



Council of the
European Union

Brussels, 6 February 2015
(OR. en)

16978/14

LIMITE

PV/CONS 75
ENV 1000

DRAFT MINUTES¹

Subject: **3363rd** meeting of the Council of the European Union (**ENVIRONMENT**),
held in Brussels on 17 December 2014

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

16777/14 OJ CONS 75 ENV 983

The Council adopted the above agenda, and agreed to add an other business item concerning the current legislative proposals.

NON-LEGISLATIVE ACTIVITIES

2. Approval of the list of "A" items

16784/14 PTS A 105

The Council approved the "A" items as listed in doc. 16784/14.

The documents on item 13 should read as follows:

Item 13: 16427/14 MA 20 COMAG 117

15865/14 MA 17

+ COR 1 (de)

+ COR 2

+ REV 1 (bg)

15869/14 MA 19

15866/14 MA 18

+ COR 1 (de)

+ REV 1 (bg)

Statements to these items are 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

16783/14 PTS A 104

The Council approved the "A" items as listed in doc. 16783/14.

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

4. **Proposal for a Regulation of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport and amending Regulation (EU) No 525/2013 (MRV) [First reading]**

(Legal basis proposed by the Commission: Art. 192 of the TFEU)

Interinstitutional file: 2013/0224 (COD)

– Political agreement

11851/13 ENV 658 MAR 86 MI 602 ONU 71 CODEC 1661

+ ADD 1

16238/14 CLIMA 113 ENV 949 MAR 186 MI 960 ONU 152 CODEC 2390

+ ADD 1 REV 1

+ ADD 2

The Council reached a political agreement on a draft Regulation of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport and amending Regulation (EU) No 525/2013 (MRV) on the basis of the compromise text agreed with the European Parliament, in view of an early second reading agreement on the file. EL, CY and MT indicated they could not support the text. PL and UK abstained.

The Council will adopt its position at first reading, following finalisation by the legal/linguistic experts, at one of its forthcoming meetings.

EL, MT, CY, FI, NL, SE, PL and the Commission made statements to the Council minutes (as set out in the Annex).

NON-LEGISLATIVE ACTIVITIES

5. (a) **Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder**
Interinstitutional file: 2013/0376 (NLE)
- (b) **Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and its Member States, of the one part, and Iceland, of the other part, concerning Iceland's participation in the joint fulfilment of commitments of the European Union, its Member States and Iceland for the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change**
Interinstitutional file: 2014/0151 (NLE)
- Agreement in principle
- (c) **Proposal for a Council Decision on the signing, on behalf of the European Union, of the agreement between the European Union and its Member States of the one part, and Iceland, of the other part, concerning Iceland's participation in the joint fulfilment of commitments of the European Union, its Member States and Iceland for the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change**
Interinstitutional file: 2014/0152 (NLE)
- Adoption
- 10400/14 CLIMA 60 ENV 492 ENER 207 ONU 74 FORETS 56 TRANS 293
IND 175 FISC 90
+ ADD 1
- 10881/14 CLIMA 68 ENV 609 ENER 311 ONU 83 ISL 30
+ REV 1 (lt)
- 10883/14 CLIMA 69 ENV 611 ENER 312 ONU 84 ISL 31
+ COR 1 (sv)
+ REV 1 (lt)
- 10941/14 CLIMA 70 ENV 618 ENER 317 ONU 85 ISL 32
+ REV 1 (lt)
+ REV 2 (sk)
- 16001/14 CLIMA 110 ENV 934 ENER 480 ONU 150 FORETS 82
TRANS 558 IND 358 FISC 211 ISL 36
- 16903/14 CLIMA 116 ENV 994 ENER 512 ONU 165 FORETS 86
TRANS 594 IND 381 FISC 234

The Council reached a political understanding on the package of abovementioned decisions.

The Commission made the statement contained in the Annex.

The decisions will be finalised by the lawyer-linguists before being adopted (Iceland signing decision) or agreed in principle (Iceland and Doha ratification decisions) as an I/A-item by Coreper/Council.

