



**COUNCIL OF
THE EUROPEAN UNION**



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3211th Council meeting

Environment

Brussels, 17 December 2012

President

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Cyprus minister for Agriculture, Natural Resources and
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Main results of the Council

*The Council held a policy debate concerning the proposal for a decision on a general Union **Environment Action Programme (EAP) to 2020** "Living well, within the limits of our planet".*

*The Council adopted conclusions on "**A Blueprint to Safeguard Europe's Water Resources**".*

*Ministers also held an exchange of views on "**greening the European Semester**", in the framework of the 2013 Annual Growth Survey.*

*The Council also adopted, without debate, two regulations with a view to establishing **unitary patent protection** for the benefit of EU undertakings throughout the Union.*

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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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Sweden:

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Minister for the Environment

United Kingdom:

Mr Rupert DE MAULEY

Permanent Under Secretary of State for the Department for Environment, Food and Rural Affairs (DEFRA)

Mr Paul WHEELHOUSE

Scottish Minister for Environment and Climate Change

Commission:

Ms Connie HEDEGAARD

Member

Mr Janez POTOČNIK

Member

The Government of the Acceding State was represented as follows:

Croatia

Mr Hrvoje DOKOZA

Deputy Minister for Environmental and Nature Protection

ITEMS DEBATED

Safeguarding Europe's water resources

The Council adopted a set of conclusions ([17872/12](#)) on "A blueprint to safeguard Europe's water resources" in response to the recent Commission communication on the subject ([16425/12](#)). This communication sets out key actions to improve governance by those involved in managing water resources, namely: improving land use, addressing water pollution, increasing water efficiency and resilience.

The Council conclusions underline the need for better implementation of the current water legislation and increased integration of water policy objectives into other policy areas, such as the Common Agriculture Policy (CAP) and the Cohesion Policy. The conclusions also call on the EU and its member states to ensure the sustainability of all activities that impact water, thereby contributing to securing the availability of good-quality water, which will also have positive effects on halting the loss of biodiversity and the degradation of ecosystems, as well as on combating desertification and adapting to climate change. Finally, the Council considers that the Blueprint constitutes a significant policy instrument to improve the EU water policy and contributes to the achievement of the Millennium Development Goals (MDG), Agenda 21 and the Rio+20 outcome, and invites member states to contribute to its implementation, involving all relevant stakeholders.

Greening the European Semester

The Council held an exchange of views on the "European Semester" proceedings, based on the Commission communication on the Annual Growth Survey 2013 ([16669/12](#)), with a view to preparing the Environment Council contribution to the Spring European Council in March 2013.

The Annual Growth Survey identified five economic and social priorities where national and EU efforts should be concentrated. The debate focused on two of those priorities mostly affecting environmental issues: pursuing differentiated, growth-friendly fiscal consolidation and promoting growth and competitiveness for today and tomorrow.

Most member states welcomed the Commission recommendation that the tax burden on labour should be substantially reduced in favour, inter alia, of consumption taxes and environmental taxes.

Many member states were in favour of phasing out environmentally harmful subsidies, as well as reducing or eliminating tax exemptions. Several member states also underlined the economic benefits of other environmental measures, such as investing in green infrastructure and renewable energies and improving air and water quality.

Several member states underlined the importance of having resource-efficient indicators, allowing for data comparability that would improve planning at national and European level.

Most member states acknowledged that promoting energy efficiency can already generate important savings and job creation in addition to environmental benefits. Concrete measures such as improved waste management and recycling, water management, increased energy efficiency of buildings, fostering eco-design and eco-innovation also have strong potential to create new jobs, while helping to secure the supply of scarce resources and materials.

Some member states also argued in favour of reducing the regulatory burden, increasing cooperation with the business and in particular supporting SMEs to become more resource efficient and facilitate their access to financing.

A number of member states also suggested an increased "greening" of public procurement, i.e., when awarding contracts, national authorities should also take into account environmental concerns and impacts.

Several member states considered that caution should be applied when implementing certain measures in order to avoid possible negative consequences in more vulnerable sectors.

A large number of member states called for improved coordination and exchange of best practices at European level, as well as for making better use of EU funds to promote the transition to a more resource-efficient economy.

Lastly, the Commission stressed that structural reforms at national and EU level must strengthen the EU's ability to compete globally, generating growth at home through activities which are sustainable and which equip the EU with the policies and instruments needed to secure a prosperous, inclusive and resource-efficient future.

7th Environment Action Programme

The Council held a policy debate on the proposal for a decision on a general Union Environment Action Programme to 2020 "Living well, within the limits of our planet" ([16498/12](#) + *ADD 1-8*), recently released by the Commission as the successor to the 6th Environment Action Programme (EAP) which expired in July 2012.

