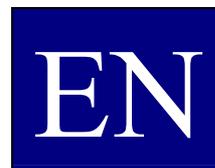




**COUNCIL OF
THE EUROPEAN UNION**



9959/08 (Presse 149)

PROVISIONAL VERSION

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2874th Council Meeting

Environment

Luxembourg, 5 June 2008

President

Mr Janez PODOBNIK

Minister for the Environment and Spatial Planning of
Slovenia

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9959/08 (Presse 149)

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Main results of the Council

The Council held policy debates on main aspects of the **climate action and renewable energy package**, and on a proposal aimed at **reducing CO2 emissions from cars** in the EU, in the context of the fight against climate change.

The Council held also an exchange of views on **genetically modified organisms**.

Without discussion, the Council adopted a regulation on **exports and imports of dangerous chemicals**

CONTENTS¹

PARTICIPANTS..... 4

ITEMS DEBATED

CLIMATE ACTION AND RENEWABLE ENERGY PACKAGE 6

EMISSIONS OF CO2 FROM CARS 10

GENETICALLY MODIFIED ORGANISMS 12

ANY OTHER BUSINESS 13

OTHER ITEMS APPROVED

ENVIRONMENT

– Export and import of dangerous chemicals 15

– Whales 16

INTERNAL MARKET

– Type-approval of motor vehicles 16

¹

- 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.

PARTICIPANTS

The governments of the Member States and the European Commission were represented as follows:

Belgium:

Ms Hilde CREVITS

Flemish Minister for Public Works, Energy, the Environment and Nature

Bulgaria:

Mr Chavdar GEORGIEV

Deputy Minister for the Environment and Water

Czech Republic:

Mr Jan DUSÍK

First Deputy Minister for the Environment, International Affairs, Legislation and Public Administration Section

Denmark:

Mr Troels Lund POULSEN

Ms Connie HEDEGAARD

Minister for the Environment

Minister for Climate and Energy

Germany:

Mr Sigmar GABRIEL

Federal Minister for the Environment, Nature Conservation and Reactor Safety

Estonia:

Mr Jaanus TAMKIVI

Minister for the Environment

Ireland:

Mr John GORMLEY

Minister for the Environment, Heritage and Local Government

Greece:

Mr Stavros KALOGIANNIS

State Secretary for the Environment, Regional Planning and Public Works

Spain:

Ms Elena ESPINOSA MANGANA

Mr José Ramón GARCIA

Minister for Minister for the Environment and the Rural and Marine Environment

Minister for Environment, Water, City Planning and Housing of Autonomous Valencian Community

France:

Mr Jean-Louis BORLOO

Ministre d'État, Minister for Ecology and for Sustainable Development and Town and Country Planning

Italy:

Ms Stefania PRESTIGIACOMO

Minister for the Environment and Protection of Land and Sea

Cyprus:

Mr Panicos POUROS

Permanent Secretary, Ministry of Agriculture, Natural Resources and Environment

Latvia:

Mr Raimonds VEJONIS

Minister for the Environment

Lithuania:

Mr Aleksandras SPRUOGIS

Undersecretary, Ministry of Environment

Luxembourg:

Mr Lucien LUX

Minister for the Environment, Minister for Transport

Hungary:

Mr Lajos OLÁH

Ministry of the Environment and Water Management

Malta:

Mr George PULLICINO

Minister for Resources and Rural Affairs

Netherlands:

Ms Jacqueline CRAMER

Minister for Housing, Spatial Planning and the Environment

Austria:

Mr Josef PRÖLL

Federal Minister for Agriculture, Forestry, Environment
and Water Management

Poland:

Mr Maciej NOWICKI

Minister for the Environment

Portugal:

Mr Humberto ROSA

State Secretary for the Environment

Romania:

Mr Silviu STOICA

State Secretary, Ministry of the Environment and
Sustainable Development

Slovenia:

Mr Janez PODOBNIK

Minister for the Environment and Town and Country
Planning

Slovakia:

Mr Jaroslav JADUŠ

State Secretary at the Ministry of the Environment

Finland:

Ms Paula LEHTOMÄKI

Minister for the Environment

Sweden:

Mr Andreas CARLGREN

Minister for the Environment

United Kingdom:

Mr Hilary BENN

Secretary of State for the Environment, Food and Rural
Affairs

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Commission:

Mr Stavros DIMAS

Member

ITEMS DEBATED

CLIMATE ACTION AND RENEWABLE ENERGY PACKAGE

The Council held a public debate on key aspects of the climate change and renewable energy legislative package.

