



**COUNCIL OF
THE EUROPEAN UNION**



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2898th Council Meeting

Environment

Luxembourg, 20 October 2008

President **Mr Jean-Louis BORLOO**
Ministre d'État, Minister for Ecology, Energy, Sustainable
Development and Town and Country Planning of France

P R E S S

Main results of the Council

The Council noted information from the Presidency on the main aspects of the **climate-energy legislative package** and held a discussion on **genetically modified organisms**.

The Council adopted conclusions with a view to the **negotiations under the United Nations Framework Convention on Climate Change, to be held in Poznań (Poland) in December 2008**.

Without debate, the Council adopted a **Directive establishing a new framework for waste management**.

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- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
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PARTICIPANTS

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

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Czech Republic:

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First Deputy Minister for the Environment, International
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Minister for Climate and Energy

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Mr Sigmar GABRIEL

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Estonia:

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Minister for the Environment

Ireland:

Mr John GORMLEY

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Minister for the Environment, Regional Planning and Regional Development

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Mr Atilla KORODI

Minister for the Environment and Sustainable Development

Slovenia:

Mr Janez PODOBNIK

Minister for the Environment and Town and Country Planning

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Mr Ján CHRIBET

Minister for the Environment

Finland:

Ms Paula LEHTOMÄKI

Minister for the Environment

Sweden:

Mr Andreas CARLGREN

Minister for the Environment

United Kingdom:

Mr Ed MILIBAND

Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster

Mr Hilary BENN

Secretary of State for the Environment, Food and Rural Affairs

Commission:

Mr Stavros DIMAS

Member

ITEMS DEBATED**United Nations Convention on Climate Change: preparation for the Poznań negotiations – Council conclusions**

The Council held a policy debate on the international financial architecture for combating climate change, relating to:

- the principles governing the definition and implementation of the post-2012 international financial architecture for combating climate change,
- the instruments of that financial architecture, including the role of the Global Environment Facility (GEF),
- possibilities for conditionality, particularly for the large emerging countries.

The Ministers also took note of a presentation by the Commission of its communication on deforestation which, according to the Intergovernmental Panel on Climate Change (IPCC), accounts for 20 % of all greenhouse gas emissions (14473/08).

Following a policy debate, the Council adopted conclusions with a view to the negotiations under the United Nations Framework Convention on Climate Change (UNFCCC) and the meeting of the Parties to the Kyoto Protocol to be held in Poznań (Poland) from 1 to 12 December 2008.

"The Council of the European Union,

- (1) REAFFIRMS its commitment to bringing the United Nations negotiations under the Bali Road Map of December 2007 to a successful conclusion and to reaching a global and comprehensive agreement in Copenhagen in December 2009 on a strengthened multilateral climate change regime that measures up to the challenge set out by the Intergovernmental Panel on Climate Change (IPCC) and which can be ratified and enter into force rapidly.
- (2) RECOGNISES the progress made under all of the tracks of the Bali Road Map by the Bangkok, Bonn and Accra meetings but nevertheless UNDERLINES the need to speed up preparation of the Copenhagen agreement, in this respect WELCOMES the proposal of the chair of the Ad Hoc Working Group on Long Term Cooperative Action under the Convention to prepare a document assembling the ideas and proposals presented by Parties, and PLEDGES to cooperate with all Parties to ensure that the Poznań Conference marks the transition from discussion to full negotiating mode, undertake a stock-taking of progress under the Bali Action Plan, outline the main elements of the Copenhagen agreement, and prepare the successful conclusion in 2009 of negotiations under both the Convention and the Kyoto Protocol in a comprehensive agreement.

