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THE EUROPEAN UNION**



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## **PRESS RELEASE**

3075th Council meeting

### **Environment**

Brussels, 14 March 2011

President

**Sándor Fazekas**

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# **P R E S S**

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## **Main results of the Council**

*The Council started by expressing its sympathy and **sincere condolences to the people of Japan** for the loss of lives due to the earthquake on 11 March.*

*The Council reached political agreement on its first-reading position on revised EU rules concerning **waste electronic and electrical equipment**, which cover a wide range of devices, for instance mobile phones and household appliances. It is designed to improve collection and recycling of used equipment and to reduce illegal exports of such waste from the EU.*

*The Council also exchanged views on possible justifications that would allow member states to restrict the **cultivation of genetically modified organisms** in their territory. A number of delegations felt that the proposed list of possible grounds for restricting GMO cultivation was a good basis for further work on the draft act. Others were concerned about the legal compatibility of some grounds in the suggested list with WTO and internal market rules and the general workability of the draft act.*

*The Council adopted conclusions on the review of the Community strategy concerning **mercury**. The review oversees the implementation of the 2005 strategy in all its 20 areas, including reducing emissions and supply, addressing surpluses and reservoirs and protection against exposure to the toxic substance, both at EU and international level.*

*Finally, the Council adopted conclusions on the **follow-up to the UN climate conference in Cancún** in December 2010. The conclusions strongly welcome the outcome of the Cancún conference and call on the EU's international partners to fully implement the agreements. The Council also gave some orientations for the ongoing intensive work to implement the Cancún agreements until the next UN climate conference in Durban at the end of this year.*

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• 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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Secretary of State, Department of Climate Change and  
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Ms Caroline SPELMAN

Secretary of State, Environment, Food and Rural Affairs

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**Commission:**

Mr Janez POTOČNIK

Member

Ms Connie HEDEGAARD

Member

**ITEMS DEBATED**

**Waste electrical and electronic equipment**

The Council determined its first-reading position on revised EU rules concerning waste electric and electronic equipment. The agreement is designed to improve collection and recycling of used electronic devices and to reduce illegal exports of such waste from the EU.

EU countries must already collect annually at least 4kg of electric and electronic waste per inhabitant. In order to make collection more effective, the recast would adapt this target to the size and economic situation of individual EU countries: the agreement provides that member states must annually collect 45% of the average weight of electrical and electronic equipment placed on their national markets. This would take effect four years after the entry into force of the revised law. Four years later, member states are to achieve a 65% collection rate. Some EU states where consumers use fewer electronic devices may achieve the targets with some flexibility.<sup>1</sup>

The Council also widened the scope of the law to cover in principle all electric and electronic equipment six years after the entry into force of the recast. Photovoltaic panels will be immediately included and will have to be collected separately and properly treated. The Commission can propose changes to the scope after analysing the impact of the open scope on businesses and the environment.

The review aims to encourage the re-use of entire appliances. The Council position provides that previously established objectives for recovery and recycling will be increased by 5%, with re-use of whole appliances counting towards them. This would take effect three years after the entry into force of the revised rules.

The so-called WEEE directive (2002/96) requires member states to collect waste electronic devices separately. Producers must pay for the collection and treatment of the waste, including its recycling or energy recovery.

The recast was proposed by the Commission in December 2008 ([17367/08](#)). The European Parliament voted its first-reading position on 3 February 2011. Negotiations for an agreement with the European Parliament are expected to take place in the second half of this year.

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<sup>1</sup> The Czech Republic, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia may attain a collection rate of 40-45% by 2016 and must achieve the full collection targets by 2022 at the latest.

**Cultivation of genetically modified organisms**

The Council exchanged views on possible justifications that would allow member states to restrict the cultivation of genetically modified organisms (GMOs) in their territory. For an indicative list of such reasons provided by the Commission, see [16826/10 ADD 1](#).

A number of delegations felt that this list of possible grounds for restricting GMO cultivation was a good basis for further work on the proposed act. Some wished to see a non-exhaustive list of justifications for national restrictions included in the text of the act to increase legal certainty. Requests were made to add the protection of biodiversity and agricultural structures, socioeconomic factors and new scientific knowledge concerning the risks of GMO cultivation to the list of possible grounds.

