



**COUNCIL OF
THE EUROPEAN UNION**



6762/06 (Presse 58)

PRESS RELEASE

2713th Council Meeting

Environment

Brussels, 9 March 2006

President

Mr Josef PRÖLL

Federal Minister of Agriculture, Forestry, Environment and
Water Management of Austria

P R E S S

Rue de la Loi 175 B - 1048 BRUSSELS Tel.: +32 (0)2 285 8716 / 6319 Fax: +32 (0)2 285 8026
press.office@consilium.eu.int <http://ue.eu.int/Newsroom>

6762/06 (Presse 58)

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Main Results of the Council

*The (Environment) Council adopted its contribution to the **Spring European Council**.*

*The Council adopted a common position with a view to adopting a Regulation amending Regulation 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of **civil aviation**.*

CONTENTS¹

PARTICIPANTS.....	5
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ITEMS DEBATED

THEMATIC STRATEGY ON AIR POLLUTION - <i>Council Conclusions</i>	7
MOTOR VEHICLE EMISSIONS.....	9
GENETICALLY MODIFIED ORGANISMS	10
CONVENTION ON BIOLOGICAL DIVERSITY - <i>Council Conclusions</i>	11
– 8th ordinary meeting of the conference of the parties (COP 8) to the CDB (Curitiba, Brazil, 20 to 31 March 2006)	11
– 3rd meeting of the conference of the parties to the CDB (MOP 3) serving as the meeting of the parties to the Cartagena protocol on biosafety (Curitiba, Brazil, 13 to 17 March 2006)	16
FLOODS	18
CLIMATE CHANGE - <i>Council Conclusions</i>	19
STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS - <i>Council Conclusions</i>	22
PREPARATION OF THE SPRING EUROPEAN COUNCIL - <i>Council Conclusions</i>	25
REVIEW OF THE STRATEGY FOR SUSTAINABLE DEVELOPMENT	30
WASTE	32
OTHER BUSINESS	34

OTHER ITEMS APPROVED*ENVIRONMENT*

– EU-Latin American strategic partnership on water and sanitation affairs.....	35
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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.
 - 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.

JUSTICE AND HOME AFFAIRS

- New functions for the Schengen Information System35

GENERAL AFFAIRS

- Progress of the EU in 2005 - Annual report from the European Council to the Parliament.....35

CUSTOMS UNION

- Suspension of duties for waste oils.....35

DEVELOPMENT COOPERATION

- Report of the Court of Auditors on European development fund budget aid to ACP countries- *Council conclusions*36

TRANSPORT

- Civil aviation - Harmonisation of technical requirements and administrative procedures *38

ATOMIC QUESTIONS

- Safety of spent fuel and of radioactive waste management.....39

TRANSPARENCY

- Public access to documents.....39

PARTICIPANTS

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

Belgium:

Mr Bruno TOBBACK
Mr Benoit LUTGEN

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

Czech Republic:

Mr Libor AMBROZEK

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 Reactor Safety

Estonia:

Mr Olavi TAMMEMÄE

Deputy Minister for Environment

Greece:

Mr Stavros KALOGIANNIS

State Secretary for the Environment, Regional Planning
and Public Works

Spain:

Ms Cristina NARBONA RUIZ

Minister for the Environment

France:

Ms Nelly OLIN

Minister for Ecology and Sustainable Development

Ireland:

Mr Dick ROCHE

Minister for the Environment, Heritage and Local
Government

Italy:

Mr Altero MATTEOLI

Minister for the Environment and Protection of Natural
Resources

Cyprus:

Mr Timmy EFTHYMIU

Minister for Agriculture, Natural Resources and
Environment

Latvia:

Mr Raimonds VĒJONIS

Minister for the Environment

Lithuania:

Mr Arūnas KUNDROTAS

Minister for the Environment

Luxembourg:

Mr Lucien LUX

Minister for the Environment, Minister for Transport

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 Humberto ROSA

State Secretary for the Environment

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:

Mr Elliot MORLEY

Minister of State for Climate Change and Environment

.....

Commission:

Mr Günter VERHEUGEN

Vice-President

Mr Stavros DIMAS

Member

.....

The Governments of the Acceding States were represented as follows:

Bulgaria:

Mr Jordan DARDOV

Deputy Minister for the Environment and Water

Romania:

Ms Sulfina BARBU

Minister for the Environment

ITEMS DEBATED**THEMATIC STRATEGY ON AIR POLLUTION - Council Conclusions**

The Council adopted the following conclusions:

"The Council of the European Union,

1. RECALLS that the Sixth Environmental Action Programme sets the objective of achieving levels of air pollution that do not give rise to significant negative impacts on and risks to human health and the environment and calls for a thematic strategy on a coherent and integrated policy on air pollution that would cover priorities for further actions, and the review and updating of air quality standards and national emission ceilings with a view to reaching the long-term objective of no exceedance of critical loads and levels;
2. WELCOMES the Commission's Communication on a Thematic Strategy on Air Pollution as an important and well-founded analysis based *inter alia* on state of the art scientific advice, developed by the World Health Organisation in relation to the significant adverse impacts associated with human exposure to fine particulate matter (PM_{2.5}) and ozone in ambient air, using extensive expertise on the effects of air pollution on ecosystems developed by experts within the Convention on Long Range Transboundary Air Pollution, and CONSIDERS this Communication to be a direct response to the request made in the Sixth Environmental Action Programme;
3. RECOGNISES the significant transboundary contributions to the environmental problems investigated and EMPHASIZES that appropriate measures by the Community as a whole and at international level will be necessary to further reduce pollution levels;
4. WELCOMES the Strategy's aim of supporting and building upon the scientific work performed within the Convention on Long-Range Transboundary Air Pollution, including its focus on the hemispheric transport of air pollution, and RECOGNIZES the need to further strengthen the scientific research on the effects of air pollution on environment and health, with special emphasis on fine particulate matter;
5. EMPHASISES that significant improvements in air quality have been achieved since 1990; however, TAKES NOTE of the current problems faced by Member States in implementing legislation relating to air pollution and RECOGNISES the need to explore possibilities and conditions for flexibility in that context. ACKNOWLEDGES that, even with effective implementation of current policies, there will remain very significant adverse impacts on human health and the environment from air pollution in 2020 and IS CONVINCED that the magnitude of these impacts is such that additional action must be taken to combat air pollution in the EU;