- (3) RECALLS that the Copenhagen agreement must be reached within the UN process, but RECOGNISES that other processes can make a useful contribution to the success of the UN negotiations, and to this end WELCOMES the results of the G8 summits, especially the Toyako Declaration.
- (4) RECOGNISES also the importance of the Leaders Meeting of the World's Major Economies on Energy Security and Climate Change (MEM), UNDERLINES the value of this group of countries continuing to work together on strengthening confidence and exploring the options for combating climate change beyond 2012, and to this end WELCOMES the initiative of the future Italian Presidency of the G8 to arrange a summit associating these countries in 2009.
- (5) AFFIRMS the EU's resolve to build a wide coalition for the future of the planet bringing together in particular the EU and those countries which are the most vulnerable to the impacts of climate change, to this end HIGHLIGHTS its intention to strengthen its partnership with Africa, the Least Developed Countries and the small island developing States so as to ensure that these regions benefit from the provisions of the Copenhagen agreement and can ensure growth, access to clean energy and the eradication of poverty with a view to their sustainable development; WELCOMES in this respect the Global Climate Change Alliance (GCCA) endorsed by the June 2008 European Council which constitutes a comprehensive political dialogue and cooperation framework.
- (6) RECALLS also its cooperation with Latin American and Caribbean countries under the Lima Declaration of May 2008, and WELCOMES the outcome of the bilateral summits between the EU and South Africa (Bordeaux, 25 July 2008) and India (Marseilles, 29 September 2008).
- (7) EMPHASISES the central role, in the context of the Copenhagen agreement, of a shared vision for long-term cooperative action to ensure development towards a safe and sustainable low-carbon economy, sustainable production and consumption, and resilience in the face of climate change, and LOOKS FORWARD to making progress on this issue in Poznań.
- (8) Further EMPHASISES that the Copenhagen agreement, through this shared vision, should enable global average temperature increase to be limited to not more than 2°C above pre-industrial levels, UNDERLINES that this will require a reduction in global emissions of at least 50 % from 1990 levels by 2050, which means that global greenhouse gas emissions will have to peak by 2020 and decline thereafter, and in this respect WELCOMES the agreement of the G8 to consider and adopt, together with all Parties to the UNFCCC, the goal of achieving at least 50 % reduction of global emissions by 2050. The EU, however, UNDERLINES the importance of an ambitious mid-term target and a clear reference to 1990 as the base year in accordance with findings of the IPCC.

- (9) NOTES that, based on available elements such as current population projections, such a level of ambition means that, by 2050, global average greenhouse gas emissions per capita should be reduced to around two tonnes CO₂ equivalent, and that, in the long term, gradual convergence of national per capita greenhouse gas emissions between developed and developing countries would be necessary, taking into account national circumstances.
- (10) NOTES the information provided by the IPCC, that keeping the 2°C objective within reach implies that developed countries should collectively reduce their greenhouse gas emissions by between 25 and 40 % by 2020 compared to 1990 levels, through domestic and international efforts, and transform their economies over the coming decades in order collectively to reduce their greenhouse gas emissions by 80 to 95 % by 2050 compared to 1990 levels.
- (11) RECALLS that the European Union has endorsed an objective of a 30 % reduction in GHG emissions by 2020 compared to 1990 as its contribution to a global and comprehensive agreement for the period beyond 2012, provided that other developed countries commit themselves to comparable emission reductions and that economically more advanced developing countries contribute adequately according to their responsibilities and respective capabilities, and made a firm independent commitment to achieve at least a 20 % reduction of GHG emissions by 2020 compared to 1990 levels, and so CALLS on all developed countries to propose, not later than mid-2009, economy-wide medium-term targets that involve a comparable level of effort.
- (12) UNDERLINES the need to build on the Kyoto Protocol and its achievements in the multilateral architecture for tackling climate change after 2012, and CALLS on the parties to make steady progress in Poznań in the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol, in line with its approved work programme.
- (13) WISHES TO CLARIFY that the European Union intends to preserve the environmental integrity of its policies and the competitiveness of its economic sectors and that it therefore intends to take effective steps to prevent potential carbon leakage and to ensure a level playing field, compatible with the principles of international trade.
- (14) UNDERLINES the need for the Copenhagen agreement to facilitate strengthened implementation of existing and enhanced climate policies in developing countries and to speed up the transformation to a safe and sustainable low carbon and climate resilient development, including through predictable, sustainable and appropriate support, and through incentives for clean investment and technology dissemination and transfer.

