



**COUNCIL OF  
THE EUROPEAN UNION**



14933/05 (Presse 315)

**PRESS RELEASE**

2697th Council Meeting

**Environment**

Brussels, 2 December 2005

President

**Margaret BECKETT**

Secretary of State for the Environment, Food and Rural  
Affairs of the United Kingdom

**P R E S S**

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14933/05 (Presse 315)

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**EN**

## **Main Results of the Council**

The Council reached a *partial political agreement* on a draft regulation establishing the EU's Financial instrument for the environment - LIFE +.

The Council adopted a regulation of the European Parliament and of the Council concerning the establishment of a European pollutant release and transfer register (PRTR) and adopted a decision on the conclusion, on behalf of the European Community, of the United Nations-Economic Commission for Europe (UN-ECE) Protocol on pollutant release and transfert registers (PRTR).

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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://ue.eu.int>.
- 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.

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## PARTICIPANTS

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

### Belgium:

Mr Bruno TOBBACK  
Mr Kris PEETERS

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

### Czech Republic:

Mr Tomáš NOVOTNÝ

Deputy Minister for the Environment, International  
Relations Section

### Denmark:

Ms Connie HEDEGAARD

Minister for Environment and for Nordic Cooperation

### Germany:

Mr Sigmar GABRIEL

Federal Minister for the Environment, Nature  
Conservation and Reactor Safety

### Estonia:

Mr Tiit NABER

Deputy Permanent Representative

### 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 Altero MATTEOLI

Minister for the Environment and Protection of Natural  
Resources

### Cyprus:

Mr Panicos POUROS

General Director of Ministry of Agriculture, Natural  
Resources and Environment

### Latvia:

Mr Raimonds VĒJONIS

Minister for the Environment

### Lithuania:

Mr Arūnas KUNDROTAS

Minister for the Environment

### Luxembourg:

Mr Georges FRIDEN

Deputy Permanent Representative

### Hungary:

Mr Miklós PERSÁNYI

Minister for the Environment 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 Janez PODOBNIK

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

Mr László MIKLÓS

Minister for the Environment

**Finland:**

Mr Jan-Erik ENESTAM

Minister for the Environment

**Sweden:**

Ms Lena SOMMESTAD

Minister for the Environment

**United Kingdom:**

Ms Margaret BECKETT

Secretary of State for the Environment, Food and Rural  
Affairs

Mr Elliot MORLEY

Minister of State for Climate Change and Environment

**Commission:**

Mr Stavros DIMAS

Member

.....

The Governments of the Acceding States were represented as follows:

**Bulgaria:**

Mr Dzhevdet CHAKAROV

Minister for the Environment and Water

**Romania:**

Ms Sulfina BARBU

Minister for the Environment

**ITEMS DEBATED****REDUCING THE CLIMATE CHANGE IMPACT OF AVIATION - Council conclusions**

The Council adopted the following conclusions:

"The Council of the European Union,

1. RECALLS the need, in developing the EU's medium and long-term strategy to combat climate change and initiating a process among all Parties to the United Nations Framework Convention on Climate Change (UNFCCC), to explore how further to implement this Convention to achieve its ultimate objective by developing a post-2012 arrangement, to ensure the widest possible co-operation by all countries, include all important greenhouse gases, sectors and mitigation options, drive technological innovation, employing an optimal mix of "push" and "pull" policies, promote the transfer of technologies to appropriate markets, and provide for the continued use of market-based and flexible instruments.
2. RECALLS the 6<sup>th</sup> Community Environment Action Programme (EAP) calls for the identification and undertaking of specific actions to reduce greenhouse gas emissions from aviation if no such action is agreed within the International Civil Aviation Organisation (ICAO) by 2002; REAFFIRMS the numerous past Council Conclusions which recognise global emissions from aviation as a serious and growing problem and have called for action as set out in the 6<sup>th</sup> EAP; and RECOGNISES that the European Union, as a major player in global aviation accounting for about half of the CO<sub>2</sub> emissions from international aviation reported by Annex I Parties to the UNFCCC, has a responsibility to pursue courses of action to address the climate impact of aviation.
3. RECOGNISES that Member States have obligations under international law, notably arising from the Convention on International Civil Aviation (the Chicago Convention) and the UNFCCC and NOTES the European Union's position that, until the aviation sector has reached the point of fully addressing its climate impact, all policy instruments with the capability of reducing this climate impact should be maintained as potential options.
4. WELCOMES the Commission Communication "Reducing the climate impact of aviation" on tackling the urgent problem of aviation emissions as an important step in analysing the options for further action and RECOGNISES this Communication as being a specific response to calls by the Council for action to be taken.

