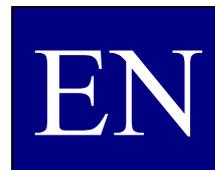




**COUNCIL OF
THE EUROPEAN UNION**



6272/07 (Presse 25)

PRESS RELEASE

2785th Council Meeting

Environment

Brussels, 20 February 2007

President **Mr Sigmar GABRIEL,**
Federal Minister for the Environment, Nature Conservation
and Nuclear Safety of Germany

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6272/07 (Presse 25)

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Main results of the Council

The Council adopted conclusions on the EU objectives for the further development of the international climate regime beyond 2012.

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OTHER ITEMS APPROVED

NIL

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

PARTICIPANTS

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

Belgium:

Mr Benoit LUTGEN

Minister for Agriculture, Rural Affairs, the Environment and Tourism (Walloon Region)

Bulgaria:

Mr Dzhevdet CHAKAROV

Minister for the Environment and Water

Czech Republic:

Mr Martin BURŠÍK

Deputy Prime Minister, Minister for the Environment

Denmark:

Ms Connie HEDEGAARD

Minister for Environment and for Nordic Cooperation

Germany:

Mr Sigmar GABRIEL

Federal Minister for the Environment, Nature Conservation and Nuclear Safety
State Secretary for the Environment

Mr Matthias MACHNIG

Estonia:

Mr Rein RANDVER

Minister for Environment

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Mr Dick ROCHE

Minister for the Environment, Heritage and Local Government

Greece:

Mr Stavros KALOGIANNIS

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Ms Cristina NARBONA RUIZ

Mr D. José Andrés BURGUETE

Minister for the Environment

Minister for Environment, Organisation of the Territory and Housing of the Autonomous Community of Navarre

France:

Ms Nelly OLIN

Minister for Ecology and Sustainable Development

Italy:

Mr Alfonso PECORARO SCANIO

Minister for the Environment and Protection of Natural Resources

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Minister for Agriculture, Natural Resources and Environment

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State Secretary, Ministry of the Environment

Lithuania:

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Minister for the Environment

Luxembourg:

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Minister for the Environment, Minister for Transport

Hungary:

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Malta:

Mr George PULLICINO

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Netherlands:

Mr Pieter van GEEL

State Secretary for Housing, Spatial Planning and the Environment

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Federal Minister for Agriculture, Forestry, the
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Mr Jan SZYSZKO

Minister for the Environment

Portugal:

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Minister for the Environment

Slovenia:

Mr Janez PODOBNIK

Minister for the Environment and Town and Country
Planning**Slovakia:**

Mr Jaroslav IZÁK

Minister for the Environment

Finland:

Mr Stefan WALLIN

State Secretary for the Environment

Sweden:

Mr Andreas CARLGREN

Minister for the Environment

United Kingdom:

Mr David MILIBAND

Secretary of State for the Environment, Food and Rural
Affairs

Mr Ian PEARSON

Minister of State for Climate Change and Environment

Commission:

Mr Stavros DIMAS

Member

ITEMS DEBATED**CLIMATE CHANGE - Council conclusions**

The Council adopted the following conclusions on the *EU objectives for the further development of the international climate regime beyond 2012*:

"The Council of the European Union,

1. DEEPLY CONCERNED about the accelerated global warming of the climate system and related adverse impacts such as heat waves, droughts, floods and heavy precipitation events that are unequivocally confirmed by the latest scientific findings of the Intergovernmental Panel on Climate Change (IPCC); ALARMED about the projected global warming of about 0,2°C per decade for the next two decades and that further warming and induced climate changes during the 21st century would be much larger than those observed during the 20th century if anthropogenic global greenhouse gas emissions continue at or above their current levels;
2. AWARE OF recent economic analyses, in particular that of Sir Nicholas Stern, indicating that the benefits of strong global early action on climate change far outweigh the economic costs of action; RECOGNISES that the adverse impacts of climate change would hamper economic and social development in all countries and endanger the recent gains in poverty reduction in developing countries and the attainment of the Millennium Development Goals; STRESSES that international collective action will be critical in driving an effective, efficient and equitable response on the scale required;
3. AWARE of the growing global demand for energy, the increase in energy-related emissions and the likelihood of rising energy prices; IS CONFIDENT that stimulating a substantial improvement of energy efficiency on both the supply and demand side and expansion of renewable energies will enhance energy security and reduce greenhouse gas emissions;
4. UNDERLINES the importance of mutually supportive EU climate and energy strategies to tackle climate change and create synergies with a view to strengthened energy security, improved EU competitiveness and sustainability, for example through reduced air pollution and better health; WELCOMES the presentation by the Commission of its communications "Limiting Global Climate Change to 2 degrees Celsius - the way ahead for 2020 and beyond" and "An energy policy for Europe";