- (15) NOTES that, on the basis of information provided by the IPCC, keeping the 2°C objective within reach implies that developing countries in many regions will need to make a substantial deviation of their emissions from baseline by 2020, and NOTES that recent scientific research indicates that developing countries as a group, in particular the most advanced among them, would have to reduce their emissions by 15 to 30 % below business as usual, respecting the principle of common but differentiated responsibilities and respective capabilities, in order to be consistent with the global emission reduction goal, and POINTS OUT that this could be achieved initially through slowing the growth of their emissions and then by reducing them, bearing in mind that a significant proportion of those reductions will be the result of measures whose co-benefits in terms of reduced air pollution, protection of biodiversity and energy security will substantially reduce their costs, and that reductions in emissions from deforestation and forest degradation may also make a major contribution.
- (16) RECALLS the European Council's position that economically more advanced developing countries should contribute adequately according to their responsibilities and capabilities, and UNDERLINES that the least developed countries should not be subject to obligatory emission constraints.
- (17) RECOGNISES, in line with the principle of common but differentiated responsibilities and capabilities, that the nature and the level of ambition of measurable, reportable and verifiable nationally appropriate mitigation actions by developing countries will differ between countries and sectors, and could include inter alia such options as sectoral approaches, including sectoral crediting and sectoral trading, technology cooperation, and sustainable development policies and measures.
- (18) WELCOMES the progress already made by many advanced and other developing countries in controlling the growth of their greenhouse gas emissions, including through the adoption of climate action plans, and INVITES developing countries to indicate what additional nationally appropriate mitigation actions they could implement unilaterally, what further actions they could take with the support of the international community under the Copenhagen agreement, including through linking sectors to the world carbon market.
- (19) STRESSES the need for a robust system to measure, report and verify both the results of nationally appropriate mitigation actions in developing countries and support in terms of technology, financing and capacity-building, building on lessons learned with the implementation of the Convention and the Kyoto Protocol, including for emissions inventories and policy development and PROPOSES the development of a cooperative partnership to this end.

- (20) RECALLS the need for a global agreement in Copenhagen on the treatment of the international aviation and shipping sectors, with levels of reduction effort consistent with keeping the 2°C objective within reach, and the need for enhanced cooperation with the International Civil Aviation Organisation and the International Maritime Organisation to decide and implement measures to control emissions in their respective sectors.
- (21) INSISTS on the importance of an ambitious deal in the Copenhagen agreement on reducing emissions from deforestation and forest degradation in developing countries, and also on the role of conservation, sustainable management of forests and enhancement of forest carbon stocks, and SIGNALS its desire to make substantial progress on these matters in Poznań by identifying policy options and appropriate performance-based incentives.
- (22) LOOKS FORWARD TO the Communication from the Commission on addressing the challenge of deforestation and forest degradation and its impact on climate change and biodiversity loss, which urges a joint reduction of emissions from deforestation and forest degradation, and the increase in carbon stocks through sustainable forest management and afforestation/reforestation.
- (23) EXPRESSES its willingness to consider, under appropriate conditions and in the context of an agreement in Copenhagen, how to harness public financing and carbon markets with respect to afforestation and reforestation activities in developing countries and to activities in developing countries related to the reduction of deforestation and forest degradation, or the enhancement of carbon stocks through sustainable forest management.
- (24) NOTES that all countries will need to adapt, that adaptation must therefore be considered a priority and be part of the Copenhagen agreement, and that there is a need for solidarity towards the countries most vulnerable to climate change, such as the least developed countries, particularly in Africa, and small island developing States, which contribute very little to global greenhouse gas emissions, and to the poorest and most vulnerable groups within societies.

- (25) WELCOMES the proposals put forward by other parties in Accra and HIGHLIGHTS the importance of making progress in Poznań towards the establishment of a framework for action on adaptation to climate change, including the following elements intended to enhance implementation of effective adaptation action:
- Development and integration of adaptation actions into national and sectoral planning processes,
 - Support for capacity building and risk management approaches,
 - Cooperation with international, regional and other organisations and the private sector,
 - Enhancing technologies for adaptation,
 - Provision of adequate and predictable financial flows,
 - Follow-up on the effectiveness of adaptation action.
- (26) CALLS for the Kyoto Protocol Adaptation Fund to be made fully operational as soon as possible.
- (27) HIGHLIGHTS the synergies between the three Rio Conventions and the opportunities for co-benefits of actions to mitigate and adapt to climate change, preserving biodiversity and controlling desertification, ENCOURAGES the implementation of measures to conserve carbon soil stocks and increase soil carbon sequestration, REAFFIRMS that concerns regarding conservation and sustainable use of biodiversity and ecosystems should be taken into account when formulating and implementing activities aimed at mitigation and adaptation to climate change and WELCOMES the establishment by the Convention on Biological Diversity of a process to take this forward.
- (28) ENCOURAGES actions within the Montreal Protocol that are supportive of the UNFCCC, including reduced HCFC emissions.
- (29) CONSIDERS that radical acceleration of innovation and technology deployment and dissemination are crucial for achieving safe and sustainable low carbon development by all countries.