On the other hand, some delegations were concerned about the legal compatibility of some grounds in the suggested list with WTO and internal market rules. Doubts were voiced as to whether a ban could be justified on the grounds of general environmental policy objectives, given that authorised GMOs have already undergone an environmental risk assessment. Some said that an overlap between the two must be avoided. A couple of delegations reiterated their concern about the overall workability of the proposal.

Responding to requests made by several member states, the Council legal service indicated that it was ready to assist the ad hoc working party in their assessment of the possible grounds for national measures drawn up by the Commission.

Member states are currently examining legal opinions on the draft as well as a list of possible grounds on which member states could base their decision to restrict GMO cultivation.

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

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

**Climate change: Follow-up to the Cancún Climate Conference**

The Council adopted conclusions on the follow-up to the UN climate conference in Cancún in December 2010, which discussed the global framework for climate protection. The text is set out in [7755/11](#).

The conclusions strongly welcome the outcomes of the Cancún conference and call on the EU's international partners to fully implement the agreements. The Council also gave some orientations for the ongoing intensive work to implement the Cancún agreements until the next UN climate conference in Durban at the end of this year.

**Community strategy on mercury**

The Council adopted conclusions on the review of the Community strategy concerning mercury, see [7774/11](#).

The Council conclusions welcome the significant progress in the implementation of the strategy achieved in the last five years. The Council also invited the Commission to speed up its ongoing investigation on dental amalgam, the second largest use of mercury in the EU. In addition, it asked the Commission to analyse mercury-containing button cell batteries and to assess the need for further measures.

The Commission presented a review of the EU's mercury strategy in December 2010 ([16908/10](#)). Adopted in 2005, the strategy outlined 20 actions aiming to limit mercury emissions, at both EU and international level.

## **Reform of the Common Agricultural Policy**

The Council discussed environmental aspects of the Common Agricultural Policy (CAP), in view of its upcoming reform. The Council's discussion was a response to the Commission communication *The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future* ([16348/10](#)) of November 2010.

Ministers emphasised the importance of the CAP for the protection of the environment and the climate and for delivering environmental public goods, such as biodiversity protection or flood prevention. They welcomed the fact that the Commission had proposed to make sustainable management of natural resources and climate action one of the objectives of the reformed CAP.

Delegations stressed that "greening" the CAP was an important contribution for achieving the objectives of the EU2020 strategy. For the Commission, measures such as the maintenance of permanent pasture and green cover, set aside and crop diversification could be made mandatory for beneficiaries of direct payments. They help to curb climate-harming emissions. At the same time, some ministers advocated targeting rural development measures to support biodiversity, the protection of water resources, reduction of greenhouse gas emissions and adaptation to climate change. Many asked for greater simplification and for more flexibility to take into account regional and national environmental conditions. Some argued that the rural development measures in the so-called second pillar of the CAP were more suitable for providing such flexibility.

The views of ministers will feed into the debate of the Agriculture Council on the CAP reform.

## **European Semester**

The Council exchanged views on the role of environmental policy, including sustainable development, resource efficiency, greening and decarbonisation of the economy in the European Semester, as a contribution to the Spring European Council.

Ministers underlined that the current cycle of the European Semester offers a unique opportunity for the Environment Council to integrate environment and climate policies into other areas, in order to contribute to the promotion of sustainable, resource efficient and low-carbon economy in line with the objectives of the Europe 2020 strategy.

Resource efficiency and reducing greenhouse gas emissions contribute to the achievement of economic and social development goals, decarbonisation of economies and the widespread integration of environmental policies help the improvement of the quality of life and bring new job opportunities. National reform programmes (NRPs) prepared by member states play a key role in achieving a greener, more resource-efficient and sustainable European Union. Various EU-level initiatives and tools are to be mobilised as well.

A preliminary assessment of the NRPs shows that efforts should be stepped up in order to meet the climate related target of the Europe 2020 strategy. Full implementation of the climate and energy package, including all measures foreseen for the EU Emissions Trading System is required.

