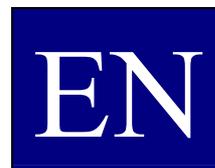




**COUNCIL OF  
THE EUROPEAN UNION**



13989/06 (Presse 287)

## **PRESS RELEASE**

2757th Council Meeting

### **Environment**

Luxembourg, 23 October 2006

President

**Mr Jan-Erik ENESTAM**  
Minister for the Environment,  
of Finland

# **P R E S S**

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13989/06 (Presse 287)

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## Main Results of the Council

*The Council adopted:*

- *a Decision implementing Common Position 2006/276/CFSP concerning **restrictive measures against certain officials of Belarus**;*
- *a Regulation on **medicinal products for paediatric use**;*
- *a Directive laying down technical requirements for **inland waterway vessels**;*
- *a Regulation on the harmonisation of technical requirements and administrative procedures in the field of **civil aviation**.*

*It approved a cooperation **agreement between Eurojust and the United States of America**.*

*Furthermore, the Council reached political agreement on a draft Directive on ambient **air quality and cleaner air for Europe**.*

**CONTENTS**<sup>1</sup>

<b>PARTICIPANTS</b> .....	<b>5</b>
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**ITEMS DEBATED**

AIR QUALITY .....	7
PREPARATIONS FOR BASEL COP8 - <i>Presidency conclusions</i> .....	9
CLIMATE CHANGE - <i>Council conclusions</i> .....	15
MARINE ENVIRONMENT.....	20
SUSTAINABLE USE OF NATURAL RESOURCES - <i>Council conclusions</i> .....	21
OTHER BUSINESS .....	25

**OTHER ITEMS APPROVED***EXTERNAL RELATIONS*

– Relations with Albania .....	27
– 8th Euro-Mediterranean Conference .....	27

*COMMON FOREIGN AND SECURITY POLICY*

– Belarus - Restrictive measures .....	27
--	----

*JUSTICE AND HOME AFFAIRS*

– Eurojust - cooperation agreement with the United States.....	28
– SISNET accounts 2005.....	28

*ECONOMIC AND FINANCIAL AFFAIRS*

– Taxation of savings - <i>Council conclusions</i> .....	28
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<sup>1</sup>

- 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.
- The documents whose 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 abovementioned Council Internet site or may be obtained from the Press Office.

*ENLARGEMENT*

- Accession of Bulgaria and Romania - Agreements with third countries ..... 29

*TRADE POLICY*

- Anti-dumping measures..... 29
- Ukraine - Agreement on trade in textile products..... 29
- Uruguay - Agreement on trade concessions – EU enlargement ..... 29

*HEALTH*

- Paediatric medicines ..... 30

*TRANSPORT*

- Technical requirements for inland waterway vessels \* ..... 30
- Civil aviation - Harmonisation of technical requirements and administrative procedures \* ..... 31
- Trans-European Network for Transport (TEN-T) - Special Report No. 6/2005 - *Council conclusions* ..... 32

*ENERGY*

- Electricity agreement with Switzerland..... 35

*TRANSPARENCY*

- Public access to documents ..... 35

## **PARTICIPANTS**

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

**Belgium:**

Mr Kris PEETERS

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

**Czech Republic:**

Mr Petr Jan KALÁŠ

Minister for the Environment

**Denmark:**

Ms Connie HEDEGAARD

Minister for the Environment and for Nordic Cooperation

**Germany:**

Mr Sigmar GABRIEL

Federal Minister for the Environment, Nature Conservation and Reactor Safety

**Estonia:**

Mr Rein RANDVER

Minister for the Environment

**Greece:**

Mr Stavros KALOGIANNIS

State Secretary for the Environment, Regional Planning and Public Works

**Spain:**

Ms Cristina NARBONA RUIZ

Minister for the Environment

**France:**

Ms Nelly OLIN

Minister for Ecology and Sustainable Development

**Ireland:**

Mr Dick ROCHE

Minister for the Environment, Heritage and Local Government

**Italy:**

Mr Alfonso PECORARO SCANIO

Minister for the Environment and Protection of Natural Resources

**Cyprus:**

Mr Fotis FOTIOU

Minister for Agriculture, Natural Resources and Environment

**Latvia:**

Mr Raimonds VĒJONIS

Minister for the Environment

**Lithuania:**

Mr Arūnas KUNDROTAS

Acting Minister for the Environment

**Luxembourg:**

Mr Lucien LUX

Minister for the Environment, Minister for Transport

**Hungary:**

Mr Kálmán KOVÁCS

State Secretary, Ministry of Environmental Protection and Water Management

**Malta:**

Mr George PULLICINO

Minister for Rural Affairs and the Environment

**Netherlands:**

Mr Pieter van GEEL

State Secretary for Housing, Spatial Planning and the Environment

**Austria:**

Mr Josef PRÖLL

Federal Minister for Agriculture, Forestry, the Environment and Water Management

**Poland:**

Mr Jan SZYSZKO

Minister for the Environment

**Portugal:**

Mr Francisco NUNES CORREIA

Minister for the Environment, Regional Planning and  
Regional Development**Slovenia:**

Mr Marko STARMAN

State Secretary, Ministry for the Environment and Town  
and Country Planning**Slovakia:**

Mr Jaroslav IZÁK

Minister for the Environment

**Finland:**Mr Jan-Erik ENESTAM  
Ms Sirkka HAUTOJÄRVIMinister for the Environment  
Permanent Secretary, Ministry for the Environment**Sweden:**

Ms Andreas CARLGREN

Minister for the Environment

**United Kingdom:**

Mr David MILIBAND

Secretary of State for the Environment, Food and Rural  
Affairs

Mr Ben BRADSHAW

Parliamentary Under-Secretary of State for Local  
Environment, Marine and Animal Welfare

Ms Rhona BRANKIN

Deputy Minister for Environment and Rural Development  
(Scottish Executive)**Commission:**

Mr Stavros DIMAS

Member

.....

The Governments of the Acceding States were represented as follows:

**Bulgaria:**

Mr Atanas KOSTADINOV

Deputy Minister for the Environment and Water

**Romania:**

Ms Sulfina BARBU

Minister for the Environment and Water Management

## ITEMS DEBATED

### AIR QUALITY

The Council reached political agreement on a draft Directive on ambient air quality and cleaner air for Europe.

