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Environment

Brussels, 20 December 2010

President

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and Culture (for Belgium)

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Main results of the Council

*Ministers endorsed an agreement between Council and European Parliament on EU-wide **CO₂ emission standards for light vans**. The law will gradually introduce a limit of 175g CO₂/km for the average small van by 2017. By 2020, light commercial vehicles will have to meet the stricter target of 147g CO₂/km. The text, negotiated in informal contacts, will still have to be formally approved by both institutions.*

*The Council reached political agreement on **revised EU rules concerning pest control products**. The revised act will ensure that essential pest control products and a large number of everyday items remain available and safe to use. It identifies for the first time which active substances may not be used in pest control products. In addition, it will be extended to articles incorporating pest control chemicals.*

*The Council also took stock of work concerning proposals to allow member states to **restrict the cultivation of genetically modified organisms in their territory**. It is willing to continue discussing the Commission's proposal. However, a large majority of member states considers that two conditions must be fulfilled before work can continue in a fruitful way: The Commission must provide a list of possible grounds on which member states could base their decision to restrict GMO cultivation. In addition, the Council insists on full implementation of the 2008 Council conclusions on GMOs.*

*Without discussion, the Council adopted a negotiating mandate for linking the EU and the Swiss greenhouse gas **emissions trading systems** as well as new rules on **international divorce matters**.*

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- 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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Member

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Member

ITEMS DEBATED

Biocidal products*

The Council reached political agreement on revised EU rules concerning biocidal products. The act covers a wide range of pest control products, such as insecticides, disinfectants and repellents, but not medicines or agricultural pesticides. The new regulation will ensure that essential pest control products and a large number of everyday items remain available and safe to use.

For the first time, the law ([17474/10 ADD 1](#) + [ADD 2](#)) identifies which active substances may not be used in biocidal products. It bans substances that can cause cancer, mutations or fertility problems as well as chemicals that act as endocrine disruptors. In addition to the Commission's proposal, the Council also excluded chemicals with harmful effects on the environment¹. At the same time, such substances may be essential to prevent a serious danger to public health or the environment. Under certain specific conditions, they may therefore still be authorised.

The regulation now also covers articles incorporating pest control chemicals. A wide range of everyday products, for instance sleeping bags, sofas or smell-free socks, are treated with biocidal substances. They may no more be treated with unauthorised chemicals and must be labelled. Thus the new rules make such products much safer for consumers. These obligations apply to all articles treated with biocides on the EU market, including imported ones.

Current rules ([directive 98/8/EC](#)) provide for an EU-wide list of active substances permitted in biocides. Member states may authorise products containing approved chemicals if they fulfil additional conditions. Such authorisation is in principle accepted by other EU countries, following a procedure known as mutual recognition.

The new regulation supplements that with the possibility of authorising biocidal products at EU level so as to reduce the administrative burden on producers. The European Chemicals Agency will then be responsible for issuing permits for both substances and products. This will be an optional procedure in addition to the current system of national product authorisation. As a first step, the Council wants to introduce Union authorisation for certain product types from 2013². From 2020 onwards, most biocidal products will qualify for EU authorisation. The regulation also seeks to improve the mutual recognition system.

¹ Persistent, bio-accumulative and toxic substances as well as very persistent and very bio-accumulative chemicals.

² In-can preservatives; film preservatives; masonry preservatives; slimicides; metalworking-fluid preservatives; embalming fluids and fibre; leather, rubber and polymerised materials preservatives.

In June 2009, the Commission proposed to replace the existing directive by a regulation so as to harmonise its implementation ([11063/09](#)). The political agreement determines the Council's position at first reading. The European Parliament voted its first-reading position on 22 September. Negotiations between the two co-legislators to finalise the new act are expected to take place after the linguistic revision and formal adoption of the text agreed today.

Waste electrical and electronic equipment

The Council took note of a report on progress with recasting the directive concerning waste electrical and electronic equipment, see [17217/2/10 REV 2](#).

