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THE EUROPEAN UNION**



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Environment

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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** such as mobile phones and household appliances. It is designed to improve collection and recycling of used electronic devices 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 law. 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 law.*

*Finally, the Council adopted conclusions on the **follow-up to the UN climate conference in Cancún** in December 2010. 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 welcomed the presentation by the Commission of a roadmap for moving to a low-carbon economy in 2050. The Council is expected to adopt conclusions on this issue at next meeting in June.*

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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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PARTICIPANTS

Belgium:

Ms Joke SCHAUVLIEGE

Minister for the Environment, Nature and Culture

Bulgaria:

Ms Nona KARADJOVA

Minister for the Environment and Water

Czech Republic:

Mr Tomáš CHALUPA

Minister for the Environment

Denmark:

Ms Lykke FRIIS

Minister for Climate and Energy and Minister for Gender Equality

Ms Karen ELLEMANN-JENSEN

Minister for the Environment

Germany:

Ms Katherine REICHE

Parliamentary State Secretary

Estonia:

Mr Gert ANTSU

Deputy Permanent Representative

Ireland:

Mr Phil HOGAN

Minister for Environment, Community and Local Government

Ms Geraldine BYRNE NASON

Deputy Permanent Representative

Greece:

Ms Konstantina BIRBILI

Minister, Ministry of Environment, Energy and Climate Change

Mr Andreas PAPASTAVROU

Deputy Permanent Representative

Spain:

Ms Teresa RIBERA

State Secretary for Climate Change

Mr José Juan DIAZ TRILLO

Minister for Agriculture of the Autonomous Community of Andalusia

France:

Ms Nathalie KOSCIUSKO-MORIZET

Minister of Ecology, Sustainable Development, Transport and Housing

Italy:

Ms Stefania PRESTIGIACOMO

Minister for the Environment

Cyprus:

Mr Demetris ELIADES

Minister for Agriculture, Natural Resources and Environment

Latvia:

Mr Raimonds VĒJONIS

Minister for Environmental Protection and Regional Development

Lithuania:

Mr Gediminas KAZLAUSKAS

Minister for the Environment

Luxembourg:

Mr Claude WISELER

Minister for Sustainable Development and Infrastructures

Hungary:

Mr Tamás FELLEGI

Minister for National Development

Mr Sándor FAZEKAS

Minister for Rural Development

Malta:

Mr George Pullicino

Minister for Resources and Rural Affairs

Mr Mario DE MARCO

Parliamentary Secretary for Tourism, the Environment and Culture

Netherlands:

Mr Joop AT SMA

State Secretary of Infrastructure and the Environment

Austria:

Mr Nikolaus BERLAKOVICH

Federal Minister for Agriculture, Forestry, Environment
and Water Management

Poland:

Mr Janusz ZALESKI

Under Secretary of State, Ministry of Environment

Portugal:

Ms Dulce PÁSSARO
Mr Humberto ROSA

Minister for the Environment and Spatial Planing
State Secretary for the Environment

Romania:

Mr Laszlo BORBELY

Minister for the Environment and Forests

Slovenia:

Mr Roko ŽARNIČ

Minister for the Environment

Slovakia:

Mr Jozsef NAGY

Minister for the Environment

Finland:

Ms Paula LEHTOMÄKI

Minister for the Environment

Sweden:

Mr Andreas CARLGREN

Minister for the Environment

United Kingdom:

Mr Chris HUHNE

Secretary of State, Department of Climate Change and
Energy

Ms Caroline SPELMAN

Secretary of State, Environment, Food and Rural Affairs

.....

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 such as mobile phones and household appliances. The agreement is designed to improve collection and recycling of used electronic devices and to reduce illegal exports of such waste from the EU.

Already now, EU countries must annually collect 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 foresees 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 less electronic devices may achieve the targets with some flexibility.¹

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

The review aims to encourage the re-use of entire appliances. The Council position foresees that previously established objectives for recovery and recycling are increased by 5%, with re-use of whole appliances counting towards them. This would take effect three years from 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 preparation for re-use, 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.

¹ The Czech Republic, Hungary, Malta, Poland, Romania, Slovakia, Latvia and Lithuania 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 law. Some wished to see a non-exhaustive list of justifications for national restrictions included in the text of the act to increase legal certainty. It was asked to add the protection of biodiversity and agricultural structures, socioeconomic factors and new scientific knowledge on 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 justifying a ban by general environmental policy objectives could stand, given that authorised GMOs have already undergone an environmental risk assessment. Some said that an overlap between these two must be avoided. A couple of delegations reiterated their concern about the overall workability of the proposal.

Responding to the request of several member states, the Council legal service indicated that the list of possible grounds for national measures set by the Commission is being examined and that an assessment of its compatibility with the internal market and WTO rules will be presented in order to facilitate future work on the proposal in the ad-hoc working party and in the other bodies of the Council.

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 [here](#).

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 welcomed the presentation by the Commission of a roadmap for moving to a low-carbon economy in 2050. The Environment Council is expected to adopt conclusions on this issue at its next meeting in June.

Community strategy on mercury

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

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, both at 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.

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. It was welcomed that the Commission had proposed to make sustainable management of natural resources and climate action the second main priority of the reformed CAP.

Delegations stressed that "greening" the CAP was important. 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, water, 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 better suited to provide such flexibility.

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. The views of ministers will feed into conclusions to be adopted by the Agriculture Council on 17 March. Legislative proposals are expected during this year.

European Semester

The Council exchanged views on environmental aspects of the European Semester, as a contribution to the Spring European Council.

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 ([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 of working through the International Whaling Commission to protect whales and urged all environment ministers to remain fully engaged in the process, within the framework of the EU common position established in 2009. 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 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 the ones 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 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.

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 so-called 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 so-called 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 on food

The Council decided not to oppose the adoption of the two following 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 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.

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 four following 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](#)).
