



**COUNCIL OF  
THE EUROPEAN UNION**



11130/07 (Presse 150)

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**PRESS RELEASE**

2812th Council meeting

**Environment**

Luxembourg, 28 June 2007

President

**Mr Sigmar GABRIEL**

Federal Minister for the Environment, Nature Conservation  
and Reactor Safety of Germany

**P R E S S**

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11130/07 (Presse 150)

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**EN**

## **Main results of the Council**

The Council adopted

- a joint action on support for activities of the preparatory commission of the Comprehensive Nuclear-Test-Ban Treaty Organisation in the framework of the implementation of the EU strategy against the proliferation of weapons of mass destruction,
- a common position relating to the 2008 review conference of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction,
- a decision on further measures in support of the implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia by amending the list of persons to whom economic sanctions should apply,
- a regulation on the law applicable to non-contractual obligations ("ROME II"),
- a directive aimed at improving the current legal framework of the supervisory approval process with regard to acquisitions and increase of shareholdings in the banking, insurance and securities sectors,
- a decision establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests, by countering fraud and any other illegal activities affecting the Community's financial interests,
- a directive laying down minimum rules for the protection of chickens kept for meat production with the objective of introducing animal welfare improvements in the intensive farming of chickens,
- a regulation on organic production and labelling of organic products,
- a regulation adopting a uniform definition of drift nets,
- a common position on a draft regulation on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

The Council also reached political agreements on a draft directive on waste; a draft directive establishing environmental quality standards in the field of water policy and a draft regulation on the banning of exports and on safe storage of metallic mercury.

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<sup>1</sup> • Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.  
• Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).  
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## **PARTICIPANTS**

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

**Belgium:**

Mr Benoit LUTGEN

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

**Bulgaria:**

Mr Atanas KOSTADINOV

Deputy Minister for the Environment and Water

**Czech Republic:**

Mr Martin BURŠÍK

Deputy Prime Minister, 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 Jaanus TAMKIVI

Minister for the Environment

**Ireland:**

Mr John GORMLEY

Minister for the Environment, Heritage and Local Government

**Greece:**

Mr Stavros KALOGIANNIS

State Secretary for the Environment, Regional Planning and Public Works

**Spain:**

Ms Cristina NARBONA RUIZ

Minister for the Environment

**France:**

Mr Jean-Louis BORLOO

Minister for Ecology, Sustainable Development and Town and Country Planning

**Italy:**

Mr Gianni PIATTI

State Secretary for the Environment and Protection of Natural Resources

**Cyprus:**

Mr George CHACALLI

Deputy Permanent Representative

**Latvia:**

Mr Raimonds VEJONIS

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 Egon DIENES-OEHM

Deputy Permanent Representative

**Malta:**

Mr George PULLICINO

Minister for Rural Affairs and the Environment

**Netherlands:**

Ms Jacqueline CRAMER

Minister for Housing, Spatial Planning and the Environment

**Austria:**

Mr Walter GRAHAMMER

Deputy Permanent Representative

**Poland:**

Mr Jan SZYSZKO

Minister for the Environment

**Portugal:**

Mr Francisco NUNES CORREIA

Minister for the Environment, Regional Planning and  
Regional Development

**Romania:**

Mr Attila KORODI

Minister for the Environment and Sustainable  
Development

**Slovenia:**

Mr Janez PODOBNIK

Minister for the Environment and Town and Country  
Planning

**Slovakia:**

Mr Jaroslav JADUŠ

State Secretary at the Ministry of the Environment

**Finland:**

Ms Paula LEHTOMÄKI

Minister for the Environment

**Sweden:**

Mr Andreas CARLGREN

Minister for the Environment

**United Kingdom:**

Ms Anne LAMBERT

Deputy Permanent Representative

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**Commission:**

Mr Stavros DIMAS

Member

**ITEMS DEBATED**

**WASTE**

The Council reached a unanimous<sup>1</sup> political agreement on a draft directive on waste (10804/07).

As a result of the debate, the following modifications were inserted in the text (10804/07):

Article 9 paragraph 1a is replaced by:

"When the waste is transferred from the original producer or holder to one of the natural or legal persons referred to in paragraph 1 for preliminary treatment, the responsibility for carrying out a complete recovery or disposal operation is not discharged as a general rule.