5. RECOGNISES that, in view of the urgency of the issue, follow-up work on the Communication must receive prompt attention from Member States; AFFIRMS the assessment of the Commission in its Communication that a comprehensive and consistent approach to tackling the climate impact of aviation is needed, and STRESSES that existing policies and actions should continue and be strengthened, and complemented with additional cost-effective approaches.
6. RECOGNISES that, from an economic and environmental point of view, the inclusion of the aviation sector in the EU Emissions Trading Scheme (EU ETS) seems to be the best way forward, in view of emissions trading already having been implemented within the EU and it holding greater potential for application internationally than other policy alternatives; therefore, URGES the Commission to bring forward a legislative proposal by the end of 2006 which is both environmentally meaningful and economically efficient, accompanied by an impact assessment which provides detailed analysis of the environmental, economic including competitiveness and social impacts, including inter alia analysis of the effects of the inclusion of the aviation sector on:
- the trading scheme, including the price of allowances, and in conjunction with the general review of the Emissions Trading Scheme, potential impacts on the price of electricity and the competitiveness of the energy sector, including energy-intensive industry;
  - the competitive market between air carriers;
  - the competitive market between different modes of transport;
  - the diversity of situations in the various regions of the Community including islands, the Outermost Regions and Overseas Countries and Territories.
7. WELCOMES the decision of the Commission to set up an Aviation Working Group under the second phase of the European Climate Change Programme with the task of considering ways of incorporating the climate impact of aviation into the EU ETS; EMPHASISES the need to apply the system under uniform conditions to both EU and third country carriers; NOTES that the design of the system should take into account the diversity of the various regions of the Community including islands, the Outermost Regions and Overseas Countries and Territories and RECOGNISES that the following issues are at the centre of the further debate: the type of entity made responsible for aviation's climate impact, the extent to which the full impact is addressed, the types of flights covered, the approach taken for calculating and apportioning the sector's overall emissions limitation; and the interplay with the Kyoto Protocol. Without prejudice to the outcomes of further technical analysis by the Aviation Working Group, TAKES NOTE that the following preliminary guiding principles should be taken into account:

- The entity made responsible should be the air carriers and aircraft operators, as they have the most direct control over the type of aircraft in operation and the way in which they are flown;
- In order to minimise potential negative trade-offs between the different impacts and safeguard the environmental integrity of the overall scheme, both the CO<sub>2</sub> and non-CO<sub>2</sub> impacts of aviation should be addressed to the extent possible. In doing so, the uncertainties surrounding certain impacts should be balanced against the risks they pose to the climate. Pending scientific progress in developing more suitable metrics for comparing the different impacts, a pragmatic approach is needed. The Aviation Working Group should assess this issue further;
- The objective should be to provide a workable model for aviation within emissions trading in Europe that can be extended or replicated worldwide. In environmental terms, the preferred option is to cover all flights departing EU airports as limiting the scope to intra-EU flights would address less than 40% of the emissions from all flights departing from the EU. Work within the Aviation Working Group should further consider this issue and should, in particular, address competition issues such as the impact on relative market shares of EU and non-EU carriers and minimising distortions in the market;
- Given the level of integration in the Community's air transport market, the methodology for distributing the total number of allowances allocated to the aviation sector within that sector should be harmonised at EU level. However, the Aviation Working Group should further consider this issue;
- The inclusion of aviation should not adversely affect the accounting system established in Commission Regulation (EC) No 2216/2004 to ensure consistency between trading under the EU ETS and trading under the Kyoto Protocol."

## **FINANCIAL INSTRUMENT FOR THE ENVIRONMENT (LIFE +)**

The Council reached a *partial political agreement*, by qualified majority<sup>1</sup>, on a draft regulation establishing the EU's Financial instrument for the environment - LIFE + (14785/05 ADD 1 + ADD 2).

