



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat
to: Council

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Subject: Setting the framework for a Seventh EU Environment Action Programme
- Adoption of Council Conclusions

1. Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme ¹ (6th EAP) will expire on 22 July 2012 ².
2. In its conclusions of 20 December 2010 on Improving environmental policy instruments ³, the Council *inter alia* invited the Commission to present, early in 2012 at the latest, a proposal for a new Environment Action Programme on the basis of the assessment of the 6th EAP, and pursuant to Article 192(3) of the TFEU.

¹ OJ EC L 242, 10.9.2002, p.1.

² Article 1(3).

³ Doc. 5302/11.

3. Pursuant to Article 11(2) of the 6th EAP, the Commission presented on 1 September 2011 a Communication on the Final assessment of the 6th EAP ⁴.
4. On 10 October 2011, the Council adopted conclusions on Assessment of the Sixth Community Environment Action Programme and the way forward: Towards a 7th EU Environment Action Programme ⁵.
5. On 20 April 2012, the European Parliament adopted a resolution on the review of the 6th EAP and setting the priorities for the 7th EAP ⁶.
6. On 2 May 2012, the Presidency tabled draft Council conclusions on the 7th EAP of the EU ⁷.
7. The Working Party on the Environment examined the draft Council conclusions on 8 and 22 May 2012, the latter on the basis of a revised draft prepared by the Presidency.
8. On 31 May 2012, the Committee of Permanent Representatives examined a revised text of the draft conclusions prepared by the Presidency in light of subsequent consultations with delegations. Towards the end of the meeting, the Presidency identified the main outstanding issues, tabled a number of compromise proposals and noted a general scrutiny reserve for all delegations.

⁴ Doc. 13683/11 - COM(2011) 531 final.

⁵ Doc. 15384/12.

⁶ Doc. 2011/2194(INI).

⁷ Doc. 9437/12.

9. The attached text has been prepared by the Presidency on the basis Coreper discussion. The new text is largely based on the Presidency compromise proposals presented at Coreper on 31 May. The changes as compared to the previous document are in bold and underlined, and the deleted text is marked with bold and [...]. At this stage, the main outstanding issues are the following:

- Paragraph 2: while one delegation wishes to delete the reference to the Low Carbon Roadmap, three delegations and the Commission consider that the 7th EAP should also build on the Low Carbon Roadmap and not just take it into account.
- Paragraphs 3, 10 and 11 (9th indent): while one delegation has an objection to the reference to targets and can only accept paragraphs 3 and 10 if a reference to "most efficient and cost-effective" is added, another delegation has a reserve on having added "indicative" before targets in paragraph 11 (9th indent).
- Paragraph 8: while one delegation would like to add "adaptation" after climate change, two delegations are opposed to this as they consider that the 7th EAP should also address mitigation.
- Paragraph 11 (4th indent): three delegations wish to delete this indent on greenhouse gas reduction, or at least delete the words "removing as appropriate". One of these delegations wishes also to amend the reference of greenhouse gas emissions in paragraph 2.
- Paragraph 14 (5th indent): the new text is a compromise proposal aimed at bridging the gap between two delegations who wish to keep "phasing out" only and a number of delegations who wish to put instead "minimising" or "reducing" before "land filling".

Apart from the general scrutiny reserve on the new text, other the following specific issues are subject to scrutiny reserves:

- Paragraphs 2: scrutiny reserve by DE on "absolute" decoupling and by CZ on "domestic" GHG emissions.
- Paragraph 5: scrutiny reserve by the UK and IE.
- Paragraph 6: scrutiny reserve by MT on "inter alia" and by DE on inspections (3rd indent) and on access to Justice/Aarhus Convention (5^h indent).
- Paragraph 7: scrutiny reserve by DE.
- Paragraph 8: scrutiny reserve by DE on advanced materials and on urban planning and sustainable land use (4th indent).
- Paragraphs 9: scrutiny reserve by DE on "absolute" decoupling
- Paragraph 11: scrutiny reserves by DE on 1st indent and on taxing (2nd indent), by RO and FR on the 3rd indent and by PT on "indicative" in the 9th indent.
- Paragraph 15: scrutiny reserve by the UK, PL and BG.