The so-called WEEE directive establishes separate collection, recycling and recovery targets for electrical and electronic waste. The Council is still discussing collection modalities, the level of the targets as well as which equipment will be covered by the revised law. The recast was proposed by the Commission in December 2008 ([17367/08](#)).

CO₂ emissions of light vans

The Council discussed the proposed CO₂ emission standards for light vans. Ministers endorsed the outcome of informal negotiations between the presidency and the European Parliament for an agreement at first reading.

The agreed text introduces a limit of 175g CO₂/km for the average CO₂ emissions from new light vans registered in the EU. This target will apply to a small van of average mass while specific targets for individual vehicles would vary according to their weight. The objective will be phased in between 2014 and 2017.

In order to give planning certainty to industry, a long-term target for CO₂ emissions of light commercial vehicles in 2020 has been included. Council and Parliament agreed on a target of 147g CO₂/km. The modalities for reaching the target are to be established in a revision of the regulation by 1 January 2013.

To incentivise investment in new technologies, from 2014 producers have to pay a penalty if their fleet fails to meet the objective. As in the legislation for cars, the premium depends on how far manufacturers exceed the target. A maximum penalty of EUR 95 per car for exceeding the target has been agreed.

Proposed in November 2009, the draft regulation ([15317/09](#)) complements EU rules on CO₂ emissions limits for new passenger cars ([443/2009](#)). The agreed text will be confirmed by the European Parliament at an upcoming plenary session and adopted formally by the Council after legal-linguistic revision.

Cultivation of genetically modified organisms

The Council took note of a report from the presidency on work concerning proposals to allow member states to restrict the cultivation of genetically modified organisms (GMOs) in their territory, see [17443/10](#).

The Council is willing to keep discussing the Commission's proposal. However, a large majority of delegations considers that two conditions must be fulfilled before work can continue in a fruitful way: The Council expects the Commission to provide a list of possible grounds on which member states could base their decision to restrict GMO cultivation. In addition, the Council insists on full implementation of the 2008 Council conclusions on GMOs.

The 2008 conclusions ([16882/08](#)) called for strengthening the environmental risk assessment in the GMO authorisation process. They also demanded a Commission report by June 2010 on the socio-economic benefits and risks of placing GMOs on the market. Moreover, they invited the Commission to adopt labelling thresholds for the adventitious presence of authorised GMOs in conventional seeds.

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. At the October Environment Council, many delegations were concerned about such compatibility.

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 remains a decision taken at EU level.

Resource-efficient Europe

The Council adopted conclusions on sustainable materials management and sustainable production and consumption as key contributions to a resource-efficient Europe. The text is set out in [17495/10](#).

In the conclusions, the Council expresses its concern that the EU's extensive use of resources has negative effects on the environment and could endanger future resource availability. The text also stresses that an integrated approach is needed, which takes account of the full life-cycle of materials: extraction of materials, design, production, distribution, recycling and final treatment. The Council urges member states and the Commission to strengthen their efforts to make the use of materials more sustainable.

Environmental policy instruments

The Council adopted conclusions on improving environmental policy instruments, set out in [5302/11](#).

As the EU's 6th environment action programme (2002-2012) draws to a close, the Council looked at the overall framework for EU environment policy after 2012. The Council underlined the importance of developing an ambitious vision for EU environmental policy for 2050 and concrete targets for 2020, as well as coherence with the "Europe 2020" strategy and other EU initiatives. In a second environment and health action plan, the Council would like to see included an evaluation of the need for new rules on nanomaterials, endocrine-disrupting chemicals and the combination effects of chemicals. In addition, it is in favour of maintaining the network and activities developed under the first plan.

Biodiversity: Follow-up to the UN conference in Nagoya

The Council adopted conclusions on the follow-up to the 10th Conference of the Parties to the Convention on Biological Diversity and the 5th Meeting of the Parties to the Protocol on Biosafety, which took place in Nagoya, Japan, from 11 to 29 October. The text is in [17150/10](#).

