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## OUTCOME OF THE COUNCIL MEETING

3522nd Council meeting

### Environment

Brussels, 28 February 2017

President **Dr Jose A. Herrera**  
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and climate change of Malta

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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.

## **ITEMS DEBATED**

### **Revision of the emissions trading system**

The Council agreed on a general approach ([6841/17](#)) for the review of the emission trading system (ETS). Negotiations with the European Parliament can now start with the aim of reaching an agreement on the final text.

The ETS is one of the main tools to reduce greenhouse gas emissions. The review will contribute to the EU's goal of cutting its emissions by at least 40% by 2030, as committed to under the Paris Agreement on climate change.

For more information see the [press release](#).

### **Sustainable development**

Ministers discussed the implementation of the 2030 Agenda for Sustainable Development and the implications for EU environmental policy. They based the debate on a note prepared by the presidency ([6082/17](#)) and took into account the Commission's recent communication on next steps for a sustainable European future ([14774/16](#)).

Ministers highlighted the need to keep a high level of ambition in the implementation process. They stressed that it is important to mainstream sustainable development in all policy areas and to promote policy coherence, which requires a comprehensive approach. They recalled that the sustainable development goals are all equally important and interdependent.

They also emphasised the need to make sure that a balance is kept among the three dimensions (economic, social and environmental) of sustainable development. Ministers referred to how environmental policies can contribute to the sustainable development goals (SDGs), for instance, through the circular economy, the protection of biodiversity, resource efficiency or better air and water quality.

They considered that possible gaps need to be clearly identified to assess what needs to be done, including possible reviews of strategies, policies and instruments, such as the 7th Environment Action Programme or the Europe 2020 Strategy.

Ministers also pointed out the need for appropriate monitoring and accountability, with some calling for measurable goals. Regarding funding, some ministers referred to the need to take the 2030 Agenda into account when deciding on the next multiannual financial programme.

They also highlighted inclusiveness and said that civil society and the private sector must be involved. They called for more efforts to raise awareness and to make sure that benefits for the whole of society are well known and understood.

The Council is expected to adopt conclusions on the implementation of the 2030 Agenda at its meeting on General Affairs on 20 June 2017. This exchange of views by the environment ministers will contribute to the preparation of those conclusions.

The 2030 Agenda for Sustainable Development "Transforming our world" was adopted at the UN Sustainable Development Summit (New York, 25-27 September 2015). It includes a set of 17 global sustainable development goals and 169 associated targets that replaced the millennium development goals as from 1 January 2016.

### **European Semester and the environmental implementation review**

In the context of the European Semester process and on the basis of a note prepared by the presidency ([6063/17](#)), ministers exchanged views on the 2017 Annual Growth Survey. They also looked at the environmental implementation review, a tool to address implementation gaps in environmental legislation and policy that was launched by the Commission in February 2017.

During the debate, ministers welcomed references to key environmental elements in the 2017 Annual Growth Survey (AGS), namely sustainable and climate-related investment and the transition towards a low-carbon and circular economy. They highlighted that these elements can contribute to the creation of jobs and to economic growth.

However, some ministers regretted that environmental and sustainability aspects are still not given a more prominent role in the AGS, which they consider leaves out a number of key issues, such as resource efficiency, green economy, green jobs, sustainable innovation, synergies between the green and the blue economies, and green financing.

Ministers also highlighted the importance of the links with the EU's 7th Environment Action Programme (EAP), the EU 2020 Strategy and the 2030 Agenda for Sustainable Development. They argued that a proper greening of the European Semester would be beneficial in terms of growth and jobs and contribute to effectively implementing the 2030 Agenda at EU level. The need to ensure complementarity of these processes, while avoiding duplication, was also underlined.

Ministers welcomed the Commission's new environmental implementation review as a useful tool to improve the implementation of EU environmental policy and legislation at national level and to contribute to the greening of the European Semester. It was considered to present a good opportunity for member states to cooperate among themselves and with the Commission to address common challenges and share best practices. Some of them underlined the need for national report findings to be based on sound scientific data.