6. AGREES with the Commission's approach of setting interim objectives on health and environment up to 2020 in order to provide a longer-term perspective; CONSIDERS the ambition levels presented as an appropriate basis for further consideration, provided that all future measures are subjected to thorough impact assessment and updated projections are taken into account, and UNDERLINES the importance of the proposed review process which should, *inter alia*, consider ways of promoting synergies with structural and climate measures;
7. UNDERLINES that the implementation of the Thematic Strategy should support the objectives of the Lisbon and Sustainable Development Strategies and in particular ACKNOWLEDGES that the achievement of the objectives of the strategy will promote increased deployment of existing cleaner technologies and the development of new environmental technologies in line with the objectives of the Lisbon strategy;
8. RECOGNIZES that a mix of national, Community, and international measures will be required to deliver those objectives in a cost-effective way and CALLS for better integration of air pollution issues into agricultural, energy and transport policies both at Community level and at national level;
9. EMPHASISES that achievement of ambitious objectives depends on the timely adoption and implementation of further Community measures, therefore URGES the Commission to come forward as soon as possible with appropriate proposals *inter alia* on emissions from engines in heavy-duty vehicles (EURO VI) and on emissions from small and medium-scale stationary combustion sources, and REQUESTS the Commission to continue efforts to reduce emissions from shipping and to undertake further work on possibilities of reducing emissions from agriculture; INVITES the Commission to submit more detailed information as soon as possible as regards the timing and potential effects of the proposals envisaged;
10. NOTES with satisfaction that the Commission will come forward, as soon as possible, with a legislative proposal to revise the national emission ceiling Directive on the basis of the above-mentioned measures, taking into account the experiences and difficulties faced by the Member States during the implementation of that Directive, including the need for measures at Community level to enable Member States to respect the national emission ceilings."

MOTOR VEHICLE EMISSIONS

Pending the opinion of the European Parliament, the Council held a policy debate on a proposal for a Regulation on type-approval of motor vehicles with respect to emissions and on access to vehicle repair information, amending Directive 72/306/EEC and Directive .././EC (EURO 5) (5163/06).

The object of the proposal is to provide for a high level of environmental protection regarding atmospheric emissions from vehicles engines (petrol and diesel engines), by introducing limit values, while at the same time laying down harmonised rules on the construction of motor vehicles with a view to ensuring the functioning of the internal market.

The proposal establishes requirements for the type approval of motor vehicles and replacement parts, such as replacement catalytic converters, with regard to their emissions. In addition it lays down rules for in use compliance durability of anti-pollution devices, on-board diagnostic systems, measurement of fuel consumption and accessibility of vehicles repair information.

The emission limits for particulate matter provided for in the proposal would require the installation of particulate filters in Diesel cars.

The debate covered, in particular, the following issue (6441/06):

Should the new (Euro 5) Regulation provide a longer-term perspective and therefore already include a second stage of significantly lower emission limits, in particular with regard to NOx?

A majority of delegations was in favour of including long term limits in the proposal.

The Commission pointed out, however, that any further limits should be technologically and economically feasible, and might require a specific impact assessment.

The outcome of the debate provides guidance for the Council's further work on this issue.

GENETICALLY MODIFIED ORGANISMS

The Council held a policy debate on genetically modified organisms (GMOs), allowing the discussions regarding European perspectives on the future use of GMOs, which started in December 2005, to continue in greater depth.

The policy debate focused in particular on issues relating to risk management and authorisation procedures.

The delegations were in favour of greater transparency of the procedures and fuller and more appropriate information for consumers.

Reference was also made to the need for coordination between all the bodies concerned, particularly the Commission, the European Food Safety Authority and the competent national authorities. Safety assessment of GMOs should take greater account of the possible long-term consequences of the use of those products and scientific research should be intensified in this context.

Delegations welcomed the organisation in April of two conferences on the coexistence of organic, traditional and genetically modified crops and on the applicability of the precautionary principle in this field. In their view, the two conferences, together with the assessments reports concerning the application of the new Community legislation announced by the Commission should be the basis for continuing discussions at the next session of the (Environment) Council in June.

CONVENTION ON BIOLOGICAL DIVERSITY - Council Conclusions

- *8th ordinary meeting of the conference of the parties (COP 8) to the CDB (Curitiba, Brazil, 20 to 31 March 2006)*

The Council adopted the following conclusions:

"UNDERLINING the intrinsic value of biodiversity as well as its role in supporting basic human needs;

RECALLING the objective established at Göteborg by the European Council to halt biodiversity loss by 2010 within the EU as well as the CBD target to significantly reduce the rate of biodiversity loss by 2010, which was endorsed by the World Summit on Sustainable Development;

EXPRESSING deep concern that the rate of overall loss of biodiversity is continuing at an unprecedented rate as starkly highlighted by the findings of the Millennium Ecosystem Assessment and the Global Biodiversity Outlook and EMPHASIZING the need for considerable additional efforts to achieve by 2010 a significant reduction in this trend;

THE COUNCIL OF THE EUROPEAN UNION,

1. AGREES to take the opportunity of COP 8 and its ministerial segment to raise the profile of biodiversity and the need for action across all sectors to enhance efforts to achieve the 2010 target;
2. UNDERLINES the strong need for COP 8 to continue the process of moving from the policy development phase to effective implementation and so EMPHASISES the importance of adequate and concrete initiatives to enhance the achievement of agreed objectives;
3. in addition, STRESSES the strong and urgent need for streamlining and enhancing the effectiveness of the processes under the Convention on Biological Diversity ("the Convention"), in particular the resources allocation, efficiency of meetings, decision-making and reporting processes and, in this context, WELCOMES the recommendations of the Ad hoc Open-ended Working Group on Review of Implementation of the Convention;

4. REITERATES the need for mutual supportiveness between Multilateral Environmental Agreements and enhanced cooperation among biodiversity-related conventions and processes as well as strengthening synergies between them at all levels, and between the three Rio Conventions, specifically between the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change (UNFCCC) to ensure that negative impacts of climate change mitigation and adaptation measures on biodiversity are minimised and SUPPORTS the establishment of a Global Biodiversity Partnership;
5. REITERATES the need to strengthen biodiversity research and monitoring as an important contribution to the implementation of the various CBD work programmes, initiatives and action plans; UNDERLINES the need to identify and tackle priority research gaps and to address new and emerging issues;
6. STRESSES the importance of relevant taxonomy research for advancing the objectives of the Convention;
7. RECALLS that COP 7 adopted a Programme of Work on protected areas with the objective of the establishment and maintenance by 2010 for terrestrial and by 2012 for marine areas of a comprehensive, effectively managed, and ecologically representative national and regional systems of protected areas to be integrated in a global network; NOTES with great concern that implementation is lagging behind and EMPHASISES the need for more effective measures and adequate technical and financial support, including improved integration of protected areas as valuable assets in national and local development processes, to reach the goals and targets of the programme of work; in this context, UNDERLINES that COP 8 should adopt a mechanism and work schedule for a clear and efficient process to review implementation of the Programme of Work which should focus on the goals and targets contained therein, including the identification of obstacles, gaps and possible responses; HIGHLIGHTS the importance of ensuring further work of the Ad hoc Open-ended Working Group on Protected Areas to support and review progress on implementation;

