



Brussels, 7 March 2006

*Draft*

**BACKGROUND<sup>1</sup>**  
**ENVIRONMENT COUNCIL**  
**Brussels, 9 March 2006**

*The Council's meeting will start at 10:00, under the presidency of **Mr Josef PRÖLL**, federal minister of agriculture, forestry, environment and water management of Austria.*

*The Council will hold four policy debates on:*

- ***genetically modified organisms (public debate);***
- *a proposal for a regulation on type approval of **motor vehicles** with respect to **emissions** (Euro 5 emissions standards);*
- *the review of the **sustainable development strategy**;*
- *a thematic strategy on the prevention and recycling of **waste** and on the directive proposed in this context.*

*The Council will adopt conclusions on*

- *a thematic strategy on **air pollution**,*
- ***biological diversity** (convention on biological diversity) as well as on **biosafety** (Cartagena protocol) ,*
- ***climate change** (Kyoto protocol);*
- ***persistent organic pollutants** (Stockholm convention);*
- *the preparation of the **Spring European Council**.*

*The Council will also take note of a progress report on the proposal for a Directive on the assessment and management of **floods**.*

*Mr. **Alexi Aleksishvili**, Georgian Minister of finance, chair of the 14th session of the UN Commission on sustainable development will be invited for lunch.*

*The presidency will hold two press conferences: before lunch and at the end of the session.*

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<sup>1</sup> This note has been drawn up under the responsibility of the press office.

## **Thematic strategy on air pollution**

The Council will adopt conclusions on a thematic strategy on air pollution.

It is recalled that despite significant improvements in Europe's air quality, driven by legislation and other factors, air pollution continues to have serious human health and environmental effects.

In September 2005, the Commission presented a thematic strategy on air pollution (12735/05 + ADD 1 + ADD 2) and a proposal for a new air quality directive for the abatement of air pollution in the European Union (14335/05) within the framework of the clean air for Europe (CAFE) programme.

The strategy is part of the EU's 6th environment action programme<sup>2</sup> (6th EAP), which lays down its objective as “*achieving levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment*”.

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

The Council conclusions are meant to broadly endorse Commission's approach of setting interim objectives on health and environment up to 2020 in order to provide a longer-term perspective and give guidance to the Commission's further work.

## **Motor vehicle emissions**

Pending the opinion of the European Parliament, the Council will hold 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 debate will focus on the following question suggested by the presidency (6441/06):

*Do the members of the Council consider that the new Euro 5 Regulation should provide a longer-term perspective and therefore already include a second stage of significantly lower emission limits, in particular with regard to NOx?*

The objective 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.

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<sup>2</sup> Decision 1600/2002/EC, OJ L 242, 10.9.2002, p 1.

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

Legal basis proposed: Article 95 of the Treaty. Qualified majority required for a Council decision; co-decision procedure with the European Parliament applicable.

### **Genetically modified organisms (Public debate)**

The Council will hold a policy debate on genetically modified organisms (GMOs), on the basis of the following questions suggested by the presidency (6337/06):

- 1) *Do Member States see problems with regard to the safety assessment of GMOs intended for the production of foodstuff and/or feedingstuff? If yes, which? Do the Member States envisage proposals for improvement of the European Food Safety Authority (EFSA) procedures?*
- 2) *How could the authorization decisions on GMOs - with a view to the experiences drawn from recent authorizations of new GMO-products - be made more transparent and comprehensible for Member States and their citizens?*

The EU authorisation procedures are among the most demanding and longest procedures for authorizing GMOs in the world. Their main objectives are to protect consumers' health and the environment, as well as to ensure free circulation of safe genetically modified products in EU's territory.

Those procedures can be summarized as follows: when a Member State accepts the requirement for an authorization of a GMO on its national territory, the national authority informs the other Member States and the Commission. If objections are raised, open questions are to be resolved in a mediation procedure involving representatives of the competent authorities, the Commission and the company that asked for the authorization. If objections are maintained the decision on authorization is referred to the European level. The Commission consults the European Food Security Authority<sup>3</sup> (EFSA). Taking the EFSA's conclusions into account, the Commission submits a draft decision to a regulatory committee made up of Member States' representatives. If they fail to reach a qualified majority, then it is for the Council to decide. If the Council also fails to reach a qualified majority in favour or against the Commission proposal within three months, the Commission then takes the final decision.

The debate takes its roots in the Environment Council meeting on 2 December 2005, which held an initial discussion on the European approach to the future use of GM crops and foods.

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<sup>3</sup> Founded in 2002 by the regulation 178/2002. For further details see <http://www.efsa.eu.int/>.

## Convention on biological diversity

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

The Council will adopt conclusions establishing the EU position for the eighth meeting of the conference of the parties (COP 8) to the Convention on Biological Diversity (CBD)<sup>4</sup>, that will take place at the end of March in Curitiba, Brazil.

The CBD was established in 1992 at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro. Its development now takes place under the aegis of the United Nations Environment Programme (UNEP).

The COP, consisting of all the governments (or international organisations, like the EU) that have ratified the treaty, usually checks the progress made under the Convention and identifies new priorities.

