of play of the legislative files on waste. The Council took note of the information provided, as well as of the comments by some delegations. Different positions were expressed regarding the level of ambition and the targets. Member states also referred to the need for more work on issues such as definitions and calculation methods.

Information from the presidency ([15477/16](#))

– ***EU Ecolabel***

The Council took note of the information provided by the Czech delegation, supported by several delegations, regarding the REFIT evaluation of the EU Ecolabel, as well as of the reply provided by the Commission. The Commission welcomed the widespread support for the Ecolabel scheme and announced the fitness check is expected to be completed during the first trimester of 2017.

Information note ([15270/16](#))

– ***Odour nuisance***

The Council took note of the information provided by the Polish delegation about odour nuisance and of the reaction from the Commission.

Information note ([15267/16](#))

– ***Work programme (January - June 2017)***

The Council took note of the information provided by the incoming Maltese delegation on its work programme.

**OTHER ITEMS APPROVED****FOREIGN AFFAIRS****Western Balkans: disarmament project**

The Council approved a €6.5 million project over three years in support of arms control activities in the Western Balkans. Diminishing the threat of illegal firearms being trafficked from and through south-east Europe to the EU is a security priority. The project supports the south-eastern and eastern Europe clearinghouse for the control of small arms and light weapons, disarmament and arms control activities in south-east Europe. In close cooperation with national authorities, the EU will work to increase the security of armament stockpiles throughout the region, reduce the availability of small arms and light weapons, improve marking, tracing and registration of weapons, enhance information sharing and knowledge transfer through regional cooperation, and raise awareness about the danger of weapons. The project is a continuation of an existing successful project.

It is supported by the EU as part of its strategy to combat the illicit accumulation and trafficking of small arms and light weapons and their ammunition.

**Relations with Moldova**

The Council adopted conclusions on the European Court of Auditors' Special Report No 13/2016 on EU assistance for strengthening the public administration in the Republic of Moldova ([15676/16](#)).

**COMMON SECURITY AND DEFENCE POLICY****EUNAVFOR MED Operation Sophia**

The Council adopted a decision to facilitate the exchange of information by the operation with appropriate partners and agencies, in order to better implement the tasks included in its mandate.

## **JUSTICE AND HOME AFFAIRS**

### **Automated exchange of vehicle registration data**

The Council adopted conclusions ([15190/16](#)) on the implementation of the general provisions on data protection of chapter 6 of Council Decision 2008/615/JHA regarding the evaluation of Croatia with regard to the automated exchange of vehicle registration data.

The conclusion acknowledges that Croatia fulfils the necessary conditions to be integrated into the system for the automated exchange of vehicle registration data.

## **INTERNAL MARKET**

### **Update of the list of defence-related products**

The Council decided not to oppose the adoption by the Commission of a directive updating the [list of defence-related products](#) contained in directive 2009/43/EC.

Directive 2009/43/EC simplifying the terms and conditions of transfers of defence-related products within the EU provides that the Commission is to update the list of defence-related products so that it corresponds to the EU's common military list, which was last updated on 14 March 2016.

[Directive 2009/43/EC](#) seeks to contribute to the development of a single market for defence products, thereby reinforcing the competitiveness of Europe's defence industry.

The updated directive is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent the Commission may adopt it unless the European Parliament objects.

## **Chemicals - classification and labelling**

The Council decided not to oppose the adoption by the Commission of a regulation to amend regulation 1272/2008 on classification, labelling and packaging of substances and mixtures, with a view to further harmonising information related to emergency health response ([13738/16](#) and [13738/16 ADD 1](#)).

National bodies appointed in accordance with regulation 1272/2008 need information about mixtures placed on the market and classified as hazardous on the basis of their health and physical effects, as those bodies are responsible for formulating preventive and curative measures, in particular in the event of emergency health response.

This information is submitted by importers and downstream users. It commonly includes product and hazard identification, as well as composition and toxicological information. Poison centres rely on information provided by the appointed bodies.

The harmonisation of this information is expected to lead to cost savings and prevent inconsistencies.

The purpose of [regulation 1272/2008](#) is to ensure a high level of protection of human health and of the environment as well as the free movement of substances and mixtures by, among other things, harmonising the criteria for the classification of substances and mixtures, and the rules on labelling and packaging for hazardous substances and mixtures.

The draft regulation is subject to the regulatory procedure with scrutiny, which means that now that the Council has given its consent, the Commission may adopt it, unless the European Parliament objects.