Commissioner Potočnik presented the main features of the programme, whose general aim is to step up the contribution of environment policy to the transition towards a resource-efficient, low-carbon economy in which natural capital is protected and enhanced, and the health and well-being of citizens is safeguarded.

The programme provides a framework for environment policy until 2020 and a vision for 2050 and is closely linked to Europe 2020 strategy¹, setting nine specific priority objectives for the EU and its member states to attain, recalling that many of these priorities are existing targets under EU environment policy. Better implementation of current environmental legislation is therefore a cross-cutting objective.²

As part of the follow-up to the 2012 United Nations Conference on Sustainable Development (Rio+20 Summit)³, the new general action programme should also support international and regional processes aiming to transform the global economy into an inclusive green economy, in the context of sustainable development and poverty reduction.

¹ See also:
 - EU climate and energy package (OJ L 140 of 5.6.2009);
 - "Roadmap to a Resource-Efficient Europe" ([14632/11](#));
 - EU Biodiversity Strategy to 2020 (OJ C 264 of 8.9.2011).

² See also:
 - Council conclusions on improving environmental policy instruments ([5302/11](#)).
 - Commission Communication on Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness COM(2012)95

³ See also: Council conclusions on Rio+20: towards achieving sustainable development by greening the economy and improving governance ([15388/11](#)).

Member states welcomed the proposal in general, recalling that it had been called for by the Council for quite some time and underlined the importance of the new EAP for the development of the EU's environmental policy. Many member states were in favour of the nine priorities set out in the proposal, albeit in different degrees, but some of them recalled that the diverse situation of member states must be taken into account and others called for more clarity on certain implementing measures.

A number of member states also recalled lessons learned with the 6th EAP and therefore that the EU should try to address now certain shortcomings that were identified. Most member states agreed with the need to improve implementation of current legislation and avoid duplication and a number of member states also considered crucial to keep working towards integrating environmental concerns in other policy sectors.

Some member states were not in favour of adding new legislation or new targets, recalling the "smart regulation" principle. However, the Commission underlined that if it appeared necessary to do so, any legislative proposal or new targets should be based on solid evidence and rigorous impact assessments.

Several member states considered that the medium term goal of the programme should be ensuring a non toxic environment, in particular through stricter measures to protect air and water quality, as well as establishing sustainable consumption patterns. A number of member states also saw the 7th EAP as a concrete contribution to the implementation of the Rio+20 outcome.

A number of member states considered that some of the 2020 targets were quite ambitious, in particular as regards land filling. The proposals regarding environmental inspections also raised some concerns

Commissioner Potočník considered that today's debate will be a good basis for future discussions but called on member states to stay focused and consistent. He also recalled that the proposal is based on three sets of conclusions from the Council and that all priorities are operational. Furthermore, he underlined that preserving EU competitiveness and promoting green growth and employment are major goals and that the 7th EAP is designed to contribute to achieve them.

Any other business– ***LIFE regulation***

The Council was briefed by the Presidency on progress regarding the proposal for a regulation on the establishment of a Programme for the Environment and Climate Action (LIFE) for the period 2014-2020 ([17307/12](#)). The aim of the proposal ([18627/11](#)) is to increase the efficiency of the current LIFE + Programme¹ in order to adapt it *inter alia* to the new climate challenges ahead and to the achievement of Europe 2020 objectives and targets .

This proposal is dependant on the outcome of the discussions on MFF, since the final budget to be allocated to the LIFE Programme depends on it. Nevertheless, both the European Parliament and the Council agreed to enter into negotiations and three informal trilogue meetings have already taken place. Significant progress has been made on several key issues but further work is required in particular on indicative national allocations, co-financing rates and overseas countries and territories.

The ENVI Committee voted 81 amendments on the proposal on 19 September 2012. The date of the vote by the EP Plenary has not been indicated yet.

– ***Environmental quality standards in the field of water policy (priority substances)***

The Council was briefed by the Presidency on the state of play regarding the proposal on environmental quality standards in the field of water policy.

This proposal ([6019/12](#)) concerns the review of the list of priority substances (PS) in the field of water policy, i.e. the chemicals identified among those presenting a significant risk to or via the aquatic environment at EU level which are listed in Annex X to the Water Framework Directive (WFD)². The list is to be revised following the review of priority substances required by both the WFD and the Environmental Quality Standards Directive (EQSD)³.

¹ Regulation 614/2007 ([OJ L 149, 9.6.2007](#)).

² [Directive 2000/60/EC](#)

³ [Directive 2008/105/EC](#)

The discussions in the Council preparatory bodies are ongoing. The main outstanding issues concern the list of Priority Substances (PS) and Priority Hazardous Substances (PHS), the date of implementation and the new watch-list mechanism ([17243/12](#)).