LEGISLATIVE DELIBERATIONS

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

6. **Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags [First reading]**

(Legal basis proposed by the Commission: Art. 114 of the TFEU)

Interinstitutional file: 2013/0371 (COD)

– Political agreement

15845/13 ENV 1028 MI 974 IND 305 CONSOM 186 CODEC 2473

16137/14 ENV 943 MI 949 IND 362 CONSOM 259 CODEC 2373

+ COR 1

+ COR 1 REV 1 (de, lv)

+ REV 1 (lt)

+ REV 2 (lt)

The Council reached a political agreement on a draft Directive to reduce the consumption of lightweight plastic carrier bags in the framework of an early second reading agreement with the European Parliament. The common position will be adopted at a later stage, after the legal linguistic revision of the text.

7. **Proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants [First reading]**

Interinstitutional file: 2013/0442 (COD)

– General approach

18170/13 ENV 1236 ENER 601 IND 389 TRANS 694 ENT 357 SAN 557

PARLANT 326 CODEC 3089

+ ADD 1

+ ADD 6

16817/14 ENV 987 ENER 508 IND 380 TRANS 589 ENT 297 SAN 481

PARLNAT 296 CODEC 2489

The Council reached a general approach on the draft Directive. The text will serve as a basis to start negotiations with the European Parliament at a later stage, with a view to an agreement in first reading. EE indicated it could not support the text while CZ/BG/FI/NL abstained. EE and NL made a statement to the Council minutes (as set out in the Annex).

NON-LEGISLATIVE ACTIVITIES

8. An overarching and transformative post-2015 agenda

- Exchange of views

16409/14 ENV 961 DEVGEN 269 RELEX 1015 ONU 156 ECOFIN 1153

The Council listened to the keynote speech by UNEP Executive Director Achim Steiner and took note of the information delivered by Commissioners Vella and Mimica. Due to the time constraints, the exchange of views on the post-2015 agenda took place during the Ministerial lunch. Ministers exchanged views on both on the international aspects of the Post-2015 process and the internal dimension in terms of implementation. They underlined in particular the need to preserve the balance of the 3 dimensions of sustainable development, the efforts towards mainstreaming environment and climate across the board, and the universality and integration of the different elements of the post-2015 agenda.

9. Any other business

(a) Current legislative proposal

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

- **Proposal for a Decision of the European Parliament and of the Council concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC**

Interinstitutional file: 2014/0011 (COD)

- Information from the Presidency on the state of play

16360/14 CLIMA 114 ENV 955 MI 969 IND 367 ENER 495 COFIN 1146
TRANS 572 COMPET 656 CODEC 2414

The Council took note of the information by the Presidency on the above, as set out in doc. 16360/14, and of comments from delegations.

(b) Major recent international meetings and events

- i) **Sixth session of the Intergovernmental Negotiating Committee on Mercury (INC 6) (Bangkok, 3-7 November 2014)**
16691/14 ENV 977 COMER 243 CHIMIE 45 ONU 157
- ii) **Eleventh Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS COP 11) (Quito, Ecuador, 4-9 November 2014)**
15726/14 ENV 914 PECHE 545
- iii) **Joint Tenth Meeting of the Conference of the Parties to the Vienna Convention for the Protection of the Ozone Layer and the Twenty-sixth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (COP 10-MOP 26) (Paris, 17-21 November 2014)**
16215/14 ENV 948 CLIMA 112 MI 958
- iv) **Eighth Meeting of the Conference of the Parties to the Helsinki Convention on Transboundary Effects of Industrial Accidents (COP 8) (Geneva, 3-5 December 2014)**
16806/14 ENV 985 IND 379 PROCIV 104 ONU 160
- v) **Twentieth session of the Conference of the Parties of the United Nations Framework Convention for Climate Change and Tenth session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP 20-CMP 10) (Lima, 1-12 December 2014)**
- Information from the Presidency and the Commission

The Council took note of the information by the Presidency, the Commission and of some delegations' interventions on the above.

(c) Charter of Rome on Natural and Cultural Capital

- Information from the Presidency
16540/14 ENV 965 CULT 139

The President presented the "Charter of Rome on Natural and Cultural Capital" to the Council, which took note of it. In expressing its support, ER stressed its relevant national action plan and suggested a follow-up of this issue at future Council meetings.

