



Brussels, 15 December 2010

BACKGROUND¹
ENVIRONMENT COUNCIL
Brussels, 20 December 2010

The Council will start at 10.00, chaired by Ms Joke Schauvliege, Flemish Minister for the Environment, Natural Resources and Culture.

*The Council will start with an item on the proposed regulation establishing **CO₂ emission standards for light vans**. It will go on to reach political agreement on the draft rules concerning **biocidal products**, such as insecticides and disinfectants. Then it will hear a progress report on the proposed recast of the directive on waste electrical and electronic equipment. The Council will also discuss progress on draft rules permitting member states to **restrict the cultivation of GMOs in their territory***

Ministers will then adopt three sets of conclusions: on sustainable materials management, on improving environmental policy instruments and on the follow-up to the Nagoya conference on biodiversity.

Jacqueline McGlade, Executive Director of the European Environment Agency, will present a report entitled "Environment in Europe: state and outlook 2010" to ministers over lunch.

*In the afternoon, ministers will debate the results of and **follow-up to the Cancún climate conference**.*

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Press conferences: +/- 13.00 and at the end of the meeting

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¹ This note has been drawn up under the sole responsibility of the Press Office.

CO₂ emissions of light vans

The Council will start with a public item on the proposed CO₂ emission standards for light vans.

Informal negotiations for an agreement between the European Parliament and the Council are currently under way. The third such meeting is scheduled for 15 December. How the Council will deal with this item depends on the outcome of that meeting.

Proposed in November 2009, the draft regulation ([15317/09](#)) complements EU rules on CO₂ emissions limits for new passenger cars ([443/2009](#)). The new text would introduce a limit of 175g CO₂/km for the average CO₂ emissions from new light vans registered in the EU. This target would apply to a small van of average mass while specific targets for individual vehicles would vary according to their weight. The Council advocated phasing in this objective between 2014 and 2017.

In order to give planning certainty to industry, a long-term target for CO₂ emissions of light commercial vehicles in 2020 has been included. The Council and the Parliament are still discussing the level of this target. The Council's starting point for the inter-institutional negotiation was a target of 155g CO₂/km. On the other hand, the Environment Committee of the European Parliament voted in favour of 140g CO₂/km. The modalities for reaching the objective are to be established in a revision of the regulation by 1 January 2013.

To incentivise investment in new technologies, from 2014 producers would have to pay a penalty if their fleet failed to meet the objective. As in the legislation for cars, the premium would depend on how far manufacturers exceeded the target. Both the Council and the European Parliament are in favour of a maximum penalty of EUR 95 per car for exceeding the target.

Biocidal products

The Council will seek political agreement on the draft regulation concerning biocidal products ([11063/09](#)). The proposal covers a wide range of pest control products, such as insecticides, disinfectants and repellents, but not medicines or agricultural pesticides.

Current rules ([directive 98/8/EC](#)) provide for an EU-wide list of active substances permitted in biocides. Member states may authorise products containing approved chemicals if they fulfil additional conditions. Such authorisation is in principle recognised by other EU countries. In June 2009, the Commission proposed to recast the existing directive as a regulation so as to harmonise its implementation.

In public deliberation, the Council is expected to agree on several important changes:

For the first time, the law will identify which active substances may not be used in biocidal products. The Council is set to ban substances that can cause cancer, mutations or fertility problems as well as chemicals that act as endocrine disruptors. In addition to the Commission's proposal, the Council will also ban chemicals with harmful effects on the environment².

At the same time, such substances may be essential to prevent a serious danger to public health or the environment. Thus they may still be authorised under certain specific conditions.

² very persistent and very bio-accumulative substances as well as persistent, bio-accumulative and toxic substances.

The recast is set to extend the rules to cover articles incorporating pest control chemicals. A wide range of everyday products, including sleeping bags, sofas or smell-free socks, are treated with such substances. The ban on dangerous chemicals would therefore also apply to them, which could for instance help to avoid allergic reactions to chemical residues. The Council would like such products to be labelled.

The review will also introduce the possibility of authorising biocidal products at EU level so as to reduce the administrative burden on producers. The European Chemicals Agency would then be responsible for issuing permits for both substances and products. This would be an optional procedure in addition to the current system of national authorisation. As a first step, the Council will introduce Union authorisation for certain product types³. From 2020 onwards, most product types could receive an EU authorisation.

Political agreement will determine the Council's position at first reading. The European Parliament voted its first-reading position on 22 September.

Waste electrical and electronic equipment

In public deliberation, the Council will hear a report from the presidency on progress with recasting the directive concerning waste electrical and electronic equipment. The so-called WEEE directive promotes recycling and recovery of electrical and electronic waste. A review was proposed by the Commission in December 2008 ([17367/08](#)).