The debate took place on the basis of a Presidency progress report reflecting the state of play of negotiations ([9648/08](#)). The same report was forwarded to EU ministers for energy at their meeting on 6 June, particularly to provide input on aspects related to the use of renewable energy sources.

Ministers confirmed the need to achieve ambitious objectives in the fight against climate change whilst preserving European potential for economic growth.

EU member states and the Commission stressed the importance of reaching an agreement timely with a view to facilitating a larger convergence at global scale, in the run-up of the international meeting to take place in Copenhagen in December 2009.

The discussions concentrated on key aspects of the package, namely:

on the EU emission trading system (ETS) review,

- the allocation method; redistribution and use of auctioning proceeds and rules for auctioning,
- risks of “carbon leakage”: relocation of energy-intensive industries outside the EU;
- EU-wide cap: replacement of the current system of national allocation plans by the setting of an EU-wide cap,
- reference year or period to be used for verified emissions data,

- new entrants reserve: quantity of allowances set aside for new entrants,
- small installations: size of installation to be potentially excluded from the scope of the ETS;

on the effort-sharing (effort amongst member states in sectors not covered by the ETS),

- scope: sectors not to be covered by the EU ETS,
- reference year or period to calculate the reduction targets per country,
- intermediate targets: effectiveness of using indicative or compulsory intermediate targets;

on cross-cutting issues between EU ETS review and effort-sharing,

- trigger 20-30%: adjustment clause enabling the EU to move from the independent 20% commitment to a more ambitious target to which a future international agreement will commit the EU,
- degree of flexibility for member states in order to meet their commitments in a cost-efficient way;

on carbon capture and storage (CCS),

- storage permits,
- composition of CO₂ stream,
- transfer of responsibility after closure of a storage site,
- modalities of financial security by the applicant of a storage permit,

- conditions of access to transport networks,
- capture readiness;

on sustainability criteria for biofuels,

- minimum greenhouse gas emission saving requirement,
 - environmental and social criteria,
 - methodology for calculating the greenhouse gas emission saving
- On 23 January 2008, the Commission submitted a package of implementing measures for the EU's objectives on climate change and renewable energy.

The package contains the following proposals:

- a directive amending directive 2003/87/EC so as to improve and extend the EU greenhouse gas emission allowance trading system ("ETS review") ([5862/08](#)).
- a decision on the effort of EU member states to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 ("non ETS effort-sharing") ([5849/08](#)).
- a directive on the geological storage of carbon dioxide ("CCS directive") ([5835/08](#)).
- a directive on the promotion of the use of renewable energy sources ("renewables directive") ([5421/08](#)).

In spring 2007, the European Council underlined the need for an integrated approach to climate and energy policy in order to transform the EU into a highly energy-efficient and low greenhouse-gas-emitting economy ([7224/1/07](#)). To this end, the European Council decided to take on the following commitments, objectives and targets:

- a 20% independent EU target on reduction of greenhouse gas emissions by 2020 compared to 1990;

- a 30% reduction of the greenhouse gas emissions by 2020 compared to 1990 as its contribution to a global and comprehensive post-2012 agreement in the event that other developed countries commit themselves to the same target and that developing countries commit themselves to reduce the greenhouse gases in accordance to their capabilities and responsibilities;
- saving 20% of the EU's energy consumption compared to projections for 2020;
- a 20% share of renewable energies in overall EU energy consumption by 2020;
- a 10% minimum target for the share of biofuels in overall EU transport petrol and diesel consumption by 2020;
- to develop the necessary technical, economic and regulatory framework to bring environmentally safe carbon dioxide capture and sequestration to deployment with new fossil-fuel power plants, if possible by 2020.

EMISSIONS OF CO₂ FROM CARS

The Council held a policy debate on a draft regulation aimed at setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles.

The Council acknowledged the progress achieved during the first six months of 2008, as a solid basis for further work. It also underlined the importance of this proposal in the context of fighting against climate change.