8. While underlining that the effective protection of marine biodiversity will only be achieved if measures taken in areas beyond and within national jurisdiction are coherent, compatible and without prejudice to the rights and obligations of coastal states under international law, STRESSES the importance of the international community working towards integrated governance of marine biodiversity in areas beyond national jurisdiction *inter alia* by:
- developing an implementation agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biodiversity, so as to adopt an integrated management approach to these marine areas, including to facilitate and formalise the identification, establishment and management by 2012 of representative networks of marine protected areas;
 - considering/analysing options and approaches as necessary for the further conservation of biodiversity, including in relation to genetic resources;

UNDERLINES the crucial role of the Convention in contributing to this integrated approach, notably through providing, in collaboration with other relevant institutions, a sound scientific basis as well as precautionary and ecosystem-based approaches;

9. furthermore, CALLS for urgent action to halt destructive practices affecting vulnerable marine ecosystems and for the consideration on a case-by-case basis and on a scientific basis, including the application of the precautionary approach, of the interim prohibition of destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems until such a time as appropriate conservation and management measures have been adopted in accordance with international law, and STRESSES the need to strengthen, as appropriate, the conservation powers of existing Regional Fisheries Management Organisations (RFMOs) and establish new RFMOs where needed;
10. STRESSES the importance of addressing the under-representation of marine and coastal protected areas and the need to develop scientific criteria and a biogeographical framework for the selection and establishment of marine and coastal protected areas, including in coastal areas where coral reefs and mangroves can help to mitigate natural catastrophes;
11. SUPPORTS the adoption of the draft Programme of Work on Island Biodiversity;

12. WELCOMES the outcome of the fourth meeting of the Ad hoc Open-ended Working Group on Access and Benefit-sharing and, signalling the need for a review of the progress made in this Working Group, for in-depth continuation of its work and for the determination of a work schedule with the aim of an early elaboration, negotiation and conclusion of the proposed regime, SUPPORTS the endorsement of its recommendations by COP 8; RECALLS its commitment to negotiate an international regime on access and benefit-sharing as contained in the Johannesburg Plan of Implementation and in COP Decision VII/19; EMPHASISES that such a regime could be composed of one or more binding or non legally binding instruments where some elements form an integral part of existing international instruments, institutions and other fora while others are developed as self-standing elements within the framework of the CBD, in synergy with and mutual supportiveness of other relevant international institutions and fora; STRESSES the need to ensure equal attention to access and benefit-sharing aspects;
13. WELCOMES the outcome of the fourth meeting of the Intersessional Ad hoc Open-ended Working Group on Article 8(j) and SUPPORTS its endorsement by COP 8; REAFFIRMS the significance of the fundamental heritage of and the role played by the indigenous and local communities in the conservation and sustainable use of biodiversity, as well as the need for effective protection to related traditional knowledge, innovations and practices, and CALLS upon COP 8 to decide on practical arrangements that ensure the effective participation of indigenous peoples and local communities in the relevant work of the Convention, including the negotiations on an international regime on access and benefit-sharing, in order to ensure adequate integration of their concerns;
14. UNDERLINES the need for communication and education activities in order to raise awareness about biodiversity issues and facilitate involvement of relevant groups and institutions in the implementation of the Convention;
15. RECOGNISES the need to strengthen effective monitoring and assessment of progress towards the 2010 target on a sound scientific basis; LOOKS FORWARD to a more harmonised and outcome-oriented reporting format, focusing especially on progress towards reaching the 2010 target, so as to reduce the reporting burden and link national, regional and global reports more effectively;
16. REMAINS fully committed to supporting the Convention and its implementation and, in this context, UNDERTAKES to contribute to providing the adequate financial resources to fund the work to be entrusted to the Convention;

17. RECOGNISES the importance of broadening the financing basis for implementation, from both the public and the private sector, and the development of innovative funding mechanisms and LOOKS FORWARD to a successful fourth replenishment of the Global Environment Facility;
18. noting the potential impact of business on biodiversity on the one hand and its potential contribution to the achievement of the 2010 target on the other, UNDERLINES the need for better engagement between the CBD and the business community; EXPRESSES its willingness to support initiatives in this regard such as the Business and 2010 Biodiversity Challenge;
19. REITERATES that the achievement of the three objectives of the Convention - the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources - is essential to reaching the Millennium Development Goals; therefore STRESSES the importance of integrating these three objectives into National Sustainable Development Strategies, national budgets, national development plans such as Poverty Reduction Strategies and national and regional programmes for international development cooperation; and, in this context, EMPHASISES the EU 's commitment outlined in the 2005 "European Consensus on Development" to supporting the conservation and sustainable use of biodiversity in partner countries;
20. EMPHASISES the importance of strengthening and supporting national implementation of the Convention, *inter alia* through the exploration of biodiversity technical support services; HIGHLIGHTS the central role of National Biodiversity Strategies and Action Plans (NBSAPs) in delivering the objectives of the Convention and the need for greater effort to implement them; in this context, DRAWS ATTENTION to the value of bilateral and regional cooperation, including exchange of experience, to facilitate preparation, implementation and evaluation of NBSAPs as well as preparation of national reports and REITERATES the importance of strengthening sectoral integration of biodiversity issues at all levels to help achieve the 2010 target;
21. LOOKS FORWARD to the early finalisation of a Commission communication and roadmap completing the review of the EC Biodiversity Strategy and Action Plans aimed at assessing the implementation of each action previously agreed and identifying priorities towards meeting the 2010 target, taking into account the outcome of the Conference on "Biodiversity and the EU – Sustaining Life, Sustaining Livelihoods" (May 2004 - Malahide, Ireland)."