5. RECALLS that meeting the 2°C objective will require global greenhouse gas emissions to peak within the next 10 to 15 years, followed by substantial global emission reductions of up to 50% by 2050 compared to 1990; CONCLUDES that there is an urgent need for a global and comprehensive post-2012 agreement to bring about the necessary emission reductions, while supporting sustainable development and poverty reduction;
6. EMPHASISES that such an agreement must be reached in time to prevent a gap between the first and second commitment periods under the Kyoto Protocol and that to this end negotiations on a global and comprehensive post-2012 agreement need to be launched at the UNFCCC COP 13-COP/MOP 3 at the end of 2007 and completed by 2009;
7. REITERATES ITS VIEW that a global and comprehensive post-2012 agreement should be consistent with meeting the 2°C objective, should build upon and broaden the Kyoto Protocol architecture, and provide a fair and flexible framework for the widest possible participation, in line with the principle of common but differentiated responsibilities and respective capabilities; UNDERLINES the following elements as essential parts of an effective and appropriate framework beyond 2012:
 - further developing a shared vision to reach the ultimate objective of the Convention;
 - agreeing on deeper absolute emission reduction commitments by developed countries;
 - facilitating further fair and effective contributions by other countries, including incentives set by new and flexible types of commitments, to reduce the greenhouse gas emission intensity of economic development;
 - extending the carbon market, including innovative and enhanced flexible mechanisms;
 - increasing cooperation on technology research, development, diffusion, deployment and transfer;
 - enhancing efforts to address adaptation, including risk management instruments, finance and technologies for adaptation;
 - addressing emissions from international aviation and maritime transportation, making further use of the expertise, experience and work of relevant international organisations;
 - reducing emissions from deforestation and enhancing sinks by sustainable forest management and land use practices;

Accordingly, the Council:

8. REITERATES that absolute emission reduction commitments are the backbone of a global carbon market and that developed countries should continue to take the lead by committing to collectively reducing their emissions of greenhouse gases in the order of 30% by 2020 compared to 1990 with a view to collectively reducing their emissions by 60 to 80% by 2050 compared to 1990;
9. in this context, IS WILLING to commit to a reduction of 30% of greenhouse gas 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 economically more advanced developing countries adequately contribute according to their responsibilities and respective capabilities; INVITES those countries to come forward with proposals regarding their contributions to a global and comprehensive post-2012 agreement;
10. EMPHASISES that the EU is committed to transforming Europe into a highly energy efficient and low greenhouse-gas-emitting economy; DECIDES that, until a global and comprehensive post-2012 agreement is concluded, and without prejudice to its position in international negotiations, the EU makes a firm independent commitment to achieve at least a 20% reduction of greenhouse gas emissions by 2020 compared to 1990;
11. DECIDES that a differentiated approach to the contributions of the Member States is needed reflecting fairness and transparency and taking into account national circumstances and the relevant base years for the first commitment period of the Kyoto Protocol; RECOGNISES that the implementation of these targets will be based on Community policies and on an agreed internal burden-sharing; INVITES the Commission to start immediately, in close cooperation with the Member States, a technical analysis of criteria, including socio-economic parameters and other relevant and comparable parameters to form the basis for further in-depth discussion;
12. UNDERLINES that these commitments should be implemented through national and Community climate policies, action in the context of the EU's energy policy, limiting transport emissions, reducing greenhouse gas emissions in residential and commercial buildings, strengthening the European Union Emissions Trading Scheme (EU ETS), including extending the global carbon market and using project-based mechanisms (JI and CDM), tackling emissions from non-CO₂ gases, and enhancing natural sinks linked with biodiversity protection; TAKES THE VIEW THAT this approach will allow the EU to reduce its energy consumption, improve Europe's competitiveness, reduce dependence on external sources of energy supply, demonstrate international leadership on climate issues, guide the implementation of the EU ETS beyond 2012, and encourage investment in emission reduction technologies and low-carbon alternatives; REQUESTS the Commission to analyse possible leakage of greenhouse gas emissions to countries not participating in the international scheme and explore potential solutions in that respect;

13. NOTES the increasing share of greenhouse gas emissions from Non Annex I countries and the need for these countries to address the increase in these emissions by reducing the emission intensity of their economic development, in line with the general principle of common but differentiated responsibilities and respective capabilities, in order to keep the 2°C objective within reach; IS OF THE OPINION that for developing countries contributions could take several forms and include many policy options where benefits outweigh costs and that support continued economic growth, strengthen energy security and benefit health; TAKES THE VIEW that sustainable development policies and measures, an enhanced Clean Development Mechanism (CDM), non binding targets or sectoral approaches could offer promising ways of enhancing the participation of these countries;
14. NOTES that flexible mechanisms, including emissions trading, are successful and cost-effective instruments and that the carbon market and the development of carbon finance have a central role to play in guiding investment decisions in a climate-friendly direction; to this end, REAFFIRMS the need to pursue and extend the carbon market to provide the business community with a long-term perspective; UNDERLINES its wish to link the EU ETS with other compatible emission trading schemes with comparable levels of ambition; CALLS on the Commission to review Directive 2003/87/EC in good time and bring forward proposals which create the right incentives for forward-looking, low-carbon investment decisions and INVITES the Commission to consider, as part of the EU ETS review, a possible extension of its scope to land use, land-use change and forestry (LULUCF) and surface transport;
15. EMPHASISES that emissions from deforestation in developing countries amount to about 20% of global carbon dioxide emissions and that concrete policies and actions as part of a global and comprehensive post-2012 agreement are needed to halt these emissions and reverse them within the next two to three decades, while ensuring the integrity of the climate regime and maximising co-benefits, in particular with regard to biodiversity protection and sustainable development, using synergies between the UNFCCC, CBD and CCD;
16. IS AWARE that annually EUR130 billion will have to be invested in the energy infrastructure in developing countries over the next 25 years and that annually around EUR 25 billion extra is required to ensure that these investments are made using low-carbon technologies; STRESSES the central role of innovation and enhanced cooperation in technology development, deployment and transfer to modernise this infrastructure, reduce the growth in energy demand and combat climate change; IS FULLY AWARE of the important role that national policies and measures can play in facilitating the deployment and transfer of already available low-carbon technologies; IS COMMITTED to expanding its strategic partnerships and bilateral activities with third countries, in particular in relation to energy efficiency and renewable energy, as well as to emerging technologies, such as carbon capture and environmentally safe sequestration and to engaging more closely with international financial institutions and the private sector;

