



**COUNCIL OF
THE EUROPEAN UNION**



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Environment

Brussels, 9 March 2012

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Main results of the Council

The Council discussed the proposal for a regulation amending directive 2001/18/EC, as regards the possibility for the member states to restrict or prohibit the cultivation of GMOs in their territory.

The Council held an orientation debate concerning the proposal for a regulation on the establishment of a Programme for the Environment and Climate Action (LIFE).

The Council also adopted conclusions on:

- the follow-up to the Durban Climate Change Conference;*
- Rio + 20: pathways to a sustainable future.*

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¹ Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks. Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>). Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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Minister for the Environment and Water

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Minister for Climate, Energy and Buildings

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Ms Caroline SPELMAN

Secretary of State for Environment, Food and Rural
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Mr Ed DAVEY

Secretary of State for the Department of Energy and
Climate Change

Mr Stewart STEVENSON

Minister for Environment and Climate Change (Scottish
Government)

Mr John GRIFFITH

Minister for Environment and Sustainable Development
(Welsh Government)

Mr Alex ATTWOOD

Minister of the Environment (Northern Ireland)

Commission:Ms Connie HEDEGAARD
Mr Janez POTOČNIKMember
Member

.....

The government of the acceding state was represented as follows:

Croatia

Ms Mirela HOLY

Minister of Environmental and Nature Protection

ITEMS DEBATED

A Roadmap to a low-carbon economy in 2050

The Council examined draft conclusions on a roadmap for moving to a competitive low-carbon economy in 2050, which aimed to establish a sustainable and cost-effective trajectory to 2050, on the basis of milestones for domestic greenhouse gas emissions reductions of 40% by 2030, 60% by 2040 and 80% by 2050 compared to 1990, as proposed in the Commission's communication "A roadmap for moving to a competitive low-carbon economy in 2050" ([7505/11](#)).

The Presidency and Commissioner Hedegaard pointed out that the European Council had in the last year repeatedly called for progress on the roadmap, and stressed that the milestones were not binding targets but that the EU should give a political sign that it was willing to move forward on climate issues.

Although 26 member states could agree on the Presidency's final compromise proposal, one member state could not accept the provisions regarding in particular the milestones for EU domestic emission reductions and further work on the 2030 milestone.

The Presidency concluded that while it was not possible to adopt Council conclusions on the roadmap¹, 26 member states supported continuing work, and that it would have to consider the situation and report on it to the European Council.

¹ The text was subsequently issued as Presidency conclusions ([6842/12](#)).

Durban follow-up

The Council adopted conclusions on the follow-up to the 17th Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC), which took place from 28 November to 9 December 2011 in Durban, South Africa ([7517/12](#)).

The conclusions give an assessment of the outcome of the conference, and the discussion focused on the following concrete issues relating to the second commitment period of the Kyoto Protocol:

- the end date of this period: the second commitment period should end in 2020 and the conclusions also call for a review of the level of ambition under the Kyoto Protocol coinciding with the 2013-2015 review under the Convention.
- Quantified Emission Limitation or Reduction Objective (QELRO)¹: the Council confirmed that by 1 May 2012 the EU and its member states would jointly send information to the UNFCCC Secretariat on the conversion of their 2020 emission reduction targets into QELROs. These would be provisional and without prejudice to subsequent notification of the burden sharing and subject to the written consent of Parties.

It was recalled that this submission would be based on the 20% emission reduction target enshrined in the climate and energy legislative package, entailing no changes in member states' existing emission reduction obligations, and also reflecting the EU's conditional offer to take on a 30% commitment.

¹ See also Commission staff working document "Preparing the EU's QELRO based on the EU Climate and Energy Package." [6501/12](#).

- Carry-over of surplus Assigned Amount Units (AAUs)¹ from the first to the second commitment period: several developed countries have greenhouse gas emission levels well below their Kyoto Protocol targets and are therefore expected to have significant amounts of surplus emission allowances over the 2008-2012 period.

It was generally agreed that an unlimited carry-over of surplus AAUs after 2012 (as currently foreseen in the Kyoto Protocol) could jeopardise the environmental integrity of the Protocol and that this issue must be solved in a non-discriminatory manner, treating equally EU and non-EU countries which take on a QELRO under the second commitment period.