10. The Council is invited to address the above-mentioned issues and to adopt the attached draft conclusions at its meeting on 11 June 2012. As agreed by Coreper on 31 May 2012 on the basis of Article 8(2) of the Council Rules of Procedure, the debate on this agenda item shall be open to the public through public transmission ⁸.

⁸ As described in Article 7(3) of the Council Rules of Procedure.

Setting the framework for a Seventh EU Environment Action Programme

- Draft Council Conclusions -

THE COUNCIL OF THE EUROPEAN UNION

RECALLING that the current 6th Environment Action Programme ⁹ will expire on 22 July 2012 and UNDERLINING the need to ensure continuity by adopting the 7th Environment Action Programme (EAP) of the European Union as soon as possible;

RECALLING the provisions of Articles 3(3) and 5 of the Treaty on European Union (TEU) and Articles 191(1) and 192(3) of the Treaty on the Functioning of the European Union (TFEU);

RECALLING its Conclusions of 20 December 2010 on Improving Environmental Policy Instruments ¹⁰ and on Sustainable Material Management and Sustainable Production and Consumption: Key Contribution to a Resource-efficient Europe ¹¹;

RECALLING its Conclusions of 10 October 2011 on the final assessment of the 6th Environment Action Programme and the way forward: Towards a 7th Environment Action Programme ¹²;

ACKNOWLEDGING that in spite of progress in many environmental policy areas the Outlook Report from the European Environment Agency makes it clear that Europe is faced with significant remaining environmental challenges which will have significant consequences for Europe and other parts of the world if not properly addressed;

⁹ OJEU L 242, 10.9.2002, p. 1.

¹⁰ Doc. 5302/11.

¹¹ Doc. 17495/10.

¹² Doc. 15384/11.

RECALLING its Conclusions of December 2011 on the Roadmap to a Resource-Efficient Europe ¹³ and the European Council Conclusions of March 2012 which call for the rapid progress on the low-carbon 2050 strategy and on the implementation of the Roadmap to a Resource-Efficient Europe;

RECALLING its Conclusions on biodiversity policy of 15 March 2010 ¹⁴, 20 December 2010 ¹⁵, 21 June 2011 ¹⁶ and 19 December 2011 ¹⁷ and the European Council conclusions of 25 and 26 March 2010 ¹⁸, in particular the European Council commitment to the long-term biodiversity 2050 vision and the 2020 target set out in the Council's conclusions of 15 March 2010 ¹⁹;

RECALLING its Conclusions of 26 November 2010 on Innovation Union for Europe ²⁰, which emphasize that eco-innovation plays a key role in achieving objectives related to the environment and climate, energy, resource and materials use and biodiversity;

RECALLING the Commission Strategy "Innovating for Sustainable Growth: a Bio-economy for Europe", which will contribute significantly to the resource objectives of the Europe 2020 Strategy; ²¹

UNDERLINING that the future 7th EAP should set out the key elements of the future environment policy and link this to the Europe 2020 Strategy and other relevant strategies i.e. the EU Sustainable Development Strategy, underlining the fundamental services that the environment, including biodiversity, provide for society and the economy;

¹³ Doc. 18346/11.

¹⁴ Doc. 7356/10.

¹⁵ Doc. 17150/10.

¹⁶ Doc. 11978/11 + COR1.

¹⁷ Doc. 18862/11.

¹⁸ Doc. EUCO 7/1/10 REV1.

¹⁹ Doc. 7536/10.

²⁰ Doc. 17165/10.

²¹ Doc. 6487/12 - COM (2012) 60 final.