Without prejudice to Regulation (EC) 1013/2006 on shipment of waste, Member States may specify the conditions of responsibility and [...] decide in which cases the original producer shall retain responsibility for the whole treatment chain or in which cases the responsibility of the producer and the holder can be shared or delegated among the actors of the treatment chain."

Article 10 paragraph 1, second subparagraph is replaced by:

"In derogation from Regulation (EC) 1013/2006 on shipment of waste, Member States may, in order to protect their network, limit incoming shipments of waste destined to incinerators that are classified as recovery, where it has been established that such shipments would have the consequence that national waste [...] would have to be disposed of or that waste would have been treated in a way that is not in coherence with their national waste management plan. The Member States shall notify such a decision to the Commission. The Member States may also limit outgoing shipment of waste on environmental grounds as set out in Regulation (EC) 1013/2006 on shipments of waste."

Add a new paragraph 4 in Article 10:

"The principles of proximity and self-sufficiency do not mean that each Member State must possess the full range of final recovery facilities within that Member State."

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<sup>1</sup> Italy announced its intention to abstain when the common position is formally adopted.

Add new recital in relation to Article 10:

"For the purposes of the application of the Regulation (EC) 1013/2006 on shipments of waste, mixed municipal waste as referred to in Article 3(5) of that Regulation remains mixed municipal waste even when it has been subject to a waste treatment operation that has not substantially altered its properties."

Article 25a paragraph 1 is replaced by:

"The Commission may, in accordance with the procedure referred to in Article 36(1a), adopt technical minimum standards for treatment activities which require a permit according to Article 19 where there is evidence that a benefit in terms of protection of human health and the environment [...] would be gained from such minimum standards."

Article 26a paragraph 3 is replaced by:

"Member States shall determine appropriate specific qualitative or quantitative benchmarks for waste prevention measures adopted in order to monitor and assess the progress of the measures and may determine specific qualitative or quantitative targets and indicators, other than those referred to in paragraph 3a, for the same purpose."

*The draft directive*

The draft directive aims to:

- simplify and modernise the current legislation;
- implement a more ambitious and effective waste prevention-policy;
- encourage re-use and recycling of waste.

Reforming the current legal framework, the draft directive introduces:

- an environmental objective;
- the clarification of the notions of recovery and disposal;
- the clarification of the conditions for mixing hazardous waste;
- a procedure to clarify when a waste ceases to be a waste for selected waste streams;
- a new requirement to develop national prevention programmes.

Legal basis proposed: Article 175 (1) of the Treaty – qualified majority required for a Council decision; co-decision procedure with the European Parliament applicable. The European Parliament delivered its opinion at first reading on 13 February 2007 (6242/07).

## **WATER POLICY**

The Council reached political agreement on a draft directive establishing environmental quality standards (EQS) in the field of water policy (11816/06).

### *The draft directive*

Chemical pollution of surface water can disturb aquatic ecosystems, causing loss of habitats and biodiversity. Pollutants may accumulate in the food chain, and harm predators consuming contaminated fish. Humans are exposed to pollutants by fish or seafood consumption, drinking water and recreational activities.

Pollutants may be found in the environment many years after being banned; some may be transported long distances and can be found in remote areas. Pollutants may be released to the environment from various sources (e.g. agriculture, industry, incineration), as products or as unintended by-products, they may be of a historical nature or used daily in household products.

The Water Framework Directive 2000/60/EC (WFD) sets out a strategy for dealing with chemical pollution of water. It requires that all EU waters should achieve good status by 2015. The draft directive would be a "daughter" to Directive 2000/60/EC<sup>1</sup>, the final major piece of legislation needed to support the WFD.

The draft directive lays down environmental quality standards for 33 priority substances and other pollutants with a view to achieving good surface water chemical status.

More specifically, the proposed directive will set limits on concentrations in surface waters of pesticides, heavy metals and other chemical substances that pose a particular risk to animal and plant life in the aquatic environment and to human health.

Legal basis proposed: Article 175 (1) of the Treaty – qualified majority required for a Council decision; co-decision procedure with the European Parliament applicable. The European Parliament delivered its opinion at first reading in May 2007 (9744/07).

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<sup>1</sup> The "mother" directive stays applicable, except for the issues specifically provided for by the "daughter" directive.

## METALLIC MERCURY

The Council reached political agreement on a draft regulation on the banning of exports and on safe storage of metallic mercury (10797/07).