## **AGRICULTURE**

### **Official controls - Council adopts its position at first reading**

The Council adopted its position at first reading on revised rules to perform official controls along the agri-food chain ([10755/16](#)). The Council's position is based on the compromise agreed with the European Parliament (EP) in June 2016, and paves the way for the final adoption of the regulation by the EP at an upcoming plenary session.

The new rules aim to improve the controls carried out by member states to ensure the application of the Union legislation on food and feed safety, animal health and welfare, plant health, and plant protection products. It will also apply to genetically modified organisms (GMOs) for feed and food production, organic farming, protected designations of origin, protected geographical indications and traditional specialities guaranteed. Additionally, marketing standards for agricultural products will be covered with respect to possible fraudulent practices.

The European Parliament is expected to vote at second reading at an upcoming plenary session, thus approving the Council's position at first reading without amendments and completing the legislative process.

Afterwards, the legal texts will be published in the Official Journal of the EU.

### **Methods of sampling and analysis for the official control of feed: Latvian language version**

The Council decided not to oppose the adoption by the Commission of a regulation correcting the Latvian language version of regulation 152/2009 laying down the methods of sampling and analysis for the official control of feed ([13760/16](#)).

In particular the correction concerns the footnotes to the tables in points 5.1.1, 5.1.3 and 5.1.5 in Annex I.

### **Pesticides - maximum residue levels**

The Council decided not to oppose the adoption of a Commission regulation amending regulation 396/2005 as regards maximum residue levels (MRLs) for bifenthrin, carbetamide, cinidon-ethyl, fenpropimorph and triflurosulfuron in or on certain products ([14188/16 + ADD 1 + ADD 2](#)).

Regulation 396/2005 establishes the MRLs permitted in products of animal or vegetable origin intended for human or animal consumption. These MRLs include, on the one hand, levels which are specific to particular foodstuffs intended for human or animal consumption and, on the other, a general limit which applies where no specific level has been set. MRL applications are communicated to the European Food Safety Authority (EFSA) which issues a scientific opinion on each intended new MRL. Based on EFSA's opinion, the Commission proposes a regulation to establish a new MRL or to amend or remove an existing MRL, modifying the annexes of regulation 396/2005 accordingly.

This Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent the Commission may adopt it, unless the European Parliament objects.

## **Pesticides - maximum residue levels**

The Council decided not to oppose the adoption of a Commission regulation amending Annexes II, III and IV of regulation 396/2005 as regards maximum residue levels (MRLs) for aminopyralid, azoxystrobin, cyantraniliprole, cyflufenamid, cyproconazole, diethofencarb, dithiocarbamates, fluazifop-P, fluopyram, haloxyfop, isofetamid, metalaxyl, prohexadione, propaquizafop, pyrimethanil, *Trichoderma atroviride* strain SC1 and zoxamide in or on certain products ([15269/16 + 15269/16 ADD1 + 15269/16 ADD2](#)).

Regulation 396/2005 establishes the MRLs permitted in products of animal or vegetable origin intended for human or animal consumption. These MRLs include, on the one hand, levels which are specific to particular foodstuffs intended for human or animal consumption and, on the other, a general limit which applies where no specific level has been set. MRL applications are communicated to the European Food Safety Authority (EFSA) which issues a scientific opinion on each intended new MRL. Based on EFSA's opinion, the Commission proposes a regulation to establish a new MRL or to amend or remove an existing MRL, modifying the annexes of regulation 396/2005 accordingly.

This Commission regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent the Commission may adopt it, unless the European Parliament objects.

## **EU guidelines for G20 agriculture meeting in Berlin**

The Council endorsed draft EU guidelines in preparation for the meeting of the G20 agriculture ministers on 22 January 2017 in Berlin (Germany).

The Group of Twenty (G20) is the premier forum for international economic cooperation and decision-making. The G20 represents all geographic regions of the world, but remains small enough to be an effective decision-making body. The members of the G20 are: Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Mexico, the Republic of Korea, Russia, Saudi Arabia, South Africa, Turkey, the United Kingdom, the United States, and the European Union.

## **Updated list of animal diseases and zoonoses**

The Council decided not to object to a Commission delegated regulation amending regulation No 652/2014 on the management of expenditure relating to the food chain and animal health ([14073/16](#)).

In particular the delegated regulation supplements the list of animal diseases and zoonoses which qualify for funding under the eradication, control and surveillance programmes listed in Annex II to regulation No 652/2014.