RECALLING the commitment made at the World Summit on Sustainable Development on 4 September 2002 in Johannesburg, and the adoption of the Strategic Approach to International Chemicals Management (SAICM) on 6 February 2006 in Dubai, to achieve that by 2020 chemicals are produced and used in ways that lead to minimalization of significant adverse effects on human health and the environment;

UNDERLINING that Article 191 TFEU states *inter alia* that the Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union and that EU environment policy shall contribute to preserving, protecting and improving the quality of the environment, protecting human health, achieving prudent and rational utilisation of natural resources, promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change, based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay; and that pursuant to Article 3(3) TEU the Union shall aim at a high level of protection and improvement of the quality of the environment;

WELCOMING the discussions held during the Informal Environment Ministers' meeting in Horsens (Denmark) in April 2012 on the 7th EAP;

WELCOMING the adoption by the European Parliament of its resolution of 20 April 2012 on the review of the 6th Community Action Programme and the setting of priorities for the 7th Environment Action Programme – A better environment for a better life ²²;

HIGHLIGHTS the potential of resource-efficiency to deliver cost reduction and greater competitiveness, especially in view of increasing demand for natural resources, and STRESSING that **related** actions taken must be consistent with the need for **social and** economic stability, **better environmental quality** and fiscal consolidation and be economically efficient and cost-effective;

²² 2011/2194(INI).

EMPHASISING that the 7th EAP should enhance the role and facilitate the engagement of national, regional and local authorities and all other relevant stakeholders, including civil society and the private sector as appropriate;

STRESSING that integrating environmental objectives, including the value of natural resources, into relevant policy areas, such as agriculture, fisheries, transport, energy, industry, trade, development, research, tourism and health in accordance with Article 11 TFEU is of essential importance;

UNDERLINING that the 7th EAP should support and reflect relevant global and regional processes with relevance to transforming the global economy into an inclusive green economy in the context of sustainable development, such as Rio+20;

STRESSING that the inclusion of issues in the 7th EAP does not in any way prevent the EU from taking action on these issues in the shorter term;

I. Vision for 2050 and objectives for 2020

1. UNDERLINES that the 7th EAP should be an overarching strategic framework for the environment setting the course for achieving an ambitious and compelling 2050 vision for a green Europe including an inclusive, green and competitive European economy safeguarding the environment and health for present and future generations.

2. UNDERLINES that an ambitious and compelling 2050 vision of the 7th EAP should build on the 2050 vision set out in the Resource Efficiency Roadmap and the 2050 vision of the EU biodiversity strategy and take into account the Low-Carbon Roadmap. The EU should become a green, competitive and resource- efficient economy and society that respects resource constraints and planetary boundaries, striving towards an absolute decoupling of economic growth and environmental degradation, with domestic greenhouse gas emissions in line with the objective of staying below 2°C increase in global temperatures compared to pre-industrial levels, and a toxic-free, clean and healthy environment. The biodiversity and the ecosystem services it provides – its natural capital - should be protected, valued and appropriately restored for biodiversity’s intrinsic value and for their essential contribution to human well-being and economic prosperity, so that catastrophic changes by the loss of biodiversity are avoided.
3. URGES the Commission to identify in the 7th EAP priorities and objectives as well as realistic and achievable targets, indicators and actions for 2020 that set the course for the 2050 vision.
4. URGES the Commission, in its proposal for the 7th EAP and with due regard to the principle of subsidiarity, to focus on measures to enhance implementation and enforcement of environment policy and legislation, improve the use of policy instruments and strengthen the environment policy and legislation, as well as on effective and cost efficient measures that support the transition to an inclusive green economy.

II. Better implementation, enforcement, monitoring and strengthening of environment policy and legislation

5. URGES the Commission, in cooperation with Member States, and as appropriate regional, local authorities as well as other stakeholders, to enhance efforts to achieve the objectives set out in existing environment policy and legislation in areas such as air, water, the marine environment, waste, biodiversity, health protection, chemicals, industrial installations, climate and energy.