- *3rd meeting of the conference of the parties to the CDB (MOP 3) serving as the meeting of the parties to the Cartagena protocol on biosafety (Curitiba, Brazil, 13 to 17 March 2006)*

The Council adopted the following conclusions:

" THE COUNCIL OF THE EUROPEAN UNION

1. CALLS for the adoption at the third meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol (COP/MOP 3) of a decision on **documentation requirements** for shipments of living modified organisms (LMOs) intended for direct use as food or feed or for processing; this decision should confirm and further develop the information requirements set out in Decision BS-I/6, in accordance with the detailed negotiating directives set out in the Council Decision on this issue, so as to ensure the safe transfer, handling and use of LMOs;
2. ALSO CALLS for COP/MOP 3 to take necessary steps further to implement and to arrive at an effective international biosafety framework:
 - (a) by improving effective information exchange through the **Biosafety Clearing House** (BCH), in particular by urging parties to provide relevant information, enhancing interoperability, facilitating information access and strengthening capacity-building efforts;
 - (b) by strengthening efforts on **risk assessment** through the exchange of knowledge and practical experiences, where co-operation and training activities could be modelled on EU capacity-building projects, and by deciding to convene national, regional or sub-regional workshops, the outcome of which should be reviewed at COP/MOP 4;
 - (c) by ensuring user-friendly and easy-to-handle **monitoring and reporting** requirements, having regard to Parties' capacity, and establishing an adequate system for the effective implementation of the Protocol;
 - (d) by initiating a simple and efficient **assessment and review** process for the evaluation of effectiveness of the Protocol as envisaged in Article 35 of the Protocol with the overall goal of furthering its effective implementation; and
 - (e) agreeing a realistic **budget** consistent with the agreed priorities and programme of work for the Protocol;

3. while renewing its commitment to supporting capacity building efforts, EMPHASISES the importance of taking forward work on capacity building, which is a prerequisite for the effective implementation of the Protocol and vital for its success;
4. while noting with concern identified gaps in the implementation of the **action plan**, ACKNOWLEDGES with appreciation the capacity building efforts to date and CALLS for their continuation and for high priority to be given to the development of biosafety regulatory frameworks and their implementation within an updated action plan on capacity building based on a needs-oriented approach;
5. WELCOMES the constructive outcome of the second meeting of the open-ended ad hoc working group on **liability and redress** and COMMITS itself to contributing constructively to the timely and successful completion of the group's work within the agreed four-year time frame."

The Council also adopted a decision granting a negotiating mandate to the Commission with respect to the key issue on the agenda of the MOP 3: the documentation requirements for shipments of living modified organisms¹ intended for direct use as food or feed or for processing.

Together, the Council conclusions and the Council Decision provide a negotiating framework for the EU at the forthcoming MOP3 to the biosafety protocol.

¹ A living modified organism is defined in the Cartagena protocol on biosafety as any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology.

FLOODS

Pending the opinion of the European Parliament, the Council took note of a report concerning progress achieved during the examination by the Council of a proposal for a Directive on the assessment and management of floods.

The progress report mentions the technical issues – related to coordination with the water framework Directive, the preliminary flood risk assessment, flood maps and flood risk management plans – yet to be resolved with a view to reaching political agreement in June if the opinion of the European Parliament is available.

The object of the proposal (5540/06) is to reduce and manage the risks which floods pose to human health, the environment, infrastructure and property. It applies to the whole Community territory, and therefore to flood risk in both rivers and coastal zones.

In order to attain its objective, it provides for preliminary flood risk assessments of each river basin district, for flood mapping in areas with a significant flood risk, for a coordination mechanism within shared river basins and for producing and implementing flood risk management plans through a broad participatory process in vulnerable river basins and coastal areas.

The proposed Directive provides considerable flexibility for Member States to determine the level of protection required, the measures to be taken and the timetables for implementing flood risk management plans. A close link with the water framework Directive¹ is provided for.

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

¹ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327 of 22.12.2000).

CLIMATE CHANGE - Council Conclusions

The Council adopted the following conclusions:

"The Council of the European Union,

1. STRESSES its strong commitment to make progress in tackling the problem of climate change, most recently expressed by the European Council in December 2005;
2. strongly WELCOMES the positive and forward-looking Montreal Action Plan, resulting from the eleventh Conference of the Parties (COP 11) to the United Nations Framework Convention on Climate Change ("the Convention") and the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP 1) (Montreal, 28 November – 9 December 2005), especially the adoption of the Marrakesh Accords, including the compliance regime, the improvement of the operation of the Convention and the Kyoto Protocol, in particular the Clean Development Mechanism (CDM) and Joint Implementation (JI), the adoption of the five-year work programme on adaptation as well as further action within the framework of the Convention and the Kyoto Protocol; also NOTES with appreciation the start of the process of discussing issues related to deforestation in developing countries, which contributes to about 20% of global anthropogenic greenhouse gas emissions;
3. in particular, WELCOMES the decision to initiate the consideration of further commitments for Parties included in Annex I to the Convention for the period beyond 2012 in accordance with Article 3(9) of the Kyoto Protocol and the decision to engage in a dialogue on long-term cooperative action to address climate change by enhancing implementation of the Convention to exchange experiences and analyse strategic approaches;
4. HOLDS the view that both processes should be guided by the ultimate objective of the Convention: stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner; REITERATES its view that in order to meet this objective, overall global mean surface temperature increase should not exceed 2°C above pre-industrial levels and that significant global emission reductions will be necessary in accordance with the principle of common but differentiated responsibilities and respective capabilities; NOTES that this will require global greenhouse gas emissions to peak within two decades, followed by substantial reductions in the order of at least 15% and perhaps by as much as 50% by 2050 compared to 1990 levels; NOTES that failure to achieve such reductions urgently would lead to an increased risk of abrupt climate change; IS CONFIDENT that the Montreal Action Plan provides the appropriate means to discuss with all parties ways and means to achieve this objective;

5. EMPHASISES the need to ensure the crucial role of a global carbon market and the continuity and effective functioning of the flexible mechanisms to deliver the necessary deep emission cuts in a cost-effective manner and to stimulate development, deployment and transfer of climate-friendly technologies, practises and processes; in this context, RECALLS the need to address long-term certainty as part of the review of the European Union Emissions Trading Scheme and its intention to establish links with other emissions trading schemes to develop an efficient global emissions trading market;
6. RECALLS that the December 2004 and March 2005 (Environment) Council and the 2005 Spring European Council initiated the development of a medium and long-term EU strategy to combat climate change, consistent with not exceeding the 2°C objective; without prejudging new approaches for differentiation between Parties in a future fair and flexible framework, STRESSES its intention to explore with other Parties strategies for achieving necessary emission reductions and REAFFIRMS that, in this context, reduction pathways by the group of developed countries in the order of 15-30% by 2020 compared to the baseline envisaged in the Kyoto Protocol, and by 2050, in the spirit of the conclusions of the March 2005 (Environment) Council, should be considered; in this context, LOOKS FORWARD to the Commission's further analysis of benefits and costs of greenhouse gas reduction strategies;
7. IS OF THE VIEW that, when considering with other Parties further commitments for Annex I Parties, a number of other issues will need to be explored, and LOOKS FORWARD to identifying these issues in time for the Ad hoc Open-ended Working Group on Article 3(9) of the Kyoto Protocol and with a view to informing the review process under Article 9(2) of the Protocol; EMPHASISES the need to ensure that there is no gap between the first and second commitment periods; LOOKS FORWARD to a successful discussion in the Ad hoc Open-ended Working Group on Article 3(9) of the Kyoto Protocol;
8. NOTES that greenhouse gas emissions from Annex I Parties that are Parties to the Kyoto Protocol represented only some 30% of global emissions in 2000, that the EU share was only 14% of global emissions in 2000, and that these two shares are expected to decrease as a proportion of global emissions over coming decades; CONCLUDES that to be most effective in tackling climate change, strengthened further actions by Annex I Parties must form part of a global effort by all parties in accordance with the principle of common but differentiated responsibilities and respective capabilities to enhance the implementation of the Convention and LOOKS FORWARD to a successful dialogue on long-term cooperative action;

