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THE EUROPEAN UNION**



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Environment

Luxembourg, 14 October 2010

President

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and Culture

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Main results of the Council

*The Council adopted conclusions on the **EU position for the Cancún climate conference**. The EU expects the meeting to adopt a balanced set of decisions that contribute to the establishment of an international regime to protect the climate after 2012. The Council reiterated its preference that this would take the form of a single legally binding instrument. At the same time, it confirmed its willingness to consider a second commitment period under the Kyoto Protocol if this were part of a wider outcome including the perspective of a global framework engaging all major economies.*

*In addition, the Council discussed proposals to allow member states to restrict the **cultivation of genetically modified organisms** in their territory. Ministers demanded a number of clarifications with a view to ensuring that the draft law would be workable in practice and legally sound. Discussions on these proposals will continue within the Council.*

*The Council also adopted conclusions in preparation for the **10th Conference of the Parties to the Convention on Biological Diversity**. They reconfirmed the EU's headline target of halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them insofar as feasible, while stepping up the EU contribution to averting global biodiversity loss. The Council also underlined the EU's commitment to the successful conclusion of negotiations on a meaningful protocol on access to genetic resources and benefit-sharing at the conference.*

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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>). Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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Environment Secretary

Minister of State for Energy and Climate Change

Commission:

Mr Janez POTOČNIK

Mr John DALLI

Ms Connie HEDEGAARD

Member

Member

Member

ITEMS DEBATED

Biodiversity

The Council adopted conclusions in preparation for the 10th Conference of the Parties to the Convention on Biological Diversity, to take place from 18 to 29 October in Nagoya, Japan. Together with the negotiating mandate for a protocol on access to genetic resources and benefit-sharing, these conclusions form the EU position for the conference. The text is set out in [14975/10](#).

The conclusions reconfirm the EU's headline target of halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them insofar as feasible, while stepping up the EU contribution to averting global biodiversity loss. They also underline the EU's commitment to the successful conclusion of negotiations on a meaningful protocol on access to genetic resources and benefit-sharing at the Nagoya meeting.

Cultivation of genetically modified organisms

The Council exchanged views on Commission proposals to allow member states to restrict the cultivation of genetically modified organisms (GMOs) in their territory.

Ministers were asked to answer the following questions:

- To what extent does the GMO package proposed by the Commission contribute to the requirements of the conclusions of the Environment Council of December 2008?
- To what extent does the draft regulation proposed by the Commission provide member states with a workable and legally sound option to restrict or prohibit the cultivation of GMOs in their territory?

Some delegations welcomed the Commission proposal as a way to respond to public concern on GMO cultivation. However, many delegations had questions as to whether the Commission proposal would be workable in practice. Some ministers asked the Commission to clarify how restrictive measures would have to be justified so as to be compatible with WTO and internal market rules. As effects on human health and the environment are already considered during the EU authorisation process for GMOs, they must not be invoked by member states when banning the cultivation of GMOs that are authorised for placing on the market.

Others expressed doubts about the impact of the proposal on the internal market and concerns about the risk of a possible fragmentation of the common agricultural policy.

Another group of ministers insisted on the implementation of the Council conclusions of December 2008, especially the demand for a strengthened environmental risk assessment during GMO authorisation. Others reminded that the conclusions had requested a Commission report on the socio-economic benefits and risks of GMO cultivation. Some indicated that, as a first step, the Council conclusions would have to be fully put into practice.

Debate and legal analysis of this proposal will continue within the Council.

On 13 July, the Commission proposed amending directive 2001/18 so as to permit member states to prohibit GMO cultivation in their territory ([12371/10](#) + [ADD1](#)). The Commission also presented a revised recommendation on co-existence between GM and conventional crops, which would allow member states to define GM-free areas.

The Council conclusions of December 2008 called inter alia for a strengthening of the risk assessment in the GMO authorisation process and asked the Commission to present a report on socio-economic benefits and risks of the placing on the market of GMOs by January 2010. They also underlined the possibility for member states to regulate GMO cultivation in sensitive or protected areas ([16882/08](#)).

Climate change - options for the EU emission reduction target

The Council took note of a presidency report which summarises discussions on a Commission communication on options for moving beyond a 20% greenhouse gas emission reduction target. The presidency report is intended to guide the Commission's more detailed assessment of the modalities for reaching a higher reduction objective and their costs and benefits at member state level. The Environment Council had requested this additional analysis at its last meeting in June ([11028/10](#)).

The Council adopted the following conclusions, affirming that it would revert to these issues as soon as possible with a view to the Spring 2011 European Council:

"The Council of the European Union

1. RECALLS its conclusions of 11 June 2010 as well as the European Council conclusions of 17 June 2010 and WELCOMES the ongoing discussions on assessing policy options to move beyond 20% greenhouse gas reductions.
2. TAKES NOTE of the Presidency report on the follow-up of the communication "Analysis of options to move beyond 20% greenhouse gas emission reductions and assessing the risk of carbon leakage" and INVITES the Commission to further elaborate on options, including those contained in the communication, and conduct further analyses on the consequences at Member State level, as appropriate, with a view to presenting those as soon as possible.
3. HOLDS the view that the roadmap for a safe and sustainable low-carbon economy by 2050, under preparation by the Commission to further develop and implement a long-term Low Emission Development Strategy, should also inform this analysis of policy options up to 2020.
4. RESOLVES to continue, under the strategic direction of the European Council, to examine options to move beyond 20% greenhouse gas emission reductions to be prepared to react to the ongoing international climate negotiations and DECIDES to revert to these issues as soon as possible with a view to the Spring 2011 European Council."