As a result of the debate, the following modifications were inserted with reference to the text in 10797/07:

Concerning the legal basis, it was decided to specify that Article 133 of the Treaty refers exclusively to Article 1 of the draft regulation.

The text strengthened the review clause in Article 7 as regards the ongoing research activities on safe disposal options, including solidification of metallic mercury and extended the reporting obligation in Article 5 for relevant importers, exporters and operators.

### *The draft regulation*

Mercury and its compounds are highly toxic to humans, animals and ecosystems. The EU's strategy on mercury, spelt out in the 2005 Commission Communication, consists in controlling the use of mercury and subjecting it to strict regulatory conditions. The main lines of action are:

- to reduce mercury emissions;
- to cut supply and demand;
- to protect against exposure.

The draft regulation aims to contribute to the global objective of reducing exposure to mercury, through the achievement of three objectives:

- to ban the export of mercury from the Community;
- to prevent the re-entry of the surplus of metallic mercury onto the market;
- to guarantee its safe storage for human health and for the environment.

Legal basis proposed: Articles 133 and 175 (1) of the Treaty – qualified majority required for a Council decision; co-decision procedure with the European Parliament applicable. The European Parliament delivered its opinion at first reading on 20 June 2007.

**TRANSBOUNDARY MOVEMENTS OF LIVING MODIFIED ORGANISMS  
(CARTAGENA PROTOCOL)**

The Council adopted, by qualified majority<sup>1</sup>, a decision granting a mandate to the Commission to negotiate, within the framework of the Cartagena Protocol on Biosafety<sup>2</sup>, international rules and procedures on liability and redress for damage resulting from transboundary movements of living modified organisms. The decision lays down negotiating directives for the Commission, which the Council agreed to keep under review in the light of the evolution of the negotiations.

The EU has always been at the forefront of efforts to establish an international legal framework for trade in GMOs. To protect biodiversity, human health and livelihoods, it is essential that importing States receive only those GMOs that they wish to receive after considering all relevant information.

The Cartagena Protocol on Biosafety provides just such a framework. An important step towards the implementation of the Protocol was made last year in Brazil, when the third meeting of Parties adopted a decision laying down requirements for the documentation accompanying GMO shipments.

The key issue currently under discussion within the framework of the Protocol is the development of rules on liability and redress. It is appropriate to grant a negotiating mandate to the Commission, in an area where there is an important degree of Community competence.

*Sui generis* decision – qualified majority required for a Council decision.

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<sup>1</sup> The UK delegation voted against and the Swedish and Finnish delegations abstained  
<sup>2</sup> <http://www.cbd.int/biosafety/default.shtml>.

**CO2 EMISSIONS FROM CARS - Council conclusions**

The Council adopted conclusions on the review of the Community strategy to reduce CO2 emissions from passenger cars and light commercial vehicles.

*See the full text of the conclusions on:*

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/envir/95031.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/envir/95031.pdf)

**EMISSIONS TRADING SCHEME - Council conclusions**

The Council adopted Conclusions on the review of the European Union emissions trading scheme.

*See the full text of the conclusions on:*

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/envir/95032.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/envir/95032.pdf)

**NEW IMPETUS FOR THE EU ENVIRONMENTAL POLICY - Council conclusions**

The Council adopted conclusions on a new impetus for the EU environmental policy.

*See the full text of the conclusions on:*

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/envir/95027.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/envir/95027.pdf)

**COP 9 - CONVENTION ON BIOLOGICAL DIVERSITY - Council conclusions**

The Council adopted conclusions on the preparation for the 9th meeting of the Conference of the Parties (COP 9) to the Convention on Biological Diversity (CBD)<sup>1</sup>.

*See the full text of the conclusions on:*

[http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/envir/95024.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/envir/95024.pdf)

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<sup>1</sup> <http://www.cbd.int/default.shtml>.

**OTHER BUSINESS**

- (a) Proposal for a Directive aimed at including aviation activities in the scheme for greenhouse gas emission allowance trading within the Community – Progress report.

*Some points to be further analysed: geographical scope, starting date and emissions cap; exemptions; assigned amount units exchange mechanism and Kyoto Protocol emission credits; benchmarking; auctioning; third country issues (11098/07).*

- (b) Proposal for a Directive on the reduction of greenhouse gas emissions from the use of road transport fuels and on fuel used by inland waterway vessels – Progress report.

*The controversial elements of the Commission's proposal are those relating to reducing life-cycle greenhouse gas emissions from fuels and those concerning biofuels (10881/07).*

- (c) Proposal for a Directive establishing a framework for the protection of soil – Progress report.

