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3103rd Council meeting

Environment

Luxembourg, 21 June 2011

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Main results of the Council

The Council exchanged views and adopted conclusions on the **protection of water resources and integrated sustainable water management**. The conclusions stress that water concerns must be integrated ("mainstreamed") into relevant EU policies. Moreover, extreme weather events should be handled in an integrated way by policies dealing with land use and planning, agriculture, nature conservation and infrastructures.

In addition, the Council adopted conclusions endorsing the **EU biodiversity strategy until 2020**. The strategy is the EU's key instrument for reaching the new EU target for the protection of biodiversity in 2020: the EU intends to halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restore them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss.

Finally, the Council examined progress with a proposal that would allow member states to ban or restrict the **cultivation of genetically modified organisms** in their territory.

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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>).
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Secretary of State for Energy and Climate Change
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Ms Caroline SPELMAN

The Scottish Government's Minister for Environment and Climate Change

Commission:

Mr Janez POTOČNIK

Member

Ms Connie HEDEGAARD

Member

ITEMS DEBATED**Major accidents involving dangerous substances**

The Council took note of a progress report about ongoing work on the revision of the so-called Seveso directive on the control of major-accident hazards involving dangerous substances ([11312/11](#)).

During the discussions among member states, a broad common understanding has been reached on several elements of the proposal, for example on the obligations of the operator, emergency plans and domino effect.

Some aspects of the draft directive must still be further discussed, for instance the scope of the directive, derogations and inspections.

The proposal for a "Seveso III" directive was presented by the Commission in December 2010 ([18257/10](#)). Its main objective is to align the list of substances within the scope of the directive (annex I) to changes to the EU system of classification of dangerous substances, to which it refers.

Protection of water resources

The Council adopted conclusions on the protection of water resources and integrated sustainable water management, set out in [11308/11](#), and held an exchange of views on this topic.

The protection of water resources is a priority of the Hungarian presidency. The Council conclusions recognise the numerous threats to water and express concern with the extreme hydrological events over the last years, which climate change is likely to aggravate.

The conclusions stress that extreme weather events should be handled in an integrated way by policies dealing with land use and planning, agriculture, nature conservation and infrastructures.

Moreover, the conclusions call for water concerns and objectives to be better integrated ("mainstreamed") into other EU policies, including into the forthcoming reform of the Common Agricultural Policy. In particular, the future EU cohesion policy should adequately consider future water infrastructure needs.

The text also underlines the economic value of services provided by water bodies and related ecosystems and highlights the need to protect them.

The conclusions and the exchange of views among ministers will provide input for the Commission's blueprint to safeguard Europe's water resources, expected to be published mid-2012.

EU biodiversity strategy until 2020

The Council adopted conclusions endorsing the EU biodiversity strategy until 2020, set out in [11978/11 + COR1](#).

The strategy is the EU's key instrument for reaching the new EU target for the protection of biodiversity in 2020 set by the European Council in March 2010: the EU intends to halt the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restore them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss.

The draft strategy was proposed by the Commission in May ([9658/11](#)). It includes six targets contributing to the achievement of the 2020 headline target. These concern the conservation status of species and habitats covered by EU nature legislation, maintaining and restoring ecosystems, areas covered by biodiversity-related measures under the CAP and measures related to forests and fisheries as well as measures to address the threat of invasive alien species. Finally the strategy intends to step up the EU contribution to averting global biodiversity loss.

The Council welcomed the fact that the strategy responds to the main obstacles that prevented the achievement of previous EU targets relating to biodiversity: insufficient integration of biodiversity protection in other EU policies, inadequate funding, policy gaps as well as knowledge and data gaps. Ministers also underlined the need to mainstream biodiversity concerns into relevant sectoral policies, such as the Common Agricultural Policy, the common fisheries policy and EU cohesion policy. The Council called on the Commission to incorporate biodiversity measures in its proposals for the future financial perspectives 2014 - 2020.

Further work on the EU biodiversity strategy will be carried out under the incoming Polish presidency.

Climate change

The Council discussed key questions concerning the roadmap for moving to a competitive low-carbon economy in 2050, presented by the Commission in March. The presidency noted acceptance of draft conclusions by 26 member states and decided to issue presidency conclusions, set out in [11964/11](#).

Cultivation of genetically modified organisms

The Council examined progress with a proposal that would allow member states to ban or restrict the cultivation of genetically modified organisms (GMOs) in their territory (see progress report [11326/11](#)).

Member states are still examining the draft act that would give EU countries the possibility to ban or restrict the cultivation of one or several GMOs in all or part of their territory. In view of the doubts about the conformity of national GMO bans adopted under the proposed legislation with the internal market and WTO rules, some delegations consider that further reflection and analyses are needed.

Presented in July 2010, 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.

OTHER BUSINESS

Conference on the implementation of EU environmental law

The Commission informed the Council about the outcomes of the conference on the implementation of EU environmental law, held in Brussels on 15 June 2011 ([11823/11](#)).

Sustainable development

The presidency and the Romanian delegation briefed the Council on the nineteenth session of the UN commission on sustainable development and possible ways forward ([11771/11](#)). At the same time, the Commission presented its recently adopted communication on the UN conference on sustainable development in June 2012 in Rio de Janeiro ([11845/11](#), [11770/11](#)).

Black Sea economic cooperation

Romania provided information to the Council on a meeting of environment ministers from the member countries of the organization of the Black Sea economic cooperation, which took place in Bucharest on 31 May 2011 ([11702/11](#)).