After finalisation in the Community languages, the text will be adopted as a common position at a forthcoming session of the Council and sent to the European Parliament with a view to the second reading.

It is recalled that, despite significant improvements in Europe's air quality driven by legislation and other factors, air pollution continues to have serious human health and environmental effects. In September 2005, the Commission presented a thematic strategy on air pollution (*12735/05 + ADD 1 + ADD 2*) and a proposal for a new Directive on air quality in the European Union (*14335/05*).

The draft Directive aims to revise the current ambient air quality legislation, comprising two main elements:

- the merging of five legal instruments into a single Directive (the Framework Directive<sup>1</sup>, the first<sup>2</sup>, second<sup>3</sup> and third<sup>4</sup> daughter Directives and the exchange of information Decision<sup>5</sup>; the fourth daughter Directive<sup>6</sup> being merged later through a simplified “codification” process).
- the introduction of air quality standards for fine particulate matter (PM<sub>2.5</sub>) in the air, because of the major health benefits to be obtained<sup>7</sup>.

At the same time, more flexibility will be given to the Member States. Where they can demonstrate that they have taken all reasonable measures to implement the legislation but still need more time to comply with air quality standards in certain places, it is proposed to allow them to request a time-limited extension to the compliance deadline in the affected zones under certain conditions.

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<sup>1</sup> Directive 96/62/EC, OJ L 296, 21.11.1996, p. 55.

<sup>2</sup> Directive 1999/30/EC, OJ L 163, 29.6.1999, p.41.

<sup>3</sup> Directive 2000/69/EC, OJ L 313, 13.12.2000, p. 12.

<sup>4</sup> Directive 2002/3/EC, OJ L 67, 9.3.2002, p.14.

<sup>5</sup> Decision 97/101/EC, OJ L 35, 5.2.1997, p. 14.

<sup>6</sup> Directive 2004/107/EC, OJ L 23, 26.1.2005, p. 3.

<sup>7</sup> Recent scientific evidence has suggested that the smaller particles (PM<sub>2.5</sub>) are particularly dangerous for human health and should be reduced in Europe.

Today's agreement confirmed essentially the general approach<sup>1</sup>, reached on 27 June 2006, that already included the following key elements:

- (a) a non-binding target value for PM<sub>2,5</sub> in 2010 to be replaced by a binding limit value in 2015 (25µg/m<sup>3</sup> for both target value and limit value);
- (b) the possibility to postpone attainment of the limit value for PM<sub>10</sub> until three years after entry into force of this Directive;
- (c) the possibility to postpone the deadlines for nitrogen dioxide (NO<sub>2</sub>) and benzene by a maximum of five years (until 1 January 2015);
- (d) the principle that limit values should apply everywhere, but in certain locations compliance with limit values should not be assessed.

Legal basis proposed: Article 175 of the Treaty – qualified majority required for a Council Decision, co-decision procedure with the European Parliament applicable. The European Parliament delivered its first reading opinion on 26 September 2006.

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<sup>1</sup> See 10453/1/06.

**PREPARATIONS FOR BASEL COP8 - Presidency conclusions**

The Presidency adopted the following conclusions<sup>1</sup>:

"THE PRESIDENCY:

1. RECOGNISES the importance of the effective implementation, including enforcement, of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and REAFFIRMS its firm commitment to such implementation.
2. EXPRESSES DEEP CONCERN at the recent incident in Ivory Coast, which again alerted the world to the grave implications of illegal shipments of waste for developing countries and REITERATES the willingness of the EU to continue to provide its assistance, together with the United Nations, to protect human health and the environment at the places affected.
3. RECALLS that the polluter pays principle is a guiding principle at European and international level.
4. AFFIRMS the importance for the generator and the holder of the waste to manage the waste in a way that guarantees a high level of protection of the environment and human health.
5. NOTES that the 1995 amendment to the Basel Convention which bans hazardous wastes exports for final disposal and recovery from Basel Convention Parties which are EU, OECD members and Liechtenstein to any other Parties to the Basel Convention ("the Ban Amendment") is in force for all Member States, because it has been fully implemented by the Waste Shipment Regulation.
6. ENCOURAGES States which have not already done so to ratify the Ban Amendment in order to facilitate its early entry into force.
7. EXPRESSES CONCERN at the fact that, while the EU is implementing strict requirements for disposal, recovery and recycling of waste, the control of waste exports has not kept pace with these developments.

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<sup>1</sup> These conclusions were supported by all delegations but one.

8. REITERATES the importance of the EU Waste Shipment Regulation, which explicitly bans such exports; NOTES with concern that its provisions are not sufficiently complied with and enforced and that a significant risk of serious incidents persists, as recent inspection campaigns have shown; RECOGNISES that, while the recent revision of the Regulation enables better enforcement and co-operation both at national and EU level, there remains an urgent need to increase compliance and to improve inspections in all Member States and in particular at EU ports to properly implement the export ban on hazardous waste; and STRESSES the urgent need to significantly reduce illegal waste shipments.
9. CONSIDERS that, where necessary, current efforts to improve implementation, including awareness-raising and training, may have to be strengthened with a view to ensuring, *inter alia*, that the necessary measures are taken, especially in sea ports, to establish an adequate enforcement capacity to monitor and control waste shipments.
10. ENCOURAGES Member States to strengthen their cooperation within the IMPEL-TFS (Implementation and Enforcement of Environmental Law - Transfrontier Shipment) network in order to achieve better enforcement of the EU Waste Shipment Regulation with regard to illegal shipment of waste.
11. In view of the upcoming 8th Conference of the Parties in Nairobi (COP 8), RECOMMENDS that the European Community and the Member States should aim at reaching the following objectives with regard to matters on the COP-8 agenda and related issues:

*The Ban Amendment (Decision III/1) and Illegal Shipment of Waste*

- (a) CONFIRMS that effective implementation of the provisions of the Basel Convention and its 1995 Amendment is a priority for the EU. While the 1995 Amendment is part of the EC legislation, and therefore binding law within the European Union, the EU regrets that the Amendment has, however, not yet come into force at international level. In this context, the EU will pursue its efforts for an early entry into force of the Amendment;