- (30) EMPHASISES the need to make progress in Poznań and to explore the components of an enhanced framework on technology including:
- Support for capacity building to help establish enabling environments,
 - Practical means to remove barriers to technology deployment and diffusion by implementing enabling environments, through domestic policies and measures, including market-based instruments, regulations, country programmes and technology targets,
 - Technology-based agreements in key sectors,
 - Innovative ways to encourage and reward technology-related action by developing countries and to facilitate technology development and dissemination,
 - Linking implementation and financing to national planning and technology roadmaps so that the greenhouse gas emission reductions can be measured, reported and verified,
 - Better coordination of existing institutions and processes to disseminate technologies in order to enhance assessment, monitoring and advisory functions.
- (31) RECALLS that improving energy efficiency is the most cost-effective way to reduce emissions, that a wide range of safe and sustainable low-carbon emitting technologies, in particular renewable energies, are already available and must be deployed further; in this context, REITERATES its commitment to continue stimulating investments in energy efficiency and renewable energy in developing countries, inter alia through the Global Energy Efficiency and Renewable Energy Fund (GEEREF).
- (32) NOTES that the European Union supports the establishment of environmentally safe CO₂ capture and storage demonstration projects and that the Community and some Member States are willing to consider further contributing to their funding in developing countries, and NOTES that the carbon market, including the clean development mechanism may also contribute to foster these projects, and UNDERTAKES to continue and strengthen collaboration on research and demonstration activities for innovative safe and sustainable low carbon technologies.

- (33) RECOGNISES that a key challenge for the Copenhagen agreement will be to develop in conformity with Bali action plan an architecture to optimise and mobilise predictable, sustainable and new, additional and adequate investment and financial flows from various sources (including the private sector, the carbon market, public sector and innovative instruments) and to deliver financing efficiently, effectively and equitably, and STRESSES that financing to support nationally appropriate mitigation actions by developing countries as well as these mitigating actions should also be measurable, reportable and verifiable.
- (34) Without prejudice to the future international architecture of the Copenhagen agreement, WELCOMES the establishment at the World Bank of the Climate Investment Funds, which will help to gain experience of mobilising finance and investment to support transformational low-carbon, climate-resilient activities in developing countries.
- (35) LOOKS FORWARD to receiving an update on investment and financial flows to address climate change from the UNFCCC secretariat before Poznań, and AFFIRMS that it is vital to identify principles and criteria in Poznań which should govern the post-2012 financial architecture relating to the financing of the fight against climate change, including the need for efficiency, equity, transparency and legitimacy.
- (36) NOTES that private investment will be the main source of financing and will play a major role in driving economic and technological changes and HIGHLIGHTS the need for all countries to introduce policies conducive to investment in safe and sustainable low carbon technologies, infrastructures and innovation.
- (37) LOOKS FORWARD to the further development of a liquid global carbon market with a broad coverage and deep emission cuts to create a robust carbon price signal as a key means to deliver cost-effective GHG emission reductions and a transition towards a safe and sustainable low carbon economy, WELCOMES the development of robust emissions trading schemes in a growing number of countries and REITERATES its support for the International Carbon Action Partnership (ICAP) initiative.
- (38) STRESSES the need to ensure the environmental integrity and the efficiency of the Clean Development and Joint Implementation Mechanisms and, after 2012, the need to introduce new approaches to scale up safe and sustainable low carbon investment beyond what is possible with project-based, offsetting mechanisms, and in this respect, PROPOSES to explore how to link developing countries' further mitigation action to the carbon market, including through sectoral crediting and sectoral trading.

- (39) REAFFIRMS the role of the Global Environment Facility (GEF) as the financial mechanism of the UNFCCC and the Kyoto Protocol and the importance of improving its mechanisms so that it can reinforce its effectiveness and efficiency and NOTES that such reforms would allow it to play a key role in the implementation of the Copenhagen agreement and would contribute to achieving an adequate and successful replenishment.
- (40) ACKNOWLEDGES that there is a significant role for public finance now, up to and beyond 2012, to address costs not met by the carbon market as well as market failures, and so EXPRESSES its willingness to explore proposals for mobilising financial resources and investment such as those advanced by Mexico, Norway and other parties, while HIGHLIGHTING the need for the creation of a strong and coherent financial architecture.
- (41) RECALLS that it is for the Member States to determine, in accordance with their constitutional and budgetary provisions, how the revenues generated by the auctioning, from 2012 onwards, of 15 % of the EU ETS allowances for aviation are to be used, and that in this context, they undertake to combat climate change in the EU and third countries, inter alia to reduce greenhouse gas emissions, to adapt to the impacts of climate change, especially in developing countries, and to fund measures to avoid deforestation.
- (42) HIGHLIGHTS that the perspectives of the EU climate and energy package negotiations will further contribute to EU efforts to provide finance for actions to mitigate and adapt to climate change, in particular through the carbon market in the context of a wider international agreement.
- (43) LOOKS FORWARD to a proposal from the European Commission, taking into account current discussions with the EIB and the bilateral agencies, in response to the invitation from the European Council for a comprehensive strategy for scaling up finance and investment flows for both mitigation and adaptation in response to the Bali Action Plan, including mechanisms for research and development in, and the dissemination and transfer of, safe and sustainable low-carbon technology, for discussion at the Spring 2009 European Council."