The Council welcomed the successful outcomes of the Nagoya conference, which adopted inter alia a new strategic plan for biodiversity for the period 2011-2020. The conclusions also welcomed the protocol on access to genetic resources and benefit-sharing under the Biodiversity Convention and the protocol on liability and redress under the Biosafety Protocol adopted at the conference. The EU is committed to putting in place the measures needed to implement the decisions taken at Nagoya. To do so, it is important to integrate biodiversity considerations into all relevant policies. It will also be essential to mobilise adequate financial resources from all sources to that effect.

In March, the Council set a 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.

Outcome of and follow-up to the Cancún climate conference

The Council exchanged views on the outcome and follow-up to the UN climate conference in Cancún, which discussed the global framework for climate protection.

The president drew the following conclusions from the debate:

The Cancún Climate Conference had a positive and forward-looking outcome, which allows for immediate and concrete actions on the ground and lays the foundation of a global and comprehensive post-2012 outcome.

This outcome reconfirms the strength of the multilateral process in order to find global solutions to global problems.

There are a number of very positive steps:

- The establishment of the Cancún Adaptation Framework aimed at enhancing action on adaptation in a coherent manner.
- The agreement on policy approaches and positive incentives to reduce emissions from deforestation and forest degradation, conserve and enhance forest carbon stocks and sustainably manage forests.
- The establishment of the Green Climate Fund and of the Technology Mechanism.
- The provisions on transparency.
- The anchoring of the mitigation commitments and actions in the UN framework under both the Kyoto Protocol and the Convention.
- The process to increase the level of ambition of the commitments in order to hold the global temperature increase below 2°C above pre-industrial levels.

But there is still a lot of work to do. There is an urgent need to reach an outcome in the UN framework by the end of next year; to this end, a clear EU strategy is needed.

The 16th Conference of the Parties to the UN Framework Convention on Climate Change took place in Cancún, Mexico, from 29 November to 10 December.

OTHER BUSINESS

Biofuels

The Commission briefed ministers on the practical implementation of the EU biofuels and bioliquids sustainability scheme and counting rules for biofuels as well as on voluntary schemes and default values in the EU biofuels and bioliquids sustainability scheme ([18060/10](#)).

Main environmental events organised by the Belgian presidency

The presidency provided information on the main environmental events it organised over the last six months ([17987/10](#)).

Nuclear installations in the EU neighbourhood

Lithuania drew the attention of delegations to issues relating to the implementation of the Baltic nuclear power plant project in the Kaliningrad region of the Russian Federation and the new Belarus nuclear power plant project ([17986/10](#)).

Mediterranean climate change initiative

The Greek delegation briefed ministers about the launch of the Mediterranean climate change initiative: a joint declaration was signed by 18 political delegations. Accordingly, the initiative will aim at contributing to the emergence of low-carbon, resource-efficient and climate-resilient economies in the Mediterranean ([17806/10](#)).

Waste management

Portugal urged the Commission to address climate issues in the application of the energy efficiency formula of the waste framework directive (2008/98/EC) to waste energy plants and to plants in the EU outermost regions ([17606/10](#)).

The Portuguese delegation also informed the Council about a specific national strategy to confer end-of-waste status to refuse-derived fuels, calling for a further exchange of views with the other member states ([17916/10](#)).

Transboundary watercourses and international lakes

Romania briefed the Council about the second meeting of the parties to the protocol on water and health to the convention on the protection and use of transboundary watercourses and international lakes, which was held in Bucharest from 23 to 25 November 2010 ([17937/10](#)).

Emissions trading system

The Polish delegation drew the attention of ministers to benchmarks governing the free allocation of emissions permits in the EU's greenhouse gas emissions trading system. In the view of Poland, benchmarks that are too low and do not take account of national and industrial specificities could undermine protection for sectors exposed to the risk of carbon leakage. Poland called for a wider discussion of the issue at political level ([18088/10](#)).

