



Council of the
European Union

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6811/16

LIMITE

PV/CONS 11
ENV 143
CLIMA 23

DRAFT MINUTES¹

Subject: **3452nd** meeting of the Council of the European Union (**ENVIRONMENT**),
held in Brussels on 4 March 2016

¹ 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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1. **Adoption of the provisional agenda**
6438/16 OJ/CONS 11 ENV 90 CLIMA 19

The Council adopted the above agenda.

NON-LEGISLATIVE ACTIVITIES

2. **Approval of the list of 'A' items**
6527/16 PTS A 15

The Council approved the 'A' items listed in doc. 6527/16.

Statements relating to these items are set out in Annex.

3. **Follow-up to CoP 21 (Climate change)**

- Policy debate
(*Public debate in accordance with Article 8(2) of the Council's Rules of Procedure*)
6006/16 CLIMA 10 ENV 59 ONU 13 DEVGEN 18 ECOFIN 87 ENER 19
FORETS 6 AGRI 57 MAR 42 AVIATION 22 COMPET 47
6251/16 CLIMA 17 ENV 78 ONU 18 DEVGEN 22 ECOFIN 115 ENER 33
FORETS 9 AGRI 71 MAR 52 AVIATION 28 COMPET 61

The Council held a policy debate on the follow-up to COP 21 on the basis of two questions set out in the Presidency headline reading of the Paris Agreement (6006/16) and the Commission communication on “The road from Paris” (6743/16). Following interventions by all delegations and the Commission, the President summarised the debate as follows:

All delegations agreed to the headline reading by the Presidency on the outcome of COP 21 and welcomed the Commission communication on the next steps towards the low carbon transition in the framework of the Energy Union. Many Ministers highlighted the need to maintain the Paris momentum and to focus on the implementation, covering all elements of the Paris outcome, both at international level, but also domestically, in particular in relation to nationally determined contributions (INDCs). Many delegations supported maintaining the EU 2030 climate target to reduce EU greenhouse emissions by at least 40% relative to 1990 emissions and stressed the importance of a timely conclusions of the necessary legislation to meet this target. Some delegations called for an increased ambition. There was a broad support for a thorough EU internal preparation for and active participation in the 2018 facilitative dialogue as well as formulation of a new mid-century low emission development strategy.

The President concluded that the Presidency would reflect further on the Ministers' contributions and will send a letter to the President of the European Council summarising this debate.

4. **Endocrine disruptors**

- Adoption of a Council statement
5987/16 ENV 57 JUR 66 SAN 45 INST 44

The Council adopted the statement as set out in the Annex.

The Commission informed the Council that it would adopt the acts regarding the specification of the scientific criteria for the determination of endocrine-disrupting properties by summer 2016.

5. **Circular Economy Strategy**

Communication from the Commission on Closing the loop - An EU action plan for the Circular Economy

- Policy debate
(*Public debate in accordance with Article 8(2) of the Council's Rules of Procedure*)
6266/16 ENV 80 COMPET 63 AGRI 74 TRANS 49 MI 89 IND 34 CONSOM 35
ECOFIN 117 ENER 35 RECH 25 SAN 54
14972/15 ENV 768 COMPET 557 AGRI 642 TRANS 402 MI 779 IND 201
CONSOM 212 ECOFIN 954 ENER 417 RECH 305 SAN 424
+ ADD 1

The Council held a policy debate on the Circular Economy action plan on the basis of a note from the Presidency, including three questions. Ministers broadly supported the revised package and the objectives of the EU action plan for a circular economy and recognised that a Circular Economy has a lot of potential for green economic growth. Ministers also greatly welcomed the intention to address the production stage of products, in addition to the waste phase, through eco-design principles with a view to increase their durability, reparability and reusability.

The need to address the use of hazardous substances in products with a view to phasing them out was also raised. Synergies with other areas, such as water, climate and bio-economy, were highlighted.

Some delegations, while welcoming ambitious goals, urged to take into account the competitiveness of EU producers as well as the different situations across Member States. In this context, they stressed the importance that the Commission carries out proper Impact Assessments when preparing proposals to implement the measures proposed in the plan.

Creating viable markets for waste and secondary raw materials was considered to be a key prerequisite for a circular economy, while tackling any technical barriers which undermine such markets; ensuring the quality of, and increasing demand for, such materials, through standards and securing a level playing field, was also deemed important.

Information access to consumers was also underlined and the roles of voluntary measures, such as EMAS and Ecolabel, were recognised in this regard; strengthening research and innovation was seen as a crucial step to develop the necessary technologies needed to stimulate the transition to a circular economy; existing financial mechanisms should be used for their uptake. The role of Green Public Procurement was particularly recognised in this context.

Finally, monitoring the transition towards a Circular Economy and reporting on the progress made was given its due recognition, with some Ministers suggesting to do so within existing process, such as the European Semester.

6. The European Semester / Annual Growth Survey 2016 and the contribution of the environment and climate to growth and jobs

– Exchange of views

5997/16 ENV 58 ECOFIN 84 SOC 60 EMPL 37 COMPET 45 POLGEN 11
ENER 18 FISC 18 CONSOM 26 STATIS 3
14270/15 ECOFIN 875 UEM 415 SOC 676 EMPL 441 COMPET 519
ENV 705 EDUC 300 RECH 279 ENER 391 JAI 873

Ministers had an exchange of views on the European Semester/Annual Growth Survey 2016 focussing in particular on the longer term vision, beyond the Europe 2020 strategy. To enable the new 2030 Agenda for Sustainable Development and low carbon and circular economy policies to be successful, integration of these goals should also be considered when designing national and macroeconomic policies. Ministers called for a new and comprehensive strategy covering all dimensions (economic, social, and environmental) beyond the 2020 timeframe. The European Semester, in this context, was seen as a successful monitoring tool.