*In particular, the following main issues have emerged from the first discussions and will require further in-depth consideration: scope; linkages to existing legislation and policies; risk assessment; programmes of measures; soil contamination (11099/06).*

- (d) Pesticides – Information from the Presidency

- Proposal for a Directive on a Community action to achieve a sustainable use of pesticides.

*A number of issues requiring further examination have been identified: integrated pest management (IPM); training; harmonised risk indicators; requirements for sales of pesticides; inspection of equipment; aerial spraying; aquatic environment and sensitive areas.*

- Proposal for a Regulation concerning the placing of plant protection products on the market.

*A number of issues requiring further examination have been identified: parallel trade; approval of active substances (deadlines and renewal); authorisation of plant protection products (timelines and provisional authorisations); mutual recognition of authorisations; data protection, data sharing and confidentiality; comparative assessment and substitution.*

- (e) Emissions from heavy duty vehicles (Euro VI) – Information from the Commission.

*The Commission is working on a proposal for a regulation to limit pollutant emissions from heavy duty vehicles (Euro VI) (11138/07).*

- (f) Commission Green Paper on better ship dismantling – Information from the Commission (10224/07).

- (g) Commission Green Paper on adaptation to climate change – Information from the Commission.

- (h) Communication from the Commission on Environment for Europe Process (EfE) after the 2007 Ministerial Conference in Belgrade – Information from the Presidency.

*The EU Member States have come out unanimously in favour of continuing the EfE process after the Ministerial Conference in Belgrade (10835/07).*

- (i) Outcome of the COP 3 to the Stockholm Convention on Persistent Organic Pollutants (Dakar, 30 April - 4 May 2007) – Information from the Presidency (11200/07).

- (j) 2nd report from the Commission to the experience of Member States with GMOs placed on the market under Directive 2001/18/EC – Information from the Commission (7143/07).

- (k) Risk Assessment of GMOs, in particular GM maize MON 863 – Austria, supported by IE, IT, PL, LU, BE, CZ, FR, CY, HU, MT, GR and SK, asked the Commission to consider, on the basis of an initiative of the leading competent authority, whether it would take appropriate measures to suspend or limit the consent for MON 863.

*Austria suggested that a new long-term feeding study using MON 863 maize, based on the latest toxicological state of the art and on appropriate methods to assess the biological performance of the GMO-fed animals, should be undertaken. Such a study would need a long observation period as a subchronic toxicity study.*

- (l) International Commission for the Protection of the Danube River (ICPDR) – Priorities of Romania's 2007 Presidency – Information from Romania (11158/07).

- (m) Midnight Sun Dialogue on Climate Change (Riksgränsen, 11-14 June 2007) – Requested by Sweden.

*The purpose of these meetings is to allow ministers to have in depth discussions on key issues related to the future of international cooperation on climate change. No consensus is sought and no agreed conclusions are adopted: the aim is to increase understanding of the views of different countries in order to enhance prospects for agreements in forthcoming negotiations (11139/07).*

- (n) Report from the High-Level Meeting of Representatives from Ministries of Agriculture and Environment of the Council of the Baltic Sea States: "Land and Sea: More cooperation, less eutrophication" (Stockholm, 19-20 April 2007) – Requested by Sweden.

*The high-level representatives recognised that agriculture was one of the major sources of eutrophication in the Baltic Sea and that further action was needed to reduce nutrient leakage into the sea. The countries agreed to prevent any local or regional increase in nutrient discharges into the Baltic Sea due to non-sustainable practices. The joint statement acknowledged the urgent need for more cooperation at all levels in order to achieve a good environmental status in the Baltic Sea. The excessive input of nutrients constitutes a serious threat to the marine environment. The environmental status of the Baltic Sea is so critical that further and targeted action to combat eutrophication is needed (11104/07).*

- (o) MOP 3 of the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Riga, 8-13 June 2008) – Information by Latvia (10410/07).
- (p) State of completion of the Natura 2000 network – Requested by Poland.
- (q) Workshop on Thematic Strategy for Soil Protection – Biodiversity aspects (Tuczno, 9-11 May 2007) – Information from Poland (10808/1/07).
- (r) VII Ibero-American Forum of Ministers for the Environment (El Salvador, 11 to 13 June 2007) – Information from Portugal and Spain (11157/07).