- (b) STRESSES that there is a need for waste and maritime instruments to be closely examined with a view to improving cooperation between the Basel Convention and the IMO with a view to achieving greater coherence and better developing coordination at legal and operational level to prevent illegal shipments of waste and operations involving wastes that harm human health and the environment; INVITES the Commission to assess and review the adequacy of existing measures with a view to preventing illegal shipments from the EU.
- (c) ALSO STRESSES that the exchange of information between port operators and between the Member States' maritime and environmental administrations needs to be improved further in order to prevent illegal shipments of waste, especially to developing countries;

*Ship dismantling*

- (d) STRESSES that environmentally sound management of ship dismantling is a priority for the European Union. Several recent events and forecasts of tonnages to be dismantled in the near future call for urgent and appropriate action from the EU and the international community;
- (e) WELCOMES the Commission's intention to work towards an EU-wide strategy on ship dismantling. This strategy shall strengthen the enforcement of existing Community law, recognising the specificity of the maritime world and the final objective of reaching a globally sustainable solution; in this context, the Commission is invited to assess the need for building up sufficient ship dismantling capacity in the EU; CONSIDERS that the EU should respond positively to requests for technical assistance from developing countries;
- (f) WELCOMES the steps taken within the International Maritime Organisation (IMO) towards developing an international legally binding instrument for the safe and environmentally sound recycling of ships; ENCOURAGES Member States to actively support the development of an effective IMO Convention for the Safe and Environmentally Sound Recycling of Ships and UNDERLINES the importance of national coordination to that end;

- (g) REITERATES that
- (i) the Seventh Conference of the Parties to the Basel Convention recalled in Decision VII/26 that a ship may become waste as defined in Article 2 of the Basel Convention and at the same time may be defined as a ship under other international rules;
  - (ii) the Council conclusions of 24 June 2005 regarded it as essential for IMO to establish mandatory requirements for a ship reporting system, that ensure an equivalent level of control as established under the Basel Convention, taking into account the principle of prior informed consent and including *inter alia* a contract, a ship recycling plan, a green passport and a single list of the on-board hazardous materials; furthermore, CONSIDERS that a procedure of preparation of the ship before its transport for dismantling could also be taken into account;
- (h) STRESSES that appropriate standards for environmentally sound management at ship recycling facilities should be applied, at the earliest possible opportunity, together with an effectively enforced reporting system; adequate information should be provided to enable timely intervention by the competent regulatory authorities, so that necessary enforcement action may be taken; in this context, the Basel Convention Guidelines on ship dismantling should also be taken into account;
- (i) EMPHASISES that ships that are waste will continue to fall under the EU Waste Shipment Regulation as well as the Basel Convention, as long as there is no internationally binding and effective legal instrument which, while addressing any special characteristics of ships, guarantees an equivalent level of control and enforceability as established under the Basel Convention;
- (j) BELIEVES that the future IMO Convention for the Safe and Environmentally Sound Recycling of Ships should also generate real change in the conditions under which "end-of-life" ships are dismantled, so as to protect workers and the environment from the adverse impacts of hazardous waste and dangerous working practices;
- (k) UNDERLINES the importance of continued inter-agency cooperation between the International Labour Organisation (ILO), IMO and the Basel Convention in considering matters related to ship dismantling, as appropriate;

*Technical guidelines on persistent organic pollutants waste and globally-harmonised forms for the notification and movement of waste*

- (l) LOOKS FORWARD to a positive outcome on the work being undertaken by the Basel Convention on Technical Guidelines for an environmentally sound management of persistent organic pollutants (POPs) waste as well as on the globally-harmonised waste notification and movement documents and the relating instructions;

*Co-operation and synergies*

- (m) AFFIRMS the importance of achieving greater cooperation and synergies amongst relevant international organisations, processes and initiatives dealing with chemicals and waste management, including the recently adopted global Strategic Approach to International Chemicals Management (SAICM);
- (n) in particular, CONSIDERS that close co-operation and enhanced synergies between the Basel Convention on the Transboundary Movement of Hazardous Wastes and Their Disposal and the Stockholm (POPs) and Rotterdam (PIC) Conventions are important and would allow for a more effective implementation of all three instruments; in this regard, RECALLS the importance of a process that is transparent and inclusive and recognises the autonomy of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions;
- (o) AGREES that the EU will strive for a Basel COP 8 decision to participate in the Ad hoc Joint Working Group on Synergies between the three above-mentioned Conventions and will play a constructive and active part in that Group;

*Resource use and mobilisation*

- (p) Aware that the resources available to the Basel Secretariat are under strain, BELIEVES that it is important that an agreement be reached at COP 8 on an operational budget for the Convention that will allow the Secretariat to operate efficiently and effectively to meet its priorities within its mandate and that is affordable for all Parties including developing countries;
- (q) UNDERSTANDS that developing countries need outside assistance to help their own efforts to implement the Basel Convention and ensure environmentally sound management of waste; CONSIDERS that development assistance could be used to support sound waste management in developing countries. To that end, URGES that waste management should be considered as part of poverty reduction strategies and national sustainable development strategies;
- (r) NOTES that long-term financing for the implementation of the Basel Strategic Plan and of the Basel Convention Regional Centres cannot rely on the Convention Technical Cooperation Trust Fund alone but should also involve major donor organisations."