One of its major priorities is to significantly reduce the rate of biodiversity loss by 2010<sup>5</sup>. The EU position relates to all the issues which are essential to achieving this target as well as the 2010 EU objective<sup>6</sup> to halt the loss of biodiversity, inter alia the issues of protected areas, including marine protected areas, access and benefit-sharing, issues relating to indigenous and local communities, communication, education and public awareness, funding and engagement of the business community.

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

The Council will adopt conclusions covering the main issues set out by the agenda of the third meeting of conference of the parties (COP/MOP3) serving as the meeting of the parties to the Cartagena protocol on biosafety<sup>7</sup>, that will take place in Curitiba in mid-March.

The Cartagena protocol on biosafety is an addition to the Convention on biological diversity (Rio de Janeiro, 1992) and has actually been signed in Montreal in 2000 by some of the parties to this Convention. Its goals are to protect biodiversity by ensuring that countries are provided with the information necessary to make informed decisions before agreeing to the import of living modified organisms (LMOs)<sup>8</sup> into their territory, and to establish international rules for export and import of this type of organisms.

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<sup>4</sup> For further details see <http://www.biodiv.org/convention/>

<sup>5</sup> Endorsed by the World Summit on Sustainable Development. For further details see: COP 6's Decision VI/26.

<sup>6</sup> Established at Gothenburg by the European Council in 2001 and set out by the 6th Environmental Action Program.

<sup>7</sup> For further details see <http://www.biodiv.org/biosafety/>

<sup>8</sup> A Living Modified Organism (LMO) 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

MOP3 will be a further step towards the establishment of effective international rules for transboundary movements of living modified organisms (LMO)<sup>9</sup>.

In this regard, the Council will also adopt a decision that would grant a negotiating mandate to the Commission with respect to the key issue on this agenda: the documentation requirements for shipments of LMOs intended for direct use as food or feed or for processing.

Together, the Council conclusions and the Council Decision would provide a negotiating framework for the EU at the forthcoming MOP3 to the biosafety protocol. This approach mirrors that followed for the second meeting of parties last year.

## **Floods**

Pending the opinion of the European Parliament, the Council will take 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 solved with a view to reaching political agreement in June if the opinion of the European Parliament is available.

The objective 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 Directive<sup>10</sup> is foreseen.

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

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<sup>9</sup> Earlier international rules have already been established and implemented in EU's legislation. For instance see regulation 1946/2003 on the transboundary movements of GMOs.

<sup>10</sup> 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**

The Council will adopt conclusions on the follow-up to the 11th conference of the parties to the United Nations Framework Convention on Climate Change (UNFCCC)<sup>11</sup> in conjunction with the first session of the conference of the parties serving as the meeting of the parties to the Kyoto Protocol<sup>12</sup> (Montreal, 28 November to 9 December 2005).

At the Montreal Climate Change Conference, the parties to the UNFCCC decided to engage in a dialogue on long-term cooperative action to address climate change by enhancing implementation of the UNFCCC and the parties to the Kyoto protocol decided to initiate the consideration of their further commitments beyond 2012.

The draft conclusions reflect the Community intentions following-up the Montreal conference and prepare it for the upcoming negotiations on further action beyond 2012. One important issue in that context is the question of emission reduction pathways for the group of developed countries in the medium and long term.

## **Stockholm convention on persistent organic pollutants**

The Council will adopt conclusions with a view to the second meeting of the conference of the parties (COP 2) to the Stockholm convention on persistent organic pollutants<sup>13</sup> (Geneva, 1 to 5 May 2006).

The Stockholm convention is an important instrument for the protection of human health and the environment from the risks posed by chemicals and in particular persistent organic pollutants. It provides for a framework for elimination of production, use, import and export of twelve priority persistent organic pollutants, their safe handling and disposal and elimination or reduction of releases of certain unintentional persistent organic pollutants.

The control measures laid down in the convention have been implemented by Community legislation.

COP 2 should, inter alia, make significant progress in agreeing on appropriate procedures and a mechanism to promote compliance with the provisions of the convention, adopt an appropriate guidance on the review and update of national implementation plans, adopt a specific format for reporting on polychlorinated biphenyls under the convention and continue to identify and promote the development an implementation of locally safe, effective and affordable alternatives to dichlorodiphenyltrichloroethane (DDT) for malaria control.

The draft conclusions contain the EU views and positions on the main issues to be dealt with at COP 2. objectives in the context of multilateral environmental agreements and with Community development policy objectives.

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<sup>11</sup> See <http://unfccc.int/2860.php>

<sup>12</sup> See [http://unfccc.int/essential\\_background/kyoto\\_protocol/items/2830.php](http://unfccc.int/essential_background/kyoto_protocol/items/2830.php).

<sup>13</sup> See <http://www.pops.int/>.

## Preparation of the Spring European Council

Progress on implementation of the Lisbon strategy is the key focus of each Spring European Council. Every year, the (Environment) Council adopts a contribution intended to contribute to the process of developing balanced policies which stimulates growth and employment, while also protecting the environment and human health in the enlarged Union.