Many member states and the Commission stressed that the EU had to live up to its international engagements and stay in the forefront of the fight against climate change.

See also:

ECOFIN Council Conclusions on climate finance ([6810/12](#))

European Environment Agency <http://www.eea.europa.eu/>

United Nations Framework Convention on Climate Change <http://unfccc.int/2860.php>

¹ During the Kyoto Protocol's first commitment period (2008-2012), an international emissions trading regime was established allowing countries with Kyoto targets to buy and sell emission credits between themselves with the aim of reducing the costs of cutting emissions. EU-15 member states were required, by 15 January 2006, to submit to the Commission the information needed to determine the total amount they would be permitted to emit during 2008-2012 - the so-called "assigned amount". Once this has been set by the UN, an equivalent number of "Assigned Amount Units" (AAUs) will be issued into the registry of that member state. Each AAU is equivalent to 1 tonne of CO₂-eq.

Rio + 20: Pathways to a sustainable future

The Council adopted conclusions with a view to the UN Conference on Sustainable Development (Rio + 20), to be held from 20 to 22 June 2012 in Rio de Janeiro ([7514/12](#)).

The Conference will focus on two themes:

- a green economy in the context of sustainable development and poverty eradication;
- the institutional framework for sustainable development.

The conclusions aim at complementing the general guidelines of the EU position at the Conference to take into account developments that have taken place since the last Council conclusions on this subject ([15388/11](#)), adopted in October 2011, and the EU contribution to the UN DESA (United Nations Department of Economic and Social Affairs) of 28 October 2011 ([15841/11](#)) in particular:

- a draft outcome document for Rio+20, also known as the "zero draft", was issued by UN DESA in January 2012 (negotiations on this draft will continue through the first half of 2012 in a series of meetings to be held mainly in New York);
- new issues which have been brought to the negotiating table by other countries, such as sustainable development goals (SDGs).

It was therefore necessary for the Council to give new guidance to the negotiations, sending a strong political message that reiterates the commitment of the EU and its member states to the Rio+20 Conference and its preparatory process. The EU and its member states expect the Conference to produce a focused, ambitious and action-oriented document, including concrete and timely follow-up actions, that will also show a renewed political commitment to sustainable development.

The EU has also called for action in priority areas that will facilitate the transition towards a green economy and for a strengthened international environmental governance, i.e. the upgrading of UNEP into a specialized UN agency for the environment, in order to streamline UN operations in this field and to contribute to a reformed institutional framework for sustainable development.

See also:

- <http://www.un.org/en/development/desa/about/index.shtml>
- European Council conclusions of 1-2 March ([EUCO 4/12, § 28](#))
- Commission communication: "Rio+20: towards the green economy and better governance" ([11845/11](#))
- United Nations Environment Programme: <http://www.unep.org/>

GMOs cultivation

The Council discussed, on the basis of a compromise text from the Presidency, the proposal for a regulation amending Directive 2001/18/EC as regards the possibility for member states to restrict or prohibit the cultivation, in all or part of their territory, of genetically modified organisms (GMOs) that have been authorised at EU level.

The aim of the Commission proposal ([12371/10](#) + [ADD1](#)) was to provide a legal basis in the related EU legal framework to allow member states to restrict or prohibit the cultivation of GMOs in their territory on grounds other than health and environment considerations, which had already been addressed during the EU authorisation process for GMOs.

The compromise proposal, inspired by the approach in the newly adopted biocide regulation¹, allowed for two options:

- *during the GMO authorisation procedure*: upon request of a member state, the notifier/applicant has the possibility to adjust the geographical scope of the authorisation, thus excluding part or all of the territory of that member state from cultivation;
- *after the authorisation procedure*: the member state has the possibility to restrict or prohibit the cultivation of an authorised GMO, provided that the national measure does not conflict with the environmental risk assessment carried out at EU level.

Although a large number of member states could accept the Presidency proposal, it was not yet possible to reach agreement in the Council. Some member states still had concerns regarding:

- the legal compatibility of some provisions in the proposal with WTO and EU internal market rules;
- how to avoid possible overlaps and/or inconsistencies between the mandatory risk assessment at EU level and national environmental measures;
- the implementation of the Environment Council conclusions adopted on 4 December 2008 ([16882/08](#)).

¹ [17197/11](#).