Cancún climate conference

The Council adopted conclusions on the EU position for the Cancún climate conference, which is to discuss the global framework for climate protection. On the basis of this text, the October European Council will establish the EU position for this 16th Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC).

The EU expects the Cancún meeting to adopt a balanced set of decisions that contribute to the establishment of an international regime to protect the climate after 2012. The Council reiterated its preference that this would take the form of a single legally binding instrument. At the same time, it confirmed its willingness to consider a second commitment period under the Kyoto Protocol if this were part of a wider outcome including the perspective of a global framework engaging all major economies.

The text of the conclusions is set out in document [14957/10](#).

The 16th Conference of Parties to the UNFCCC is to take place in Cancún, Mexico, from 29 November to 10 December.

OTHER BUSINESS

Red sludge spill in Hungary

The Hungarian delegation provided information to the Council on the situation in western Hungary following the red sludge spill on 4 October ([14910/10](#)). In response, the Commissioner and a number of ministers expressed their support to Hungary and their sympathy to the people of Hungary for the loss of lives and the impact on the population and the environment. The need to learn lessons from these events was underlined, including with regard to the implementation of existing rules.

International environmental governance

The Finnish delegation provided information on the state of preparations for the second meeting of the consultative group of ministers on international environmental governance, to be held in Helsinki from 21 to 23 November 2010 ([14634/10](#)), and stressed the importance of political commitment in this process. The mandate of the group is to consider the broader reform of the system of international environmental governance.

Review of the Community strategy concerning mercury

In a note, Sweden drew attention to the opportunity to reinforce current action to reduce mercury use and emissions during the review of the Community strategy on mercury. This should strengthen the EU's leadership in the ongoing negotiations on a new global mercury convention ([14467/10](#)).

Waste management

The Commission informed the Council on the situation concerning a draft regulation on end-of-waste criteria for iron and steel scrap and aluminium scrap ([14717/10](#)).

Conservation of bats

The Czech delegation informed the Council about the 6th meeting of parties to the agreement on the conservation of populations of European bats, held in Prague from 20 to 22 September 2010 ([14590/10](#)).

Main environmental events organised by the Belgian presidency

The Council took note of information from the presidency on the main events it was organising in the area of environment policy ([14672/10](#)).

State aid to the coal industry

The Commission briefed the Council on its proposal aiming for the phasing-out of subsidies to facilitate the closure of uncompetitive coal mines ([14690/10](#)). Such state aid would only be allowed in the context of closure plans to completed by 1 October 2014.

Environmental aspects in the EU budget

The Netherlands presented a note on a workshop on financial perspectives and environmental aspects in the EU budget that was held in The Hague on 20 and 21 September 2010 ([14643/10](#)).

Stakeholder consultations

The Council took note of information from the Commission on stakeholder consultations concerning the following issues ([14703/10](#)):

- the role of EU agriculture and forestry in achieving the EU climate change commitment;
- a roadmap for a low-carbon economy by 2050;
- mainstreaming of climate adaptation and mitigation in EU policies and climate proofing of EU financial instruments.

Greenhouse gas emissions trends

The Commission reported to the Council on the EU's progress towards achieving its greenhouse gas emissions reduction objectives, which member states had committed themselves to meeting in the framework of the Kyoto Protocol. On the basis of emissions data up to 2008, the Commission concluded that the EU-15 as well as the member states which joined the EU after 2004 would reach and even over-achieve their Kyoto targets ([14692/10](#)).

Aviation and climate change

The Commission briefed the Council on developments at the assembly of the International Civil Aviation Organisation, held from 28 September to 8 October in Montreal ([14928/10](#)).

Support for carbon capture and storage and renewable energy technologies

The Council took note of information from the Commission on the implementation of the use of 300 million allowances from the new entrants' reserve of the Emissions Trading System (ETS) for the demonstration of carbon capture and storage and innovative renewable energy technologies ([14702/10](#)). This mechanism is provided for in the revised EU ETS directive; it will support for at least eight projects involving carbon capture and storage and at least 34 innovative renewable energy projects.

UN Environment Programme

Spain informed the Council of its intention to stand for the presidency of the bureau of the UNEP governing council for the period 2011-2012 ([14822/10](#)). The election of the bureau president is scheduled to take place at the 26th ordinary session of the UNEP governing council, to be held in Nairobi from 21 to 25 February 2011.

OTHER ITEMS APPROVED

ENVIRONMENT

Montreal protocol on ozone-depleting substances

The Council authorised the Commission to participate on behalf of the EU in the negotiations at the twenty-second meeting of the parties to the Montreal protocol, to be held in Kampala, Uganda, from 8 to 12 November 2010. This mandate regards matters falling within the Union's competence and in respect of which the Union has adopted rules; it is complemented by negotiating directives (13480/10).

ECONOMIC AND FINANCIAL AFFAIRS

Refund of value added tax

The Council adopted a directive concerning the refund of value added tax to taxable persons not established in the member state of refund but established in another member state ([13936/10](#)). The new directive provides for the exceptional extension of the deadline for the submission of refund applications on expenses incurred in 2009 from 30 September 2010 to 31 March 2011.