This year's contribution of the (Environment) Council to the Spring European Council is inspired *inter alia* by the following Commission documents:

- the 2006 annual progress report for the Spring European Council on the Lisbon strategy "Time to move up a gear" (5745/06) including the Integrated guidelines for growth and jobs as well as the corresponding national reform programmes;
- the 2005 Environment policy review (6527/06);
- the Thematic strategy on the sustainable use of natural resources (5032/06);
- proposals for directives on EURO5 (5163/06), ambient air quality (14335/05) and on the promotion of clean road transport vehicles (5130/06);
- the biomass action plan (15741/05);
- Commission's green paper on energy efficiency (10368/05).

This year's contribution reiterates the important contribution of environmental policy to the Lisbon objectives of growth and jobs. It also stresses the strong linkages between the Lisbon strategy and the Sustainable development strategy and calls for a balanced approach to economic, social and environmental policy-making.

In particular, the contribution stresses the key role that environmental technologies can play as a catalyst for synergies between policies. It also underscores key issues such as sustainable use and management of natural resources and energy efficiency and puts forward suggestions for priority actions in these areas.

## Review of the Strategy for sustainable development

The Council will hold a policy debate on the review of the EU's Strategy for sustainable development (SDS), on the basis of the following questions suggested by the presidency:

- *Do you consider the objectives, targets, key actions and the implied mix of policy instruments proposed in the SDS review package, in particular Annex 2,<sup>14</sup> are appropriate and sufficient to meet the challenges of sustainable development and to efficiently address unsustainable trends in your policy area? Are greater prioritisation and/or stronger efforts necessary to achieve this?*
- *How can your Council configuration best contribute to deliver visible results and measurable progress in implementing the EU SDS? What should be done to enhance synergies and coherence across policies and processes, including the Lisbon agenda?*

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<sup>14</sup> 15796/05.

- *How can an ambitious EU SDS ensure coherence between EU internal policies and its international commitments and contribute to sustainable development at both EU and global level, in particular in your specific policy area?*

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<sup>15</sup> 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."<sup>16</sup>

The Commission's "SDS review package" consists of:

- the Communication itself proposing six priority issues, the integration of the external dimension into internal policy making as well as 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 first orientations (Annex 3).

The outcome of this debate and of the policy debates that will take place in the different Council configurations directly concerned by the SDS will be used as an input for the draft of a reviewed Sustainable development strategy to be adopted by the European Council at its June 2006 meeting.

## **Waste**

- Thematic strategy on the prevention and recycling of waste
- Proposal for a Directive on waste

The Council will hold a policy debate on a thematic strategy on the prevention and recycling of waste and a proposal for a Directive on waste, on the basis of the following questions suggested by the presidency:

- 1) *Are Ministers content with the aim of the thematic strategy? Should other aims be foreseen at EU level?*
- 2) *Do Ministers agree that the proposed measures at EU-level and national level are adequate for meeting the policy aim of the thematic strategy?*
  - *Which should be the main measure of the thematic strategy from your point of view?*
  - *Does the legislative approach reflect the present needs of the Member States, including the needs of modernisation and simplification?*
  - *Will the development of guidelines and common standards at EU level leave the appropriate flexibility for Member States to implement measures at national level?*

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<sup>15</sup> 15796/05.

<sup>16</sup> Paragraph 13 of the December 2005 European Council conclusions (15914/1/05).

As prescribed in the 6th environment action programme<sup>17</sup> (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 in waste policy,
- promotion of waste prevention policies,
- 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 a long term, a recycling society, that seeks to avoid waste and uses waste as a resource.

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

- revises the current waste framework Directive<sup>18</sup> and repeals Directive 91/689/EEC on hazardous waste<sup>19</sup> and Directive 75/439/EEC on the disposal of waste oils<sup>20</sup>, 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 notions of recovery and disposal,
- foresees 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.

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

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<sup>17</sup> Decision 1600/2002/EEC, OJ L 242, 10.09.2002, p.1.

<sup>18</sup> 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.

<sup>19</sup> Directive 91/689/EEC of 12 December 1991 on hazardous waste, OJ L 377/20.

<sup>20</sup> Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils, OJ L 194/23.

## **Other business**

The Council will also be 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)
  - Information by the presidency
- (b) Conference on "Greening Events" (16-17 January 2006, Hofburg, Vienna) (6970/06)
  - Information by 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)
  - Information by the presidency
- (d) European action on water scarcity and drought (6952/06)
  - Requested by the Spanish, French, Italian, Cyprus, Maltese and Portuguese delegations
- (e) Environmentally sound and crop-friendly use of biodegradable waste (7025/06)
  - Requested by the German delegation
- (f) Outcome of the First International Conference on Chemicals Management (ICCM 1) (Dubai, 4 to 6 February 2006) (6972/06)
  - Information by the presidency
- (g) Limitations of Community environmental funding for Natura 2000 in the context of on-going negotiations on the financial perspectives (6934/06)
  - Requested by the Belgian delegation