6. UNDERLINES that better implementation should be an essential part of the 7th EAP, and therefore WELCOMES the Commission Communication of 7 March 2012 on improving the delivery of benefits from EU environment measures ²³ and the ongoing efforts in this respect; REITERATES the need for ensuring a full implementation of environmental policies and legislation at EU level, and therefore ENCOURAGES the Commission and as appropriate the Member States, **while respecting the principle of subsidiarity**, to further develop and implement the objectives and initiatives set out in the Communication such as:

- further developing and better structuring, dissemination and accessibility of environmental knowledge, and strengthening the science policy-interface,
- enabling implementation and enforcement to be more easily tracked,
- improving inspections and surveillance regimes where necessary *inter alia* through guidance for Member States, on the basis of experience with existing provisions and avoiding unnecessary administrative burdens,
- improving complaint handling at national level, including options for dispute resolution such as mediation,
- improving access to justice in **line with** the Aarhus Convention, **[...]**
- supporting EU-wide networks of environmental professionals and also professionals from other relevant sectors, and
- fostering partnerships with Member States, possibly in the form of implementation agreements.

Furthermore, URGES the Commission to include these objectives and initiatives as an important part of the 7th EAP.

7. INVITES the Commission to carry out fitness checks of existing EU legislation to ensure that it is coherent and still fit for the purpose and to present reviews and proposals **[...]** where appropriate.

²³ Doc. 7411/12 - COM(2012) 95 final.

8. URGES the Commission to address in the 7th EAP areas such as biodiversity, climate change, water, urban environment, and environment and health, while taking into account Member States specific situations, capacities and needs. This should be done by supporting ongoing initiatives and by developing new initiatives where relevant, *inter alia*:
- to ensure the continuation and enhancement of policies to protect human health and the environment by addressing: 1) the safety and sustainability of nano and advanced materials in a coherent approach across different legislation; 2) endocrine disruptors, based on scientific achievements, including in all relevant EU legislation with the aim of reducing exposures to endocrine disruptors and protecting human health and the environment, **in particular children**; 3) identification and assessment of combination effects of chemicals across different sectors, in order to protect human health and the environment; **3bis) a comprehensive approach for minimizing exposure to hazardous substances, including chemicals in products;** 4) reduction of noise; 5) indoor air quality; 6) improve scientific knowledge on emerging risks for environment and health by fostering if necessary human bio-monitoring and by supporting research on risk assessment methodologies and the development of adequate impact assessment methods for elaborating new environment policies and legislation in this area,
 - the development and implementation of a comprehensive EU Adaptation Strategy, with a view to mainstreaming adaptation to climate change into EU policies and addressing the potential impacts and solutions in relation to climate change on the environment *inter alia* biodiversity, water resources, oceans and soils, including potential risks of water scarcity, droughts, extreme weather events and human health,

- to further develop and implement the common implementation framework for how the EU biodiversity strategy and the Aichi targets for biodiversity will be achieved by 2020 within the EU, including the integration of **these** biodiversity targets in all other relevant sector policies and the mobilization of both EU and national financial resources from all possible sources as appropriate, including innovative financial mechanisms, in order to ensure adequate levels of funding towards meeting biodiversity objectives,
- to develop a comprehensive EU strategy for how a green and inclusive economy can contribute to better urban environments by focusing on integration of urban planning, while respecting the subsidiarity principle, with objectives related to resource efficiency, a low-carbon economy, sustainable urban land-use, ecosystem resilience, water management, human health, public participation in decision making and environmental education and awareness.

III. Transition to a green economy

9. REITERATES the call in its Conclusions of 20 December 2010 on Improving Environmental Policy Instruments ²⁴ for improved policy coherence through a better and more meaningful integration of the environment, including the value of biodiversity and natural resources, into relevant policies and a shift towards a green economy through more sustainable production and consumption patterns, as well as through striving towards absolute decoupling of economic growth and environmental degradation.
10. URGES the Commission to propose indicators and timetables with the aim to develop realistic and achievable targets for resource efficiency, decoupling of resource use from economic activity and the environmental impacts related to their use for key natural resources for instance for water, raw materials (*inter alia* phosphorous and nitrogen) and land as well as for the key sectors as stated in the Roadmap to a Resource Efficient Europe.

²⁴ Doc. 5302/11.