The key messages from the debate will be presented as the Environment Council's contribution to the European Semester process.

The Annual Growth Survey is the main guidance document for the member states for their national reform programmes. For the first time, the 2017 Annual Growth Survey contains a section dedicated to the circular economy and how it contributes to growth and jobs.

The environmental implementation review (EIR) is a new tool to improve implementation of EU environmental law and legislation. It aims to address the causes of implementation gaps and to find solutions before problems become urgent. The EIR consists of a two-yearly cycle of analysis, dialogue and collaboration, with publication of country reports and discussions between the European Commission, EU member states and stakeholders.

### **Any other business**

- Paris Agreement: international developments

The Council took note of the information provided by the Netherlands and French delegations ([6320/17](#)) and comments by other member states that emphasised the importance of the Paris Agreement.

- Aviation in the emissions trading system (ETS)

The Commission presented to the Council its proposal on aviation emissions in the ETS ([5968/17](#)).

- Low-emission mobility

The Council took note of the information provided by the Commission ([6653/17](#)).

- Environmental liability and mining waste

The Council took note of the information from the Commission, requested by Hungary ([6630/17](#)).

- Scientific Conference: 'Sustainable development and climate changes in the light of the encyclical letter of Holy Father Francis, entitled Laudato Si' ' (Warsaw, 15 October 2016)

The Council took note of the information provided by the Polish delegation ([6212/17](#)).

- EU action plan for the circular economy

The Commission informed the Council on the state of play regarding the circular economy action plan ([5799/17 + ADD 1](#); [5801/17](#); [5708/17 +ADD 1 +ADD 2](#)).

- Luxembourg 'Circular economy hotspot' (Luxembourg, 20–22 June 2017)

The Council took note of the information provided by the Luxembourg delegation ([6262/17](#)).

- Natura 2000 in the European Solidarity Corps

The Commission informed the Council on the European Solidarity Corps programme and the possibilities offered in the context of Natura 2000 ([6275/17](#)).

- Belarus nuclear power plant and environmental concerns

The Council took note of the information provided by the Lithuanian delegation ([6211/17](#)) as well as the concerns and support expressed by the Commission and other ministers, who highlighted the importance of nuclear security, the application of international law to the matter and the proper assessment of transboundary environmental impacts of this kind of project.

## **OTHER ITEMS APPROVED**

### **FISHERIES**

#### **EU and Cook Islands - Sustainable fisheries partnership agreement and implementation Protocol**

The Council adopted a decision on the conclusion of a sustainable fisheries partnership agreement between the European Union and the government of the Cook Islands, and the implementation protocol thereto ([7592/16](#) + [7594/16](#)).

The above-mentioned agreement grants EU vessels fishing opportunities in the waters over which the Cook Islands has sovereign rights or jurisdiction in respect to fisheries, for a duration of five years, renewable by tacit agreement.

The European Union and the Cook Islands signed, on 3 May 2016, in Brussels, and respectively on 14 October 2016, in Avarua, the agreement and implementation protocol thereto. The agreement applied provisionally from 14 October 2016, pursuant to Article 16 thereof. The European Parliament gave its consent on 14 February 2017.

#### **EU and Guinea Bissau - Negotiations for the renewal of the protocol to the Fisheries Partnership Agreement**

The Council adopted a decision authorising the Commission to open negotiations on behalf of the EU for the renewal of the protocol to the fisheries partnership agreement (FPA) with the Republic of Guinea Bissau.