The "*partial*" nature of this agreement is due to the fact that the budgetary aspects have been excluded pending the outcome of the discussions on the future Community financial framework (Financial Perspective 2007/2013)<sup>2</sup>. It is therefore expected that the Council will adopt this text as a *common position* after finalisation of the budget<sup>3</sup> issue and of matters inextricably linked with it.

The objective of LIFE+ is to finance the development, implementation, monitoring, evaluation and communication of Community environment policy and legislation, with a view in particular to promoting sustainable development in the EU. LIFE+ will support, in particular, the implementation of the 6<sup>th</sup> environment action programme<sup>4</sup>.

The Commission proposed a single instrument, merging some of the existing programmes and proposing that the management of much of the programme be delegated to Member States. They proposed that financing for other measures benefiting the environment, in particular for environmental technologies, and management measures for nature and biodiversity, should be integrated into other Community financial instruments.

While endorsing the basic principles underlying the Commission's proposal, the text on which the Council reached partial political agreement gives greater prominence to nature and biodiversity and provides for the financing of certain environmental technology projects under LIFE+, when they are not eligible for financing under Community financial instruments. In adopting this approach the Council has taken careful account of proposals from the European Parliament in its first reading, which go in the same direction.

LIFE+ would support:

- best practice or demonstration measures to support nature and biodiversity objectives such as urgent conservation measures for protected species (such as the Iberian Lynx)

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<sup>1</sup> The text agreed could not be accepted by the Belgian and Netherlands delegations

<sup>2</sup> Article 11(2) of the Commission proposal is not part of the agreed text.

<sup>3</sup> Budget proposed by the Commission: € 2 190 million.

<sup>4</sup> Decision 1600/2002/EC, OJ L 242, 10.9.2002, p 1.

- innovative or demonstration measures to support the implementation and development of Community environmental policy (such as approaches to addressing greenhouse gas emissions, water quality, chemicals policy *inter alia*)
- activities that would not be eligible for financing under other Community financial instruments.

Legal basis proposed: Article 175(1) of the Treaty – qualified majority required for a Council decision and co-decision procedure with the European Parliament.

The European Parliament delivered its first reading opinion on 7 July 2005 (10814/05).

**INTERNATIONAL CHEMICALS MANAGEMENT - Council conclusions**

The Council adopted the following conclusions

"THE COUNCIL OF THE EUROPEAN UNION:

1. RECALLING UNEP Governing Council decision (SS.VII/3) taken at its 7<sup>th</sup> Special Session in February 2002 on the need to develop a Strategic Approach to International Chemicals Management (SAICM).
2. RECALLING ALSO chapter 19 of Agenda 21 and paragraph 23 of the Johannesburg Plan of Implementation, adopted by the World Summit on Sustainable Development on 4 September 2002, aiming to achieve by 2020 that chemicals are used and produced in ways that lead to the minimisation of significant adverse effects on human health and the environment and that the development of the Strategic Approach was recognised as a major contribution to reaching this goal.
3. RECALLING ALSO paragraph 56(k) of the World Summit Outcome of September 2005 which reaffirmed the commitment to promote the sound management of chemicals and hazardous wastes throughout their life cycle through SAICM.
4. NOTES the development of the Strategic Approach so far, which has taken place under the auspices of the United Nations Environment Programme, aided by a Steering Committee involving other key intergovernmental organisations involved in chemicals management. A first preparatory meeting, SAICM PrepCom1, was held in Bangkok from 9 to 13 November 2003. SAICM PrepCom2 was held in Nairobi, Kenya, from 4 to 8 October 2004. SAICM PrepCom3 took place in Vienna, Austria, from 19 to 24 September 2005. An "International Conference on Chemicals Management" (ICCM) to adopt the completed SAICM is scheduled in Dubai, United Arab Emirates, from 4 to 6 February 2006.
5. WELCOMES progress made so far in the development of the Strategic Approach, THANKS in particular the President of the SAICM, the SAICM Secretariat and the donors whose support made the inclusive approach possible and RECOGNISES the efforts of all participants and the particular role played by the substantive intersessional work of the Regional Groups.
6. WELCOMES the structure of the Strategic Approach that will be composed of three documents: a High Level Declaration, an Overarching Policy Strategy and a Global Plan of Action. Much was achieved at PrepCom 3 to finalise these documents but there is still a way to go to reach our goal for ICCM, building on those results.