17. UNDERLINES that even implementing the deep cuts described above will not avoid serious climate impacts, in particular in countries most vulnerable to climate change; REITERATES that for all countries adaptation is a necessary complement to mitigation that needs to be integrated into public investment programmes and private sector investments and to be adequately financed, including through the further development of innovative financing and risk management instruments; HIGHLIGHTS its willingness to continue and further strengthen its support for developing countries in lessening their vulnerability and adapting to climate change, for instance by mainstreaming adaptation into development policies and cooperation;
18. LOOKS FORWARD to the Commission's forthcoming Green Paper on adaptation to climate change which will help European companies and citizens to anticipate consequences of global warming and will identify how European policies can be mobilised to that effect;
19. WELCOMES the Commission's proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community;
20. EMPHASISES that a global and comprehensive post-2012 agreement should further determine an outline for future commitments and contributions leading up to 2050, providing continuity to the carbon market within that timeframe."

SPRING EUROPEAN COUNCIL - Council conclusions

The Council had an exchange of views on conclusions to be addressed to the Spring European Council (8-9 March 2007) and adopted the following conclusions:

"The Council

1. WELCOMES the Commission's Annual Progress Report on the Lisbon Strategy for Growth and Jobs and in particular its emphasis on climate change, eco-innovations, energy efficiency, renewable energy sources and functioning energy markets. Vigorous action in these areas should lead to efficient solutions to environmental problems, to sustainable use of natural resources and to the creation of new market opportunities and jobs;
2. RECALLS that the renewed EU Sustainable Development Strategy and the Lisbon Strategy for Growth and Jobs complement each other, and that the Lisbon Strategy makes an essential contribution to the overarching objective of sustainable development;
3. STRESSES the need for strengthened environmental protection and the importance of pursuing sustainable development and integrating environmental considerations in all policies;
4. UNDERLINES the positive contribution that well-designed environment policy which integrates the principles of better regulation can make to competitiveness, growth and employment, by actively promoting eco-innovation and resource efficiency, thereby also mitigating climate change;
5. REGARDS the following measures as priorities;
 - A. Environment, Innovation and Employment: Making Europe the most eco-efficient economy**
6. REITERATES the important contribution of eco-innovation to the Lisbon Strategy for Growth and Jobs, the quality of the environment and the EU's goal of a sustainable, competitive and secure energy future;

7. In this context, and recalling the conclusions of the Competitiveness Council of 4 December 2006, **UNDERLINES** the importance of promoting eco-innovations through an ambitious approach, including i.a. industrial, innovation, competition, R&D and environmental policy, giving special attention to demand-pull measures, and by taking full advantage of the potential of lead markets in areas such as sustainable and safe low carbon technologies, renewable energies and energy and resource efficiency, including water services, in order to make Europe the frontrunner in eco-innovation and the most energy and resource efficient area of the world;
8. **WELCOMES** the Commission's intention to present a report on the Environmental Technology Action Plan (ETAP), including future steps for its rapid implementation, and to table a European Strategic Energy Technology Plan by the end of 2007; **LOOKS FORWARD** to the presentation by the Commission of a Sustainable Consumption and Production Action Plan this year; **INVITES** the Commission to assess the existing policy framework and to develop these and other proposals in a coherent way and to present, as appropriate, further proposals for achieving an integrated strategy for the promotion of eco-innovation early in 2008;
9. **STRESSES** the importance of an early presentation of the Commission's Green Paper on Market Based Instruments as an Environment Policy Tool, outlining cost-effective instruments for environment policy to be used alongside regulation and financial incentives;