9. UNDERLINES the commitment of the European Community and its Member States to meeting their respective Kyoto Protocol targets, as confirmed in the reports on demonstrable progress by the European Community and its Member States listed in Annex I to the Convention in accordance with Article 3(2) of the Kyoto Protocol; LOOKS FORWARD to the outcomes of the second European Climate Change Programme; IS AWARE that the implementation of additional measures is needed to reach the Community's Kyoto target;
10. REITERATES the importance of strengthening the EU's dialogue and technological cooperation with other countries and regions, including action on both the development and the diffusion of new and existing climate-friendly technologies and the role of the Kyoto mechanisms, and through cooperation with the Russian Federation on the implementation of the Kyoto Protocol, the implementation of the partnerships already launched with *inter alia* India and China on climate and energy and the development of further partnerships with all major energy-consuming countries complementing international cooperation under the Convention and the Kyoto Protocol;
11. UNDERLINES the need to exploit the synergies between the promotion of energy security, sustainable energy supply, innovation and reduction of greenhouse gas emissions to ensure consistency between energy and climate issues, both internally and in the EU's external relations and in its international and development cooperation, in order to move to a low-carbon future; NOTES that in May 2006 the United Nations Commission on Sustainable Development (CSD) is expected to review the thematic cluster of energy for sustainable development, industrial development, air pollution/atmosphere and climate change to prepare for policy decisions in 2007 which can promote *inter alia* technological innovation and climate-friendly investments;
12. REAFFIRMS the EU's commitment to support the efficient and effective functioning of the flexible mechanisms of the Kyoto Protocol, in particular the CDM; in this context, WELCOMES the total pledge of US\$ 8,188,050 which has been announced at Montreal to support the near-term funding needs of the CDM; RECONFIRMS its intention, on the basis of the statement made at Montreal, to continue providing adequate financial support for the CDM as well as for Joint Implementation (JI) and the implementation of the International Transaction Log (ITL) in 2007 and URGES other Parties to do likewise;
13. REITERATES that since climate change is already occurring and its impacts are already being felt and are even intensifying, adaptation is a necessary complement to mitigation policies and, in this context, LOOKS FORWARD to the further development and implementation of the five-year programme of work on impacts, vulnerability and adaptation to climate change; ENCOURAGES all countries to integrate adaptation into relevant decision-making processes; REAFFIRMS the need to operationalise the Adaptation Fund which will promote measures to facilitate adaptation by supporting concrete adaptation projects and programmes and assisting developing countries which are Parties to the Kyoto Protocol and are particularly vulnerable to the adverse effects of climate change in meeting the cost of adaptation."

STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS - Council Conclusions

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION:

1. WELCOMES the outcome of the first Conference of the Parties to the Stockholm Convention held in Uruguay from 2 to 6 May 2005 and NOTES that the second Conference of the Parties (COP 2) will take place from 1 to 5 May 2006 in Geneva, Switzerland;
2. NOTES that by its Decision 2004/.../EC of 14 October 2004, the Council approved the Convention on behalf of the European Community, and that the instrument of approval was deposited on 17 November 2004;
3. RECOGNISES the large number of important topics arising from the Convention to be discussed and decided at COP 2, and the resolutions adopted by the May 2001 Conference of the Plenipotentiaries and by the May 2005 COP 1;
4. EMPHASISES that the overall aim of the European Community and the Member States should be to ensure that the decisions taken at COP 2 allow effective implementation and further development of the Convention and that they are consistent with the Community's environmental and development policy objectives and legislation;
5. CONCLUDES that the European Community and the Member States should aim to ensure that:
 - (a) COP 2 adopts procedures and institutional mechanisms under Article 17 of the Convention to promote compliance with the provisions of the Convention and for the treatment of Parties found to be in non-compliance;
 - (b) the expert group on best available techniques (BAT) and best environmental practice (BEP) continues further work to enhance the guidelines for eliminating and reducing releases of unintentionally produced POPs for its second meeting in December 2006 with a view to adopting guidelines and guidance at COP 3 in 2007 ;
 - (c) an information exchange mechanism is established in order to periodically review the dioxin toolkit including PCBs and HCBs;

- (d) COP 2, while reminding all Parties that they are obliged to transmit a national implementation plan to the COP no later than two years after entry into force of the Convention for that Party, adopts appropriate guidance on the review and updating of National Implementation Plans; the EU reaffirms its commitment to such National Implementation Plans which are prepared in a transparent, inclusive and participatory manner
- (e) the Basel Convention Technical Guidelines for the environmentally sound management of wastes consisting of, containing or contaminated with POPs are examined with a view to adopting provisions at COP 3 in 2007;
- (f) COP 2 addresses the need to accelerate measures aiming at phase-out and disposal of PCB equipment and ensures that the reporting format as adopted at COP 1 is supplemented by a format for reporting on PCBs;
- (g) COP 2 addresses the difficulties caused by obsolete stocks of POP pesticides by seeking synergies between the Stockholm and Basel Conventions and with wider obsolete pesticide and waste disposal programmes and requests them to make recommendations for action where appropriate;
- (h) while fully acknowledging the continuous need for DDT for disease vector control in some developing countries, COP 2, with the aim of minimising the production and use of DDT, steps up the efforts to identify and promote the development and implementation of locally safe, effective and affordable alternatives for disease vector control. COP 2 should request the Secretariat, in close collaboration with the World Health Organisation, to prepare a re-evaluation of the continued need for DDT for COP 3. COP 2 should also invite the Global Fund to Fight AIDS, Tuberculosis and Malaria (GFATM) to consider what contribution it could make to assisting the phase-out of DDT in malaria control;
- (i) a review of the implementation with regard to notifications of uses of chemicals in articles and in site-limited closed-system intermediates leads to guidance on how to ensure elimination of pollution caused by POPs from these remaining uses in accordance with the Convention;
- (j) with regard to the effectiveness evaluation, which is due 4 years after entry into force of the Convention, appropriate arrangements to provide the COP with comparable monitoring data are initiated. When considering the background scoping paper, COP 2 should preferably take into account regional solutions building on existing institutions and programmes and avoid any duplication of efforts;