Climate-Energy legislative package

The Council took note of the information from the Presidency on the progress of the climate-energy legislative package¹.

Ministers held an in-depth discussion of the three draft legislative measures within their competence, i.e. the review of the EU greenhouse gas emission allowance trading system (EU ETS), effort sharing outside the EU ETS and the Directive on the capture and storage of carbon.

The discussion brought out the clear will to succeed in arriving at an agreement with the European Parliament by the end of 2008 so that a first-reading could be reached before the end of the current legislature. The Council intends to step up its discussions in close collaboration with the Commission so that the EU may continue to have a leading role in combating climatic change at international level.

With this in mind, the Presidency instructed the Permanent Representatives Committee to prepare the negotiations on the package with the European Parliament without delay, in order to come to an agreement at first reading.

Discussions related principally to the following:

- measures applicable to the energy sector within the EU ETS:

Discussions showed that an auctioning rate of 100 % in the energy sector was accepted by most delegations. However some specific situations might justify derogations of limited duration and extent, in particular because of insufficient integration of the energy sector at European level.

¹ This series of measures contains the following proposals:

- a directive amending Directive 2003/87/EC to improve and extend the system of trading quotas for greenhouse gas emission ("review of the EU ETS")([5862/08](#));
- a decision on the effort to be made by the Member States of the EU to reduce their emissions of greenhouse gases in order to comply with the commitments of the Community on reduction of such emissions by 2020 ("effort sharing outside the emissions trading system") ([5849/08](#));
- a directive on the promotion of the use of energy from renewable sources ("Directive on sources of renewable energy") ([5421/08](#));
- a directive on the geological storage of carbon dioxide ("Directive on the capture and storage of CO₂") ([5835/08](#)).

- pre-allocation of the income from auctions:

The discussion showed that although some Member States thought that the use of the income from auctions was a matter for national competence, voluntary commitments could be given consideration.

- financing capture and storage of CO₂ :

The Council was prepared to examine the possibilities of combining several options, including national and Community financing, to supplement the contribution of the private sector.

- the risk of "carbon leakage" (i.e. relocation of energy-intensive undertakings outside the EU), and the measures to be taken to protect both the environment and the competitiveness of industry in Europe:

The Council showed its determination to provide clear answers to the problems which might arise from "carbon leakage". In this connection, it examined the need to lay down quantitative and qualitative criteria within appropriate periods of time, and arrangements for the sectors which were the most exposed to world competition.

Genetically modified organisms

The Council held an exchange of views with the aim of advancing discussions on a number of fundamental questions concerning genetically modified organisms (GMOs). This exchange will serve to prepare conclusions on genetically modified organisms which the Presidency will present at the Environment Council in December 2008.

The Presidency summarised the outcome of the discussion as follows:

Boosting environmental assessment

Ministers favoured boosting the environmental assessment of genetically modified plants (GMPs) and further harmonisation of practices and methods of assessing environmental risks.

As the European Food Safety Authority (EFSA) delegated the assessment of the environmental risks posed by the cultivation of GMPs to a Member State, there may be variations in the methods that Member States use for that evaluation. For this reason several delegations supported revision of the EFSA's guidelines on environmental evaluation as requested by the Commission. The new guidelines, which would have normative status, could harmonise practice and should progressively take account of the most recent scientific advances. Within the framework of this revision, many delegations stressed the importance of the impact on non-target species of GMPs in general, including those that were herbicide-tolerant or produced insecticide molecules.

Taking socio-economic criteria into account

Taking into account socio-economic criteria in the authorisation process was seen by all delegations as both important and complex. However, some delegations stressed that consideration of these criteria on the basis of legitimate factors should be in accordance with current legislation and in particular with WTO obligations.

Since no precise definition existed for the relevant socio-economic criteria, a methodological framework could be developed at EU level for their identification and evaluation. Some Member States pointed out that these criteria should not replace scientific assessment as the main parameter for authorisation.