The aim of this update is to take account of the evolving epidemiological situation of sheep and goat plague, sheep pox, goat pox and lumpy skin disease.

## **FISHERIES**

### **EU-Norway agreement on reciprocal access to fishing in the Skagerrak**

The Council adopted a decision on the conclusion of the agreement between the European Union and the Kingdom of Norway on reciprocal access to fishing in the Skagerrak for vessels flying the flag of Denmark, Norway and Sweden ([10711/16](#)).

The agreement ([11692/14](#)) was signed on 15 January 2015, following the Council Decision of 23 July 2014<sup>1</sup>, and is provisionally applied until 15 January 2017.

### **Black Sea fishing opportunities: Council adopts regulation on 2017 TACs and quotas**

The Council adopted a Council Regulation based on Article 43(3) TFEU, fixing fishing opportunities for the most commercially important fish stocks in the Black Sea for 2017 ([15260/16](#)).

The regulation fixes the total allowable catch (TAC) for two types of fish, turbot (*Psetta maxima*) and sprat (*Sprattus sprattus*), for Bulgaria and Romania.

In particular the Council decided to confirm the Commission proposal to roll over the 2016 total allowable catches (TACs) into 2017. This means that in 2017 Bulgarian and Romanian fishermen will be able to catch up to 11 475 tonnes of sprat and 86.4 tonnes of turbot.

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<sup>1</sup> See OJ L 224, 30.7.2014. p. 3

Black Sea stocks exploited by Bulgaria and Romania are shared with non-EU countries, such as Turkey, Ukraine, Georgia and the Russian Federation. There are however no TACs decided at regional level between EU and non-EU countries. Every year since 2008 the European Union has been fixing autonomous quotas for turbot and sprat stocks in order to help ensure that the Common Fisheries Policy rules are applied.

The regulation will apply from 1 January 2017.

## **CUSTOMS UNION**

### **Tariffs and quotas on certain products**

The Council adopted a regulation amending regulation 1388/2013 opening and providing for the management of autonomous tariff quotas of the EU for certain agricultural and industrial products ([14842/16](#) and [15305/16 ADD 1](#)).

The regulation aims to ensure that adequate and uninterrupted supplies of products which are not produced in sufficient quantity in the EU can be imported at reduced or zero-duty rates of the Common Customs Tariff duty for appropriate volumes, without disturbing the markets for such products.

The Council also adopted a regulation amending regulation 1387/2013 suspending the autonomous Common Customs Tariff duties on certain agricultural, fishery and industrial products ([14843/16](#)).

### **Exchange of information with third countries**

The Council adopted conclusions to enhance the exchange of information with third countries in the field of customs ([14220/6/16 REV 6](#) and [15310/16 ADD 1](#)).

The conclusions highlight, among other things, the important role of cooperation and customs-related information exchange between the EU and third countries, in particular in the area of the Customs Union and common commercial policy, which can improve customs risk management and may:

- make legitimate trade cheaper and faster by simplifying customs controls and procedures;
- contribute to the security and safety of the Union by strengthening controls to stop counterfeited, pirated and hazardous goods, arms, explosives and dual-use goods;

- lead to increased effectiveness of customs risk analysis or risk assessment in the prevention and detection of illegal trade, including customs fraud
- provide the information required to prosecute and sanction offenders
- reduce corruption at the external borders
- facilitate recognition of controls and trade partnership programmes

The conclusions also call upon the Commission to consider proposals for a policy framework and where necessary Union legislation for the exchange of information between EU member states and third countries.

## **SOCIAL POLICY**

### **Work in fishing convention**

The Council adopted a directive which gives legal effect to an agreement between EU social partners (Cogeca, ETF and Europêche) in the maritime fisheries sector ([13656/16](#) + ADD 1 REV 1).

The social partners' agreement enables the ILO work in fishing convention of 2007 to be applied within the EU.

Read more in the [press release](#).

## **EDUCATION**

### **New opportunities for adults**

The Council adopted a recommendation on new opportunities for adults (upskilling pathways) (formerly 'Skills Guarantee') ([14601/16](#)).

The recommendation aims to provide opportunities for low-skilled adults to acquire a set of skills, knowledge and competences relevant for the labour market and active participation in society. It is also one of the proposals included in the 'Skills package' presented by the Commission in June.

**GENERAL AFFAIRS**

**Eurostat study on the budgetary implication of EU pension costs**

The Council adopted conclusions on the Eurostat study on the long-term budgetary implications of EU pension costs as set out in [14834/16](#).

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