(d) Key issues in chemicals policy on the road to a non-toxic environment

- Information from the Austrian, Belgian, Danish, German, French, Dutch, and Swedish delegations, supported by the Croatian and Luxembourg delegations and by Norway

16361/14 ENV 956 COMPET 657 IND 368 RECH 465 ECOFIN 1147

ECO 174 SOC 852 SAN 463 CONSOM 269 MI 970 CHIMIE 43

AGRI 758 ENT 286

The Council took note of the request put forward by the delegations mentioned above as set out in doc. 16361/14 that was supported by EL. In subsequent interventions, several of the above mentioned delegations highlighted also the issue of hazardous substances in articles and products, notably textiles and the lack of appropriate labelling, and requested the Commission to urgently define criteria for endocrine disruptors and to work on a definition of nanomaterials. UK and PL could in part support the general objective of this initiative, but warned against possible negative impacts on innovation and competitiveness. The Commission exposed its current actions and plans on improving the implementation of REACH, the publication of criteria for the identification of endocrine disruptors and on new rules for nanomaterials.

(e) Elimination of micro-plastics in products – an urgent need

- Information from the Belgian, Dutch, Austrian and Swedish delegations, supported by the Luxembourg delegation

16263/14 ENV 950 MI 964 IND 366 CONSOM 267 MARE 15

AT, supported by SE/NL/FR, called on the Commission to address the issue of micro-plastics which are accumulating, particularly in the marine environment, as a consequence of the addition of micro-plastics in detergents and cosmetics, shredding of synthetic textiles and breakdown of larger plastic materials. A possible ban of micro-plastics in cosmetics and detergents was mentioned, in particular by AT, NL and SE. UK noted that before considering a ban of micro-plastics in products, the EU and Member States should continue to explore further voluntary actions by industry. The Commission announced it will launch a study on possible options to reduce micro-plastics and asked Member States for their contributions on this topic.

(f) Outbreak of Legionnaires' disease in Portugal

- Information from the Portuguese delegation

16521/14 ENV 963 SAN 468 IND 373

PT drew the attention of the Council on a recent outbreak of Legionella from two industrial installations, which affected 336 people. PT supported by BE called for the Commission to revise the BREF documents (implementing the Industrial Emissions Directive IED) to take better account of the risk of spread of dangerous pathogens from these installations.

(g) Work programme of the incoming Presidency

- Information from the Latvian delegation

The Council took note of the information provided by the Latvian delegation on the above.

(h) Current legislative proposal

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

- **Proposal for a Decision of the European Parliament and of the Council amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment [First reading]**

Interinstitutional file: 2014/0201 (COD)

- Information from the Presidency on the state of play
17012/14 ENV 1004 COMPET 681 SAN 491 MI 1011 IND 384 CONSOM 284
ENT 302 CODEC 2536

The Presidency briefed the Council on the state of play of the legislative proposal.

The Council expressed disappointment with the Commission's proposed work programme for 2015 wherein it suggests withdrawing this legislative proposal with a view to submit a new and more ambitious one.

In particular, Ministers stressed that significant work has already been carried out on the basis of the current proposal, albeit not perfect, and expressed willingness to keep working on this basis. Some ministers also argued that withdrawal would send a negative message.

Ministers also sought clarifications from the Commission with respect to the way forward. They also added that should the Commission proceed with the withdrawal, a revised proposal should be balanced and realistic and reflect the concerns already expressed by Member States to date.

The Commission confirmed that it has taken good note of all the points raised by ministers on the importance of the circular economy and reassured the Council that it does not intent to back off from its objective. On the contrary, the intention is to withdraw the proposal as to table a more ambitious one.

STATEMENTS FOR THE COUNCIL MINUTES

Ad "B" item 4: **Proposal for a Regulation of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport and amending Regulation (EU) No 525/2013 (MRV)
- Political agreement**