7. Any other business

a) Energy transition - promoting environmentally friendly forms of energy in the EU

– Information from the Austrian delegation

6125/16 ENV 71 ENER 25 CLIMA 14 COMPET 58

The Council took note of the information provided by Austria (supported by Germany and Croatia) and of the reply by the Commission.

b) Implementing the 7th Environment Action Programme

– Information from the Commission on the state of play, requested by the Belgian delegation

6252/16 ENV 79 DEVGEN 23 ECO 12 SAN 53 PECHE 45 AGRI 72 IND 32
CHIMIE 3 ENER 34 RECH 24 TRANS 48

The Council took note of the issues raised and the suggestions made by the BE delegation in relation to the implementation and monitoring of the 7th EAP, as well as of the comments made by other delegations in support of the BE intervention and of the reply by the Commission.

c) Minamata package

i) Proposal for a Regulation of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008 (First reading)

Interinstitutional file: 2016/0023 (COD)

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

ii) Proposal for a Council Decision on the conclusion of the Minamata Convention on Mercury

Interinstitutional file: 2016/0021 (NLE)

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

– Information from the Commission

5771/16 ENV 41 COMER 7 MI 55 ONU 8 SAN 38 IND 23 CODEC 118

+ ADD 1

+ ADD 2

5772/16 ENV 42 COMER 8 MI 56 ONU 9 SAN 39 IND 24

+ ADD 1

The Commission presented to the Council the Minamata package on mercury, which includes a proposal for a regulation and a proposal for a Council decision. The Council took note of the information provided.

d) Communication from the Commission on the EU Action Plan against Wildlife Trafficking

– Information from the Commission

6570/16 ENV 100 JAI 141 CRIMORG 10 RELEX 154 DEVGEN 30 COMER 21
EUROJUST 19 ENFOPOL 48 ENFOCUSTOM 30

The Council took note of the presentation by the Commission of its recent EU Action Plan against Wildlife Trafficking. Several delegations supported this Initiative.

The Presidency confirmed its aim of adopting Council conclusions at the next (Environment) Council meeting on 20 June.

e) Real driving emissions (RDE)

– Information from the Commission, requested by the French delegation

6035/1/16 ENV 63 ENT 28 MI 76 TRANS 41 REV 1

At the request of the French delegation, the Commission informed the Ministers of the state of play regarding the real driving emission tests. The Council took note of the information. Several delegations supported the quick implementation of the RDE tests. Some expressed concerns to change the current procedure, as suggested by the French delegation. The Commission highlighted its intention to pursue the rapid completion of the RDE packages.

f) Innovation deals

- Information from the Commission
6308/16 ENV 86 COMPET 66 AGRI 82 TRANS 52 MI 100 IND 35
CONSOM 39 ECOFIN 122 ENER 37 RECH 26 SAN 59 ENT 40

The Council took note of the information provided by the Commission on Innovation Deals.

STATEMENTS FOR THE COUNCIL MINUTES**Ad "B" item 4:** **Endocrine disruptors**

- Adoption of a Council statement

STATEMENT BY THE COUNCIL**Case T-521/14 Sweden v Commission
Judgement of the General Court of 16 December 2015**

"The Council notes that in its judgment of 16 December 2015 in the abovementioned case ¹, the General Court concluded that, by failing to adopt delegated acts as regards the specification of the scientific criteria for the determination of endocrine-disrupting properties, the Commission has failed to fulfil its obligations under Regulation No 528/2012 on biocidal products.

The Council recalls that, in accordance with Article 266 TFEU, the Commission is now required to take the necessary measures to comply with the judgment of the General Court. The Council therefore calls on the Commission to respect its legal obligations, as required by the Treaty and the judgment of the General Court."

Ad "A" item 1: **Seventh Session of the Intergovernmental Negotiating Committee on mercury, provisional adoption of guidance referred to in Article 8, paragraphs 8 and 9, of the Minamata Convention on Mercury**

- **Approval of a position to be adopted on behalf of the Union and its Member States**

STATEMENT BY GERMANY

"The Treaties provide in Art. 216 ff TFEU special rules for international negotiations. Outside these rules the Member States coordinate their negotiation positions within their competences in their own responsibility and outside the organs of the European Union. The Position of the Union is decided in the procedures of the organs of the European Union to the extent that the matter falls within the competence of the Union. In doing so the European Union and its Member States cooperate sincerely in order to possibly be able to speak with one voice. The present paper is according to our view intended to serve exclusively for the negotiations at the seventh meeting of the intergovernmental negotiating committee on the Minamata Convention (INC-7) and does not affect the distribution of substantive competences between the European Union and its Member States."

¹ See doc. 5148/16.

STATEMENT BY THE COMMISSION

"The Commission confirms that the EU position to be taken at the forthcoming Seventh Session of the Intergovernmental Negotiating Committee of the Minamata Convention on mercury should be adopted pursuant to Article 218(9) of the TFEU. The Commission reserves the right to make use of all the legal means at its disposal to ensure the respect of the provisions of the Treaties."