**CLIMATE CHANGE - Council conclusions**

The Council adopted the following conclusions:

"The Council of the European Union,

1. IS CONCERNED at the increasing scientific evidence of climate change and its adverse environmental, social, economic and security impacts; RECOGNISES with great concern the scale and urgency of the climate change challenge; LOOKS FORWARD to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change to be released in 2007 containing the most up-to-date understanding of the science of climate change and STRESSES the importance of a common analysis and understanding of future climate change as a basis for developing the international climate regime beyond 2012; REITERATES the urgency of taking action to meet the ultimate objective of the United Nations Framework Convention on Climate Change ("the Convention") of stabilising greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; REAFFIRMS that, with a view to meeting this objective, overall global mean surface temperature increase should not exceed 2°C above pre-industrial levels;
2. EMPHASISES that a global shift to low greenhouse gas emitting economies and the integration of climate protection goals in all sectors in all countries, in particular in the energy system, is required urgently in order to achieve the ultimate objective of the Convention and that this must be an integral part of and will actively contribute to the general endeavour to achieve sustainable development in its economic, social and environmental dimensions; IS MINDFUL OF the results of recent studies providing new information on the relative costs of action and inaction and also of the many opportunities provided by climate-friendly investments;

3. REAFFIRMS the resolve of the European Community and its Member States listed in Annex B to the Kyoto Protocol to meet their Kyoto Protocol commitments; RECALLS that the European Community and its Member States have reported on demonstrable progress through actions already taken; URGES Parties that have not yet done so to submit their reports on demonstrable progress as soon as possible; UNDERLINES the importance of the immediate and effective implementation of agreed policies and measures; RECOGNISES also that the implementation of planned additional policies and measures is needed;
4. LOOKS FORWARD to COP 12 and COP/MOP 2 and considers it important that this first meeting in Sub-Saharan Africa should bring special focus on issues which are of particular importance to developing countries; NOTES that many of these countries, including the Least Developed Countries (LDCs) and Small Island Developing States (SIDS), are particularly vulnerable to climate change;
5. NOTES that since climate change is already occurring, adaptation to unavoidable climate change is a necessary complement to mitigation efforts; UNDERLINES the need to finalise the five-year programme of work on impacts, vulnerability and adaptation to climate change to enable early implementation of agreed activities; EMPHASISES the importance of reaching agreement on the governance of the Adaptation Fund and of making it operational as soon as possible in supporting concrete adaptation projects and programmes; strongly UNDERLINES the need for a pragmatic approach to an efficient, effective and transparent governance and operational structure for this innovative funding mechanism;
6. LOOKS FORWARD to the discussions at the 15th session of the Commission on Sustainable Development on energy for sustainable development, industrial development, air pollution/atmosphere and climate change;

7. REITERATES the central role of technology in reducing greenhouse gas emissions and adapting to climate change; RECOGNISES that both "push" and "pull" factors need to be considered when addressing the full chain of research and development, deployment, diffusion and transfer of technologies in the short and long term; NOTES the useful recommendations of the Expert Group on Technology Transfer (EGTT) regarding the technology transfer framework and the continuation of its own work; SUPPORTS a strengthened structure that will promote and enhance technology transfer; BEARING IN MIND the key role of private sector investment in technology development and transfer, and the enabling role of governments, WELCOMES existing and new forms of cooperation and NOTES with interest new initiatives such as the World Bank's progress report "An Investment Framework for Clean Energy and Development" which emphasise the need to focus on changing key investment decisions in favour of energy efficiency and low greenhouse gas emitting technologies over the coming decades; TAKES NOTE of further work by the World Bank and Regional Development Banks, in co-operation with other parties, to maximise the use of existing instruments and to further explore financing options to support investment in clean energy for development;
8. STRESSES the importance of fully exploiting opportunities provided by deployment of existing and emerging technologies, in particular those related to energy efficiency and renewable energy sources; WELCOMES the Commission's initiative to establish a new Global Energy Efficiency and Renewable Energy Fund, establishing a public/private partnership to provide equity finance for energy efficiency and renewable energy investments in developing countries and invites other donors, including the EIB, EBRD and other international financial institutions and investors to join this initiative; RECOGNISES the emergence of technologies such as carbon capture and geological storage as part of the full range of mitigation technologies and EMPHASISES that relevant technical, legal and accounting issues have to be addressed to minimise environmental risks; TAKES NOTE of the Commission's intention to submit a legislative proposal containing a regulatory framework based on a detailed impact assessment to enable the safe use of this technology in the EU;
9. UNDERLINES the close interlinks between issues related to the implementation of the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the Convention to combat desertification; STRESSES its commitment to exploring options to reduce emissions from deforestation in developing countries, in synergy with efforts undertaken in other fora; RECOGNISES that developing countries could play an important role in mitigating climate change through reducing emissions from deforestation and enhancing sustainable forest management; NOTES that such efforts would also help those countries to adapt to climate change;

10. STRESSES the importance of using project-based mechanisms during the first commitment period and beyond in a global framework and that such mechanisms rely in particular on the continued existence of binding quantified emission limitation or reduction commitments beyond 2012; UNDERLINES that the Clean Development Mechanism (CDM) provides important opportunities for supporting sustainable development in developing countries and for achieving cost-effective emission reductions; NOTES with satisfaction the rapid expansion of the CDM market after the decisions adopted at COP/MOP 1 and the provision of additional financial support; CALLS upon all Parties that have made financial pledges to the CDM at COP/MOP 1 to provide this funding as soon as possible; STRESSES the need to ensure the strengthening of the capacities of less developed countries, particularly in Africa, to prepare and administer CDM projects, including through learning-by-doing project implementation; UNDERLINES that further efforts may be required in order to enhance the efficient functioning of the CDM Executive Board; WELCOMES the progress made by the Joint Implementation Supervisory Committee (JISC); RECOGNISES the need for additional financial support for the work of the JISC; STRESSES the urgent need for potential host countries to put in place the necessary institutional structures for JI projects; UNDERLINES the need for the International Transaction Log, a prerequisite for proper functioning of the mechanisms, to be rendered operational in a timely manner; RECOGNISES the necessity for linking the European (CITL) and International (ITL) systems and IS AWARE of the increased investment and implementation endeavours;
11. RECOGNISES the important role market-based instruments, in particular emissions trading, together with project-based mechanisms have and should have in a future arrangement to reduce global greenhouse gas emissions; NOTES the rapid expansion of the emerging global carbon market over the last 18 months, demonstrating its important potential for leveraging funding for technology development and transfer; NOTES that the EU Emissions Trading Scheme (EU ETS) is the nucleus of this market and a key driver of its expansion; RECALLS its intention to consider establishing links with other mandatory emission trading schemes so as to develop an efficient global emissions trading market; UNDERLINES that a continued recognition of the credits from the project-based mechanisms (JI and CDM) is already foreseen in the EU ETS; EMPHASISES the contribution of the EU ETS to achieving emission reductions in a cost-efficient manner; UNDERLINES the need to deliver a clear and strong signal to investors concerning the continuity of the scheme and its regulatory stability; LOOKS FORWARD to the forthcoming review report on the application of Directive 2003/87/EC establishing a scheme for greenhouse gas emissions allowance trading within the Community and amending Council Directive 96/61/EC and STRESSES the need for a legislative proposal to be submitted in 2007; LOOKS FORWARD to the forthcoming Commission proposal on the inclusion of aviation in the EU ETS;