### **TRANSPORT**

#### **Maritime transport: conclusions on the Court of Auditors' Special Report**

The Council adopted the following conclusions on the European Court of Auditors Special Report No 23/2016 "Maritime transport in the EU: in troubled waters - much ineffective and unsustainable investment" ([6693/17](#)):

## "THE COUNCIL

- (1) TAKES NOTE of the European Court of Auditors' Special Report No 23/2016 " Maritime transport in the EU: in troubled waters — much ineffective and unsustainable investment", which mainly addresses EU funded port investment financed during the period 2000-2013 under the Regional and Cohesion funds. NOTES that none of the audited projects were funded on the basis of the current TEN-T funding framework; based on which the Connecting Europe Facility (CEF) co-funds maritime projects of EU demonstrated added value. HIGHLIGHTS that the EU funding policy for transport has to take into consideration not only the financial viability of projects, but also other issues, like land planning or modal shift objectives.
- (2) RECALLS the Council Conclusions of June 2014 drawing upon the Mid-Term Review of the EU's Maritime Transport Policy until 2018 and Outlook to 2020 (so-called *Athens Declaration*)<sup>1</sup> which emphasise the importance of competitiveness of European ports. WELCOMES the Commission's Implementation Report<sup>2</sup> on the EU Maritime Transport Strategy 2009-2018.
- (3) TAKES NOTE of the recommendations from the European Court of Auditors in relation to State aid, which reiterate the call for State aid guidelines for seaports with the aim of ensuring fair competition and a stable legal framework for port investments, as recorded in the Council Conclusions of 5 June 2014 on the Mid-Term Review of the EU's Maritime Transport Policy until 2018 and Outlook to 2020; NOTES that the further development of a General Block Exemption Regulation (GBER) for certain port investments could respond to concerns regarding the application of the relevant Treaty rules on public funding for ports and enhance the level playing field between European seaports.
- (4) WELCOMES, therefore, the adoption of the Port Services Regulation by the European Parliament and the Council establishing a framework on market access to port services and financial transparency of ports contributing to efficient public spending and use of infrastructure in ports aiming towards creating a level playing field.

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<sup>1</sup> See [10041/14](#).

<sup>2</sup> SWD(2016) 326 final.

- (5) RECALLS the Motorways of the Sea 2016 Detailed Implementation Plan which calls for the development of ports to perform their required role as the main gateway for European trade as ship and port interface development to achieve efficient logistics operations and improve connectivity with hinterland.
- (6) STRESSES the need for more funding for ports, in particular, to address the many missing and inadequate links to hinterland, such as improvement in last-mile connections to ports, and improve maritime access, maritime transport services and digital maritime services. WELCOMES that the Commission pays greater attention to promoting projects concerning port access and hinterland connections, in line with its Communication 'Ports: an engine for growth'<sup>1</sup> and the recommendations of the Court of Auditors.
- (7) CALLS UPON the Commission to work together with Member States, to reduce administrative burdens which could delay project implementation.
- (8) UNDERLINES that the core TEN-T ports have been recently identified on the basis of an objective planning methodology and established through the adoption of the TEN-T guidelines, and it would therefore be premature to revisit this list. CONSIDERS that the list could be revisited as part of the review of the implementation of the core network by 2023, as also recommended by the Court of Auditors.
- (9) RECOGNIZES that robust data is indeed of capital importance to rationally plan the need for new infrastructure development, but BELIEVES that ports are best placed to monitor their needs and capacity, in coordination with private operators and public authorities. ACKNOWLEDGES the added-value of the Corridor Work Plans, and ENCOURAGES the Commission, together with Member States, to use these existing frameworks and structures, as established by the TEN-T Guidelines, in order to further focus efforts on gathering and compiling the relevant robust data.
- (10) BELIEVES that funding in similar port infrastructure projects in neighbouring ports is not ineffective by definition. HIGHLIGHTS that the organisation of ports and port services varies from a Member State to another and even between ports in a Member State.
- (11) ACKNOWLEDGING the fact that full integration of the ports in the TEN-T network is a must, CALLS for building upon the success achieved by the current CEF financial framework to complete the “Trans-European Transport Network”.

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<sup>1</sup> COM(2013) 295.

