



Council of the  
European Union

**Brussels, 30 September 2014  
(OR. en)**

**10942/14  
ADD 1 REV 1**

**PV/CONS 32  
ENV 619**

**DRAFT MINUTES**

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Subject: **3320th** meeting of the Council of the European Union (**ENVIRONMENT**)  
held in Luxembourg on 12 June 2014

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<sup>1</sup> Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

## **LEGISLATIVE DELIBERATIONS**

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

### **"A" ITEMS**

**1. Council Decision authorising Portugal to apply a reduced rate of excise duty in the autonomous region of Madeira on locally produced and consumed rum and liqueurs and in the autonomous region of the Azores on locally produced and consumed liqueurs and eaux-de-vie (LA)**

- Adoption of the legislative act  
9787/14 POSEIMA 8 REGIO 63  
9257/14 POSEIMA 7 REGIO 59  
+ REV 1 (pt)  
approved by Coreper, Part 2, on 04.06.2014

The Council adopted the above Decision by unanimity. (Legal basis: Article 349 of the Treaty on the functioning of the European Union)

**2. Council Decision amending the period of application of Council Decision 2004/162/EC concerning the dock dues in the French overseas departments (LA)**

- Adoption of the legislative act  
9789/14 POSEIDOM 12 REGIO 64  
9261/14 POSEIDOM 11 REGIO 61  
approved by Coreper, Part 2, on 04.06.2014

The Council adopted the above Decision by unanimity. (Legal basis: Article 349 of the Treaty on the functioning of the European Union)

**3. Council Decision on the AIEM tax applicable in the Canary Islands (LA)**

- Adoption of the legislative act  
9791/14 REGIO 65 POSEICAN 3  
9260/14 REGIO 60 POSEICAN 2  
approved by Coreper, Part 2, on 04.06.2014

The Council adopted the above Decision by unanimity. (Legal basis: Article 349 of the Treaty on the functioning of the European Union)

## "B" ITEMS

### **4. Proposal for a Regulation of the European Parliament and of the Council amending Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of GMOs in their territory [First reading]**

*(Legal basis proposed by the Commission: Article 114 TFEU)*

*Interinstitutional file: 2010/0208 (COD)*

– Political agreement

12371/10 ENV 499 AGRILEG 100 AGRI 271 MI 254 DENLEG 71  
CODEC 714 ADD 1

10271/14 ENV 480 AGRILEG 118 AGRI 388 MI 461 DENLEG 102  
CODEC 1364

The Council reached a Political Agreement on the basis of a Presidency compromise text drawn up after comprehensive discussions at technical level. Most of Member States (including some opponents to compromise texts which were previously presented) welcomed the release of the deadlock on this file which has been in place since 2011. The Luxembourg - which presented a statement as set out in Annex - and Belgium delegations abstained.

The Italian delegation announced its intention to reach an agreement with the EP during its Presidency.

#### **Statement by Luxembourg**

"The Luxembourg delegation wishes to thank the Hellenic Presidency for relaunching the negotiations on amending Directive 2001/18/EC allowing Member States to restrict or prohibit the cultivation of GMOs in their territory.

Our government recognises that the proposed amendments are aimed at improving the above-mentioned Directive. It particularly appreciates the fact that a new recital has been introduced which refers to the Commission's recommendations of 13 July 2013 on the development by the Member States of coexistence measures, including in border areas. Luxembourg particularly welcomes the fact that the grounds for prohibiting cultivation appear in the body of the proposed text and that the Member States may invoke reasons of public policy as such grounds. It also welcomes the strengthening of the EFSA risk assessment guidance.

However, our government is concerned about the involvement of GMO businesses in the proposed authorisation process. It wonders about the balance of power between the Member States, particularly those with smaller administrations, and GMO businesses. Our government also wonders whether the proposal might not lead to a spate of authorisations for GMO cultivation.

A large majority of the population in the Grand Duchy is opposed to the cultivation of GMOs. Moreover, the current government programme stipulates that Luxembourg will continue to apply the precautionary principle in respect of GMOs, promote sustainable "GMO-free" agriculture and defend its anti-GMO position both domestically and at EU and international level.