7. CONFIRMS its continued strong support for the development of the Strategic Approach and ENCOURAGES all participants of the SAICM process to engage constructively and to increase efforts to finalise the Strategic Approach for adoption at the ICCM in February 2006.
8. RECOMMENDS that the European Community and the Member States in finalising the Strategic Approach should aim to ensure that:
  - a) The process of completing and then implementing the Strategic Approach continues to be transparent, open and inclusive of all countries, stakeholders and sectors;
  - b) The High Level Declaration enables Ministers to commit politically to the Strategic Approach, recognising that it is non-legally binding in nature and that it is a worldwide process that supports our international legal obligations;
  - c) The Overarching Policy Strategy flows from the commitments expressed in the High Level Declaration and is implemented through the Global Plan of Action which is a broad menu that countries and other stakeholders should use in order to fulfil those commitments to sound chemical management;
  - d) The scope of the Strategic Approach is broad and applies to the sound management of all types of chemicals throughout their life cycle;
  - e) The Strategic Approach recognises the importance of mobilising further national and international financial resources in order to enable its successful implementation. These resources will come from a range of existing and new sources, including
    - i) Actions at the national or sub-national level to support financing of the Strategic Approach objectives, taking into account the costs of inaction, including through the integration of sound chemical management into relevant strategies and the appropriate use of economic instruments;
    - ii) Enhancing industry partnerships and financial and technical participation, including through new and ongoing initiatives and the provision of resources;
    - iii) Integration of the Strategic Approach objectives into multilateral and bilateral development assistance co-operation including (a) by recipients considering the integration of Strategic Approach objectives into relevant national documents that influence development assistance co-operation and (b) by donors responding to requests by recognising Strategic Approach objectives as an important element of bilateral aid agency cooperation in support of sustainable development;

- iv) Making more effective use of and building upon existing sources of relevant global funding, in particular exploring the scope for further support from the Global Environment Facility and the Montreal Protocol and its multilateral fund;
- v) Establishing a voluntary clearly time-limited “Quick Start Programme” in support of initial capacity building activities to which the European Community and the Member States are, within their capabilities, seeking to contribute.
- f) The use of the precautionary principle and substitution and their application to chemicals management for the protection of human health and of the environment are referred to in line with existing EU positions and do not represent a weakening of the collective body of international precedents;
- g) The Strategic Approach addresses priorities such as Persistent, Bioaccumulative and Toxic substances (PBTs); very Persistent and very Bioaccumulative substances (vPvB); chemicals that are carcinogens or mutagens or that adversely effect, inter alia, the reproductive, endocrine, immune or nervous system, including all forms of asbestos; persistent organic pollutants (POPs); and mercury and other metals of global concern;
- h) The Strategic Approach encourages research on and development and use of non-chemical alternatives as an important means for reducing risks from chemicals;
- i) The Global Plan of Action is adopted as a guidance document for all stakeholders at global, regional, national and local levels to help assess the current status of their actions in support of the sound management of chemicals and to identify, among other things, priorities to address gaps in such management;
- j) The Global Plan of Action includes guidance on the prioritisation of activities such as a focus on narrowing the gap between developed and developing countries, minimisation of exposure to particularly hazardous substances and integrating chemicals into the broader development agenda; furthermore, the Global Plan of Action identifies global priorities for which it is crucial to take appropriate cooperative action;
- k) Clustering of chemicals and waste Conventions is included in the Global Plan of Action as a step towards the agreed International Environmental Governance goals;

- l) Implementation and taking stock of the Strategic Approach is supported by a Secretariat, with UNEP taking the lead administrative responsibility and with strong involvement of WHO. The secretariat will work in coordination and/or cooperation with the participating organisations of the IOMC and with other intergovernmental organisations as appropriate;
- m) Follow-up meetings of the ICCM for periodic review and implementation of the Strategic Approach occur at a frequency that ensures momentum is created and maintained, while allowing for sufficient time between meetings to ensure practical implementation and progress. Where possible ICCM meetings should be held back to back with meetings of relevant IGO governing bodies."

## **GENETICALLY MODIFIED MAIZE MON 863 X MON 810**

The Council examined a Commission proposal for a decision concerning the placing on the market of a maize product (*Zea mays* L., hybrid MON 863 x MON 810) genetically modified for resistance to corn rootworm and certain lepidopteran pests of maize (14893/05). The authorisation would not allow the product for food use or to be cultivated.