– ***Assessment of the effects of certain public and private projects on the environment***

The Council took note of information regarding the state of play of the proposal for a directive amending directive 2011/92/EU of the assessment of the effects of certain public and private projects on the environment ([17042/12](#)).

The aim of this proposal is to adjust the provisions of the codified Environmental Impact Assessment (EIA) directive¹, so as to correct shortcomings, reflect ongoing environmental and socio-economic changes and challenges, strengthen the quality elements of the EIA process and to enhance policy coherence through synergies with other EU law instruments.

The discussions in the preparatory bodies of the Council are ongoing and will continue under the incoming Irish Presidency.

– ***Mechanism for monitoring and reporting greenhouse gas emissions***

The Council took note of oral information provided by the Presidency concerning the state of play of the proposal for a regulation on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change.

This proposal aims at updating decision 280/2004/EC, which it will replace, taking account of new reporting obligations under the UNFCCC and the Climate and Energy package, with the aim of integrating all climate-related monitoring and reporting requirements across the different EU and international frameworks into a single instrument.

The informal discussions with the European Parliament are still ongoing. The Presidency's intention is to reach an agreement at first reading before the end of the year.

¹ The directive 2011/92/EU codifies the EIA directive of 1985 (directive 85/337/EEC) and its three amendments (directive 97/11/EC, directive 2003/35/EC and directive 2009/31/EC)

– ***Greenhouse gas emissions and removals resulting from activities related to land use, land use change and forestry***

The Council was briefed by the Presidency on the state of play of the proposal for a decision on accounting rules and action plans on greenhouse gas emissions and removals resulting from activities related to land use, land use change and forestry (LULUCF).

The Commission submitted its proposal in March 2012. Its purpose is to establish a harmonised legal framework for comprehensive accounting rules for the effects of the LULUCF sector on greenhouse gas emissions. The proposal does not provide for the inclusion of the sector in the EU's emission reduction commitments at this stage, but is presented as a first step towards this by establishing the appropriate policy context.

The informal discussions with the European Parliament to reach an agreement at first reading are still ongoing.

– ***Outcome of the Doha Conference on Climate Change (COP18)***

The Council took note of oral information from the Presidency and the Commission on the outcome of the Doha Conference on Climate Change (COP18), which took place in Qatar from 26 November to 7 December 2012.

The Conference made a significant step towards a global climate agreement with all countries by 2015, implemented as from 2020, and enabled the second commitment period of the Kyoto Protocol to start on 1 January 2013. Furthermore, it was agreed to establish an international mechanism to address loss and damage associated with the impacts of climate change in particularly vulnerable developing countries.

See also: United Nations Framework Convention on Climate Change website

http://unfccc.int/meetings/doha_nov_2012/meeting/6815.php

– ***CO2 emissions from passenger cars and light commercial vehicles***

The Council took note of information from the Presidency ([17406/12](#)) on the proposals to define the modalities for reaching the 2020 target to reduce CO2 emissions from new passenger cars ([12733/12](#)+ [ADD 1](#)+ [ADD 2](#) + [ADD 3](#)) and new light commercial vehicles ([12747/12](#) + [ADD 1](#) + [ADD 2](#)+ [ADD 3](#)).

These proposals were presented by the Commission in July 2012 and aim to implement the most efficient measures to meet the 95g CO2/km target for new passenger cars and to confirm the feasibility of the average target of 147g CO2/km for new light commercial vehicles, respectively.

The vote in ENVI Committee of the European Parliament is expected for 24-25 April 2013 concerning passenger cars and for 6-7 May 2013 regarding light commercial vehicles.

– ***EU ETS***

The Commission provided an update on international developments in the International Civil Aviation Organisation (ICAO) and presented its recent proposal for a decision to "stop the clock" by temporarily deferring enforcement of the obligations of aircraft operator in respect of incoming and outgoing international (extra-EU) flights under the EU Emission Trading System (ETS) for 2012 ([17703/12](#)).

This proposal ([16723/12](#)) is intended to reinforce the positive momentum within ICAO, and to enhance the chances of a successful outcome of the 2013 ICAO Assembly, in terms of developing a global market-based measure and adopting a framework facilitating States' application of those measures to international aviation.

The Council took also note of the report on the functioning of the carbon market presented by the Commission ([16537/12](#)). The main purpose of the report is to analyse the functioning of the carbon market and to consider whether regulatory action is needed, as foreseen under Article 29 of the EU ETS directive¹.

Finally, the Council took note of the information given and the concerns expressed by the Polish delegation concerning the possible impacts on budget incomes of the proposed changes in the volumes of greenhouse gas emission allowance to be auctioned in 2013-2020 ("Backloading").