- (k) GEF should continue to be the principal entity entrusted with the operation of the financial mechanism, recognising that a light and even-handed review of the effectiveness of the Financial Mechanism is to be conducted in accordance with the Terms of Reference adopted at COP 1;
 - (l) any amendments adopted to the indicative budget for 2007 are limited to corrections needed in the light of experience or changes required to allow effective implementation by the Secretariat of COP 2 decisions;
 - (m) COP 2 confirms the appointment of the members of the Persistent Organic Pollutant Review Committee and guides the Committee towards continuing its work in an expeditious manner with a view to finalising the risk profiles for the five substances in question at its second meeting in November 2006;
6. REAFFIRMS that the aim of the European Community and the Member States is that further POP substances be included under the Stockholm Convention in order to contribute to achieving the 2020 chemicals target adopted at the World Summit on Sustainable Development; WELCOMES and SUPPORTS the efforts by the Commission and Member States to identify and prioritise between the potential POP substances, including the Commission's proposal for the nomination of new POPs; RECOMMENDS that the European Community and the Member States announce at COP 2 their intention of making a proposal for at least two and up to four additional substances, to be forwarded to the Secretariat, in order to allow examination by the second meeting of the POPs Review Committee. The submission of further substances will require a decision by the Council;
7. EMPHASISES that, in the context of the synergies studies being prepared for the COP, the European Community and the Member States should support proposals to enhance synergies and strengthen cooperation at both Secretariat and Conference of the Parties level between the Basel, Rotterdam and Stockholm Conventions and, as appropriate, with the Vienna Convention and its Montreal Protocol and relevant intergovernmental organisations with the aim of ensuring maximum system-wide coherence, efficiency and effectiveness;
8. REAFFIRMS that at COP 2 particular emphasis should be placed on the link with the Strategic Approach for International Chemicals Management (SAICM) adopted in Dubai on 6 February 2006 and endorsed by the 9th Special Session of the UNEP Governing Council."

PREPARATION OF THE SPRING EUROPEAN COUNCIL - Council Conclusions

The Council adopted the following conclusions:

"In the context of the 2006 annual Spring meeting of the European Council, the Council,

1. REITERATES, in line with the European Council's conclusions in March 2005, the important contribution of environment policy to growth and employment, while stressing that economic growth must be decoupled from negative environmental impacts to a larger extent. EMPHASISES therefore that the Lisbon Strategy should contribute to the objectives of sustainable development which is an overarching concept guiding all Community policies.
2. TAKES NOTE of the Commission's Annual Progress Report and in particular its emphasis on energy efficiency, energy savings and renewable energies, environmental technologies and a more sustainable management of natural resources.
3. LOOKS FORWARD to the Spring European Council discussions on energy issues, which should lead in particular to concrete actions in the field of resource and energy efficiency and to further promotion of renewable energy, including through considering, in 2006, the setting of targets for the share of energy from renewable energy sources for the period beyond 2010 in order to move towards more sustainable energy systems. Such actions would also contribute to the EU objective of limiting global mean temperature increase to no more than 2°C above pre-industrial levels in order to avoid the worst impacts of climate change, to meeting the EU's greenhouse gas emission reduction targets under the Kyoto Protocol, as well as to energy security.
4. WELCOMES the fact that most Member States, in their National Reform Programmes (NRPs), have identified environmental and sustainable development issues as important political priorities.
5. POINTS OUT that well-designed environmental policy has positive effects on growth and employment, notably through measures to stimulate eco-innovations and environmental technologies, for which global demand grows steadily, by advancing the use of market-based instruments, and through measures to promote a more sustainable management of natural resources. CALLS on the Commission to further explore how the synergies between the economy and the environment can be harnessed and to intensify work on interlinkages between environment and employment policies.
6. STRESSES the potential of environmental technologies to act as a catalyst for synergies between competitiveness, energy and environment; TAKES NOTE in that respect of the establishment of the High-Level Group "Competitiveness, Energy and Environment".

7. SUPPORTS the establishment of an EU Green Public Procurement network and of National and European GPP knowledge bases. This should:
- allow for the sharing of experience, information and best practices, aiming to develop common environmental specifications, to be included in templates for calls for tender,
 - facilitate the use of benchmarking and the setting of appropriate targets, and
 - promote capacity building measures for public procurement officers.
8. WELCOMES the 2005 Environmental Policy Review (EPR) and CALLS on the Commission to ensure timely adoption of future EPRs to allow Environment ministers to provide substantial input to the annual Spring meetings of the European Council; ACKNOWLEDGES ongoing efforts towards better Regulation, notably through the proposals for thematic strategies. Furthermore, UNDERLINES that impact assessments addressing economic, social and environmental aspects in a balanced manner should be applied to all major policy proposals as an effective instrument to integrate environmental considerations into other policy areas.
9. STRESSES once again that delaying action or failure to address environmental challenges will likely induce higher costs, affecting future economic growth and putting additional strain on public finances, and lead to irreversible damage to the environment and the natural resource base, for example through climate change or biodiversity loss, as well as to impacts on public health. CALLS on the Commission therefore to intensify its work on quantifying the cost of inaction as well as on identifying the positive effects of preventive action.

INVITES the European Council to recognise:

10. further to its acknowledgment in March 2005 of the important contribution of environmental policy to growth and employment, as well as to the quality of life, the potential of environmental policy, through appropriate measures, to impact positively on:
- public health and health-care costs;
 - social inclusion and cohesion through job creation;
 - energy security and energy efficiency.

11. the need to continue to integrate environmental considerations into the Lisbon agenda, and thereby ensuring coherence with the EU Sustainable Development Strategy, to reflect, including in the respective governance processes, the close linkages between the two strategies, and to better tap synergies between them;
12. that efficient use of natural resources contributes to competitiveness and growth and that Europe needs a long-term strategy that aims to reduce the negative environmental impacts of using natural resources, including outside the EU;
13. the need to exploit fully the potential of Community financial instruments foreseen under the 2007-2013 financial perspectives to promote efficient use of natural resources in support of the Lisbon agenda for growth and jobs, taking into account specific circumstances in the Member States and without prejudice to future deliberations on these instruments;
14. the need to ensure that the future Seventh framework programme for research, as well as the Competitiveness and Innovation Framework Programme (CIP), allocate adequate funding to support environmental policy priorities and take environmental and sustainable development concerns into account.