The Presidency noted that the required qualified majority for the adoption or rejection of the proposal had not been obtained. Failing a decision by the Council, it is for the Commission to adopt the proposed decision.

The German authorities had received a notification from Monsanto SA, requiring authorisation for the importing and processing of MON 863 x MON 810 genetically modified maize for a period of 10 years.

The opinion adopted on 8 June 2005 by the European food safety authority<sup>1</sup> concluded that MON 863 x MON 810 was unlikely to have an adverse effect on human and animal health or the environment in the context of its proposed use. The European food safety authority also found that the scope of the monitoring plan provided by the consent holder was in line with the intended uses of MON 863 x MON 810.

On the basis of this opinion, on 19 September 2005, the Commission submitted a draft decision to the regulatory committee<sup>2</sup> authorising this product. However, the committee was unable to give an opinion, since no qualified majority was reached.

Therefore, in accordance with the committee procedure<sup>3</sup>, on 11 November 2005 the Commission submitted a proposal giving the Council three months to take a decision. A qualified majority was required in the Council for adopting or rejecting the Commission's proposal, whereas unanimity would be needed to modify it. In the event of rejection, the Commission must re-examine its proposal. In the event of the Council failing to reach a decision, the act may be adopted by the Commission.

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<sup>1</sup> See [http://www.efsa.eu.int/science/gmo/gmo\\_opinions/176\\_en.html](http://www.efsa.eu.int/science/gmo/gmo_opinions/176_en.html)

<sup>2</sup> Established under Article 30 of Directive 2001/18/EC.

<sup>3</sup> See Article 5 of Council Decision 1999/468/EC (OJ L 184/23, 17.7.1999).

## **THEMATIC STRATEGY ON AIR POLLUTION**

The Council held a policy debate on a thematic strategy on *air pollution* as well as the proposal for a directive on *ambient air quality and cleaner air for Europe*, both proposed by the Commission.

The debate covered, in particular, the following issues:

- The objectives up to 2020 reflected in the thematic strategy;
- The flexibility provided for in the proposed Directive for implementation by Member States with the aim of improving public health in a cost-effective manner (for example through the regulation of fine particles).

The Council's debate is intended to provide guidance for further work on air quality.

At the end of the debate, the President summarized as follows:

"This has been a very useful debate on both the thematic strategy and the proposed new directive. As chair, I would like to recall the following points, without being exhaustive or committing the Council:

- most of us think that the long term aims of the strategy can be considered in advance of legislative measures;
- however, we will need to examine the legislation under consideration by the Commission, in detail, using balanced impact assessment;
- we broadly welcome the proposal for a new directive which is a good example of better regulation;
- it will be necessary in further negotiations on the directive to recognise the value of increased flexibility for member states to meet their obligations;
- it will also be important that public health considerations are maintained in the negotiations and that the aim of reducing people's exposure to air pollution, in particular fine particles, is remembered."

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 and a proposal for a new air quality directive for the abatement of air pollution in the European Union within the framework of the clean air for Europe (CAFE) programme (12735/05 + ADD 1 + ADD 2).

The strategy is part of the EU's 6th Environment Action Programme<sup>1</sup> (6<sup>th</sup> EAP), which lays down its objective as “achieving levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment”.

Part of the strategy will be implemented through a revision of the current ambient air quality legislation comprising two main elements:

- a) streamlining of existing provisions and merging of five legal instruments into a single directive (framework directive<sup>2</sup>, the first<sup>3</sup>, second<sup>4</sup> and third<sup>5</sup> daughter directives and the exchange of information decision<sup>6</sup>; the fourth daughter directive<sup>7</sup> will be merged later through a simplified “codification” process).
- b) the introduction of new air quality standards for fine particulate matter (PM<sub>2.5</sub>) in air, because of the large health benefits to be obtained.

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 are nevertheless unable to comply with air quality standards in certain places, it is proposed to allow them to request an extension to the compliance deadline in the affected zones under certain conditions.

The level of ambition chosen for the strategy has been estimated to deliver at least EUR 42 billion per annum in health benefits. Attainment of these targets is estimated to cost approximately EUR 7.1 billion per annum (representing about 0.05% of EU-25 GDP in 2020).

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<sup>1</sup> Decision 1600/2002/EC, OJ L 242, 10.9.2002, p 1.