¹ [Directive 2003/87/EC](#)

– *Work programme of the incoming Presidency*

The Council took note of information from the Irish delegation on its programme for the coming semester. The Irish Presidency main priorities will be:

On internal issues:

- 7h Environment Action Programme (EAP);
- EU Climate Adaptation Strategy, to be published by the Commission in March 2013;
- Priority Substances in Water;
- Work on two proposals on CO2 emissions from new cars and vans;
- Emissions Trading Scheme (ETS), including two files: aviation and "backloading";
- LIFE regulation;

On international issues:

- Pursuit of climate change negotiations;
- Negotiations on a legally binding instrument on mercury;
- Follow-up on the agreed outcomes reached at the United Nations Conference on Sustainable Development (Rio+20);
- Negotiations on the UN Waste and Chemicals Conventions – Basel, Rotterdam and Stockholm.

OTHER ITEMS APPROVED

INTERNAL MARKET

Unitary patent protection - Innovation for EU companies

The Council adopted two regulations with a view to implementing enhanced cooperation in the area of the creation of unitary patent protection ([PE-CONS 72/11](#)) and its translation arrangements ([18855/2/11 REV 2](#)). The adoption follows an agreement with the European Parliament at first reading.

Unitary patent protection is aimed at improving the level of patent protection by making it possible to obtain uniform patent protection in the participating member states and eliminate costs and complexity for undertakings throughout the Union, especially for small- and medium-sized enterprises.

The package allowing for the creation of a unitary system of patent protection consists of the two regulations and an international agreement creating a Unified Patent Court.

The unitary patent will foster scientific and technological advances and the functioning of the internal market by making access to the patent system easier, less costly and legally secure. The lack of a unitary patent protection system has thus far constituted a market barrier for European entrepreneurs to a normal and effective functioning in both the EU internal market and on the world markets.

The unitary patent protection is one of the priority measures contained in the Single Market Act, which is a package of measures aimed at the completion of the single market by increasing confidence and stimulating growth and job creation.

For more information see press release [17824/12](#).

ECONOMIC AND FINANCIAL AFFAIRS

VAT on bridge tolls on the Danube - Bulgaria and Romania

The Council adopted a decision authorising Bulgaria and Romania to apply measures derogating from directive 2006/112/EC on value-added taxation (VAT) for maintenance and repair and the charging of tolls on the border bridge across the Danube between Vidin and Calafat ([17276/12](#) + [16662/12](#)).

The measures are intended to simplify the collection of VAT, and will only have a negligible effect on the amounts of tax collected.

Cross-border transport of euro cash

The Council adopted a regulation extending the scope of regulation 1214/2011 on the cross-border transport by road of euro cash, so as to also apply to member states that are preparing to introduce the euro ([17118/12](#) + [17787/10](#)).

The regulation caters for the need for euro cash to be transported from existing eurozone member states in the run-up to a euro changeover, since euro banknotes are usually transported from existing stocks and euro coins are often minted abroad.

Adoption by the Council follows the consent given by the European Parliament.

JUSTICE AND HOME AFFAIRS

EU-Armenia visas agreement

The Council adopted a decision on the signature of the Agreement between the European Union and the Republic of Armenia on the facilitation of the issuance of visas ([16900/12](#) + [16913/12](#)).

The agreement makes it easier and cheaper for citizens of Armenia, in particular those who travel most, to acquire short-stay visas allowing them to travel to and freely throughout the EU. A short-stay visa is a visa for an intended stay of no more than 90 days per period of 180 days.

(For further details please see press release [17866/12](#))

ENVIRONMENT

Doha Climate Conference ¹

The Council endorsed the statement made by the European Union and its member states together with Croatia and Iceland at the Doha Climate Conference ([17532/12](#)), indicating in particular that the quantified emission limitation and reduction commitments for the European Union, its member states, Croatia and Iceland for the second commitment period under the Kyoto Protocol are based on the understanding that these will be fulfilled jointly, in accordance with Article 4 of the Kyoto Protocol.

Protection of the Mediterranean Sea against pollution

The Council adopted a decision on the accession of the European Union to the Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil.

This Protocol (also known as the "Offshore Protocol") entered into force on 24 March 2011 and is part of the Barcelona Convention for the Protection of the Mediterranean Sea ², adopted in 1976, of which the European Union and several member states are Contracting Parties.

ENLARGEMENT

Association with Montenegro

The Council endorsed the EU's position for the 3rd stabilisation and association council meeting that will take place in Brussels on 18 December.

¹ United Nations Framework Convention on Climate Change
website: http://unfccc.int/meetings/doha_nov_2012/meeting/6815.php

² OJ L 240, 19.9.1977 and OJ L 322, 14.12.1999.

CUSTOMS UNION**Tariff quotas for certain agricultural and industrial products**

The Council adopted a regulation amending regulation 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products ([16581/12](#)).

Duties on industrial, agricultural and fishery products

The Council adopted amendments to regulation 1344/2011 suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products ([16582/12](#)).