To provide political impetus for environmental and resource efficiency measures, ambitious national objectives within NRPs, the importance of an integrated approach, the sectoral and regional differentiation and the need to empower consumers through information and awareness-raising were particularly highlighted. Ministers emphasised the need to ensure coherence with the EU sustainable development strategy.

Actions in the area of fiscal policy, in particular phasing out of environmentally harmful subsidies are essential for the transition towards a resource-efficient and low-carbon economy. The transitional process and the mainstreaming of the environmental and climate policy can be further helped by providing the necessary private and public financial resources in terms of the preparations of the next multi-annual financial framework and the reform of the relevant policies.

There was a broad agreement that the Commission should develop an ambitious roadmap for a resource-efficient Europe as soon as possible, in which the medium and long term objectives are defined with an aim to absolutely decouple resource use from economic growth. It is important to give a broad interpretation to resource-efficiency, encompassing all natural resources.

The European Semester takes place in the first half of each year so as to strengthen economic policy coordination in the EU. In this first European Semester, the annual growth survey presented by the Commission ([18066/10](#) + [ADD 1](#)) focuses on 10 actions that member states should address as a matter of priority. These relate in particular to macro-economic stability, fiscal consolidation, structural reforms and growth-enhancing measures.

Europe 2020 is the EU's strategy for becoming a smart, sustainable and inclusive economy. As part of the strategy, the Commission presented its flagship initiative for a resource-efficient Europe in January 2011 ([5869/11](#)).

## **OTHER BUSINESS**

### **Earthquake in Japan**

Before the formal start of the meeting, the Commission and the presidency, on behalf of the Council, expressed their condolences to the Japanese people for the loss of lives due to the earthquake on 11 March.

### **Regional policy**

The Commission presented its communication *Regional policy contributing to sustainable growth in Europe 2020* ([5855/11](#)).

### **Plastic bags**

Austria, supported by a large number of member states, invited the Commission to analyse possible regulatory action against the use of plastic bags, given the highly negative impact on the environment of the mass of single-use plastic bags put into circulation annually within the EU (estimated at 800 000 tons; [6864/11](#)).

### **Endocrine disruptors**

The Danish delegation strongly encouraged the Commission to present draft EU legislation for a ban on propyl- and butylparaben in cosmetic products for children under the age of three ([7428/11](#)). These substances are thought to disrupt the human hormonal system. Denmark has imposed such an interdiction with reference to the "safety clause" in the cosmetics directive, but acknowledges that such regulation is best dealt with at EU level.

### **International negotiations for a global instrument on mercury**

The presidency and the Commission reported jointly on the second negotiating session for a global legally binding instrument on mercury. The negotiation process is scheduled to conclude in early 2013 ([7501/11](#)).

## **Desertification**

The presidency briefed the Council on the main conclusions and recommendations of the ninth session of the committee for the review of the implementation of the UN convention to combat desertification, held from 21 to 25 February in Bonn, Germany ([7507/11](#)).

## **UN environment programme**

The presidency and the Spanish delegation reported on the outcome of the 26th session of the UNEP governing council, held from 21 to 24 February in Nairobi. At the meeting in Nairobi, Spain was elected to the presidency of that session for a two-year term. ([7463/11](#); [7503/11](#))

## **Whaling**

A number of delegations jointly recalled the importance for the EU and its member states to work together through the International Whaling Commission to protect whales. They urged all environment ministers to remain fully engaged in the process. Their note is set out in [7614/11](#).

## **Visegrad group**

The Slovak delegation briefed Council on a joint statement adopted by the environment ministers of the Czech Republic, Hungary, Poland and Slovakia at their 17th meeting, held from 7 to 8 March in Slovakia ([7636/11](#)).

## **Roadmap for a low-carbon economy**

The Commission presented its communication entitled *A Roadmap for moving to a competitive low-carbon economy in 2050* ([7505/11](#)).

## **EU Emissions Trading Scheme**

The Commission briefed the Council on the state of national registries of greenhouse gas emissions certificates ([7496/11](#)). Transactions in national ETS registries had been suspended on 19 January after IT security incidents and have gradually been taken up again. The Commission has proposed a series of actions to strengthen the integrity of the European carbon market.