<sup>2</sup> Directive 96/62/EC, OJ L 296, 21.11.1996, p. 55.

<sup>3</sup> Directive 1999/30/EC, OJ L 163, 29.6.1999, p.41.

<sup>4</sup> Directive 2000/69/EC, OJ L 313, 13.12.2000, p. 12.

<sup>5</sup> Directive 2002/3/EC, OJ L 67, 9.3.2002, p.14.

<sup>6</sup> Decision 97/101/EC, O.J. L 35, 5.2.1997, p. 14.

<sup>7</sup> Directive 2004/107/EC, OJ L 23, 26.1.2005, p. 3.

## **GENETICALLY MODIFIED ORGANISMS – NEXT STEPS**

The Council held an initial policy debate on European perspectives on the future best use of genetically modified organisms (GMOs) as crops and foods, and on the European decision making process for GMOs.

The debate covered numerous aspects of policy on GM crops feed and food, in particular the potential risks and benefits of GM technology, coexistence between GM and traditional crops, the decision-making process for individual GMOs and the need for further research.

The debate on this issue will continue during the next presidency, in particular in the light of the assessment reports that the Commission should present in 2006 regarding implementation of the recent Community legislation (directive on the deliberate release into the environment of genetically modified organisms<sup>1</sup>, regulation on genetically modified food and feed<sup>2</sup>, regulation concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms<sup>3</sup>).

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<sup>1</sup> Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 (OJ L 106, 17.4.2001 p.1).

<sup>2</sup> Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 (OJ L 268, 18.10.2003, p.1).

<sup>3</sup> Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 (OJ L 268, 18.10.2003, p. 24).

## **OTHER BUSINESS**

The Council was briefed by the Commission on:

- Biodiversity strategy (15081/05)

It was further briefed by the Presidency on:

- Nanotechnologies action plan (14990/05)
- Green public procurement (14991/05)

It was also briefed on the following items:

- Information from the informal ministerial meeting on 23 November: "*Urgent action for the Baltic – discussion on the future*" (intervention by the Swedish delegation - 15082/05)
- Importation of wild birds into the EU (intervention by the Belgian delegation - 14882/05)
- Clean, clever and competitive (intervention by the Netherlands delegation - 14997/05)

## **OTHER ITEMS APPROVED**

### **ENVIRONMENT**

#### **Oder and Elbe conventions - River waters protection**

The Council adopted a Decision under which the Community ceased to be a party to the international conventions for the protection of the Elbe and the Oder rivers (13673/05).

The participation of the Community in the conventions is no longer justified following the accession of the Czech Republic and Poland to the EU on 1 May 2004 as, from that moment, all contracting parties are EU members.

#### **Alpine Convention**

The Council adopted a decision authorizing the signature of Protocols to the Alpine Convention on soil protection, energy and tourism (14830/05).

#### **European pollutant release and transfer register – regulation**

The Council adopted, at first reading, a regulation of the European Parliament and of the Council concerning the establishment of a European pollutant release and transfer register (PRTR).

A PRTR is generally defined as an integrated database or register of pollutants which includes facility-specific data on releases to the environment and transfers of waste. It may also include releases from other relevant sources (diffuse sources).

The regulation's objective is to enhance public access to environmental information through the establishment of a coherent, integrated, European-wide PRTR, thereby finally also contributing to the prevention and reduction of pollution, delivering data for policy makers and facilitating public participation in environmental decision making. The regulation is adopted within the context of the UN-ECE Protocol on PRTR, which was agreed upon in Kiev, May 2003.

Once adopted, the European PRTR will fully succeed the existing *European Pollutant Emission Register* (EPER) and the *Integrated Pollution Prevention and Control* instrument (IPPC).

## European pollutant release and transfer registers – UN-ECE protocol

The Council adopted a decision on the conclusion, on behalf of the European Community, of the United Nations-Economic Commission for Europe<sup>1</sup> (UN-ECE) Protocol on pollutant release and transfer registers (PRTR).

A PRTR is generally defined as an integrated database or register of pollutants which includes facility-specific data on releases to the environment and transfers of waste. It may also include releases from other relevant sources (diffuse sources).

The most important characteristics of a PRTR include: mandatory and periodical reporting by individual facilities, listing of pollutants, releases to air, water, land and transfers of waste, integrated database at national level, involvement of stakeholders, public accessibility.