12. WELCOMES the successful start on implementing the Montreal Action Plan and LOOKS FORWARD to making progress in further developing the basis for the common global effort to address the challenge of climate change; BEARING IN MIND the need for the widest possible cooperation by all countries, and their participation in an effective and appropriate response, IS ENCOURAGED by the commitment to promote the Montreal Action Plan shown in the EU's recent summits and other meetings with third countries;
13. IS PLEASED that the first workshop of the Dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention provided a valuable first exchange of views, information and ideas on actions; LOOKS FORWARD to exchanging views in the second workshop on actions to advance development goals in a sustainable way and to capture the full potential of market-based opportunities; STRESSES the opportunity thereby afforded to explore new strategies for tackling climate change in ways that reflect the urgency of the problem, the scale of the action required and the overarching goal of sustainable development;
14. LOOKS FORWARD to the second session of the Ad hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol (AWG) on the basis of the constructive work and outcome of the first session in Bonn; WELCOMES the decision to hold an in-session workshop as an introductory step towards examining a number of topics which should inform the work of the AWG; LOOKS FORWARD to making progress in building a common view on the level of ambition required; also STRESSES the importance of completing this work as early as possible and in time to ensure that there is no gap between the first and second commitment periods;
15. STRESSES the importance of the Article 9 review of the Kyoto Protocol in providing the COP/MOP with information on how best to further enhance the Protocol and its global environmental effectiveness; EMPHASISES that due to the number of provisions and elements of the Kyoto Protocol needing to be updated and reviewed in light of experience, this work should start immediately and an adequate forum should be found in which to carry it out in a complete, thorough and efficient manner."

## MARINE ENVIRONMENT

The Council held a policy debate on the thematic strategy<sup>1</sup> and proposal for a Framework Directive<sup>2</sup> for the protection and conservation of the marine environment.

The debate focused essentially on the following issues:

- In general, the Council considered that the marine strategy, together with the proposal for a Directive, provides adequate tools to meet the marine environment related objectives set out in the 6th Environmental Action Programme while setting up the environmental pillar of a future EU Maritime Policy.
- In their majority, delegations agreed that the Directive should include an explicit definition of the concept of "good environmental status" (GES) and indicated some of the main elements they considered should be included in such a definition to make it operational. Delegations were of the view that some flexibility with regard to the timetable might be required, depending on how GES would be defined as well as on specific regional and sub-regional circumstances.
- The need to ensure coherence between the different levels of regulation was stressed. The work done and obligations under international agreements, such as the Regional Seas Conventions, must be taken into account to avoid overlaps and duplication of work. The strategy and proposed Directive must be coherent with other EC legislation and policies, such as the Water Framework Directive, the Habitats and Birds Directives and the Common Fisheries Policy.
- Furthermore, it was recognised that the specific situation of landlocked countries will have to be addressed when implementing the Directive, although these countries do have a contribution to make to its objectives.

Europe's marine environment is faced with increasing and severe threats. The evidence of the deterioration of European seas and oceans has continued to accumulate over the years. Europe's marine biodiversity is decreasing and continues to be altered. Marine habitats are being destroyed, degraded and disturbed. In this context, the strategy aims at promoting the sustainable use of the seas and conserve marine ecosystems. The proposed Directive would "establish a framework for the protection and preservation of the marine environment and for the restoration of that environment where it has been adversely affected. To that end, marine strategies based on the ecosystem approach would be designed to achieve good environmental status in the marine environment. The Directive would contribute to the coherence between and integration of different policies, agreements and legislative measures having an impact on the marine environment."

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<sup>1</sup> 13700/05.

<sup>2</sup> 13759/05.

**SUSTAINABLE USE OF NATURAL RESOURCES - *Council conclusions***

The Council adopted the following conclusions:

"The Council RECALLS that

1. The renewed Sustainable Development Strategy, the relaunched Lisbon Strategy as well as the 6<sup>th</sup> Community Environment Action Programme and its thematic strategies form the basis of sustainable natural resource policies and involve new policy-making approaches to cover increasingly complex environmental problems.
2. The renewed EU Strategy for Sustainable Development states that "the Commission and Member States should build on the EU strategy on the sustainable use of natural resources which should be complemented by a number of targets and measures at EU level".
3. The Environment Ministers from the EU Member States, candidate countries and EFTA-EEA countries emphasised at the informal ministerial meeting in Turku (14 to 16 July 2006) that globalisation highlights the need to use natural resources sparingly, to promote more eco-efficient consumption and production, and to consider using market-based instruments more widely.
4. Globalisation and especially economic growth in the emerging economies are currently radically reshaping our societies. Consumption in Europe is also increasingly affecting the environment and people's lives on other continents, since we are using more and more resources from other regions of the world. Major challenges include the environmental impacts of the rising demand for energy, continuing dependency on fossil fuels, and the steady depletion of vital natural resources.

INVITES the Commission and Member States to endorse the following priorities for action:

Outline an ecological vision

5. CALLS ON the Commission and Member States to focus efforts to outline the ecological dimension of the long-term vision anticipated in the renewed Strategy on Sustainable Development.
6. EMPHASISES that the vision should combine sustainable use of natural resources and sustainable consumption and production with a view to the goal of increasing wellbeing while reducing the consumption of natural resources and environmental impacts related to their use. The vision should act as a catalyst for setting strategies to diminish Europe's dependency on fossil fuels and to increase resource efficiency, including material efficiency, significantly in order to break the linkage between the negative environmental impacts of consumption and the growth of the economy while at the same time creating new business opportunities by encouraging innovation.