- (12) RECALLING the trans-European transport network should best be developed through a dual-layer structure consisting of a comprehensive network and a core network, those two layers being the highest level of infrastructure planning within the Union. Notwithstanding the importance of the core network, the comprehensive network should be a Europe-wide transport network ensuring the accessibility and connectivity of all regions in the Union, including the remote, insular and outermost regions.
- (13) NOTES that attention should also be paid to ports outside a TEN-T corridor whose development also has an added value at EU level.
- (14) HIGHLIGHTS the impact of global market volatility and BELIEVES that short-term under use of capacity may not lead to cancellation of EU co-financing, given that the return on investment for port projects is long-term. CALLS for good and robust long term planning at port and Member State level for better use of EU funding.
- (15) ACKNOWLEDGING the specific nature of port infrastructure, UNDERLINES the fact that these projects generally require substantial initial capital investments that can only be recovered in the long term.
- (16) HIGHLIGHTS that EU added value is a key condition for EU co-financing of projects and that due to the nature and specificities of certain high added-value infrastructure projects funding gaps are encountered. In these cases, CALLS FOR caution when emphasizing the need for a large private investment component while AGREEING that EU funded port projects must be based on a proper needs assessment and that mobilizing private capital and using financial instruments continues to be promoted.
- (17) CALLS UPON further enhancement of coordination and communication, including the sharing of information between the EIB and the Commission, to strive towards the better use of the European direct grants and the European Fund for Strategic Investments (EFSI), and to further develop these new financial instruments to the needs of ports. RECALLS that the approval of EU direct grants are based on reliable transport studies and coherent cost benefit analysis.
- (18) RECALLS the need to accomplish the internal market for maritime transport, and ENCOURAGES further work towards the development of a European Maritime Single Window environment, the adoption of the eManifest in the EU and further harmonise the relevant administrative and/or customs control procedures, with a view to increase efficiency to the overall transport and logistics chain."

## **FOREIGN AFFAIRS**

### **EU–Kyrgyz Republic Cooperation Council**

The Council approved the position of the EU for the 15th meeting of the EU–Kyrgyz Republic Cooperation Council. The key objectives of the meeting for the EU include addressing key strategic issues of development cooperation, taking stock of internal developments in the Kyrgyz Republic ahead of Presidential elections foreseen for autumn 2017 and exchanging views on political developments and security issues in the region.

### **Joint Declaration between the EU and the UNRWA**

The Council endorsed the Joint Declaration between the European Union and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on European support to UNRWA (2017-2020) and authorised the High Representative and the Commission to sign the Joint Declaration on behalf of the EU.

## **DEVELOPMENT POLICY**

### **Partnership agreement the ACP and the EU (Cotonou agreement)**

The Council adopted the decision on the conclusion of the agreement amending for the second time the partnership agreement between the members of the African, Caribbean and Pacific group of states (the ACP States) and the EU, known as the Cotonou agreement. This is the final procedural step for the second revision of the Cotonou agreement, which was signed on 22 June 2010.

The Cotonou agreement was signed on 23 June 2000 in order to promote the economic, cultural and social development of the ACP States, with a view to contributing to peace and security and to promoting a stable and democratic political environment. The partnership is centred on reducing and eventually eradicating poverty, with the objective of fostering sustainable development and the gradual integration of the ACP countries into the world economy.

## **CUSTOMS UNION**

### **Cumulation of origin - Norway and Switzerland**

The Council authorised the signing of agreements with Norway ([5814/17](#)) and Switzerland ([5803/17](#)) on the cumulation of origin between the EU, Switzerland, Norway and Turkey in order to take into account the reform of the EU's generalised system of preferences (GSP).

The 2010 reform of the GSP rules of origin included Turkey, under certain conditions, in the system of cumulation of origin, which until then applied between the EU, Norway and Switzerland.

The reform also introduced a new system of certification of origin by registered exporters, the application of which was deferred until 1 January 2017.

For these reasons, the legal instruments applicable to the system of cumulation of origin between the EU, Norway and Switzerland have to be revised.

## **EUROPEAN FREE TRADE ASSOCIATION**

### **Conclusions on Switzerland**

The Council adopted conclusions assessing the overall state of EU relations with Switzerland ([6767/17](#)).

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