Current rules ([2002/96/EC](#)) require member states to collect waste electrical and electronic equipment separately and establishes targets for its recovery and recycling. The act obliges EU countries to collect an annual average of at least 4kg of electric and electronic waste per inhabitant. The Commission has now proposed to change this collection target into a percentage of the electrical and electronic equipment sold on the market in the two preceding years. This is to improve the effectiveness of collection and to take into account the variations in consumption of electronic equipment across member states. The Council is also still debating whether to extend the law to cover more equipment. There is a progress report in [17217/2/10 REV 2](#).

The Council and the European Parliament recently agreed on a recast directive on hazardous substances in electrical and electronic equipment. Following linguistic revision, the Council will approve the text voted by the European Parliament on 24 November at one of its meetings next year ([16598/10](#)).

Cultivation of genetically modified organisms

In public deliberation, the Council will hear a report from the presidency on work concerning proposals to allow member states to restrict the cultivation of genetically modified organisms (GMOs) in their territory.

At the October Environment Council, many delegations were concerned about the conformity of national GMO bans adopted under the proposed legislation with the internal market and WTO rules. Some legal analyses have meanwhile cast doubt on such conformity whereas the Commission has defended its text. EU member states are currently examining legal opinions on the draft by various EU actors.

³ in-can preservatives; film preservatives; masonry preservatives; slimicides; metalworking-fluid preservatives; embalming fluids and fibre; leather, rubber and polymerised materials preservatives.

In this context, many delegations have asked the Commission for a list of possible grounds on which member states could base their decision to restrict GMO cultivation. A large majority of delegations considers the provision of such a list and full implementation of the Council conclusions of December 2008 on GMOs ([16882/08](#)) as prerequisites for continuing the discussion on the proposal.

Those conclusions called for strengthening the environmental risk assessment in the GMO authorisation process. They also demanded a Commission report by June 2010 on the socio-economic benefits and risks of placing GMOs on the market. Moreover, they invited the Commission to adopt labelling thresholds for the adventitious presence of authorised GMOs in conventional seeds.

Presented in July, the draft act ([12371/10](#) + [ADD1](#)) would allow member states to restrict GMO cultivation in their territory on grounds other than health and environment considerations, which are already addressed during the EU authorisation process for GMOs. Such national measures would have to be in compliance with the EU Treaty, i.e. not distort trade within the internal market, and comply with WTO obligations.

The Commission and the other member states would have to be informed about restrictions one month prior to their adoption. The authorisation of GMO food, feed and seeds for sale within the EU would not be affected and remains a decision taken at EU level.

Resource-efficient Europe

The Council will adopt conclusions on sustainable materials management and sustainable production and consumption as key contributions to a resource-efficient Europe.

In the draft declaration ([17495/10](#)), the Council expresses concern that the EU's extensive use of resources has negative effects on the environment and could endanger resource availability. The shift to a sustainable and resource-efficient economy, ministers reaffirm, will boost EU competitiveness and create business opportunities.

To put this into practice, the conclusions say that an integrated approach is needed, which takes account of the full life-cycle of materials: extraction of materials, design, production, distribution, recycling and final treatment. The Council urges member states and the Commission to reinforce their efforts to make the use of materials more sustainable, for instance by encouraging eco-design, reducing the use of hazardous substances and strengthening recycling markets. In addition, member states are encouraged to consider taxing energy and resource use and removing subsidies with negative impacts on the environment.

Finally, the Commission is invited to develop a common methodology to assess the environmental impact of products throughout their life-cycle so as to support product assessment and labelling. The Commission is expected to propose an EU resource-efficiency strategy in 2011.

Environmental policy instruments

As the EU's 6th environment action programme (EAP, 2002-2012) draws to a close, the Environment Council will look at the overall framework for EU environment policy after 2012.

The overwhelming majority of delegations wishes to continue the current framework and are therefore urging the Commission to propose a draft 7th EAP in good time. The same applies to a successor to the current environment and health action plan (2004-2010). On the other hand, the Commission considers it premature at this stage to commit to continuing both programmes. In preparatory discussions, it indicated that it would rather not prejudge the outcome of the final assessment of the 6th EAP, which is due in the final year of the programme.

Whatever the form of the framework, the Council would like to see an ambitious vision for EU environmental policy for 2050 and concrete targets for 2020 as well as coherence with the "Europe 2020" strategy and other EU initiatives. In a second environment and health action plan, the Council wants to include an evaluation of the need for new rules on nanomaterials, endocrine-disrupting chemicals and the combination effects of chemicals. In addition, it is in favour of maintaining the network and activities developed under the first plan.