B. An integrated Climate Change and Energy Strategy

10. **WELCOMES** the presentation by the Commission of its communications “An Energy Policy for Europe” and “Limiting Global Climate Change to 2°C”; **UNDERLINES** the importance of mutually supportive EU climate change and energy strategies consistent with meeting the 2°C objective to tackle climate change and create synergies with a view to strengthened energy security, improved competitiveness, and environmental sustainability, such as through reduced air pollution and better health, bearing in mind environmental opportunities arising from the completion of the internal energy market; in this context **STRESSES** the need for full impact assessments of the proposed new measures;

Climate change

11. DEEPLY CONCERNED about the accelerated global warming of the climate system and related adverse impacts confirmed by the latest scientific findings of the Intergovernmental Panel on Climate Change (IPCC); AWARE OF recent economic analyses, in particular the Stern Report, indicating that the benefits of strong, early action on climate change far outweigh the economic costs of action; STRESSES that international collective action will be critical in driving an effective, efficient and equitable response on the scale required; REITERATES ITS VIEW that a global and comprehensive post-2012 agreement should be consistent with meeting the 2° C objective, should build upon and broaden the Kyoto Protocol architecture, and provide a fair and flexible framework for the widest possible participation, in line with the principle of common but differentiated responsibilities and respective capabilities;
12. REITERATES that absolute emission reduction commitments are the backbone of a global carbon market and that developed countries should continue to take the lead by committing to collectively reducing their emissions of greenhouse gases in the order of 30 % by 2020 compared to 1990 with a view to collectively reducing their emissions by 60 to 80% by 2050 compared to 1990;
13. in this context, IS WILLING to commit to a reduction of 30% of greenhouse gas 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 economically more advanced developing countries adequately contribute according to their responsibilities and respective capabilities; INVITES those countries to come forward with proposals regarding their contributions to a global and comprehensive post-2012 agreement;
14. DECIDES that, until a global and comprehensive post-2012 agreement is concluded, and without prejudice to its position in international negotiations, the EU makes a firm independent commitment to achieve at least a 20% reduction of greenhouse gas emissions by 2020 compared to 1990; these commitments should be implemented through national and Community climate policies, action in the context of the EU's energy policy, limiting transport emissions, reducing greenhouse gas emissions in residential and commercial buildings, strengthening the EU ETS, including extending the global carbon market and using project-based mechanisms (JI and CDM), tackling emissions from non-CO₂ gases and enhancing natural sinks linked with biodiversity protection;

15. DECIDES that a differentiated approach to the contributions of the Member States is needed reflecting fairness and transparency and taking into account national circumstances and the relevant base years for the first commitment period of the Kyoto Protocol; RECOGNIZES that the implementation of these targets will be based on community policies and on an agreed internal burden sharing; INVITES the Commission to start immediately, in close cooperation with the Member States, a technical analysis of criteria including socio-economic parameters and other relevant and comparable parameters to form the basis for further in-depth discussion;
16. NOTES the increasing share of greenhouse gas emissions from Non Annex I countries and the need for these countries to address the increase in these emissions by reducing the emission intensity of their economic development, in line with the general principle of common but differentiated responsibilities and respective capabilities; UNDERLINES that even implementing the deep cuts described above will not avoid serious climate impacts, in particular in countries most vulnerable to climate change;
17. STRESSES the key contribution that determined actions in the following areas can make to reaching energy and climate objectives:
18. increasing energy efficiency in the EU as set out in the Energy Efficiency Action Plan proposed by the Commission in October 2006 and in the conclusions of the Energy Council of 23 November 2006 which should be implemented thoroughly and urgently, in particular regarding buildings, transport (inter alia CO₂ emissions from cars), heating/cooling and electricity, and dynamic minimum efficiency standards and labelling for appliances and energy using equipment (including standby-loss reduction and initiatives in relation to fourteen priority product groups), and by timely implementation of existing legislation, to realise the objective of saving 20% of the EU's energy consumption compared to projections for 2020, as estimated by the Commission, in a cost-efficient manner by 2020;

19. REAFFIRMS the Community's long-term commitment to the EU-wide development of renewable energies beyond 2010, UNDERLINES that all types of renewable energies, when used in a cost-efficient way, contribute simultaneously to security of supply, competitiveness and sustainability, and IS CONVINCED of the paramount importance of giving a clear signal to industry, investors, innovators and researchers. For these reasons, taking into consideration different individual circumstances, starting points and potentials, it ENDORSES the following targets:
- a target of a 20% share of renewable energies in overall EU energy consumption by 2020;
 - a 10% binding minimum target to be achieved by all Member States for the share of biofuels in overall EU transport petrol and diesel consumption by 2020, to be introduced in a cost-efficient way. The binding character of this target is appropriate subject to production being sustainable, second-generation biofuels becoming commercially available and the Fuel Quality Directive being amended accordingly to allow for adequate levels of blending.
 - From the overall renewables target, differentiated national overall targets should be derived with Member States' full involvement and, subject to meeting the minimum biofuels target in each Member State, leaving it to Member States to decide on national targets for each specific sector of renewable energies (electricity, heating and cooling, biofuels).
 - In order to meet these targets, the Council:
 - CALLS FOR an overall coherent framework for renewable energies which could be established on the basis of a Commission proposal in 2007 for a new comprehensive directive on the use of all renewable energy resources. This proposal should be in line with other Community legislation and could contain provisions as regards:
 - = Member States' overall national targets;
 - = National Action Plans containing sectoral targets and measures to meet them; and
 - = criteria and provisions to ensure sustainable production and use of bioenergy and to avoid conflicts between different uses of biomass.
 - CALLS FOR a thorough and rapid implementation of the measures highlighted in the June 2006 (Energy) Council conclusions on the Commission Biomass Action Plan, notably as regards demonstration projects for second-generation biofuels;

