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THE EUROPEAN UNION**



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3233rd Council meeting

Environment

Brussels, 21 March 2013

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Main results of the Council

*The Council held a policy debate on a draft directive on **indirect land-use change** amending the fuel quality and renewable energy directives, which aims to encourage a transition to biofuels that deliver greater greenhouse gas savings.*

*The Council also held a policy debate on proposed changes to the **environmental impact assessment** directive, which seeks to streamline environmental assessments, enhance the quality-related elements of the EIA process and reinforce its effectiveness.*

*In addition, ministers held a debate on the draft regulation on **access to genetic resources** and the fair and equitable sharing of benefits arising from their utilisation in the Union.*

*The Council also exchanged views on the review of the **REACH** system for the Registration, Evaluation Authorisation and Restriction of Chemicals.*

*During lunch, ministers exchanged views on the **Rio+20 follow-up** process and the post-2015 framework.*

*Without discussion, the Council adopted a new **venture capital** framework aimed at facilitating access to finance for European companies.*

*It also adopted the **energy infrastructure regulation**, which will help to modernise and expand Europe's energy infrastructure in order to allow the EU to meet its core policy objectives of competitiveness, sustainability and security of supply.*

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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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Deputy Secretary of State responsible for Environmental
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<u>Commission:</u> Ms Connie HEDEGAARD	Member
Mr Janez POTOČNIK	Member
Mr Andris PIEBALGS	Member

The Government of the Acceding State was represented as follows:

<u>Croatia</u> Mr Mihael ZMAJLOVIĆ	Minister for Environmental and Nature Protection
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ITEMS DEBATED

Indirect land-use change

The Council held a public policy debate on the draft directive on indirect land-use change (ILUC) amending the fuel quality (98/70/EC) and renewable energy (2009/28/EC) directives. The proposed directive aims to minimise the impact of indirect land-use change on greenhouse gas emissions and to promote a transition to biofuels that deliver substantial greenhouse gas savings.

Ministers were invited to answer two questions tabled by the presidency ([6854/13](#)): whether the draft directive adequately fulfils its objectives of addressing indirect land-use change emissions and of encouraging the transition to advanced biofuels, and whether it supports the achievement of the existing energy and climate-change objectives in the EU.

From an environmental perspective, the ministers' debate complemented the views expressed by energy ministers by answering the same questions as those tabled during the Transport, Telecommunications and Energy Council meeting held on 22 February 2013. Delegations raised a number of key issues relevant to the EU renewable energy and climate policies and gave guidance for further work on this proposal.

The Permanent Representatives Committee decided last December to establish an ad hoc working party on indirect land-use change to ensure that amendments to the two directives would be made coherently and consistently.

When these directives were adopted, the European Parliament and the Council asked the Commission to review the negative effects on greenhouse gas savings which might result from the conversion of land and, if need be, to present a legislative proposal. The draft directive aims to minimise greenhouse gas emissions resulting from situations where formerly non-agricultural land such as forests is used for food, feed or fibre production because agricultural land previously destined for this type of production is being converted to biofuel production.

The draft directive was presented by the Commission in October 2012 ([15189/12](#)). The European Parliament committee vote is scheduled for July 2013.

Environmental impact assessment

The Council held a public policy debate on proposed changes to the environmental impact assessment (EIA) directive (Directive 2011/92/EU). The outcome of discussions will provide guidance for further work on this proposal.

Ministers focused on three questions prepared by the presidency ([6853/1/13](#)) covering the following issues in particular: the introduction of a "one-stop shop" to ensure the coordination or joint operation of the EIA with the environmental assessments required under other relevant EU legislation, mandatory scoping and a proposal for a system of accredited experts.

During the debate, general agreement was expressed on the objective to review the directive in order to simplify the EIA procedures and to improve their quality. However, considerable concerns were raised with regard to the type of measures proposed by the Commission to achieve this aim. Ministers expressed concerns on the compatibility of the proposed provisions with the different environmental assessment systems in member states. In particular member states pointed out the risk of increased administrative burden and additional costs. Many delegations considered it not to be appropriate to establish a very prescriptive system at EU level. Most delegations were in favour of flexibility left to member states to cater for specific situations and to adapt to the existing provisions.

The Commission indicated that some change to the current systems was inevitable to improve the EIA processes for the benefit of the users and the environment. It also showed its openness to member states' concrete suggestions to make progress on the proposal.