On that basis, the European Council is invited to endorse the following priorities for action:

15. Strong promotion and more rapid diffusion of eco-innovations and environmental technologies, inter alia through:
 - accelerating and intensifying the implementation of the Environmental Technology Action Plan (ETAP), making full use of national roadmaps, ensuring adequate financial means, notably at EU level, as well as setting and monitoring measures aimed at a larger availability of venture capital;
 - taking further awareness raising measures to support the uptake of environmental technologies;
 - considering setting performance targets to create wider demand for such technologies;

16. The development of a new energy policy that fully exploits the synergies between the promotion of energy security, sustainable energy supply, competitiveness, innovation and the reduction of greenhouse gas emissions, including the strong promotion of energy efficiency and renewable energies, inter alia through:
 - promoting energy-efficient solutions to move towards the energy saving target according to the Directive on energy end-use efficiency and energy services, and
 - reflecting on a long term strategy on the basis of the Commission Green Paper on energy efficiency and the forthcoming Green Paper on an integrated European energy policy;
 - taking forward ambitious action plans on biomass and bio-fuels as important contributions to energy supply, taking minimum sustainability standards into account, while at the same time promoting fuel efficiency as well as better fuel quality standards;
 - developing demand-side management in particular through measures in the areas of transport and housing;
17. Following up the Montreal Climate Action Plan under the UN Framework Convention on Climate Change, to prepare options for a post-2012 arrangement without delay, through engaging constructively in a broad dialogue on long-term cooperative action, and at the same time through Articles 3.9 and 9.2 of the Kyoto Protocol, including the consideration of further commitments for Parties included in Annex I to the Convention for the period beyond 2012 in accordance with Article 3.9 of the Kyoto Protocol and of the Community's future role on actions to be taken to achieve the 2°C objective, as recalled in the Conclusions on climate change adopted by the Council on 9 March 2006, as elements of the strategy due to be discussed during the second half of 2006, taking advantage of the review of the EU Emission Trading Scheme and the work under the European Climate Change Programme (ECCP II);
18. Reviewing the environmental structural indicators in the context of the Lisbon governance process in order to cover the environmental dimension of the Lisbon Strategy more comprehensively and coherently and better express the environmental impacts;
19. Urgent implementation of the EU objective of halting the loss of biodiversity by 2010, notably by integrating its requirements into all relevant Lisbon agenda policies including the elaboration of a structural indicator on biodiversity and by swift adoption and discussion of the Commission Communication on biodiversity, which should identify the actions and means needed to achieve this objective;

20. Exploring specific actions to bring about more sustainable consumption and production patterns at EU and global level, including endorsing the proposed development of an EU SCP Action Plan, fostering green public procurement by promoting environmental criteria and environmental performance targets in calls for tenders, by rapidly implementing the Eco-Design Framework Directive on Energy-Using Products and by examining the proposal for a Directive on the promotion of clean road transport vehicles as soon as possible;
21. Further exploring the greater use of appropriate incentives and disincentives, in particular market-based instruments, and a reform of subsidies that have considerable negative effects on the environment and are incompatible with sustainable development, with a view to gradually eliminating them."

REVIEW OF THE STRATEGY FOR SUSTAINABLE DEVELOPMENT

The Council held a policy debate on the review of the EU Sustainable Development Strategy (SDS), on the basis of a Commission's "SDS review package" consisting of:

- a communication proposing six priority issues, the integration of the external dimension into internal policy making and an effective monitoring procedure and follow-up process;
- guiding principles for SD adopted in June 2005 by the European Council (Annex 1)
- objectives, targets, policies and actions (Annex 2);
- a Commission communication adopted in February 2005, taking stock of progress and proposing future orientations (Annex 3).

The Commission package was generally welcomed as a good basis for Council work. It was stressed however that certain issues, such as consumption and production patterns, education, research and biodiversity, deserved greater emphasis. Unsustainable economic, social and environmental trends must be addressed in a balanced manner.

Several delegations insisted that although the Lisbon Strategy and the SDS were complementary and mutually supportive, a clear distinction should be maintained between the two processes.

The need for effective and practical follow-up mechanisms was also underscored.

The Commission indicated its willingness to cooperate with the Presidency and the Council to strengthen its proposal and ensure that the revised SDS translated into concrete operational objectives and measures leading to tangible results.

There was broad support for the approach and procedure proposed by the Presidency to ensure that a single coherent document, meeting the request of the European Council in December 2005¹, could be adopted in June, taking into account the outcome of the current debate and of the policy debates that would take place in the various Council configurations directly concerned by the SDS.

¹ It is recalled that in December 2005, the European Council took note of the presentation by the Commission of its communication on a renewed Sustainable development strategy for the next 5 years and looked forward *"to adopting in June 2006 an ambitious and comprehensive strategy, comprising targets, indicators and an effective monitoring procedure, which should integrate the internal and external dimensions and be based on a positive long-term vision, bringing together the Community's sustainable development priorities and objectives in a clear, coherent strategy that can be communicated simply and effectively to citizens."*

WASTE

The Council held a policy debate on a thematic strategy on the prevention and recycling of waste and a proposal for a Directive on waste, covering in particular the following issues:

- (1) Aim of the thematic strategy.
- (2) Adequacy of the proposed measures at EU and national levels for meeting the policy aim of the thematic strategy.

The delegations generally welcomed the strategy and its objective of transforming the EU into a "recycling society" while expressing their opinion on some specific aspects of the Commission proposal, such as waste hierarchy, waste prevention and legislative measures.

The outcome of the debate should provide guidance for further Council's work.

As prescribed in the 6th environment action programme¹ (6th EAP), the thematic strategy on waste (5047/06) sets objectives and outlines the means by which the EU can move towards improved waste management. It aims at contributing to the sustainable use of natural resources with a view to reducing the overall negative environmental impact of such use. It is presented in tandem with the thematic strategy on the sustainable use of natural resources and provides for the following main measures:

- a renewed emphasis on full implementation of existing legislation,
- introducing life-cycle thinking into waste policy,
- promotion of waste prevention policies,

¹ Decision 1600/2002/EEC, OJ L 242, 10.09.2002, p.1.

- improving the knowledge base,
- fostering waste recycling (recycling standards, economic instruments),
- simplification and modernisation of existing legislation.

The action and changes proposed by the thematic strategy are expected to lead to less waste to landfill, more compost and energy recovery from waste and more and better recycling. The EU should become, in the long term, a recycling society, that seeks to avoid waste and uses waste as a resource.

The thematic strategy on waste will be implemented partly through the proposed Directive (5050/06) which, inter alia:

- revises the current waste framework Directive ¹ and repeals Directive 91/689/EEC on hazardous waste ² and Directive 75/439/EEC on the disposal of waste oils ³, integrating some of their provisions into the current proposal, in line with the better Regulation approach to simplification,
- introduces an environmental objective into the Directive, and clarifies the concepts of recovery and disposal,
- makes provision for a procedure to clarify when waste ceases to be waste, for selected waste streams,
- establishes minimum standards or a procedure to establish minimum standards for a number of waste management operations,
- requires the development of national waste prevention programmes.