20. RECOGNISES the need for sustainable heat and power generation from fossil fuels in the European and the global energy mix in view of the climate and energy objectives, including through substantial improvement of generation efficiency, emission reductions of air pollutants and environmentally sound carbon dioxide capture and sequestration (CCS), as part of the full range of mitigation technologies (e.g. clean fossil fuel technologies, photovoltaic, wind, solar thermal, hydrogen and fuel cell, biomass, and smartgrids) to be fully drawn on, and while minimising environmental risks; Member States and the Commission should work to promote research and development within the EU and with emerging economies with increasing fossil fuel consumption and to develop the necessary technical, economical and regulatory framework, based on a detailed Impact Assessment, to bring environmentally safe CCS to markets, if possible by 2020, and establish a mechanism to stimulate the construction and operation by 2015 of up to 12 large-scale demonstrations of sustainable fossil fuels technologies in commercial power generation;
21. STRESSES the importance in the EU's external energy relations, such as summits with Third Countries and in view of the 15th meeting of the Commission on Sustainable Development (CSD-15), and research and development efforts of a stronger focus on energy efficiency, renewable energies, environmentally safe CCS and sustainable forestry, and in this context POINTS TO innovative financing mechanisms as the EU Global Energy Efficiency and Renewable Energy Fund (GEEREF);

C. The environmental dimension of better regulation

22. ACKNOWLEDGES that Better Regulation is already delivering significant results in terms of simplification, more efficient and transparent policy decisions, cost-effectiveness and facilitated implementation, STRESSES that better regulation should continue to achieve high-quality regulation with ambitious objectives and standards that promotes a high level of protection and improvement of the quality of the environment;
23. ENCOURAGES Member States and the Commission, e.g. with the support of the EU network for the Implementation and Enforcement of Environmental Law (IMPEL), to further strengthen their efforts to achieve high-quality, coherent and cost-effective regulation that can be efficiently implemented and enforced and that delivers the improvements to health and to the environment that citizens expect;

24. HIGHLIGHTS that Impact Assessments should actively involve the relevant stakeholders, provide a thorough assessment of both costs and benefits, including non-monetised, qualitative and long-term effects as well as the costs of inaction, and reflect all relevant economic, social and environmental effects in a balanced and transparent manner; UNDERLINES that so far Impact Assessments in the field of the environment have been carried out in a comprehensive way integrating all three pillars of sustainable development and STRESSES the importance of the environmental pillar of Impact Assessments to decision-making for sustainable development in all other relevant policy areas by integrating environmental considerations, and in this respect LOOKS FORWARD to the upcoming evaluation of the Impact Assessment system;
25. CALLS FOR further efforts to simplify legislation and to reduce unnecessary administrative burdens for businesses, public authorities and citizens, in consultation with stakeholders and without compromising the policy objectives pursued and respecting the *acquis communautaire*; in this regard REQUESTS the Commission to further pursue its efforts on streamlining environmental reporting in cooperation with the Member States."

GREENHOUSE GAS EMISSION ALLOWANCE TRADING - AVIATION

The Council held a preliminary policy debate on the proposal for a Directive, submitted by the Commission, to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (EU ETS) (5154/07).

Today's exchange of views mainly covered the following issues (6100/07):

- *to cover flights within the EU from 2011 and to extend the scheme to all flights arriving in or departing from the EU, from 2012, deemed as an appropriate step towards reducing emissions from aviation without entailing competitive disadvantages;*
- *the strategy for engaging with third countries;*
- *the approach for a cap considering both growth of the sector and the need for stabilising the climate;*
- *the approach for an allocation methodology harmonised at EU level;*
- *non-discriminatory measures adequate to address regional aspects and special situations of Member States;*
- *the need to also address aviation climate change impacts other than from CO₂ emissions through Community action.*

Written answers by the delegations can be found in 6435/1/07 REV 1 and REV 1 ADD 1.

The Commission proposal:

The proposal aims to protect, preserve and improve the quality of the environment by reducing the growing climate change impact of aviation, through its inclusion in the European Union emissions trading scheme (EU ETS). This purpose would not affect other means of addressing climate change through a comprehensive approach based on improved technology and utilisation of aircraft.

The intention of the proposed Directive is to cover flights within the EU from 2011 and, from 2012, to extend the scheme to cover all flights arriving in or departing from the EU¹. Arriving flights would not be included where a third country has equivalent measures in place, such as an emissions trading system. From the outset, the proposal covers aircraft operators irrespective of nationality.