STATEMENT BY THE HELLENIC REPUBLIC AND MALTA

- "1. The Hellenic Republic and Malta consider that the text of the final agreement on the Proposal for a Regulation of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport and amending Regulation (EU) No 525/2013 fails to take fully under consideration concrete practices of the global shipping industry and, to that extend, it is rather questionable as to its suitability to achieve the desired purpose, namely the facilitation of the development of international rules within the IMO for the monitoring, reporting and verification of CO2 emissions from international transport.
2. We consider that not all data required for each ship to be monitored and reported are relevant for the purpose of monitoring, reporting and verifying CO2 emissions from ships, thus increasing the administrative burden and costs for both the flag States and the ship-owners with no evident benefit to the marine environment. For these reasons, Greece and Malta have, from the beginning of the deliberations for the proposed Regulation, supported that the focus should be on the collection of data from ships' fuel consumption in combination with distance travelled, i.e. data already available on ships.
3. In addition, the Hellenic Republic and Malta are not convinced about the proportionality and added value of publishing commercially sensitive data, especially those related to "transport work" and "cargo carried", taking especially into account that ships operate in an environment subject to many variables which are not under the control of any party and influence their performance.
4. Furthermore, we still consider that the technical parts of the proposed Regulation have not been given the necessary consideration and sufficient time for elaboration, in order to enable the development of an MRV system which shall be workable both for the industry and for the authorities.

5. At the same time, the Hellenic Republic and Malta question the added value of the proposed EU MRV system, as included in the text of the final agreement, to serve as a model and promote the adoption of a global system, given that the ongoing discussions within the IMO follow a less complex and easy to implement approach towards the development of a global data collection system for fuel consumption of ships. It is of significant importance to ensure that, as soon as an international system is established through the IMO, the Regulation is reviewed, in order to be fully aligned to the global system.

Bearing in mind the above, the Hellenic Republic and Malta are not in a position to consent to the final agreement on the proposed Regulation."

STATEMENT BY CYPRUS

"Cyprus had clearly expressed preference for a broadly agreed international monitoring, reporting and verification (MRV) system under the aegis of the International Maritime Organization (IMO). Within this context we also conveyed our view that an appropriately structured EU-level MRV regime could be acceptable. Our support was conditional on the mechanism being efficient and not distorting competition. Unfortunately, we have serious concern that certain provisions included in the text of the proposed Regulation, to be adopted, are problematic and the specificities of the maritime sector are not adequately taken into account.

In particular Cyprus believes that the provisions included in Article 21 of the Regulation that are related to the publication of information relevant to the energy efficiency of ships will result in distortionary competitive effects. Also, the information to be published regarding the energy efficiency of ships are not uniformly comparable and thus will lead to inappropriate conclusions and affect the market and the decision making for new rules.

Another important issue that will be generated by the publication of information relevant to the energy efficiency of ships is the disclosure of commercially sensitive operational information such as the ships' fuel consumption, volume of cargo handled, and distance travelled.

Cyprus, therefore, is not in a position to consent to the adoption of the Regulation."

STATEMENT BY FINLAND, THE NETHERLANDS AND SWEDEN

"Finland, the Netherlands and Sweden are in favour of monitoring maritime CO₂ emissions and support the outcome reached in the negotiations between the Council and the European Parliament.

All sectors need to contribute to reducing greenhouse gas emissions to keep efforts in line with the global objective of limiting increases in global temperatures to 2 °C. In view of the international nature of shipping, the most effective method of reducing greenhouse gas emissions in international maritime transport will be by a global agreement in the International Maritime Organization (IMO). It is therefore crucial that the EU MRV Regulation contribute to the development of international rules in IMO.

The EU MRV Regulation lays down a system for monitoring CO₂ emissions and other relevant data, while preserving the confidentiality of commercial and industrial information. The Regulation can among other things contribute to the removal of market barriers and help setting goals by providing reliable data.

In order to ensure a level-playing field for ships operating in less favourable climate conditions, it is also important that specific information relating to the ship's ice class and the navigation through ice can be added to the data monitored according to the Regulation.

We would like to stress that there is a need for further work on some of the elements of the regulation. In particular it will be important to further elaborate the calculation of transport work and the energy efficiency of ships so as to allow for a fair and robust comparison between different ship types. This will be challenging for all ship types, especially for ship types like general cargo, Ro-Pax and Ro-Ro ships. Specifying the parameters to be used in the calculation of cargo carried for all ship types is essential, both including those in the category of implementing acts and those in the category of delegated acts.

We would also like to underline the importance that the EU Member States continue to play a constructive role in the discussions at the IMO on the development of international rules."

STATEMENT BY POLAND

"Poland supports efforts to reduce carbon dioxide emissions from maritime transport but is of the opinion that such efforts should be made within the forum of the International Maritime Organization (IMO) because of the international nature of shipping and the global effects of climate change. Therefore, any legislative solutions should be of a global rather than a regional nature.