¹ Directive 75/442/EEC of 15 July 1975 on waste, as amended by Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste, OJ L 194/39 and OJ L 78/32.

² Directive 91/689/EEC of 12 December 1991 on hazardous waste, OJ L 377/20.

³ Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils, OJ L 194/23.

OTHER BUSINESS

The Council was briefed on the following items:

- (a) Follow-up to the "Communication from the Commission on the Biomass Action Plan" and to the "Communication from the Commission: an EU Strategy for Biofuels" (6969/06)
 - Intervention from the presidency

- (b) Conference on "Greening Events" (16-17 January 2006, Hofburg, Vienna) (6970/06)
 - Intervention from the presidency

- (c) European experts conference on "Environmentally-friendly travelling in Europe – Changes and Innovations facing Environment, Transport and Tourism" (30-31 January 2006, Hofburg, Vienna) (6971/06)
 - Intervention from the presidency

- (d) European action on water scarcity and drought (6952/06)
 - Intervention from the Belgian, Greek, Spanish, French, Italian, Cyprus, Maltese, Portuguese and Slovenian delegations

- (e) Ecologically and agriculturally useful application of bio-wastes (7025/06)
 - Intervention from the German delegation, with the support of the Spanish, Austrian, Czech, Portuguese and Italian delegations

- (f) Outcome of the First International Conference on Chemicals Management (ICCM 1) (Dubai, 4 to 6 February 2006) (6972/06)
 - Intervention from the presidency

- (g) Limitations of Community environmental funding for Natura 2000 in the context of on-going negotiations on the financial perspectives (6934/06)
 - Intervention from the Belgian delegation with the support of the Spanish, Portuguese, Polish, Latvian, Czech, Cyprus, Greek and Luxembourg delegations

OTHER ITEMS APPROVED

ENVIRONMENT

EU-Latin American strategic partnership on water and sanitation affairs

The Council approved a joint declaration aimed at strengthening cooperation with Latin American countries on water and sanitation issues in the framework of the EU water initiative launched in Johannesburg in 2002 with a view to contributing to achieving the United Nations millennium development goals (halving by 2015 the proportion of people in the world who are unable to reach safe drinking water and improved sanitation)

JUSTICE AND HOME AFFAIRS

New functions for the Schengen Information System

The Council adopted a decision fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (6362/06 and 6363/06).

GENERAL AFFAIRS

Progress of the EU in 2005 - Annual report from the European Council to the Parliament

The Council approved a draft report on the progress of the European Union in 2005 with a view to its final adoption by the European Council on 23 and 24 March 2006. The report will then be submitted to the European Parliament pursuant to Article 4 of the EU Treaty (6758/06).

CUSTOMS UNION

Suspension of duties for waste oils

The Council adopted a Regulation suspending customs duties for petroleum waste oils intended for recycling for an indefinite period, and hence amending Regulation 2658/87 on the common customs tariff (5753/06).

DEVELOPMENT COOPERATION**Report of the Court of Auditors on European development fund budget aid to ACP countries-
Council conclusions**

The Council adopted the following conclusions (6263/06):

"THE COUNCIL

WELCOMING Special Report No 2/2005 concerning EDF budget aid to ACP countries: the Commission's management of the public finance reform aspect,

1. CONGRATULATES the Commission on its efforts in the field of direct non-targeted budget aid, which has increased substantially in recent years and now accounts for around one fifth of EDF aid. This form of aid, with its main aims of facilitating growth and reducing poverty, both of which are among the United Nations Millennium Development Goals, should provide countries with a better sense of ownership than aid supplied to a variety of projects;
2. NOTES nevertheless that while – as the Court's report underlines – the analytical and follow-up tools applied in coordination with the other donors (in particular the World Bank and the International Monetary Fund) provide relatively comprehensive information that enables the Commission to take appropriate action, the design and implementation of those tools need to be improved;
3. APPROVES the Court's recommendations to the Commission that it should:
 - update and complete its Methodological Guide, including the parts relating to reports;
 - give clearer evidence for the eligibility of beneficiary countries;
 - employ enhanced-incentive public finance performance indicators;

- finalise the new public finance management performance measurement tool and do its utmost to have it adopted by the various donors;
- strengthen local cooperation between donors;
- strengthen its relations with the parliaments and supreme audit institutions of beneficiary countries.

4. WELCOMES the fact that the Commission to a large extent endorses the opinion of the Court of Auditors, that it accepts the Court's recommendations in general and that it has already begun to take some measures to act on them.

In this context, while recognising the advantage of direct budget aid and the importance of the Council and the Commission coming to an arrangement on its use, the Council is concerned about the control arrangements and, in accordance with the Court's recommendations, invites the Commission to:

- be vigilant in its observance of Article 61(2) of the Cotonou Agreement and, in coordination with the other donors, carry out more thorough appraisal of the direction taken by public finance management in the beneficiary countries and monitor the progress of the reforms that are intended to improve it;
- incorporate into its Methodological Guide the relevant instructions issued since March 2002 on the programming and implementation of budgetary support for third countries, and make the necessary improvements;
- make use of performance indicators that genuinely encourage beneficiary countries to press ahead with their reforms and that focus more closely on results that reflect improvements in management;

- do everything within its power to complete the public financial management performance measurement framework being developed within the framework of PEFA¹ and improve coordination between donors by taking account of the results that will be available at the end of the testing stage and of the Court's suggestions, especially the proposal concerning tests of controls;
- strengthen coordination between donors' local representatives as regards the production of assessments, evaluations and audits, the implementation of institutional support and the use of conditions and performance indicators;
- systematically structure relations with the authorities in the beneficiary States and take them beyond the government level to include parliaments and supreme audit institutions, whose powers must be strengthened to enable them to undertake the reforms that concern them and to audit those that are a matter for the executive branch."

TRANSPORT

Civil aviation - Harmonisation of technical requirements and administrative procedures *

The Council adopted a common position with a view to adopting a Regulation amending Regulation 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (EU OPS) (*13376/05, 5918/06 ADD1 REV 1*). The Swedish delegation abstained from voting; all other delegations voted in favour.

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

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

¹ Public Expenditure Financial Accountability: a new measurement framework for public financial management performance which is being developed by the Commission in coordination with other donors, in particular the World Bank, to take the place of the existing tools.

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

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

ATOMIC QUESTIONS

Safety of spent fuel and of radioactive waste management

The Council took note of a report on implementation of the obligations under the Joint Convention on the safety of spent fuel management and on the safety of radioactive waste management (6658/06 ADD1).

TRANSPARENCY

Public access to documents

The Council adopted the reply to confirmatory application 09/c/01/06 (5877/06).