The debate was conducted on the basis of a Presidency progress report reflecting the state of play of negotiations ([9343/08](#)).

The debate focused on main aspects of the draft regulation contained in the Presidency progress report, including:

Utility parameter

Several delegations can support the use of the mass of the vehicles as the most appropriate utility parameter, as proposed by the Commission. Some other delegations would favour the use of the footprint of vehicles. Other delegations suggest using the mass in a first stage and review the utility parameter at a later stage.

Slope of the curve

To share the burden between manufacturers, the Commission proposes a slope of 60% for the limit value curve. Delegations have different views on the percentage to be applicable for the limit value curve.

Penalties

The draft regulation indicates a system of gradual penalties in order to deliver the EU's objective of 130 g CO₂/km. Some delegations would like to apply lower sanctions or with a certain degree of flexibility. Additionally, the question of the final destination and use of the revenues remains open.

Calendar

The Commission proposes to implement the regulation in 2012. Some delegations would prefer to start in 2015, while others propose to introduce a gradual implementation.

Long-term objectives

Since a vast majority of delegations favoured the introduction of long-term objectives, the Presidency has made a proposal in order to include the possibility of reviewing the specific CO₂ emissions targets with the aim of setting a roadmap towards reaching the long-term target of 95 g/km by the year 2020.

In January 2007, the Commission submitted a communication on the Community strategy to reduce CO₂ emissions from passenger cars and light-commercial vehicles.

The communication underlined that while progress had been made some way towards the target of reduction of CO₂ emissions from cars, the Community objective of average emissions from the new car fleet of 120g CO₂/km would not be met by 2012 in the absence of additional measures. The communication therefore proposed the adoption of an integrated approach and announced the presentation of a legislative framework in order to achieve the Community objective by focusing on mandatory reductions of emissions of CO₂ to reach the objective of 130 g CO₂/km for the average new car fleet by means of improvements in vehicle motor technology, and a further reduction of 10 g CO₂/km by other technological improvements.

By adopting conclusions in June 2007, the Council confirmed its support to the objective of 120 g CO₂/km on average for new cars sold in the EU by 2012 (130 g CO₂/km to be reached by improvements in vehicle technology and 10 g CO₂/km by additional measures), whilst avoiding distortions and ensuring economic and social fairness¹.

¹ <http://register.consilium.europa.eu/pdf/en/07/st11/st11483.en07.pdf>

GENETICALLY MODIFIED ORGANISMS

The Council held an exchange of views aimed at improving the reflection on a number of policy issues related to genetically modified organisms (GMOs).

The policy debate was conducted on the basis of a contribution provided by the French delegation.

This initiative was welcomed by all member states and by the Commission. It was considered as a valuable contribution for continuing examination, in particular, of the following outstanding aspects:

- reliable risk assessments on GMOs, particularly as regards environment protection;
 - improvements in the functioning of scientific expertises;
 - definition of labelling thresholds for GMO seed at European level;
 - modalities by EU member states to control plantations of authorised GMOs;
 - possibilities of strengthen cooperation between member states, the Commission and scientific bodies, taking into account socio-economic impacts of GMOs
- The Council also held a brief exchange of views at its meeting on 3 March, on the basis of a document submitted by the French delegation ([7128/08](#)).

The French delegation expressed its intention of taking forward reflections on this subject during the next EU Presidency.

ANY OTHER BUSINESS

The Council took note of information regarding the following items:

Draft regulation on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information ([5127/08](#))

The Presidency provided with information regarding the state of play of this proposal ([10094/08](#)).

The draft regulation, the presented by the Commission last December, is aimed at laying down harmonised rules on the construction of heavy duty motor vehicles with a view to ensuring the functioning of the internal market, whilst providing for a high level of environmental protection regarding atmospheric emissions.

Examination of the file will continue during the incoming Presidency, in cooperation with the European Parliament.

Protection of the environment through criminal law ([6297/07](#))

The Presidency informed the Council of a first reading agreement reached on 21 May 2008 with the European Parliament on a proposal for a directive on the protection of the environment through criminal law.

Once formally adopted by both Institutions, the Directive will establish a minimum set of conducts that should be considered criminal offences throughout the EU when unlawful and committed intentionally or with at least serious negligence. Inciting, aiding and abetting of such conducts will equally be considered a criminal offence.