Directive 2011/92/EU contains a legal requirement to carry out an environmental impact assessment of public or private projects likely to have significant effects on the environment, prior to their authorisation.

The Commission presented its amending proposal in October 2012 ([15627/12](#)), with the aim of strengthening provisions concerning the quality of the EIA to achieve a high level of environmental protection. The proposal seeks to streamline environmental assessments, enhance the quality-related elements of the EIA process and reinforce its effectiveness. In addition, it aims to enhance policy coherence and synergies with other EU legislation in order to reduce the administrative burden.

The European Parliament committee vote is scheduled for July 2013.

Access to genetic resources

Ministers held a public debate on the draft regulation on access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation in the Union. The main objective of the proposal is to implement the Nagoya Protocol in the EU and to enable its ratification by the EU.

To steer further work on the proposal, ministers were invited to answer a set of questions raised by the presidency ([6889/13](#)): focusing on the proposed obligations of users of genetic resources and their monitoring by member states.

The presidency highlighted the following points that emerged from the discussion:

- new legislation should not create an unnecessary burden for users or authorities but at the same time should be comprehensive enough to cover the provisions of the Nagoya Protocol;
- due diligence obligations of users should be accompanied by their monitoring by authorities in order to ensure compliance with the Nagoya Protocol;
- links with other international instruments relating to the use of genetic resources should be further examined.

The Commissioner underscored the importance of having this new piece of legislation in place by July 2014 in order to fulfil EU international commitments.

The Commission presented this proposal in October 2012 ([14641/12](#)). The European Parliament committee vote is scheduled for July 2013.

The proposed regulation would oblige users (such as the feed and food industry, the pharmaceutical and cosmetics industry and researchers) to check that genetic resources and associated traditional knowledge have been accessed in accordance with the applicable legal requirements in the country of origin, and that the benefits are fairly and equitably shared in accordance with mutually agreed terms. The proposal also provides for a system of trusted collections that would lower the risk of using illegally acquired genetic resources in the EU.

The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity was adopted in October 2010 in Nagoya, Japan. For more details on the Nagoya Protocol, click [here](#).

Review of the REACH regulation

The Council held an exchange of views on the review of the REACH regulation for the registration and authorisation of chemical substances. The debate followed the Commission's presentation of the results of the review of REACH.

The REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals) regulation lays down a legislative framework for chemicals in the EU, and entered into force in June 2007.

The Commission has finished the five-year review of REACH, which is presented in three documents:

- a general report on REACH ([5864/13](#));
- a communication on the regulatory review on nanomaterials ([14869/12](#)), and
- a roadmap on substances of very high concern ([5867/13](#)).

Ministers discussed the main findings of the Commission report on the basis of a presidency question, contained in the presidency background note ([6916/13](#)

Most member states broadly agreed with the findings and recommendations of the European Commission in all three documents presented. They also welcomed the Commission's intentions to look at possibilities to reduce the burden for small and medium-sized enterprises (SMEs); a number of member states expressed their firm support for the Commission roadmap for the identification and inclusion of all relevant substances of very high concern in the candidate list by 2020.

The outcome of this discussion will contribute towards further work in this important policy area.

The Competitiveness Council held an exchange of views on this topic on 18 and 19 February 2013. See press release [6399/13](#).

ANY OTHER BUSINESS

Emissions trading in the aviation sector

The Commission updated the Council on the state of play of the ongoing negotiations within the International Civil Aviation Organisation (ICAO) on global action to tackle emissions from aviation ([7471/13](#)).

These negotiations concern in particular the development of a global market-based measure in respect of this issue and are to prepare a resolution to be submitted to the ICAO assembly in autumn 2013.

In an effort to contribute to finding a global solution at that assembly, the Council and the European Parliament reached a provisional agreement on 12 March on a legislative proposal aimed at temporarily suspending the enforcement of the EU's emissions trading scheme (ETS) for international flights to and from Europe. The Permanent Representatives Committee endorsed this agreement on 20 March. The formal adoption of this proposal is expected before 30 April 2013.

Rio+20 follow up

The Council took note of oral information provided by the presidency concerning the informal discussion on Rio+20 follow-up held during lunch.

During lunch, ministers exchanged views on the Rio+20 follow-up process and the post-2015 framework, on the basis of an orientation paper prepared by the presidency and following a presentation by Commissioners Potočnik and Piebalgs of the Commission Communication "A Decent Life for All" ([7075/13](#)).