At the same time, all delegations underlined the need to comply fully with international law, and more particularly WTO rules, as well as the need to avoid any development that might lead to a lengthening of the time taken by authorisation procedures.

Taking into account certain sensitive and/or protected areas

Several delegations took the view that protection of sensitive or protected areas was ensured within the framework of existing Community law, which allowed GMO-free zones to be set up on the basis of risk-identifying scientific elements.

Other delegations favoured an extended application of the principle of subsidiarity whereby they were allowed to establish GMO-free zones for certain sensitive ecosystems and/or agro-systems.

The Commission reminded delegations that it is currently possible to set up GMO-free zones on the basis of a common desire among the parties concerned.

Trade in seal products

The Environment Ministers held a first exchange of views on the draft regulation concerning trade in seal products ([12604/08](#)) in order to direct the work at technical level that is continuing with a view to carrying this dossier forward as quickly as possible.

The discussion centred on two questions presented by the Presidency concerning, on the one hand, the ambitiousness of the regulation as regards animal welfare and, on the other, the implementation conditions.

At the end of the meeting, the Presidency summarised the outcome of the discussion as follows:

- All the delegations which gave their comments underlined the importance of the draft regulation and expressed their sympathy, broadly shared by European citizens, with the issue of seal welfare.
- Delegations were receptive to the fact that the basic interests of the Inuit communities linked to traditional hunting and subsistence should not be compromised.
- To ensure the practical implementation of the regulation, a more detailed examination seems necessary, particularly as regards the scope and feasibility of certain provisions.

Preparation of the Euro-Mediterranean Ministerial Conference on Water

The Ministers took note of the preparation of the Euro-Mediterranean Ministerial Conference on Water, which will take place on 29 November 2008 in the framework of the "Barcelona Process: a Union for the Mediterranean". They approved an annex to the declaration of that conference, which defines guidelines for the development of a strategy for water in the Mediterranean. That annex will subsequently be submitted to the Water Ministers of the Mediterranean rim countries.

OTHER BUSINESS

The Council noted information concerning the following matters:

CAP health check

The Presidency provided an overview of the state of play regarding the health check on the common agricultural policy ([14428/08](#)).

Substances that deplete the ozone layer

The Presidency presented a draft recast Regulation 2037/2000/EC on substances that deplete the ozone layer, with the aim of simplifying the Regulation and reducing the superfluous administrative burden, ensuring compliance with the Montreal Protocol as amended in 2007 and improving its functioning in order to make an optimum contribution to the restoration of the ozone layer ([12832/08](#)).

Industrial emissions

The Presidency provided information ([13722/08](#)) on the state of play as regards the recast Directive on industrial emissions (integrated pollution prevention and reduction), which is aimed at improving the different European provisions in force in this area and bringing them together in a single legal text. The Commission presented the recast proposal in December 2007 ([5088/08](#)).

EU-Africa climate meeting

The Presidency reported on the preparations for the meeting, which will take place in Algiers on 20 November.

Conference on Europe's overseas areas faced with climate change and loss of biodiversity

The Presidency reported on the outcome of the meeting of the Conference, which was held in Réunion from 7 to 11 July ([14425/08](#)).

GMES (global monitoring for environment and security) services

The Presidency submitted an information note on the next stages of the GMES initiative which is aimed at providing Europe, in partnership with the European Space Agency, with a service supplying information on the environment obtained from space ([14432/08](#)).

Reduction in CO₂ emissions from cars

The Netherlands delegation presented an information note on the aims of the draft regulation under consideration setting emission performance standards for new passenger cars as part of the EU's integrated approach to reduce CO₂ emissions from light-duty vehicles ([14316/08](#)). Several other delegations also stated their positions on the draft.

Unlawfully harvested timber products

The Commission provided information on the communication and the legislative proposal for preventing the marketing of unlawfully harvested timber and timber products.

Soil protection

The Presidency reported on the state of play regarding the proposal for a directive establishing a framework for the protection of soil and amending Directive 2004/35/EC ([14231/08](#)).

In addition, the Commission described the outcome of the Conference on soil and climate change held in Brussels on 12 June 2008 ([14297/08](#)).

OTHER ITEMS APPROVED

ENVIRONMENT

Cartagena Protocol on Biosafety – negotiating directives

The Council adopted a Decision renewing the Commission's authorisation to participate in the final stages of negotiations on international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms.

The negotiations were conducted under the Cartagena Protocol on Biosafety.