Poland takes the view that the International Maritime Organization is the most appropriate forum for the establishment of legal standards for the reduction of carbon dioxide emissions from international maritime transport. The IMO's decisions do not pose a risk of reactive measures being introduced by non-EU States in response to provisions introduced on the basis of EU requirements. Poland actively supports and promotes measures undertaken within the IMO forum which aim to establish appropriate global instruments.

In Poland's opinion, the adoption of the proposed regulation in its current form will not facilitate negotiations and efforts by the IMO to establish global solutions since the draft regulation contains elements on which a consensus in the IMO is unlikely to be achieved in the short term (for example on the issue of reporting quantitative information about cargo).

Poland cannot support the draft regulation. However, since in the course of work on the draft some aspects have been taken into account in such a way as to make the regulation more acceptable and bring it closer to solutions proposed within the forum of the IMO, Poland is abstaining from voting on the issue of political agreement on the draft."

STATEMENT BY THE COMMISSION

"The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5, paragraph 4, second subparagraph, point (b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5, paragraph 4, recourse to second subparagraph, point (b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified."

- Ad "B" item 5:**
- (a) Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Doha Amendment to the Kyoto Protocol to the United Nations Framework Convention on Climate Change and the joint fulfilment of commitments thereunder**
 - (b) Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and its Member States, of the one part, and Iceland, of the other part, concerning Iceland's participation in the joint fulfilment of commitments of the European Union, its Member States and Iceland for the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change**
 - Agreement in principle**
 - (c) Proposal for a Council Decision on the signing, on behalf of the European Union, of the agreement between the European Union and its Member States of the one part, and Iceland, of the other part, concerning Iceland's participation in the joint fulfilment of commitments of the European Union, its Member States and Iceland for the second commitment period of the Kyoto Protocol to the United Nations Framework Convention on Climate Change**
 - Adoption**

STATEMENT BY THE COMMISSION

"The Commission does not agree with the statement expressed in recital 10(bis). It is not true that the Union does not have any, or merely 'secondary', responsibilities for emissions reductions at international level. The Union is a Party to the UN FCCC and the Kyoto Protocol, where it has taken on a legally-binding commitment for emissions reductions which are to be achieved jointly with its Member States and Iceland. The responsibility of the Union for all emission reductions from sources covered by the ETS Directive, as set out in the terms of joint fulfilment, reflects the exercise of its competence for such matters in domestic legislation. The responsibility of Member States only concerns emission reductions in non-ETS sectors."

Ad "B" item 7:

Proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants
– **General approach**

STATEMENT BY ESTONIA

"Estonia supports the overall objective of the proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants.

Estonia cannot, however, support the proposed compromise text, because the proposal as it stands right now is not cost-effective.

Medium combustion plants' contribution to Estonia's air pollution is minor: they provide only 13% of sulphur dioxide (SO₂) emissions, 6% of nitrogen oxide (NO_x) emissions, and 10-15% of particulate matter emissions. Furthermore, Estonia has a very good air quality and no exceedances in air quality standards (according to Directive 2008/50/EC).

Firstly, very strict emission limit values for dust will not entail cost-effective investments comparing to the environmental benefits gained. Estonia has been supporting and promoting the use of solid biomass and other renewable energy sources. Operators have retrofitted their combustion plants accordingly. With the dust emission values of the compromise proposal, additional significant investments need to be undertaken that are not cost-effective. This would lead to giving up district heating and preferring local heating instead (i.e. plants under 1 MW), which would have an overall negative effect on the air quality.

Secondly, using indigenous, unique shale oil fuel (retort gases) will be impossible due to the new emission limits for gaseous fuels other than natural gas. Utilising these by-product gases is the most optimal way to use all the emerging energy from shale oil production. It is important for Estonia to maintain that possibility.

Estonia looks forward to further negotiations and hopes to find appropriate solutions to the above mentioned issues."

STATEMENT BY THE NETHERLANDS

"The Netherlands is of the opinion that the improvement of the air quality is very important and that in this respect European source control measures are essential. After all, air pollution is a transboundary issue.

The current proposal lacks ambition and will hardly reduce the emissions of middle size combustion plants in Europe in the coming 15 to 20 years, in spite of the fact that cost effective ways to reduce these emissions exist. As a result, the improvement of air quality in Europe does not meet its full potential. The Netherlands believes this is a missed opportunity."