Before closing the meeting, the President summarised some of the main points emerging from the lunch discussion. Ministers agreed on the need to fully implement the outcome of the Rio+20 conference including through the active involvement of the EU and its member states in all relevant UN processes and by engaging in dialogue with all relevant stakeholders.

Ministers strongly emphasised the importance of ensuring that the environmental dimension is properly reflected in the post-2015 framework, and also underlined the need to integrate the Millennium Development Goals review and the work on Sustainable Development Goals in one single set of goals reflecting the three dimensions of sustainable development in a balanced manner. A number of priority areas within the framework and goals were preliminarily identified.

The main points arising from the ministerial exchange of views will be taken into account in developing Council conclusions on this matter, which the presidency plans to have adopted by the end of the semester.

International meetings and events

The presidency and the Commission briefed ministers on the main international meetings that took place in the first months of 2013.

The briefing included, in particular: the outcome of the fifth session of the Intergovernmental Negotiating Committee to prepare a global legally binding instrument on mercury (Geneva, 13-18 January 2013) ([7387/13](#)), the first plenary meeting of the Intergovernmental Platform for Biodiversity and Ecosystem Services (Bonn, 21-26 January 2013) ([7528/13](#)), the outcome of the 27th session of the United Nations Environment Programme Governing Council/Global Ministerial Environment Forum (Nairobi, 18-22 February 2013) ([7530/13](#)) and the outcome of the 16th Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Bangkok, 3-14 March 2013) ([7500/13](#)).

OTHER ITEMS APPROVED**ENVIRONMENT****Union registry for the EU emissions trading scheme**

The Council decided not to oppose the adoption of a Commission regulation establishing a Union registry pursuant to Directive 2003/87/EC, Decisions No 280/2004/EC and No 406/2009/EC and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 ([6050/13](#)).

The Commission's acts are subject to what is known as the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt them, unless the European Parliament objects.

FOREIGN AFFAIRS**Afghanistan - restrictive measures**

The Council implemented amendments to UN restrictive measures in view of the situation in Afghanistan, adding a further person to the list of those subject to sanctions.

Egypt - restrictive measures

The Council extended by 12 months the EU's restrictive measures in view of the situation in Egypt. The sanctions consist in the freezing of assets of 19 persons responsible for the misappropriation of Egyptian state funds, including former President Hosni Mubarak. The measures are intended to support the peaceful and orderly transition to a civilian and democratic government in Egypt.

JUSTICE AND HOME AFFAIRS

Automated data exchange with Sweden

The Council adopted a decision on the launch of automated data exchange with regard to DNA data in Sweden ([6997/13](#)). The evaluation procedure required by Council Decision 2008/616/JHA¹ concluded that the general provisions on data protection for the purposes of automated searching and comparison of DNA data have been fully implemented by Sweden. This country is therefore entitled to start receiving and supplying personal data for the purpose of prevention and investigation of criminal offences, as from the day of the entry into force of this decision.

Automated data exchange with Malta

The Council adopted a decision on the launch of automated data exchange with regard to DNA data in Malta ([7000/13](#)). The evaluation procedure required by Council Decision 2008/616/JHA² concluded that the general provisions on data protection for the purposes of automated searching and comparison of DNA data have been fully implemented by Malta. This country is therefore entitled to start receiving and supplying personal data for the purpose of prevention and investigation of criminal offences, as from the day of the entry into force of this decision.

Dactyloscopic data exchange in Malta

The Council adopted a decision on the launch of automated data exchange regarding dactyloscopic data in Malta ([7005/13](#)). The evaluation procedure required by Council Decision 2008/616/JHA³ concluded that the general provisions on data protection for the purposes of automated searching of dactyloscopic data are fully implemented by Malta. This country is therefore entitled to start receiving and supplying personal data for the purpose of prevention and investigation of criminal offences, as from the date of the entry into force of this decision.

¹ OJ L 210, 6.8.2008.

² OJ L 210, 6.8.2008.

³ OJ L 210, 6.8.2008.

Readmission agreement EU-Armenia

The Council adopted a decision on the signing, on behalf of the European Union, of the agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation ([5861/13](#)). The text of the Agreement ([5860/13](#)) will be published together with the decision on its conclusion.

ENERGY

Publication of electricity markets data

The Council decided not to oppose the adoption of a Commission regulation on submission and publication of data in electricity markets and amending Annex I to Regulation (EC) No 714/2009 ([6003/13](#)).

The Commission's acts are subject to what is known as the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt them, unless the European Parliament objects.