The Commission also reminded member states of procedural steps required in preparation for the large-scale auctioning of emission allowances that is to commence in 2013 ([7499/11](#)).

## **Emissions reduction credits**

Denmark informed the Council that it does not intend to use international emission reduction credits from projects involving certain industrial gases for national compliance under the effort sharing decision for the period 2013-2020. It invited other delegations to join a draft declaration to this effect ([7538/11](#)). The relevant credits have recently been banned from use in the EU's Emissions Trading Scheme from 2013 onwards.

**OTHER ITEMS APPROVED**

**ENVIRONMENT**

**Ecolabel for laundry detergents and detergents for dishwashers**

The Council did not oppose proposed criteria for awarding the EU Ecolabel to laundry detergents and detergents for dishwashers. The indicators update those adopted in 2003 and are set out in [5516/1/11 REV 1](#) and [5514/2/11 REV 2](#).

The draft Commission decisions are subject to what is known as the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt them unless the European Parliament objects.

**EU Emissions Trading System**

The Council did not oppose draft benchmarks governing the free allocation of greenhouse gas emission allowances in the EU Emissions Trading System from 2013 ([5551/11](#)). The benchmarks set standards concerning greenhouse gas emissions per unit of product. They are based on the performance of the 10 % most efficient installations in a given sector in the EU in the years 2007-2008. From 2013, free allocation of emission allowances in the ETS will be determined by these benchmarks. Installations must purchase certificates if their emissions exceed the indicators. In this way, the ETS incentivises energy-efficient techniques.

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

**Shipments of waste**

The Council did not oppose a draft Commission regulation amending EU rules on shipments of waste ([5622/11](#)). The act changes the list of mixtures of waste that are subject to general information requirements under article 18 of regulation 1013/2006 on shipments of waste.

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

## **Trade in hazardous substances**

The Council adopted the EU position for the 5th Conference of the Parties to the Rotterdam convention on trade in certain hazardous chemicals and pesticides (7091/11). The EU will support the inclusion of chrysotile asbestos, endosulfan, alachlor and aldicarb among the chemicals subject to the prior informed consent procedure. These four substances are already banned or severely restricted in the EU and are therefore subject to export requirements which go beyond what is required under the Rotterdam convention.

## **AGRICULTURE**

### **Maximum levels for contaminants in food - Health claims made on foods**

The Council decided not to oppose the adoption of the following two Commission regulations:

- a regulation setting maximum levels for certain contaminants in foodstuffs ([5276/11](#));
- a regulation refusing to authorise certain health claims made on foods ([5421/11](#)).

The Commission regulations are subject to the regulatory procedure with scrutiny. This means that now that the Council has given its consent, the Commission may adopt them unless the European Parliament objects.

## **FISHERIES**

### **Mauritania - Renewal of protocol**

The Council authorised the Commission to open negotiations for the renewal of the protocol to the fisheries partnership agreements with Mauritania on behalf of the EU.

These negotiations should ensure that a new protocol can be concluded before the expiry of the current protocol on 31 July 2012.

**JUSTICE AND HOME AFFAIRS**

**Immigration liaison officers network**

The Council amended the rules concerning the immigration liaison officers (ILO) network. The initial regulation establishing the network was adopted in 2004.

The amendments:

- establish a link and provide a legal basis for cooperation between FRONTEX and the ILO networks,
- promote the use of ICONet, a secure web-based Information and Coordination Network for member states' migration management services, for regular exchange of information and practical experience,
- highlight the possibility of using available Community funds for the creation and smooth operation of ILO networks, and
- rationalise the reporting system related to the activities of established ILO networks, ensuring also that the European Parliament, co-legislator in this policy area, is properly informed.

**APPOINTMENTS**

**Committee of the Regions**

The Council adopted a decision appointing the following four members of the Committee of the Regions, proposed by the Hungarian government for the remainder of the current term of office, which runs until 25 January 2015: Mr István BÓKA, Mr Attila KISS, Mr Sándor KOVÁCS and Mr Jenő MANNINGER ([5254/11](#)).

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