In line with this definition, the Protocol contains the following key obligations:

- establishment and maintenance of (national) PRTR registers covering point sources and diffuse sources
- coherent and structured, publicly accessible user-friendly computerized database
- reporting requirements at facility level
- multimedia pollutant-specific reporting of releases (to air, water and land)
- reporting of off-site transfers of waste
- mandatory reporting on a yearly basis
- quality assessment of registered data
- voluntary reporting of diffuse sources

The Protocol covers a total of sixty-four activities and eighty-six substances, subject to possible future amendments.

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<sup>1</sup> <http://www.unece.org/env/welcome.html>

The UN-ECE Protocol on Pollutant Release and Transfer Register is an important step towards the full implementation of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

### **EXTERNAL RELATIONS**

#### **Euro-Mediterranean ministerial conference on transport**

The Council adopted draft ministerial conclusions with a view to the Euro-Mediterranean ministerial conference on transport to be held in Marrakech on 15 December 2005.

### **ECONOMIC AND FINANCIAL AFFAIRS**

#### **EU-USA joint statement on financial markets**

The Council agreed on the following EU-USA joint statement on financial markets:

" Dynamic financial markets are increasingly global and important for growth and innovation. As a result, developments in one market or jurisdiction can have implications for others. The European Commission and the United States established the Financial Markets Regulatory Dialogue in 2002 to manage such "spillovers." The Dialogue has evolved, seeking to identify and discuss potential conflicts while looking forward to ensure that our financial markets work together, allowing transatlantic financial markets to operate as efficiently as possible. The strength of the Dialogue is its informal nature, with issues discussed professionally among technical regulatory experts. The Dialogue is led by the European Commission and US Treasury, joined by staff from the US Securities and Exchange Commission and US Federal Reserve Board, as well as representatives of other supervisory bodies, as appropriate. The Dialogue is also informed by outreach to businesses, academics and legislators.

Immediate topics for discussion in the Dialogue include:

- Promoting convergence of accounting standards;
- Implementation and enforcement of financial market reforms, including consistent implementation and application of the Financial Services Action Plan;
- Cooperation among auditing supervisors;
- Governance and accountability of international standard setters;

- Deregistration reform for non-US issuers in the United States;
- Implementation of Basel II Capital Accord;
- Solvency II insurance provisions and the requirement of collateral for reinsurance;
- Policies regarding the conduct of credit rating agencies; and
- Monitoring relevant developments relating to hedge funds.

The Dialogue's focus with respect to medium-term and on-going issues includes:

- Competition among trading venues;
- Corporate governance practices; and
- Promotion of deeper and wider capital markets.

Given their responsibilities for the world's largest financial markets, the United States and EU authorities need to work to assure that conflicts of laws and regulations are managed without creating tensions in financial markets. At the same time, European and US regulatory authorities need to work closely together in international organizations, cooperating, where possible, to find common solutions that benefit global financial markets. In this way, benefits of more efficient markets that foster economic growth will accrue not only to the EU and the United States, but also the world economy."

### **TRADE POLICY**

#### **Anti-dumping - China and Russia - Granular polytetrafluoroethylene**

The Council adopted a regulation imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of granular polytetrafluoroethylene originating in China and Russia (14375/05).

## **AGRICULTURE**

### **EC/Switzerland - Common standards on animal products**

The Council unanimously adopted a Decision on the position to be adopted by the Community on Decision No 1/2005 of the Joint Veterinary Committee set up under the EU/Switzerland agreement on trade in agricultural products (14026/05).

The effect of the amendment of the agreement is that recent efforts by the Swiss government to *incorporate Community legislation* on hygiene of foodstuffs as well as control mechanisms in the field of feed and food law, animal health and welfare rules are *regarded as sufficient* to treat Swiss standards and EU standards with regard to animal products for human consumption, and milk and products of milk of the bovine species as equivalent, thus facilitating trade.

## **TRANSPARENCY**

### **Public access to documents**

The Council adopted:

- the reply to confirmatory application 41/c/03/05, the Swedish delegation voting against (13997/05 + ADD I);
- the reply to confirmatory application 42/c/04/05 (14371/05);
- the reply to the letter sent by the European Ombudsman to the Council concerning complaint 1487/2005/GG (13951/05).