11. URGES the Commission, while respecting the division of competences between the Union and the Member States, to include measures which support the development of the Single Market for Sustainable Growth through the promotion of sustainable products and services, and boosting sustainable consumption and production patterns in its proposal for the 7th EAP, such as:

- Correcting market failures, *inter alia* through the polluter-pays principle;
- Sharing knowledge and best practices of shifting **taxation away** from [...] labour [...] towards taxing resource and energy use as well as negative environmental impacts;
- Rationalization and phasing out of environmentally or economically harmful subsidies, including fossil fuels. The impact of such measures on the most vulnerable groups in society should be taken into account [...];
- Identifying and removing as appropriate barriers for moving towards the EU's long-term greenhouse gas reduction objective;
- Taking the product policy forward by further expanding the use of requirements for the resource efficiency of products and by supporting the promotion of a single market for safe and environmentally friendly products and services;
- Increasing availability, affordability, functionality and attractiveness of safe and environmentally friendly products and services;
- Enabling consumers and purchasers to have access to better information on products;
- Promoting eco-innovation and other environmentally sound solutions and technologies;
- Prioritising potential initiatives which could promote a market pull for greener products and services, for example by developing incentives, standards and **indicative** targets for Green Public Procurement (GPP) and by sharing information in new business models and approaches to GPP;
- Taking into account the environmental impacts and ecological footprint of [...] goods.

12. WELCOMES the Commission Communication of 15 December 2011 on the Eco-Innovation Action Plan ²⁵ and ENCOURAGES the Commission, together with the Member States, to implement the actions and further develop the approach set out in the plan. To that end, CALLS UPON the Commission to

- identify the potential contribution of technological and non-technological innovation to the realization of the objectives and targets of the Resource Efficiency Roadmap and other relevant strategies and action plans;
- propose incremental innovation as well as system changes in order to speed up innovation processes towards green growth;
- identify ways and means in which the Commission and Member-States can contribute to achieve eco-innovation;
- make use of the Europe 2020 governance toolkit, including the Integrated Guidelines;
- make use of the financing facilities offered by Horizon 2020, the financial and non-financial means on policy integration [...] and the future Multiannual Financial Framework (MFF) 2014-2020 as appropriate, without prejudice to the ongoing MFF negotiations;
- use the proposed Steering-Groups in order to develop the Eco-Innovation Action Plan into a strategic cooperation with Member-States and all relevant stakeholders.

13. Furthermore, ENCOURAGES the implementation and further development of the European innovation partnerships and SUPPORTS the launch of the European Innovation Partnerships on Water and on Raw Materials to break down barriers to innovation and facilitate the development of innovative solutions in the fields of water management and of sustainable supply, use, recycling and substitution of raw materials, taking into account its Conclusions of 30-31 May 2012 on European Innovation partnerships ²⁶.

²⁵ Doc. 18874/11 - COM(2011) 899 final.

²⁶ Doc. 9942/12.

14. URGES the Commission to include measures which support the conditions for a circular and green economy, in its proposal for the 7th EAP, such as for:
- Using a life cycle perspective;
 - Stimulating efficient resource use, toxic-free material cycles and waste reduction;
 - Stimulating the secondary materials market and demand for recycled material;
 - Stimulating the move towards an economy based on reducing, re-using and recycling waste without compromising safety, environment and health;
 - **Minimizing with a view to** phasing out land filling of recyclable and of bio-degradable waste;
15. URGES the Commission to develop and propose measures in the 7th EAP which integrate environmental objectives into all relevant EU policies, including measures supporting the integration and mainstreaming of environment and climate action into the 2014-2020 MFF - without prejudice to the ongoing MFF negotiations and to improve the coherence of environmental policies with sector policies and EU financial tools, including *inter alia* the coherence between the funding instruments covered by the Common Strategic Framework and the integrated projects under the LIFE instrument.
16. URGES the Commission to support the efforts under the "GDP and beyond" Roadmap to measure social, environmental and economic progress towards sustainable development more comprehensively, by using existing and developing additional measures, including supporting international efforts to develop standards and guidance on the incorporation of natural capital into **accounting systems at national and EU level**, and ENCOURAGES the Commission, Member States and all other relevant actors to engage actively in a coordinated way and make further progress in this area.
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