Waste management in the EU

The Council adopted a Directive establishing a new framework for waste management in the EU in order to encourage the re-use and recycling of waste and simplify current legislation. ([3646/08](#), [3646/08 COR 1](#)). By promoting the use of waste as a secondary resource, the new legislation aims to reduce landfill and greenhouse gas emissions in landfills.

The Directive introduces a new approach to waste management that emphasises prevention. Member States will therefore have to draw up and implement waste prevention programmes, and the European Commission will report regularly on progress achieved in this area.

Furthermore, the Directive lays down priorities in waste treatment, applicable in the context of defining national waste management policies, that provides for the following 5 measures in order of priority:

- waste prevention (the preferred solution);
- re-use;
- recycling;
- waste recovery (including energy recovery);
- waste elimination, as a last resort.

In this context the new legislative act regards energy-efficient waste incineration as a recovery operation. This encourages the efficient use of resources and enables consumption of fossil fuels to be reduced.

Moreover, the Directive simplifies and modernises existing European legislation on waste by:

- introducing an environmental objective;
- clarifying the concepts of recovery, elimination, end-of-waste status and by-product;
- defining the conditions governing the mixing of hazardous waste;
- providing for a procedure which is aimed at setting minimum technical standards for certain waste management operations.

The Directive contributes to legal simplification by repealing the current framework Directive on waste (2006/12/EC), the Directive on hazardous waste (91/689/EEC) and part of the Directive on the elimination of waste oils (75/439/EEC).

When adopting the Directive, the Council accepted all the amendments voted on by the European Parliament in June 2008. The Member States are obliged to transpose the Directive within two years.

Water quality in the rivers, lakes and coastal waters of the EU

The Council adopted a Directive laying down environmental quality standards for EU surface waters ([3644/08](#)).

The Directive sets limit values for more than thirty pollutants, including pesticides, heavy metals and biocidal products. These limits concern pollution peaks as well as annual average values. Member States must adopt the necessary measures to comply with these standards by 2015 in accordance with the provisions of the framework Directive in the field of water policy (2000/60/EC).

The Directive requires Member States not only to monitor river pollution and establish long-term trends but also to analyse its origin and draw up an inventory.

The new legislative act repeals five Directives and thereby contributes to legal simplification.

The EU Member States are required to transpose the Directive within a period of eighteen months.

The text was approved at second reading in accordance with the co-decision procedure. The Council's Common Position was published in December 2007 with the European Parliament holding a vote at second reading in June 2008.

Batteries and accumulators

The Council adopted a Directive clarifying the provisions of Directive 2006/66/EC to the effect that batteries or accumulators which do not meet the requirements of that Directive may not be placed on the Community market after 26 September 2008 ([3664/08](#)).

The Directive points out that batteries which were legally placed on the market before that date and which do not comply with Directive 2006/66/EC will not have to be withdrawn from the market or relabelled.

Convention on Environmental Impact Assessment in a Transboundary Context

The Council adopted a Decision on the approval of the Protocol on Strategic Environmental Assessment to the UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context ([13179/08](#)).

The Protocol on Strategic Environmental Assessment, signed in Espoo (Finland) in 1991, helps to protect the environment by providing for the assessment of the likely significant environmental, including health, effects of plans and programmes and by endeavouring to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate, in the preparation of proposals for policies and legislation.

AGRICULTURE

Cyprus – Aid to mitigate drought

Following the agreement of 29/30 September 2008, the Council adopted a Decision declaring compatible with Community legislation the aid which Cyprus is going to grant to its farmers to compensate for the exceptional drought which has created havoc on the island in 2007 and 2008 ([13656/08](#)).

On 19 September, Cyprus presented to the Council a request for a decision, notifying it of the plan to grant compensatory State aid to Cypriot farmers hit by extreme drought in order to allow them to begin the next season's production cycle as quickly as possible.

The aid will amount to EUR 67,5 million and will benefit 34 000 farmers and 3 000 livestock keepers.

Hormonal substances

The Council adopted a Directive concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of beta-agonists ([3667/08](#)).

The Directive, agreed at first reading with the European Parliament, definitively prohibits the administration of oestradiol 17 B to any animal in order to guarantee the highest level of health protection and authorises the use of stilbenes, stilbene derivatives, their salts and esters or of thyrostatic substances for pet animals on animal welfare grounds.

Statistics on the structure of agricultural holdings

The Council adopted a Regulation to establish a framework for the production of comparable Community statistics on the structure of agricultural holdings and for a survey on agricultural production methods ([3642/08](#)).