Balance the use of natural resources

7. WELCOMES the Commission's communication on a Thematic Strategy on the sustainable use of natural resources based on life-cycle thinking with its objective to reduce the negative environmental impacts generated by the use of natural resources in a growing economy irrespective of when or where they will occur – and thus aiming at decoupling growth from environmental degradation.
8. CALLS ON the Commission and Member States to set targets for resource-specific impacts and eco-efficiency in order to complement the strategy by the year 2010. Targets and measures should address uses of natural resources that contribute most to negative environmental and social impacts. The focus should be to improve resource-efficiency and to decrease negative impacts, especially in crucial economic sectors such as housing, transport and food.
9. WELCOMES the Commission's plan to bring together, in cooperation with Member States, all relevant available information through a data centre and to strengthen the existing knowledge base by developing a balanced set of indicators by the year 2008. These indicators should reflect environmental impacts of resource use and facilitate informed policy decisions and communication to the public. The Commission should also consider appropriate simplification measures in order to avoid duplication and overlapping.

10. CALLS on the Member States to deepen the understanding of the impacts of natural resource use throughout the whole life-cycle and as appropriate to implement national programmes and measures. INVITES the Commission to facilitate the exchange of best practice and of information on national programmes for the sustainable use of natural resources at a high level with all Member States.
11. CALLS ON the EU to take a leading initiatory role at global level towards the establishment of an international panel on natural resources under the auspices of the UNEP. The main idea of the panel should be to inform and support policy-makers globally and at EU level in questions of resource use and resource efficiency.
12. RECOGNISES the importance of biodiversity for supporting ecosystems services vital to the use of natural resources and the negative impacts resource use can have on biodiversity; UNDERLINES the importance of the conservation and sustainable use of natural resources for reaching the global target of significantly reducing the rate of biodiversity loss by 2010.

Find synergies between the strategy on natural resources and the action plan on sustainable consumption and production

13. STRESSES that, as called for by the European Council of June 2006, the Commission will draw up an EU Sustainable Consumption and Production (SCP) Action Plan by 2007, bearing in mind the Marrakech Process. The key objectives of the action plan should be to identify concrete steps to improve eco-efficiency aiming to bring resource use and consumption patterns within national, regional and global carrying capacities.
14. HIGHLIGHTS the fact that, to achieve these objectives, the SCP action plan should
  - launch targeted structured dialogues involving authorities, businesses, research institutes and NGOs to improve eco-efficiency, and formulate proactive strategies to promote best practices;
  - inspire purchasers and suppliers to seek the most cost-effective environmental technologies and solutions and to give preference to products, services and technologies with optimised resource use;

- consider options for new market-based instruments that can also ensure that policy goals can be reached in a cost-effective way. Further progress is also needed on the elimination of environmentally harmful subsidies;
- set long-term targets for the environmental performance of key products and services based on life-cycle thinking and encourage their uptake by business and consumers;
- motivate Member States and the EU to set indicative targets for the funding of research and development in eco-innovations;
- use effectively existing proactive policy tools that promote cleaner production and products, including eco-labels, environmental management systems, producer responsibility, and sustainable public procurement policies;
- integrate natural resources concerns into all policy areas relevant to SCP, such as in the 2007 mid-term review of the Communication "Implementing the Community Lisbon Programme: A Policy Framework to Strengthen EU Manufacturing".

**OTHER BUSINESS**

- (a) External relations: Report from the Presidency/Commission on the results of EU-Third country meetings
- EU-Russia Permanent Partnership Council on Environment (Helsinki, 10 October 2006)
  - Korea (Helsinki, 9 September 2006)
  - China (Helsinki, 9 September 2006)
  - ASEM 6 (Helsinki, 10-11 September 2006)
  - India (Helsinki, 13 October 2006)

*(see 14209/06)*

- (b) Messages from the First European Congress of Conservation Biology (ECCB) (Eger, Hungary, 22-26 August 2006)
- Intervention by the Hungarian delegation

*(see 13859/06)*

- (c) Ban on mercury exports from the EU

*The Danish delegation, supported by the Swedish, Spanish and Belgian delegations, asked the Commission to present a proposal for a ban on mercury exports in the very near future (14122/06).*

- (d) Forest fires in Spain during summer 2006

*The Spanish delegation, supported by the Portuguese, Italian and French delegations, asked for the revision of the current requirements to ensure that in future the Solidarity Fund can also apply to areas of environmental value to the Community which are prey to environmental disasters (14113/06).*

- (e) Criminal investigation concerning the tanker Probo Koala
- Intervention by the Estonian delegation

*(see 14236/06)*

- (f) Import of unauthorised GMOs into the European Union

*The Belgian delegation, supported by the Austrian, Spanish, Hungarian, Cypriot, Luxembourg and Polish delegations, asked the European Union to discuss as soon as possible within the institutions (Regulatory Committee under Directive 2001/18/EC and Standing Committee on the Food Chain and Animal Health) concrete actions and/or measures to avoid and acquire the means of checking for the presence of unauthorised GMOs (14030/06).*

- (g) Invasive alien species: Proposal for concerted action in the European Union

*The Spanish delegation, supported by the Estonian, Maltese, Portuguese, Polish, Danish and Belgian delegations, asked the Commission to propose measures to put in place - and to coordinate implementation of - an efficient comprehensive Community legislative framework to tackle the problem of invasive alien species (14142/06).*

- (h) Commercial whaling

*The Austrian delegation, supported by the United Kingdom, Swedish, Hungarian, German, Portuguese, French, Cypriot, Belgian, Netherlands, Irish, Spanish, Czech and Italian delegations, invited its colleagues to call on Iceland to desist from its intended course of action (14250/06).*

## **OTHER ITEMS APPROVED**

### **EXTERNAL RELATIONS**

#### **Relations with Albania**

The Council adopted a Regulation laying down the procedures for applying the Stabilisation and Association Agreement with Albania and for applying the Interim Agreement with Albania in order to ensure their correct implementation (11734/06).

The said agreements were signed in Luxembourg on 12 June 2006.