Waste tracking

The Italian delegation informed the Council about its new electronic system to improve the traceability of waste. Italy is envisaging applying this system to the shipment of waste outside national boundaries carried out by foreign operators. To this end, practical modalities will be developed in consultation with the Commission services ([17962/10](#)).

Work programme of the incoming presidency

Hungary briefed the Council about the work programme of its upcoming presidency in the area of environment and climate change.

OTHER ITEMS APPROVED

ENVIRONMENT

Linking the EU emissions trading scheme with Switzerland

The Council authorised the Commission to open negotiations with the Swiss Confederation for a link between the EU and the Swiss greenhouse gas emissions trading systems.

This is the first time that the EU has sought a connection with an existing scheme of this kind. Such a link would contribute to the fight against climate change and increase economic incentives to reduce climate harming emissions. This step complements the extension of the EU trading scheme to Norway, Liechtenstein and Iceland.

For more details see press release [18085/10](#).

FISHERIES

Guide prices and Community producer prices for 2011 for certain fishery products

The Council fixed the guide prices and Community producer prices for certain fishery products for the 2011 fishing year ([17190/10](#)).

The objective of this regulation is to ensure the functioning of the price support and intervention mechanisms laid down in regulation 2000/104/EC¹ during 2011 to attain a single market in fisheries products. The regulation concerns the guide prices for a specified number of fishery products as well as the Community producer price for specified tuna products. The guide prices form the reference for the subsequent fixing of the different technical parameters needed for the operation of the intervention mechanisms. In addition, the Community producer price is of relevance for the compensatory allowance for tuna delivered to the processing industry, which might be triggered when prices on the world markets fall below a specified trigger level.

¹ OJ L 17, 21.1.2000, p. 22.

Pursuant to regulation 2000/104/EC, the relevant prices follow the development of market prices during the three preceding fishing years as well as trends in production and demand. In line with that, the regulation decreases prices by between -1% and -3% for most whitefish species, and increases them by between +1% and +2% for pelagic species such as mackerel, Spanish mackerel and whole albacore. It reduces prices by between -0.5% and -2% for herring, sardines, anchovies and gutted albacore, and increases them by between +1.5% and +3% for Northern prawns. In the field of frozen products, prices increase by between +1% and +2% for hake (whole and fillets), swordfish and *Illex*, and fall by between -1% and -3% for sea bream, squids (*loligo*), and prawns (other penaeidae). Finally, the Community producer price for tuna products declines by -2%.

Under Article 43(3) of the Treaty, the Council adopts measures on a proposal from the Commission on the guide prices and Community producer prices for certain fishery products.

EU-Seychelles partnership agreement - allocation of fishing opportunities

The Council adopted a decision on the signature, on behalf of the European Union, and provisional application of the protocol setting out the fishing opportunities and the financial contribution provided for by the fisheries partnership agreement between the European Community and the Republic of Seychelles ([17237/10](#)).

On 5 October 2006, the Council adopted a regulation concerning the conclusion of the fisheries partnership agreement between the European Community and the Republic of Seychelles. A specific protocol sets out the fishing opportunities and the financial contribution provided for in the partnership agreement. The previous protocol expires on 17 January 2011. In order to ensure the continuation of fishing activities of EU vessels, the new protocol provides for its provisional application.

The Council also adopted a regulation concerning the allocation of fishing opportunities under the protocol to the fisheries partnership agreement between the European Community and the Republic of Seychelles ([17239/10](#)). This regulation allocates fishing opportunities between EU member states. It will apply from 18 January 2011.

AGRICULTURE

Packaging of food - purity criteria for colours used in food

The Council decided not to oppose the adoption of two draft Commission acts:

- a regulation on plastic materials and articles intended to come into contact with food ([14262/10](#));
- a directive amending directive 2008/128 laying down specific purity criteria on colours for use in foodstuffs ([14440/10](#)).