The proposal provides for a harmonised methodology for the distribution of allowances. A small number of allowances would be auctioned and the remainder would be distributed on the basis of a benchmark relating to the amount of passengers and cargo carried and the distance over which they were carried. The total quantity of allowances to be allocated to the aviation sector will be equivalent to the average annual emissions in 2004-2006.

It is also an objective of the proposal to provide a model for aviation emissions trading that can be a point of reference in the EU's contacts with key international partners and to promote the development of similar systems worldwide.

Legal basis proposed: Article 175 of the Treaty – qualified majority required for a Council decision; codecision with the European Parliament applicable.

¹ The latter possibility is still under legal scrutiny.

PESTICIDES - Council conclusions

The Council adopted the following conclusions, welcoming the thematic strategy on the sustainable use of pesticides:

"THE COUNCIL OF THE EUROPEAN UNION,

NOTING that Decision No 1600/2002/EC laying down the Sixth Community Environment Action Programme contains objectives and priority areas for action on the environment, health and quality of life, including a reduction in the impact of pesticides on human health and the environment, sustainable use of pesticides, and a significant reduction in risks and of the use of pesticides consistent with the necessary crop protection, and calls for the development of a thematic strategy on pesticides that addresses, *inter alia*, reducing the levels of harmful active substances, including through substituting the most dangerous with safer alternatives;

RECALLING the Council conclusions of December 2002, which called on the Commission to propose, *inter alia*, an EU framework for the development of Integrated Pest Management and Integrated Crop Management as measures to fulfil the objectives of the strategy;

NOTING ALSO that the use of pesticides is subject to prior authorisation of a particular product for a particular use; that authorisation is based on a reasoned scientific assessment of the pesticide and its active substances; and that this involves testing the effectiveness of the product and the risks which it poses for human and animal health, groundwater and the environment when used for the intended purpose and properly applied;

NOTING FURTHER that improper use of plant protection products greatly contributes to increasing the risks to humans, animals and the environment and that proper training, compliance with the principles of good plant protection and the use of tested application equipment are prerequisites for the correct, targeted use of plant protection products;

CONSIDERING that the legislation in force fails adequately to address risks associated with pesticide use, that excessive amounts of pesticides can still be found in environmental media (in particular, soil and water), and that residues exceeding regulatory limits still occur in foodstuffs;

AGREEING that it is therefore necessary to reduce risks from pesticides through the measures envisaged in the thematic strategy;

1. WELCOMES the Commission communication "A Thematic Strategy on the Sustainable Use of Pesticides" and the envisaged measures in general;

2. WELCOMES ALSO the fact that, on the basis of the documents and consultations on the Thematic Strategy, the Commission has proposed a comprehensive legal framework for Community action to achieve the sustainable use of pesticides;
3. EMPHASISES the importance of such a legal framework for Community action as a contribution to a comprehensive and coherent pesticides policy within each Member State and to fill a gap in the Community regulatory framework by establishing general and flexible rules to reduce dependence on pesticides and the risks from pesticide use to human health and the environment; the implementation of ambitious national action plans is a key element in this respect;
4. WELCOMES FURTHER the proposed Regulation concerning the placing of plant protection products on the market and the fact Member States will take supplementary measures to regulate the application and use of plant protection products, on the basis of the proposed framework Directive, in order further to reduce risks to humans, animals and the environment from such products, while at the same time ensuring the necessary crop protection within the Community;
5. EMPHASISES that specific measures to protect surface water and groundwater are required to reduce the risks from pesticides to the aquatic environment and that coherence between the Water Framework Directive (WFD) and the proposed legal framework for the sustainable use of pesticides should be strengthened;
6. STRESSES the need for the European Commission, Member States and stakeholders to take forward the measures referred to in the communication with due regard for the principle of subsidiarity and the better regulation initiative and, in particular:
 - the potential for the sustainable use of pesticides to promote increased competitiveness in agriculture, forestry and horticulture in the European Union at the same time as reducing risks from pesticide use to human health and the environment;
 - promoting low-pesticide input farming, including organic farming;
 - the need to make the best possible use of existing Community procedures and to take into account the value of voluntary as well as mandatory measures so as to minimise administrative burden and therefore to maximise the positive cost-benefit ratio for the implementation of the Thematic Strategy;

- the fact that further measures of a diverse nature, including indicators and widening the strategy to cover biocides, should also be developed in order fully to achieve the objectives of the Thematic Strategy;
 - the desirability of making the best use of existing Community financial instruments, in particular to develop integrated pest management methods and procedures;
7. LOOKS FORWARD to Community funding for research to support the sustainable use of pesticides, both for major and minor crops;
 8. SUPPORTS continued work at the international level, particularly in the framework of the Rotterdam and Stockholm Conventions, the International Code of Conduct on the distribution and use of pesticides, the OECD Pesticides Programme and the strategic approach to International Chemicals Management (agreed in Dubai in February 2006), to help other countries, particularly developing countries and countries with economies in transition, to take measures to reduce the risks from pesticides."