Trans-European energy infrastructure

The Council adopted today the regulation on guidelines for trans-European energy infrastructure ([75/12](#), [7401/1/13 REV1 ADD1](#), [7401/1/13 REV 1 ADD 2](#)).

The new regulatory framework will help to modernise and expand Europe's energy infrastructure in order to allow the EU to meet its core energy policy objectives of competitiveness, sustainability and security of supply.

This regulation is one of the priorities set under the Single Market Act I, which contains measures to boost the European economy and create jobs. Furthermore, the construction of these infrastructures is of critical importance for the goal set by the February 2011 European Council that no member state should remain isolated from the European gas and electricity networks after 2015, and will contribute to reaching the ambitious EU climate and energy targets for 2020.

For more details see press release [7719/13](#).

New mandatory labelling requirements for water heaters and other energy-related-products

The Council decided not to object two Commission regulations which supplement directive 2010/30 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products.

The two regulations introduce new mandatory labelling and standard product information requirements for the placing on the market and/or putting into service of energy-relating products. While one regulation applies specifically to water heaters, hot water storage tanks and solar devices ([6808/13](#)), the other covers, inter alia, space heaters ([6846/13](#)).

The regulations are delegated acts pursuant to article 290 of the Treaty on the Functioning of the EU. This means that now that the Council has given its consent, the acts can enter into force, unless the European Parliament objects to them.

TRANSPORT

Smart Cities - European Innovation Partnership

The Council adopted conclusions ([7250/13](#)) supporting the launch by the Commission of a European Innovation Partnership entitled "Smart Cities and Communities" in the first half of 2013. This initiative aims to mobilise actors across the sectors of energy, transport and information and communication technologies, concerned with the sustainable development of European cities. The goal is to accelerate the deployment of innovative technologies and organisational and economic solutions in order to increase resource and energy efficiency, improve the sustainability of urban transport and reduce greenhouse gas emissions in urban areas.

The Smart Cities European Innovation Partnership will provide a platform for all stakeholders in this field and will be steered by a high-level group composed of representatives of industry, cities, civil society and relevant EU initiatives, and will be led by the Commission.

For more details, see the Commission communication on this subject ([14657/12](#)).

European Innovation Partnerships are an instrument developed in the framework of the "Flagship Initiative Innovation Union" of the EU's "Europe 2020" strategy for jobs and growth.

COMMON SECURITY AND DEFENCE POLICY

EU Training Mission in Somalia

The Council adopted a revised mission plan and rules of engagement authorisation for the EU training mission in Somalia.

TRADE POLICY

Anti-dumping measures - Taiwan (plastic) - USA (ethanolamines)

The Council adopted regulations:

- amending regulation 192/2007 imposing a definitive anti-dumping duty on imports of polyethylene terephthalate originating, inter alia, in Taiwan following a "new exporter" review pursuant to regulation 1225/2009 ([7060/13](#)), and
- terminating the partial reopening of anti-dumping investigation concerning imports of ethanolamines originating in the United States of America and terminating the expiry review and the partial interim review pursuant to regulation 1225/2009 ([7121/13](#)).

INTERNAL MARKET

Venture capital and social entrepreneurship funds

The Council adopted regulations concerning European venture capital funds ([PE-CONS 73/12](#)) and European social entrepreneurship funds ([PE-CONS 74/12](#)).

The overall objective is to foster the growth of small and medium-sized enterprises (SMEs) by improving their access to finance through the establishment of an EU-wide passport for managers of venture capital funds and social entrepreneurship funds relating to the marketing of their funds.

For more details see press release [7643/13](#).

DEVELOPMENT COOPERATION**Discharge - Financial management of the 8th, 9th and 10th European development funds**

The Council adopted its recommendations on the discharge to be given by the European Parliament to the Commission for implementation of operations of the 8th, 9th and 10th European development funds for 2011 ([5190/13](#), [5191/13](#), [5192/13](#)). In addition, the Council approved a statement concerning the statement of assurance of the European Court of Auditors relating to the activities of the 8th, 9th and 10th European development funds for the financial year 2011 ([5848/13](#)).

TRANSPARENCY**Transparency - public access to documents**

The Council approved:

- the reply to confirmatory application No 04/c/01/13, the Danish, Estonian, Dutch, Slovenian, Finnish and Swedish delegations voting against ([7011/13](#)); and
 - the reply to confirmatory application No 05/c/01/13, all delegations voting in favour ([7104/13](#)).
-