Carpathian convention

Slovakia briefed the Council about the outcomes of the third meeting of the Conference of the Parties (COP 3) to the Carpathian convention, held from 25 to 27 May in Bratislava. Representatives of the Czech Republic, Hungary, Poland, Romania, Serbia and the Slovak Republic adopted a protocol on sustainable forest management and a protocol on sustainable tourism ([11704/11](#)).

Risks associated with nanomaterials

The Dutch delegation argued that the current legislation is not geared to evaluating the specific hazards related to nano-engineered particles. It called upon the Commission to propose EU policy to ensure a coherent legal framework on the risk assessment and management of nanomaterials ([11626/11](#)).

Management of cormorants

France presented a note demanding that the Commission establish a management plan for cormorant populations, given the high number of large cormorants causing damage to fish farms ([11532/11](#)).

Nuclear installations planned in the EU neighbourhood

The Lithuanian delegation underlined that all nuclear power projects need to fully comply with international regulations on nuclear safety, security and transboundary environmental impact assessments in their implementation ([11578/11](#)).

New challenges in the light of the Fukushima accident

The Austrian delegation briefed the Council on the outcome of a meeting of countries without nuclear power, held in Vienna on 25 May 2011. A joint declaration adopted at that meeting emphasises the view of the participating delegations that nuclear power is not compatible with the concept of sustainable development ([11459/11](#)).

Global, regional and bilateral action on short-lived climate forcers

The Swedish delegation brought to the attention of the Council the need to give due consideration to mitigating emissions of short lived climate forcers, which could significantly slow down the pace of global warming ([11688/11](#)).

Use of industrial gas credits under the effort sharing decision

Denmark informed the Council that Denmark, Germany, United Kingdom, France, Austria, Belgium, Estonia, Greece, Slovenia, Sweden and the Czech Republic have agreed on a political declaration concerning their intentions not to use the HFC and adipic-acid N2O credits for national compliance under the effort sharing decision for the period 2013-2020 ([11785/11](#)). Denmark invited other member states to join this political declaration.

Inclusion of aviation in the EU Emissions Trading Scheme

The Commission briefed the Council on progress in the implementation of provisions to include aviation activities in the EU Emissions Trading Scheme ([11462/11](#)).

Access to genetic resources

The Presidency and the Commission briefed delegations on the outcome of the first meeting of the open-ended ad hoc intergovernmental committee for the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation, held in Montreal from 5 to 10 June 2011 ([11773/11](#)).

Environment for Europe conference

The Presidency informed delegations about the state of play of the preparations for the seventh ministerial "Environment for Europe" conference, to be held in Astana from 21 to 23 September 2011 ([11614/11](#)). It has water management and greening the economy on its agenda.

Work programme of the incoming presidency

Poland presented the priorities of its upcoming Council presidency in the area of environment.

OTHER ITEMS APPROVED

ENVIRONMENT

Biocidal products*

The Council adopted its position at first reading on the draft regulation concerning biocidal products, such as insecticides, disinfectants and repellents ([5032/2/11 REV2 + ADD1](#), [10974/11 ADD 1](#)).

For more information, see press release [17974/10](#).

European Environmental Accounts

The Council adopted a regulation establishing statistics at EU level concerning air emissions, environmentally related taxes and material flows ([11/11](#)).

For more information, see press release [11861/11](#).

ECONOMIC AND FINANCIAL AFFAIRS

Excise duties on tobacco

The Council adopted a directive codifying EU rules on the structure and rates of excise duty applied to manufactured tobacco ([10865/11](#)).

The directive lays down general principles for the harmonisation of the structure and rates of the member states' excise duties on cigarettes, cigars, cigarillos, fine-cut tobacco and other smoking tobacco. It repeals and replaces directives 92/79, 92/80 and 95/59, as amended by a number of other directives.

CUSTOMS UNION

Duties on industrial, agricultural and fishery products

The Council adopted an amendment to regulation 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products ([10716/11](#)).

The autonomous common customs tariff duties for the products referred to in regulation 1255/96 are partially or totally suspended because production of them in the EU is inadequate or non-existent. This is intended to enable producers to meet the needs of user industries in the EU. Regular reviews of these provision examine if new suspension requests or current suspensions of duties are justified. In addition, the withdrawal of products for which suspension is no longer in the EU economic interests is also assessed. Technical adaptations to the regulation follow the reviews.

Tariff quotas for certain agricultural and industrial products

The Council amended regulation 7/2010 on the management of autonomous tariff quotas of the Union for certain agricultural and industrial products ([10712/11](#)).

TRADE POLICY

Antidumping - Magnesia bricks - China

The Council adopted a regulation terminating the expiry review and "the new exporter" review of the anti-dumping measures concerning imports of certain magnesia bricks originating in China ([10972/11](#)).

FISHERIES

Financial measures for the common fisheries policy

The Council adopted an amendment to regulation 861/2006 establishing community financial measures for the implementation of the common fisheries policy (CFP) and in the area of the law of the sea, following a first-reading agreement with the European Parliament ([17/11](#)).

Regulation 861/2006 provides for financing in the following areas: international relations, governance, data collection and scientific advice, and control and enforcement of the CFP. In each field of action, this regulation is complemented by other regulations or decisions. Several elements of the related legislation have evolved since the adoption of the initial regulation, which should be amended in order to ensure coherence between all the elements of the legislative framework.

STATISTICS

Tourism

The Council adopted a regulation aimed at improving the common framework for the systematic development, production and dissemination of European statistics on tourism ([14/11](#)).