GENETICALLY MODIFIED ORGANISMS

The Council was invited to act, by qualified majority, relatively to two decisions proposed by the Commission:

- a) requesting Hungary to repeal the prohibition of use and sale in its territory of a genetically modified maize (*Zea mays* L. line MON 810) expressing the Bt cry1a(b) gene (15786/06);
- b) authorising the placing on the market of a carnation (*Dianthus caryophyllus* L., line 123.2.38) genetically modified for flower colour (16434/06).

– Hungarian *Zea mays* L. line MON 810

Concerning the maize MON 810 provisionally prohibited in Hungary, the Council adopted, by qualified majority¹, a decision rejecting the proposal from the Commission.

The Council justified its decision on the grounds that:

- Maize line MON 810 had been approved according to Directive 90/220/EC, which has since been replaced by Directive 2001/18/EC, which contains harmonised environmental risk assessment criteria for GMOs and that these two products have not yet undergone a procedure of re-approval and re-assessment in accordance with the new Directive;
- where the conditions set out in the relevant legislation apply, a Member State may restrict the use and/or sale of a GMO in accordance with Article 23 of Directive 2001/18/EC (safeguard clause);
- the different agricultural structures and regional ecological characteristics in the European Union need to be taken into account in a more systematic manner in the environmental risk assessment of GMOs.

Commission Decision of 22 April 1998 gave consent for the placing in the market of *Zea mays* L. line MON 810. On 3 August 1998, the French authorities granted such consent. On 20 January 2005, Hungary informed the Commission of its decision to provisionally prohibit the use and sale of *Zea mays* L. line MON 810, justifying the decision.

¹ FIN, UK, NL and SE voting against and Romania abstaining.

The European Food Safety Authority¹ concluded, on 8 June 2005, that the information submitted by Hungary did not constitute new scientific evidence sufficient to invalidate the environmental risk assessment of *Zea mays* line MON 810 justifying a prohibition of its use and sale in Hungary.

On 24 June 2005, the Council rejected, by qualified majority, a Commission proposal requesting Austria to repeal a similar safeguard clause and presented its reasons in a statement, calling on the Commission to gather further evidence on the GMO in question.

In November 2005, EFSA was consulted again by the Commission, being, in particular, requested to take account of any further scientific information that had arisen subsequent to the previous scientific opinion. In its opinion of 29 March 2006, EFSA concluded that there is no reason to believe that the continued placing on the market of MON 810 maize is likely to cause any adverse effects for human and animal health or the environment under the conditions of its consent².

Therefore, the Commission prepared a proposal for a decision asking Hungary to repeal the safeguard measures concerning *Zea mays* L. line MON 810, now submitted to the Council, which has a period of three months³ to act by qualified majority.

It is recalled that a similar proposal inviting Austria to repeal identical measures was rejected by a qualified majority of the Council⁴ on 18 December 2006.

– **Carnation *Dianthus caryophyllus* L., line 123.2.38, genetically modified for flower colour**

Concerning the genetically modified carnation, the Council could not reach qualified majority in favour or against the Commission proposal, consequently, it will be up to the Commission to take the decision.

The Netherlands authorities received a notification concerning the placing on the market of a carnation genetically modified for flower colour. They forwarded to the Commission their assessment report, concluding that the genetically modified carnation should be placed on the market for import, distribution and retailing as for any other carnation.

The Commission forwarded the assessment report to all other Member States, some of them having objections to the placing on the market in terms of monitoring plan, allergenicity and toxicity, and detection of the product.

¹ Which replaced the relevant scientific committees, see <http://www.efsa.europa.eu/en.html>.

² http://www.efsa.europa.eu/en/science/gmo/gmo_opinions/1439.html

³ Ends on 22 February 2007.

⁴ See 16164/06.

In the light of these objections the EFSA was consulted and concluded, on 27 June 2006, that cut flowers of the genetically modified carnation *Dianthus caryophyllus* are unlikely to have an adverse effect on human and animal health or the environment in the context of its proposed ornamental use. EFSA also found that the scope of the monitoring plan is in line with the intended use of the carnation.

On 18 September 2006, the Commission consulted the Regulatory Committee on the deliberate release into the environment of GMOs. Despite the favourable opinion delivered by the EFSA, the committee was unable to give an opinion. Consequently, on 5 December 2006, the Commission submitted a proposal to the Council, which has to act by qualified majority within a 3-month period of time from that date¹.

¹ Ends on 5 March 2007.

CO2 EMISSIONS FROM CARS

The Council held a policy debate on the communication from the Commission: *Results of the review of the Community strategy to reduce CO₂ emissions from passenger cars and light commercial vehicles (6204/07)*.

The debate focused mainly on two issues, related to the next steps to take on this matter (6176/07):

- *the advisability of replacing the existing self-regulation by industry to reduce cars' CO₂ emissions with binding legislation on carmakers;*
- *the establishment of a target of 120g CO₂/km by 2012 (a reduction until 130g CO₂/km from improvements in motor technology + a reduction of 10g CO₂/km from complementary measures).*

Written answers by the delegations can be found in 6449/07 and ADD 1.