Programme for the Environment and Climate Action (LIFE)

The Council had an orientation debate on the proposal for a regulation on the establishment of a Programme for the Environment and Climate Action (LIFE) for the period 2014-2020 ([18627/11](#)), on the basis of two questions prepared by the Presidency ([6820/12](#)). The aim of the proposal is to increase the efficiency of the current LIFE + Programme¹ in order to adapt it *inter alia* to the new challenges ahead and to the achievement of Europe 2020 objectives and targets.

The indications resulting from the debate will be taken into account in the further work on the new regulation. The European Parliament will vote its report by the end of 2012.

The main elements of the new LIFE Regulation include:

- the creation of two sub-programmes under LIFE: one for the environment (with a budget of EUR 2.4 billion) and one for climate action (allocated EUR 800 million);
- a special emphasis on better governance;
- the creation of "integrated projects", which will operate on a large scale and will aim to improve the implementation of environmental and climate policy and their integration into other policies;
- a better definition of the activities funded for each priority area;

Ministers discussed two key issues: geographical balance - i.e. the criteria for the distribution of LIFE funds among member states - and co-financing rates, including simplification of procedures..

Most member states believed that the concept of "geographical balance" was relevant for the distribution of Integrated Projects, although many member states would prefer the concept to be clarified further and specific criteria for the implementation of "geographical balance" to be included in the regulation. Several member states considered that the merit and quality should remain the first criteria for distribution of projects, in particular "traditional projects".

¹ Regulation 614/2007 ([OJ L 149, 9.6.2007](#)).

Some member states considered that the geographical balance should apply to all types of projects, while others preferred to keep national allocations, as in the existing LIFE+ Regulation.

Many member states would like to maintain VAT and permanent staff cost as eligible costs, even if that would entail a decrease in co-financing rates, although some ministers expressed concern that this would lead to a decrease in proposals for projects. Most member states were in favour of a simplification of procedures.

The proposal was presented by the Commission at the last Environment Council meeting in December, in the context of its Multiannual Financial Framework (MFF) for 2014-2020¹.

¹ Commission communication "A budget for Europe 2020" ([12475/11](#))

Any other business

- **Emissions Trading Scheme (ETS) for aviation**

The Commission briefed ministers on the state of play regarding the contacts with third countries opposed to the inclusion of international aviation in the EU's ETS¹, which started in 1 January 2012.

The Commission continues its bilateral discussions with those countries, while also pressing for progress within the International Civil Aviation Organisation (ICAO) for a global solution on this issue. The Commissioner pointed out that the European Court of Justice, in its judgment of 21 December 2011 regarding the validity of the ETS Directive, had found the EU scheme to be fully compatible with international law.

The EU ETS scheme² creates the legal framework for the EU's independent commitment (that is, independent of events in international climate negotiations) to reducing its emissions by 20% by 2020 compared with 1990 levels.

- **Board of the Green Climate Fund**

The Presidency informed the Council on the state of play regarding the EU nominations for the Board of the Green Climate Fund, which was established in Durban ([6835/12](#)). The agreed composition of the Board is 12 members from developing countries Parties and 12 members from developed countries Parties for a term of three years. Nominations should be sent to the interim secretariat of the Green Climate Fund no later than 31 March 2012.

- **European Semester/Annual Growth Survey**

The Council took note of oral information from the Commission and the Presidency concerning the way forward after the March European Council ([7348/12](#)), in the context of the Annual Growth Survey for 2012 ([17229/11](#) + [ADD 1](#) + [ADD 2](#) + [ADD 3](#) + [ADD 4](#)), which launched the 2012 European semester of economic governance. The survey is the basis for building the necessary common understanding on the priorities for action at national and EU level for the next twelve months.

¹ Directive 96/61/EC ([OJL 275, 25.10.2003](#))

² Directive 2008/101/EC ([OJL 8, 13.1.2009](#))

The Commission will present to the June European Council a detailed assessment of the implementation by member states of the country-specific recommendations and the Euro Plus Pact commitments in the country-by-country analysis.

- **Global Ministerial Environment Forum**

The Presidency and the Commission briefed the Council on the outcome of the 12th special session of the Governing Council/ Global Ministerial Environment Forum (GC/GMEF), which took place in Nairobi from 20 to 22 February 2012 ([7306/12](#)). The aim of the meeting was to prepare the GC/GMEF's input to the forthcoming 'Rio+20 summit', concerning in particular the environmental dimension of sustainable development, the status of UNEP and the concept of green economy.