The two Commission acts are subject to the so-called 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.

TRANSPORT

Air cargo security

The Council adopted the following conclusions on a report submitted by a high-level group which was set up in response to the discovery of parcel bombs in air cargo:

"The Council welcomes and agrees on the report on strengthening air cargo security and requests that the Commission and the member states speedily implement the actions listed in the EU action plan on strengthening air cargo security. The Commission is invited to report on progress within the next 6 months."

The Council thereby confirmed the conclusions drawn by the presidency at the Council meeting on 2 December 2010 (see press release [17068/10](#), p. 16).

TRADE POLICY

Management of tariff quotas

The Council amended regulation 2010/7¹ on the management of autonomous EU tariff quotas for certain agricultural and industrial products ([16226/10](#)), given that the production in the EU of certain agricultural and industrial products is insufficient to meet the specific requirements of the user industry. Account is taken of the need not to disturb the markets for such products nor to impede the establishment or development of production within the EU.

Suspension of autonomous customs tariff duties

The Council amended regulation 96/1255 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products ([16227/10](#)).

Anti-dumping measures - synthetic ropes from India - ironing boards from China

The Council:

- imposed a definitive anti-dumping duty on imports of synthetic fibre ropes originating in India following an expiry review pursuant to regulation 2009/1225 ([17256/10](#));
- amended regulation 2007/452 imposing a definitive anti-dumping duty on imports of ironing boards originating, inter alia, in China ([17253/10](#)); and
- imposed a definitive anti-dumping duty on imports of ironing boards originating in China produced by Since Hardware (Guangzhou) Co., Ltd. ([17539/10](#)).

¹ OJ L 3, 7.1.2010, p. 1.

EMPLOYMENT POLICY

Mobilisation of the European Globalisation Adjustment Fund for the Netherlands

The Council decided to mobilise a total amount of EUR 2.56 million under the European Globalisation Adjustment Fund, providing support for workers made redundant in the Dutch information and communication technology enterprises Getronics and HP, involved in the development and sales of hardware, arising from a decline in turnover as a consequence of the global financial and economic crisis. The support measures must be co-financed by the Netherlands and include, inter alia, training, professional orientation, job-search and assistance for entrepreneurship.

BUDGET

Humanitarian aid for Haiti and Pakistan

The Council approved a transfer in order to provide an additional EUR 10 million for humanitarian assistance to the population of Haiti, hit by the outbreak of cholera, and to increase funding for the Pakistani flooding crisis by EUR 30 million.

Greece - measures to reduce its government deficit

The Council amended decision 2010/320/EU on the strengthening of budgetary surveillance and the reduction of the government deficit in Greece ([17754/10](#)).

In the light of a report submitted by the Greek government on 24 November, the decision modifies decision 2010/320/EU in a number of respects, whilst maintaining the 2014 deadline for the reduction of Greece's deficit below the reference value set by the EU Treaty (3% of gross domestic product).

Decision 2010/320/EU, adopted by the Council on 10 May, sets out conditions for the granting of stability support to Greece via bilateral loans from the other member states of the euro area. On 2 May, the Euro Group concluded that market access was insufficient for the financing of Greece's debts and agreed to activate stability support.

GENERAL AFFAIRS**Remuneration and pensions - contribution rate to the pension scheme***

The Council adjusted the remuneration and pensions of officials and other servants of the EU with effect from 1 July 2010 ([16760/10 REV 1](#) + [17946/10 ADD 1](#)). It also adjusted from the same date the rate of contribution to the pension scheme of EU officials and other servants ([16761/10 REV 1](#)).

Chairing of certain working parties during the Hungarian presidency

The Council agreed that, following a request by the incoming Hungarian presidency, certain working parties will be chaired by Belgium and Spain during the first half of 2011 ([18002/10](#)).