The Luxembourg government wishes to draw attention, in this context, to the Commission communication of 2 February 2000 [COM(2000)1] on the precautionary principle; the latter is also mentioned in Article 191 TFEU, which aims to ensure a high level of environmental protection. The current state of research does not allow us to rule out entirely the possibility of long-term risks associated with the cultivation of GMOs, including repercussions for fauna and flora and for public health, particularly since no long-term studies exist on this subject.

For these reasons, the Luxembourg government is unable to give its full support to the compromise proposal and must therefore abstain from the vote."

## 6. Clean air package [First reading]

### (a) **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**

*Interinstitutional file: 2013/0442 (COD)*

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

PARLNAT 326 CODEC 3089

+ ADD 1

+ ADD 6

### (b) **Proposal for a Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC**

*Interinstitutional file: 2013/0443 (COD)*

18167/13 ENV 1235 ENER 600 IND 388 TRANS 693 ENT 356 SAN 555

PARLNAT 325 CODEC 3086

+ ADD 1

+ ADD 6

#### – Orientation debate

10112/14 ENV 467 ENER 192 IND 165 TRANS 280 ENT 126 SAN 207

PARLNAT 140 CODEC 1341

The Council held a policy debate on two legislative proposals (directives on medium-size combustion plants and on national emission ceilings) which are part of the Clean Air Programme for Europe.

The debate focussed on the main political issues, in particular on matters related to the scope such as flexibility and exemptions (10112/14), on the basis of questions prepared by the Presidency.

As regards medium size combustion plants, there was widespread support for the proposal which will be crucial to achieve compliance with air quality standards. However, several delegations requested additional flexibilities for specific situations and expressed concerns for small combustion plants and the emission limit values proposed.

With regard to national emission ceilings, many delegations supported the step-by-step approach and the coverage of all economic sectors, but concerns were expressed on the level of ambition, particularly as regards the ceilings to be reached by 2030. A large number of delegations said that further examination of the impacts of the proposed emission ceilings should be carried out, especially impacts on the agricultural sector. The Commission, in its final remarks, recalled the air quality objectives of the 7th EAP (Environmental Action Programme) and encouraged delegations to preserve the high level of ambition of these legislative proposals.

## **NON-LEGISLATIVE ACTIVITIES - PUBLIC DEBATES / DELIBERATIONS**

### **5. Communication from the Commission on "A policy framework for climate and energy in the period from 2020 to 2030"**

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

– Policy debate

5644/14 CLIMA 6 ENV 60 ENER 27 IND 24 COMPET 43 MI 69

ECOFIN 65 TRANS 31 AGRI 35

+ REV 1 (en)

+ REV 2 (pl)

10180/14 CLIMA 51 ENV 474 ENER 194 IND 170 COMPET 299 MI 456

ECOFIN 508 TRANS 283 AGRI 382

The Council held a public policy debate on the Commission communication on a 2030 framework for climate and energy policy. To structure the debate, the Hellenic Presidency had prepared two questions for the Ministers, as set out in doc. 10180/14. Following a full table-round, the President of the Council thanked the Ministers and the Commissioner for the exchange of views and announced that he would report on the outcome of the ministerial discussions in a letter to the President of the European Council with a view to contributing to the discussions at the European Council meeting on 26/27 June 2014, as well as to the overall process towards a final decision by the European Council in October.

## 8. Any other business

### (a) Current legislative file

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

**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]**

*Interinstitutional file: 2013/0224 (COD)*

- Information from the Presidency on the state of play  
10275/14 CLIMA 55 ENV 482 MAR 97 MI 462 ONU 70  
CODEC 1365

The Council took note of the information by the Presidency on the above, as set out in doc. 10275/14.

### (c) Current legislative file

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

**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]**

*Interinstitutional file: 2013/0371 (COD)*

- Information from the Presidency on the state of play  
10142/14 ENV 469 MI 451 IND 166 CONSOM 122 CODEC 1347

The Council took note of the information by the Presidency on the above, as set out in doc. 10142/14.