- **Revision of the Gothenburg Protocol**

The Council took note of information from the Presidency and the Commission ([7303/12](#)) on the state of play concerning the revision of the Gothenburg Protocol, which was adopted in 1999. To date, and following EU enlargements, the majority of the Parties to the Protocol are EU Member States (21 out of 26) and the EU would like more third countries to become parties.

Negotiations to amend the Gothenburg Protocol have been ongoing since 2009 and are now due to be finalised at the upcoming 30th session of the CLRTAP Executive Body in early May 2012. The Commission and the Presidency invited the member states to lend their political support for ensuring a successful conclusion of this work.

The Gothenburg Protocol is one of several protocols concluded under the Convention on Long Range Transboundary Air Pollution (CLRTAP). It aims at controlling transboundary air pollution and associated health and environment impacts, notably acidification, eutrophication and ozone pollution.

- **Sound level of motor vehicles**

The Council took note of information provided by the Netherlands delegation ([6840/12](#)) on the proposal for a regulation on the sound level of motor vehicles ([18633/11](#)), which aims to reduce noise levels from motorised vehicles within a short time frame and also introduce a new method of measurement. Noise levels limits have not been changed since 1996 and the proposal stresses that noise from motor vehicles seriously affects human health.

- **Drought in Portugal**

The Council took note of information provided by the Portuguese delegation on the consequences of the severe drought that affects 70% of Portugal's continental territory. The delegation called for EU assistance in possible mitigation measures ([7232/12](#)).

- **Status of the wolf population in Spain**

The Council took note of information from the Spanish delegation requesting modification of the status of the wolf for the population of Castilla y León, in Directive 92/43/EEC ("the Habitats Directive") ([7369/12](#)).

OTHER ITEMS APPROVED

ENVIRONMENT

Recycling of batteries

The Council decided not to oppose the adoption by the Commission of a regulation laying down rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators, pursuant to Directive 2006/66/EC ([5198/12](#)). The new rules would apply as from 1 January 2014.

The draft regulation is subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt it unless the European Parliament objects.

ENERGY

Energy performance of buildings - Delegated act*

The Council decided not to object to the entry into force of a Commission regulation establishing a comparative methodology framework for calculating cost-optimum levels of minimum energy performance for buildings and building elements ([5441/12](#) + [7091/12](#))¹. The regulation supplements directive 2010/31/EU on the energy performance of buildings.

The regulation is a delegated act pursuant to Article 290 of the Treaty on the Functioning of the EU. This means that now that the Council has given its consent, the act can enter into force, unless the European Parliament objects to it.

¹ The UK delegation was opposed to this delegated act. The German, Italian, Maltese and Slovenian delegations did not take a position either for or against the delegated act.

COMMON SECURITY AND DEFENCE POLICY

Bosnia and Herzegovina - Former Yugoslav Republic of Macedonia - Crisis management

The Council decided to sign and conclude agreements with Bosnia and Herzegovina and with the former Yugoslav Republic of Macedonia with a view to establishing a framework for the participation of these countries in EU crisis management operations.

TRADE POLICY

EU-US customs cooperation - Trade partnership programmes

The Council adopted the EU position on a draft decision, to be taken within the EU-US joint customs cooperation committee, aimed at establishing mutual recognition between the Authorised Economic Operator Programme of the EU and the Customs-Trade Partnership Against Terrorism Program of the US ([6759/12](#) and [6759/12 ADD1](#)).

The mutual recognition of these programmes is intended to secure the international supply chain and facilitate trade between the EU and the US. It also consolidates the approach agreed at international level in the World Customs Organization Framework of Standards to Secure and Facilitate Trade (the "SAFE Framework"). It also addresses the concerns of the business community to simplify requirements and to standardise customs security procedures.

EU-US relations in the area of customs are based on the Customs Cooperation and Mutual Assistance agreement signed in 1997.

APPOINTMENTS

Committee of the Regions

The Council appointed Ms Hella DUNGER-LÖPER (Germany) and Mr Audrius BIELSKUS (Lithuania) as members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([7184/12](#) and [7187/12](#)).