Transparency - access to documents

The Council adopted

- the answer to the confirmative request 24/c/01/10, the Danish and Swedish delegations having voted against (Doc. [16775/10](#)); and
- the answer to the confirmative request 25/c/01/10, the Swedish delegation having voted against (Doc. [16981/1/10 REV 1](#)).

EU legislation drafted in Irish language

The Council decided to extend, for a period of five years as from 1 January 2012, the derogation applicable to the translation of texts into Irish.

Under this derogation, which seeks to mitigate the difficulties in recruiting sufficient numbers of staff, the EU institutions are obliged to draft or translate in Irish only the regulations jointly adopted by the European Parliament and the Council.

During this period, the number of texts available in Irish will increase in the context of the expansion of the areas covered by the ordinary legislative procedure.

Furthermore, the EU institutions will continue to pursue initiatives aimed at improving citizens' access to information in Irish on the activities of the Union.

FOREIGN AFFAIRS

Democratic Republic of Congo - restrictive measures

The Council updated restrictive measures (arms embargo, visa ban and assets freeze) imposed on the Democratic Republic of Congo (17656/1/10).

The decision included additional persons designated on 1 December 2010 by the UN Sanctions Committee in the list of persons and entities subject to the restrictive measures.

Training programmes in the field of consular assistance

The Council agreed on an initiative aimed at organising and periodically sharing training programmes between the EU member states in the field of consular assistance in crisis situations.

COMMON SECURITY AND DEFENCE POLICY

EU crisis management operations - participation of Serbia

The Council approved the signature and conclusion of an agreement with Serbia establishing a framework for Serbia's participation in EU crisis management operations ([17000/10](#)).

JUSTICE AND HOME AFFAIRS

Divorce and legal separation

The Council adopted a regulation implementing enhanced cooperation in the area of the law applicable to divorce and legal separation ([17523/10](#)).

For more information see press release [18149/10](#).

Schengen evaluation - Belgian presidency interim report

The Council took note of the interim report on the activities of the working party for Schengen matters carried out during the Belgian presidency.

SISNET budget for 2011

The member states parties to the Schengen protocol, meeting within the Council, adopted the 2011 budget for SISNET, the communication infrastructure for the Schengen environment ([16963/10](#)).

Review of the EU list of persons, groups and entities involved in terrorist acts

The Council updated for the second time this year the EU list of persons and entities involved in terrorist acts, as required by common position 2001/931/CFSP¹ on the application of specific measures to combat terrorism. After reviewing all new relevant information, the Council confirmed the list as set out in the annex to common position 2009/468/CFSP of 15 June 2009².

¹ OJ L 344, 28.12.2001, p. 93.

² OJ L 151, 16.6.2009, p. 45.

APPOINTMENTS

Committee of the Regions

The Council appointed Mr Pavol FREŠO (Slovakia) as a member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015 ([16809/10](#)).

WRITTEN PROCEDURE

Extension of the EUPOL COPPS mission

On 17 December, by written procedure, the Council adopted decision 2010/784/CFSP on the EU Police Mission for the Palestinian Territories (EUPOL COPPS). This decision extended the mission for 12 months until 31 December 2011.

The aim of EUPOL COPPS is to contribute to the establishment of sustainable and effective policing arrangements under Palestinian ownership in accordance with best international standards, in cooperation with the Union's institution building programmes as well as other international efforts in the wider context of the security sector including criminal justice reform.

The present decision was published in the Official Journal of the EU on 18 December 2010 (OJ L 335, p. 60).

Fishing opportunities for 2011 in the Black Sea

On 17 December, by written procedure, the Council adopted unanimously the regulation fixing for 2011 the fishing opportunities for certain fish stocks in the Black Sea ([17177/1/10](#)).

During the Council meeting on 13 and 14 December 2010, ministers reached a political agreement on this regulation on the basis of a presidency compromise, drawn up in agreement with the Commission.