Ad "A" item 10:

- **Proposal for a Council Decision on the signing and provisional application, on behalf of the Union, of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, on a Framework Agreement between the European Union and the Republic of Tunisia on the general principles for the participation of the Republic of Tunisia in Union programmes**
= **Adoption**
- **Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, on a Framework Agreement between the European Union and the Republic of Tunisia on the general principles for the participation of the Republic of Tunisia in Union programmes**
- **Proposal for a Council Decision on the conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, on a Framework Agreement between the European Union and the Republic of Tunisia on the general principles for the participation of the Republic of Tunisia in Union programmes**
= **Approval and request for EP consent**

and

Ad "A" item 12:

- **Proposal for a Council Decision on the signing and provisional application, on behalf of the Union, of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lebanon, of the other part, on a Framework Agreement between the European Union and the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes**
= **Adoption**
- **Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lebanon, of the other part, on a Framework Agreement between the European Union and the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes**
- **Proposal for a Council Decision on the conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lebanon, of the other part, on a Framework Agreement between the European Union and the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes**
= **Approval and request for EP consent**

STATEMENT BY THE UNITED KINGDOM

"Considering that Protocol 21 to the Treaties on the position of the UK and Ireland in respect of the area of freedom, security and justice is engaged, the UK opted in to the proposals for Council Decisions on signature, provisional application and conclusion of the Protocols to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the **Republic of Tunisia and the Republic of Lebanon**, of the other part, on Framework Agreements between the European Union and the Republic of Tunisia and the Republic of Lebanon on the general principles for the participation of the Republic of Tunisia and the Republic of Lebanon in Union programmes, to the extent that these Decisions relate to the aforementioned states' participation in the Fiscalis 2020 action programme (Regulation 1286/2013) and Customs 2020 action programme (Regulation 1294/2013). The UK formally notified the President of the Council of the decision to opt in by a letter dated 31 July 2014.

Furthermore, the UK considers these Council Decisions to be an exercise of the EU's external competence in relation to the various sectoral policies pursued by the underlying programmes. Therefore the substantive legal bases for the underlying programmes should have been cited as the legal bases for these proposed Decisions on signature and conclusion. Where the programmes have justice and home affairs content, the proposed Council Decisions should cite the relevant legal bases from Title V of Part Three TFEU. Accordingly, we do not consider that Article 212 TFEU is appropriate as the sole substantive legal base for these proposed Decisions."

Ad "A" item 11:

- **Proposal for a Council Decision on the signing and provisional application, on behalf of the Union, of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the People's Democratic Republic of Algeria on the general principles for the participation of the People's Democratic Republic of Algeria in Union programmes**
= **Adoption**
- **Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the People's Democratic Republic of Algeria on the general principles for the participation of the People's Democratic Republic of Algeria in Union programmes**
- **Proposal for a Council Decision on the conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the People's Democratic Republic of Algeria on the general principles for the participation of the People's Democratic Republic of Algeria in Union programmes**
= **Approval and request for EP consent**

STATEMENT BY THE UNITED KINGDOM

"Considering that Protocol 21 to the Treaties on the position of the UK and Ireland in respect of the area of freedom, security and justice is engaged, the UK opted in to the proposals for Council Decisions on the signature, provisional application and conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the **Republic of Algeria**, of the other part, on a Framework Agreement between the European Union and the Republic of Algeria on the general principles for the participation of the Republic of Algeria in Union programmes, to the extent that these Decisions relate to Algeria's participation in the Fiscalis 2020 action programme (Regulation 1286/2013) and Customs 2020 action programme (Regulation 1294/2013). The UK formally notified the President of the Council of the decision to opt in by a letter dated 2 October 2014.

Furthermore, the UK considers these Council Decisions to be an exercise of the EU's external competence in relation to the various sectoral policies pursued by the underlying programmes. Therefore the substantive legal bases for the underlying programmes should have been cited as the legal bases for these proposed Decisions on signature and conclusion. Where the programmes have justice and home affairs content, the proposed Council Decisions should cite the relevant legal bases from Title V of Part Three TFEU. Accordingly, we do not consider that Article 212 TFEU is appropriate as the sole substantive legal base for these proposed Decisions."