#### **8th Euro-Mediterranean Conference**

The Council approved draft "Tampere Conclusions" and a draft Euro-Mediterranean 2007 Work Plan in view of the 8th Euro-Mediterranean Conference of Ministers of Foreign Affairs, which will take place in Tampere on 27 and 28 November. The text will be forwarded to the Mediterranean partner countries and finalised after negotiations with them.

### **COMMON FOREIGN AND SECURITY POLICY**

#### **Belarus - Restrictive measures**

The Council adopted a Decision implementing Common Position 2006/276/CFSP concerning restrictive measures against certain officials of Belarus (13348/06).

The Decision incorporates, in the light of recent developments in Belarus, four additional names to the EU's list of persons affected by restrictive measures (visa ban and assets freeze), considered responsible for the crackdown on civil society and democratic opposition in Belarus.

The Council adopted last April Common Position 2006/276/CFSP, which expanded restrictive measures in place since 2004 to persons, including President Lukashenko, responsible for, or associated with, the violations of international electoral standards in the March 2006 presidential elections in Belarus and the crackdown on civil society and democratic opposition. In May, the Council amended the Common Position in order to impose a freezing of economic resources on those persons, entities or bodies.

The persons added to the list are Rybakov Alexei, judge of the Minsk Moskovsky District Court; Bortnik Sergei Aleksandrovich, public prosecutor; Yasinovich Leonid Stanislavovich, judge of the Minsk Tsentralny District Court; Migun Andrei Arkadevich, public prosecutor.

### **JUSTICE AND HOME AFFAIRS**

#### **Eurojust - cooperation agreement with the United States**

The Council approved a cooperation agreement between Eurojust and the United States of America.

The agreement is aimed at enhancing the cooperation between the United States and Eurojust in combating serious forms of transnational crime including terrorism.

#### **SISNET accounts 2005**

The Member States meeting within the Council decided to give a discharge to the Secretary-General and the Deputy Secretary-General in respect of the SISNET budgets' implementation in 2005, following the report of the Court of Auditors.

### **ECONOMIC AND FINANCIAL AFFAIRS**

#### **Taxation of savings - Council conclusions**

The Council adopted the following conclusions:

"The Council:

- recalls the 2000 Feira European Council Conclusions and the need to preserve the competitiveness of European financial markets;
- recalls the fact that savings tax measures have been applied by the Member States and 15 treaty partners of the European Community and of the Member States from 1 July 2005 onwards;
- invites the Commission to start, in close conjunction with the Presidency, exploratory talks with Singapore, Hong Kong and Macao, with a view to looking at the possibility of promoting the adoption of equivalent savings tax measures, and to report back to the Council at one of its future meetings."

**ENLARGEMENT****Accession of Bulgaria and Romania - Agreements with third countries**

The Council authorised the Commission to open negotiations, on behalf of the Community or on behalf of the Community and its Member States, in order to adapt the agreements concluded with third countries, or signed before the date of accession, to take into account the accession of Bulgaria and Romania to the EU.

**TRADE POLICY****Anti-dumping measures**

- USA - Ethanolamines

The Council adopted a Regulation imposing a definitive anti-dumping duty on imports of ethanolamines originating in the United States of America (*13393/06*).

- China, Hong Kong and Malaysia - Recordable compact discs

The Council agreed on a draft Commission Decision terminating the anti-dumping proceeding concerning imports of recordable compact discs (CD+/-R) originating in China, Hong Kong and Malaysia.

**Ukraine - Agreement on trade in textile products**

The Council adopted a Decision authorising the Commission to open negotiations with Ukraine with a view to renewing the EU/Ukraine agreement on trade in textile products.

**Uruguay - Agreement on trade concessions – EU enlargement**

The Council adopted a Decision approving the conclusion of an agreement with Uruguay on trade concessions in order to take account of the accession of the EU's ten new Member States, as well as a regulation on the implementation of the agreement (*13193/06 and 13195/06*).

Under the agreement the EU will adjust the definition of tariff rate quota of 4000 tonnes for 'high quality meat of bovine animals, fresh, chilled or frozen' as allocated to Uruguay.

The General Agreement on Tariffs and Trade requires the EU to negotiate compensatory adjustments with third countries that have negotiating rights with any of the acceding Member States if the adoption of the EU's external tariff regime results in an increase in tariffs beyond the level for which that country has bound itself at the WTO.

## **HEALTH**

### **Paediatric medicines \***

The Council adopted a Regulation on medicinal products for paediatric use and amending Council Regulation (EEC) No 1768/92, Directive 2001/83/EC and Regulation (EC) No 726/2004, approving all of the amendments passed by the European Parliament at second reading (*PE-CONS 3623/06, 13782/06 ADD1*).

*For further details, see press release 14290/06.*

## **TRANSPORT**

### **Technical requirements for inland waterway vessels \***

The Council adopted a Directive amending Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels, approving the amendment passed by the European Parliament at second reading under the codecision procedure (*PE-CONS 3629/06, 11156/06, 13783/06 ADD1*).

The objective of the Directive is to align the Community technical requirements on the advanced standards governing navigation on the Rhine with a view to establishing a single scheme for the entire network of European waterways.

Work in the Council bodies on the Directive - the proposal for which was submitted in December 1997 - remained at a standstill for a long time because of the issue of the possibility of admitting craft with Community certificates to navigation on the Rhine. Whereas such a possibility was previously excluded under the rules established by the Central Commission for Navigation on the Rhine (CCNR), this situation changed when the CCNR adopted a modification of the Mannheim Act (Additional Protocol 7, in force since December 2004), introducing a legal basis for navigation on the Rhine with certificates delivered by bodies other than the CCNR. The Directive provides for the equivalence of Community inland navigation certificates with certificates issued by the CCNR.

The Directive is addressed to the 13 Member States which have inland waterways.

## **Civil aviation - Harmonisation of technical requirements and administrative procedures**

The Council adopted by qualified majority a Regulation amending Regulation (EEC) 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, approving all of the amendments passed by the European Parliament at second reading under codecision procedure (EU OPS) (*PE-CONS 3632/06, 11157/06*). The Swedish delegation abstained from voting.

The Regulation aims in particular at enhancing even further aviation safety and constitutes an important step towards the harmonisation of working conditions for cabin crew, thus promoting a level playing field in commercial air transportation in the EU.