That Regulation repeals Regulation (EEC) No 571/88 on the organisation of Community surveys on the structure of agricultural holdings until 2007.

COMMERCIAL POLICY

EU/Switzerland

The Council adopted a Decision authorising the Commission to embark on negotiations to strengthen cooperation with Switzerland with a view to removing technical barriers to trade in the fields of health, consumer protection, animal and plant health, animal welfare and security of the food chain.

EU/Palestinian Authority Association Agreement – Setting up of Subcommittees

The Council decided in favour of setting up Subcommittees provided for in the Euro-Mediterranean Interim Association Agreement on Trade and Cooperation between the EU and the Palestine Liberation Organisation for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip ([12941/08](#)).

The final decision, which must be confirmed by the Joint Committee for implementation of the Agreement, provides for the setting up of four Subcommittees covering the following areas:

- economic and financial dossiers, trade, customs dossiers;
- social affairs;
- energy, environment, transport, science and technology;
- human rights, good governance and rule of law.

BUDGET

EU Solidarity Fund – France

The Council adopted a Decision to mobilise the EU Solidarity Fund for an amount of EUR 12 780 000, in order to help compensate for the damage caused to Martinique and Guadeloupe by hurricane "Dean" in August 2007 ([13097/08](#)).

The budget documents will be forwarded to the European Parliament for approval.

ATOMIC QUESTIONS

Convention on radioactive waste

The Council took note of a Euratom report ahead of the next Review Conference of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste.

TRANSPORT

Minimum level of training of seafarers

The Council adopted a Directive on the minimum level of training of seafarers, recasting Directive 2001/25/EC currently in force ([3649/08](#)).

The Directive replaces the various acts incorporated into Directive 2001/25/EC, while fully preserving their substance.

The Directive also adapts the legislation in force to the new committee procedure with scrutiny¹ intended for use with measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the co-decision procedure.

¹ The regulatory procedure with scrutiny was introduced by Decision 2006/512/EC, which amends Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission.

Road infrastructure safety management

The Council adopted a Directive of the European Parliament and of the Council on road infrastructure safety management ([3652/08](#)).

The Council and the European Parliament reached agreement on this legislative act at first reading.

The Directive aims to ensure that safety is integrated into all phases of planning, design, operation and use of the road infrastructure across the trans-European transport network (TEN-T). Alongside economic and environmental considerations, safety will be a primordial aspect of preparations for new infrastructure. The Directive will ensure that road infrastructure managers are given access to the guidelines, training and information needed to guarantee safety on the road network. The minimum requirements laid down in the Directive therefore focus on the following procedures: road safety impact assessments, road safety audits, network safety management and safety inspections.

The Member States will have two years from the entry into force of the Directive to comply with its provisions.

According to the Commission's studies, approximately 7000 injuries could be avoided every year, and about 600 lives saved, if the proposed measures were applied to the trans-European transport network.

European Aviation Safety Agency – Regulatory procedure with scrutiny

The Council decided not to oppose the adoption by the Commission of a regulation amending Regulation (EC) No 593/2007 on the fees and charges levied by the European Aviation Safety Agency. This Commission regulation is intended to improve the functioning of the payment scheme.

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

- that the proposed measures exceed the implementing powers provided for in the basic instrument; or
- that the measures are not compatible with the aim or content of the basic instrument; or
- that the measures do not respect the principles of subsidiarity or proportionality.

This means that, unless the European Parliament opposes the measures, the Commission may adopt the proposed legislative acts.

APPOINTMENT**European Economic and Social Committee**

The Council has adopted a decision (on the basis of a proposal by the Austrian Government) appointing Mr Christoph LECHNER as a member to replace Ms Eva BELABED for the remainder of the current term of office, which runs until 20 September 2010.

WRITTEN PROCEDURE**International accounting standards**

On 15 October 2008 the Council decided, by the written procedure, not to oppose the adoption by the Commission of a regulation concerning certain international accounting standards.

In the new legislative act, the EU adopts the changes which the International Accounting Standards Board (IASB) made on 13 October 2008 to International Accounting Standard IAS 39 and to International Financial Reporting Standard IFRS 7. The companies concerned are thus authorised, in certain rare circumstances, to reclassify certain financial instruments being held for trading into other categories. The current financial crisis is considered to be such a rare circumstance which would justify the use of this possibility by companies. The regulation was published in OJ L 275 on 16 October 2008.