In public deliberation, the Council will adopt conclusions on this issue. The declaration will also address other environmental policy instruments: environmental reporting and impact assessments, market-based measures, the reduction of subsidies incompatible with sustainable development and better implementation of EU environmental laws in member states.

Biodiversity: Follow-up to the UN conference in Nagoya

The Council will adopt conclusions on the follow-up to the 10th Conference of the Parties to the Convention on Biological Diversity, which took place in Nagoya, Japan, from 18 to 29 October.

The draft text ([17150/10](#)) welcomes the successful outcomes of the Nagoya conference, which adopted a new strategic plan for biodiversity for the period 2011-2020. It contains concrete targets for 2020 organised under five strategic goals, e.g. addressing underlying causes of biodiversity loss, reducing direct pressures on biodiversity and safeguarding ecosystems and genetic diversity.

The draft conclusions also welcome the protocol on access to genetic resources and benefit-sharing adopted at Nagoya. It obliges countries with genetic resources to create conditions to facilitate access to those resources. Those seeking to access them, on the other hand, have to obtain the prior consent of the host country and negotiate conditions of use that provide for an equitable sharing of the benefits from their utilisation.

The draft conclusions state that the EU is committed to putting in place the measures needed to implement the decisions taken at Nagoya. They also highlight the importance of integrating biodiversity considerations into all relevant other policies. In addition, the Council commits to substantially increasing financial, human and technical resources for biodiversity against an established baseline.

In March, the Council set a new EU target for the protection of biodiversity in 2020: the EU intends to halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restore them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss.

The UN Convention on Biological Diversity was signed by 150 government leaders at the 1992 Rio Earth Summit and ratified by the EU in 1993. Global biodiversity remains under severe threat, with losses occurring at 100 to 1000 times the normal rate, says the Commission ([5614/10](#)). Studies estimate that, if nothing is done to protect biodiversity, the annual loss of ecosystem services could amount to around EUR 50bn and by 2050 the accumulated welfare loss to 7% of annual consumption⁴.

Cancún climate conference

The Council will exchange views on the outcome and follow-up to the UN climate conference in Cancún, which discussed the global framework for climate protection.

The Cancún conference adopted several decisions, some of which reflect political agreements made at the UN climate conference in Copenhagen last year. The decisions, for instance, set out the target to hold the increase in global average temperature below 2°C above pre-industrial levels. They also formally recognise the emissions reduction pledges announced in the run up to the Copenhagen meeting. Moreover, greenhouse gas emissions will be monitored and verified not only for industrialised states, but also for developing countries. Emissions reports will be subject to a process of international consultation and analysis to ensure transparency and accuracy.

The conference started preparations for a mechanism to support developing countries in their efforts to protect forests and prevent emissions from deforestation. This could lead in time to a new type of emission reduction credits, which industrialised nations could use for compliance with their reduction targets. The meeting also established the Cancún Adaptation Framework to strengthen international cooperation on adaptation to climate change.

The decisions taken at Cancún formally recognise the commitment by developed countries to provide the so-called "fast-start finance": USD 30 billion for the period 2010-2012 to help developing countries adapt to and mitigate climate change. In addition, industrialised states reconfirm their promise to mobilise USD 100 billion per year by 2020, in the context of meaningful mitigation actions and transparency on their implementation. Some of the new funding should flow through the Green Climate Fund, established at Cancún.

At Cancún, parties to the Kyoto Protocol agreed to keep discussing its prolongation.⁵ The EU remains of the view that a single legally-binding instrument would be the best framework for protecting the climate after 2012. However, it is willing to consider a second commitment period under the Kyoto Protocol if this were part of a wider outcome including the perspective of a global framework engaging all major economies ([14957/10](#)).

The EU and its member states are associated with the Copenhagen Accord negotiated at the UN climate conference in December 2009. The EU already has legislation in place that ensures a 20% cut in greenhouse gas emissions by 2020 compared with 1990 levels. It maintains its conditional offer of a 30% reduction, provided there are comparable reductions by other developed countries and appropriate contributions from developing countries.

At the European Council in December 2009, the EU and its member states committed themselves to EUR 7.2 billion for the period 2010 to 2012 to help developing countries adapt to climate change and develop low-carbon economies. The Council reported to the Cancún conference that the EU

⁴ [The Economics of Ecosystems and Biodiversity study 2008](#), p 35

⁵ The decisions adopted at Cancún can be downloaded [here](#).

and its member states have mobilised EUR 2.35 billion in fast-start finance in 2010 ([15889/1/10 REV 1](#)). A summary of the actions supported can be found in [15889/1/10 ADD 1 REV 1](#).

The 16th Conference of the Parties to the UN Framework Convention on Climate Change took place in Cancún, Mexico, from 29 November to 10 December.