Meetings of the Convention on biological diversity and of the Cartagena protocol on biosafety (Bonn, 12 to 30 May 2008)

The Council took note of information given by the Presidency ([10274/08](#)) and by the Commission ([10274/08 ADD1](#)) on the outcome of the 9th ordinary meeting of the Conference of the Parties (COP 9) to the Convention on biological diversity (CBD) and on the 4th meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena protocol on biosafety (COP-MOP 4).

Meeting of the Convention on environmental impact assessment in a transboundary context (Bucharest, 19-21 May 2008)

The Romanian delegation briefed the Council on the 4th meeting of the Parties to the Convention on environmental impact assessment in a transboundary context ([10218/08](#)).

Progress under the Bali road map

The Council took note of information from the Presidency and the Commission ([10207/08](#)) concerning the current international situation as regards the Bali Action Plan for an inclusive negotiation process towards a global and comprehensive agreement on the post-2012 climate regime by the end of 2009.

Outcome of the Conference "Bridging the gap" (Portorož, 14-16 May 2008) ([9930/08](#))

The Council took note of the outcome of this conference where conclusions were reached in three main areas. First, the need for urgent action to curb the rapid environment changes, involving a paradigm shift in economic and social policy development and planning. Second, the environment must be put at the heart of economic decision making by engaging both private and public institutions, as well as improving integration and connections across activities and sectors. Third, improving communication between scientists, policy makers, politicians, business and civil society is vital for the full social and economic exploitation of the public information and data, for facilitating a vast new eco-commerce economy and for persuading the developing world that the model that created wealth for the developed world is unsustainable so a different path is necessary for the future.

Action programme for the implementation of the Territorial agenda of the EU

The Council took note of information provided by the Slovenian Presidency on the starting of the implementation of the Territorial Agenda of the EU and its first action programme ([9932/1/08](#)).

Sustainable production and consumption

The Commission informed on the ongoing preparations of the Action Plan on sustainable production and consumption.

OTHER ITEMS APPROVED

ENVIRONMENT

Export and import of dangerous chemicals

The Council adopted a regulation on export and import of dangerous chemicals with a view to improving the protection of human health and the environment at international level and in particular in developing countries ([3604/08](#)).

The regulation establishes the conditions for exports and imports of certain chemicals from and into the EU. It also implements the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade.

The regulation provides for three different procedures that exporters and national authorities have to apply, depending on the status of the respective chemical:

- the export notification procedure has to be applied for hazardous chemicals that are banned or severely restricted in the EU but do not qualify for notification to the Convention;
- the requirement for explicit consent of the importing country prior to any export applies to hazardous chemicals that qualify for notification but are not yet subject to the Convention and
- the full Convention prior informed consent procedure has to be applied for hazardous chemicals subject to the Convention. So far, 39 chemicals are covered but the number is expected to increase.

The regulation was adopted at first-reading under the Parliament-Council co-decision procedure.

Whales

The Council adopted a decision establishing a Community the position with a view to preserving conservation measures for whales, to be decided at the next meeting of the International Whaling Commission (IWC).

The IWC is the competent organisation regarding the conservation and management of whale stocks at global level. It was set up by the International Convention for the Regulation of Whaling, signed in 1946.

Currently, twenty-one EU member states are parties to the IWC¹. The European Community has observer status at the IWC.

The 60th meeting of the IWC is scheduled in Santiago, Chile in June 2008.

Commercial whaling was suspended in 1986 as a result of a moratorium agreed by the majority of countries represented in the IWC.

INTERNAL MARKET

Type-approval of motor vehicles

The Council decided not to oppose to the adoption by the Commission of a regulation and a directive implementing and amending rules on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information.

¹ Austria, Belgium, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Netherlands, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, UK.

In accordance with the EU's regulatory procedure with scrutiny, the Council may oppose the adoption of legal acts by the Commission, justifying its opposition by indicating that:

- the proposed measures exceed the implementing powers provided for in the basic legal instrument, or
- they are not compatible with the aim or the content of the basic instrument, or
- they don't respect the principles of subsidiarity or proportionality.

This implies that, unless the European Parliament opposes them, the Commission may adopt the proposed legal acts.