The Regulation basically transposes the non-binding Joint Aviation Requirements - Operational Standards (JAR-OPS) established by the Joint Aviation Authorities at non-binding intergovernmental level into a binding Community legislative act. The subpart on flight time limitation was inserted following an amendment proposed by the European Parliament at first reading.

The Regulation provides for the possibility for Member States to grant exemptions from the technical requirements and administrative procedures specified by this Regulation in the case of unforeseen urgent operational circumstances or operational needs of a limited duration as well as to adopt or maintain provisions on certain OPS until Community rules based on scientific knowledge and best practices are established.

Within a period of two years following the entry into force of the Regulation, the European Aviation Safety Agency will evaluate provisions on flight time limitation and, as appropriate, on cabin crew from a scientific and medical point of view.

**Trans-European Network for Transport (TEN-T) - Special Report No. 6/2005 - Council conclusions**

The Council adopted the following conclusions:

- "1. The Council welcomes the Special Report No 6/2005 on the efficiency and the effectiveness of the Commission's management system of the Trans-European Network for Transport (TEN-T). It considers that these special reports by the Court of Auditors are an invaluable tool for assessing the efficiency and the effectiveness of the management of EU expenditure programmes, and contribute to improving the quality of EU expenditure overall.

The Community co-finances infrastructure projects and studies for roads, railways, inland waterways, airports, ports, satellite navigation and traffic management systems. The budget for the period 2000 to 2006 administered by the Directorate-General for Energy and Transport (DG TREN) amounts to EUR 4 425 million. This budget will be increased to 8 013 million euro for the period 2007 to 2013.

2. The Council notes with concern that the execution of the 14 TEN-T priority projects is behind schedule and only 8 out of the 14 will be completed by the initial deadline of 2010. It takes note of the Court's finding that, in particular, cross-border sections are facing delays as these sections receive less priority at national level and may require greater coordination efforts from the Member States concerned.

Without prejudice to its discussion, the Council welcomes the new proposal for a Regulation laying down the rules for the granting of Community financial aid in the field of TEN-T, currently under discussion. The Council hopes that the new Regulation together with the 2004 revision of the TEN-T guidelines, as well as the allocation of EUR 8 013 million for the period 2007 to 2013 should improve the implementation of the TEN-T priority projects.

3. The Council notes with concern that the Court found that the Commission financing decisions notified to beneficiaries still show some important weaknesses and the difference in scope between the two main intervention forms (studies and works) is not sufficiently clear.

The Council supports the Court's recommendation that the Commission amends and completes key aspects of its model financing decision, in particular by defining more clearly the scope of the activities to be co-financed under studies on the one hand and works on the other.

The Council welcomes that the new proposal for a Regulation mentioned above follows the Court's recommendation and should contribute to avoid the problems encountered, by establishing a more operational definition for works and studies.

4. The Council notes with concern that the Court found that the Commission established complex annual procedures for evaluating and selecting TEN-T projects, despite the multi-annual character of MIP projects, making evaluation a comparatively heavy procedure. In addition, all project information had not always been available for the evaluation and selection procedure due to, amongst other reasons, the limited time period intervening between the call for proposals and the deadlines set for the submission of the proposals by the Member States. Not all evaluation criteria established by the TEN financial regulation were assessed by the Commission and the evaluation was not properly documented in all cases. The Council considers that evaluation is an extremely important part of the selection process.

The Council supports the Court's recommendation that the Commission develops a consistent and coherent TEN-T evaluation methodology and documents it in a publicly available manual. It should also reduce the number of different application and evaluation forms, and revise their content so that all relevant evaluation and selection criteria required by the legislator are covered.

The Council welcomes that the new proposal for a Regulation introduces multi-annual and annual programming. It also notes that the Commission has revised the application and appraisal forms, established evaluation guidelines, modified technical and financial reporting, and reduced the number of forms taking into account the various types of Community aid. The Commission is planning for 2007 an ex-post evaluation conducted by external experts of the whole MIP 2001-2006 programme. It looks forward to reviewing the findings of this report.

5. The Council notes with concern that the Court found that the Commission's project monitoring tools are insufficient. The different reports on project status and progress submitted by beneficiaries do not always provide sufficiently relevant information to the project officers, who in addition do not systematically carry out on-site project inspections and ex-post impact assessments.

The Council supports the Court's recommendation that the Commission strengthens the monitoring of projects by defining minimum standards for project status reporting and performing on-site project inspections and ex-post impact assessments more frequently, so that lessons can be learnt on how to implement TEN-T more efficiently and on how to optimise the effectiveness of the Community funding in this area. It looks forward to reviewing the steps the Commission has taken to address these recommendations.

The Council welcomes the Commission's response to strengthen the monitoring process and would welcome further efforts in this regard.

6. The Council notes that the Court found that the Commission's obligation in project evaluation and monitoring is impeded by the excessive workload of staff allocated within DG TREN to the TEN-T activity. The Court recommends that the Commission considers a return to a centralised form of TEN-T project management within DG TREN, and adapts the number of expertise of the staff resources allocated to TEN-T.
7. The Council notes that the Court found that the coordination of Community funding of transport infrastructure projects does not allow the Commission to detect all cases of over- or double funding.

The Council welcomes the Court's recommendation that the Commission establishes, where necessary in cooperation with the Member States, appropriate legal bases, procedures and tools to improve the internal coordination of transport infrastructure funding in order to identify potential cases of over- or double funding."

**ENERGY****Electricity agreement with Switzerland**

The Council adopted a Decision authorising the Commission to open negotiations with Switzerland on a Protocol on electricity to the Agreement between the Community and Switzerland of 22 July 1972.

The purpose of these negotiations is to create an integrated market in electricity between the European Community and Switzerland which would be based on EU electricity internal market legislation.

Negotiations will include mainly competition rules, security of electricity supply and investments infrastructure, transit and environmental rules.

**TRANSPARENCY****Public access to documents**

The Council adopted:

- the reply to confirmatory application 33/c/01/06 (*13382/06*);
  - the reply to confirmatory application 34/c/01/06, the Danish, Finnish and Swedish delegations voting against (*13399/06*).
-