The Commission communication

In its communication, the Commission recalls that car usage has significant impacts on climate change, with about 12% of the overall EU emissions of carbon dioxide (CO₂) coming from the fuel consumed by passenger cars. Even though there have been significant improvements in vehicle technology – in particular in fuel efficiency which also means lower CO₂ emissions – this has not been enough to neutralise the effect of increased traffic and car size. Over the 1990-2004 period, the CO₂ emissions from road transport have increased by 26%.

The Commission proposes to reverse the tendency through fuel efficiency improvements in vehicles combined with the increased use of alternative fuels.

A revised strategy to reduce CO₂ emissions from cars proposes that, on the supply side, average emissions from new cars sold in the EU-27 would have to reach a 120g CO₂/km target by 2012. Improvements in motor technology would have to reduce average emissions to no more than 130g/km, while complementary measures would contribute a further emissions cut of up to 10g/km, thus reducing overall emissions to 120g/km. These complementary measures include efficiency improvements for car components with the highest impact on fuel consumption and a gradual reduction in the carbon content of road fuels, notably through greater use of biofuels.

For vans, the fleet average objectives would be 175g by 2012 and 160g by 2015, compared with 201g in 2002.

On the demand side, the strategy proposes measures to promote the purchase of fuel efficient vehicles, notably through an amendment to the car labelling directive to make it more effective and by encouraging Member States that levy road tax to base it on cars' CO₂ emissions. Moreover, it proposes an EU code of good practice on car marketing and advertising to promote more sustainable consumption patterns.

SOIL PROTECTION¹

The Council held a policy debate on the thematic strategy for soil protection (13401/06) and on the corresponding proposal for a Framework Directive (13388/06).

Some main items were specially covered during the discussion (6069/07):

- *the main added value of the proposed thematic strategy;*
- *how efficiently does the proposed draft Framework Directive manage to fulfil the objective of creating a consolidated and more sustainable use of soils across the EU;*
- *areas of potential concern in terms of scope, requirements and implementation of the proposed Directive;*
- *how the thematic strategy and draft Framework Directive on soil protection fit in with and contribute to Community action in relation to other environmental policies and sectoral areas.*

Written answers by the delegations can be found in 6381/07, ADD 1 and ADD 2.

The thematic strategy and the proposed Directive

Soil is a non-renewable resource and a system which performs functions and delivers services essential to human needs and ecosystems survival. Soil is in a degradation process that will further increase if no action is taken.

Human activity, such as inappropriate agricultural and forestry practices, industrial activities, tourism or urban development, are damaging the capacity of soil to continue to perform in full its crucial functions.

Soil is a resource of common interest for the Community, but it has not, to date, been subject to a specific protection policy at Community level. Hence, soil degradation still continues.

¹ For further information, this item was discussed under "other business" at the Agriculture and Fisheries Council on 29.01.2007 (*see 5335/07*).

The thematic strategy and the proposed Directive were presented against this background, to face the need to reverse the tendency.

Already in its 2002 Communication¹, the Commission identified eight threats to soils: erosion, organic matter decline, contamination, salinisation, compaction, soil biodiversity loss, sealing, landslides and flooding.

Now, the strategy is intended to be partly implemented through the proposed Directive, which contains the following elements:

- integration into sectoral policies;
- precautionary measures;
- prevention of contamination;
- measures to limit or mitigate sealing;
- identification of risk areas for erosion, organic matter decline, compaction, salinisation, landslides;
- identification of contaminated sites;
- programmes of measures;
- national remediation strategy;
- awareness raising, reporting and exchange of information.

Legal basis proposed for the Directive: Article 175 (1) of the Treaty – qualified majority required for a Council decision; codecision with the European Parliament applicable.

¹ "Towards a thematic strategy on soil protection" (8344/02).

OTHER BUSINESS

- a) Adaptation to Climate Change / Symposium on Climate Change and the European Water Dimension, Vulnerability - Impacts - Adaptation (Berlin, 12-14 February 2007)
 - Information from the Commission and the Presidency

- b) Biodiversity: Preparation of the Ninth Meeting of the Conference of the Parties to the Convention on Biological Diversity (COP 9), Bonn, 19 to 30 May 2008 (6170/07)
 - Information from the Presidency

- c) Recommendation for decision authorising the Commission to negotiate on behalf of the Community on aspects of commercial whaling at the next meeting of the International Whaling Commission in May 2007
 - Information from the Commission

- d) Business and Biodiversity
 - Intervention by the Portuguese delegation, supported by the Polish, French, Slovenian, Spanish and Belgian delegations

- e) Information on the First Conference of the Parties to the Framework Convention on the Protection and Sustainable Development of the Carpathians (11 - 13 December 2006 - Kyiv, Ukraine)
 - Intervention by the Czech delegation, supported by the French delegation

- f) Oil pollution of coasts in Brittany
 - Intervention by the French delegation

- g) Proposal for a Directive on the protection of the environment through criminal law (6517/07)
 - Presentation by the Commission

OTHER ITEMS APPROVED

NIL
