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2491st Council meeting

- ENVIRONMENT -

Brussels, 4 March 2003

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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.*
– The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.
– 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 above mentioned Council Internet site or may be obtained from the Press Office.

PARTICIPANTS

The Governments of the Member States and the European Commission were represented as follows:

Belgium :

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State Secretary for Energy and Sustainable Development, attached to the Minister for Mobility and Transport

Denmark :

Mr Hans Christian SCHMIDT

Minister for the Environment

Germany :

Mr Jürgen TRITTIN

Federal Minister for the Environment, Nature Conservation and Reactor Safety

Greece :

Ms Vasso PAPANDREOU

Minister for the Environment, Regional Planning and Public Works

Spain :

Mr Pascual FERNÁNDEZ MARTÍNEZ

State Secretary for Water and the Coastline

France :

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Minister for Ecology and Sustainable Development

Ireland :

Mr Martin CULLEN

Minister for the Environment and Local Government

Italy :

Mr Altero MATTEOLI

Minister for the Environment and Protection of Natural Resources

Luxembourg :

Mr Charles GOERENS

Minister for Cooperation, Humanitarian Action and Defence,
Minister for the Environment
State Secretary for the Environment

Netherlands :

Mr Pieter VAN GEEL

State Secretary for Housing, Planning and the Environment
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Austria :

Mr Jozef PRÖLL

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Portugal :

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Finland :

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Sweden :

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Minister at the Ministry of the Environment

United Kingdom :

Ms Margaret BECKETT

Secretary of State for the Environment, Food and Rural Affairs
Minister of State for the Environment

Mr Michael MEACHER

* * *

Commission :

Ms Margot WALLSTRÖM

Member

ITEMS DEBATED

QUALITY OF BATHING WATER

Public debate

The Council held a policy debate, on the basis of a paper drawn by the Presidency, concerning a proposal for a Directive on the quality of bathing water.

Ministers were asked to address the following questions during the debate:

- whether or not, and taking into account the experience gained with the implementation of the “old” bathing water Directive (160/76/EEC), the proposed approach and level of protection would lead to improved health protection among bathers;
- how specific difficulties experienced in the past with regard to the implementation of the Directive and compliance with bathing water quality objectives could be accommodated in the current proposal;
- “other recreational activities” (e.g. windsurfing, kayaking, jet-skiing) in the context of classification of bathing water and of bathing water profiles: should these be included in the scope of the proposal?

Delegations stressed the importance of protecting bathers' health and providing national authorities with improved and flexible management facilities and quality assessment guidelines. Many delegations considered the proposed microbiological parameters and monitoring frequencies to be appropriate.

A number of delegations underscored the importance of having clear definitions on bathing water as well as for occasional short-term events that affect water quality to be taken into account. A few delegations asked for further examination to be made of the implementation costs raised by some aspects of the proposal (e.g. the proposed management measures).

There was a broad tendency to consider that "other recreational activities" should be excluded from the scope of the proposal, especially if they have an impact on bathing water classification or give rise to an additional financial burden.

The President welcomed Member States' contributions to the debate and concluded by stating the need for further examination at working group level on issues, such as: clear information to the public, provisions for emergency plans, handling of short-term pollution and the question of "other recreational activities".

The proposal lays down provisions for the monitoring and classification of bathing water quality and provides for extensive information to the public thereof, as well as for comprehensive management options. It is aimed at replacing Directive 160/76/EEC in order to reflect scientific knowledge gained since its adoption in 1976. Moreover, it is intended as a complement to the Urban Wastewater Treatment Directive and the Directive on Nitrates Pollution from Agricultural Sources.

It focuses on health risk for bathers, proposing a set of two microbiological classification parameters (intestinal enterococci and escherichia coli) relevant for compliance with its provisions. In order to ease the monitoring burden for Member States, it also proposes reduced monitoring frequencies if the bathing water quality proves to be constantly "good" (every two years) and "excellent" (every three years).

The Union's Water Policy has recently been restructured with the adoption of the Water Framework Directive in 2000. The provisions of the proposed Directive intend to be fully compatible with this new framework and coherent with the Union's Sustainable Development Strategy, as well as with the 6th Environmental Action Programme.

MARINE ENVIRONMENT

The Council adopted Conclusions (see below) concerning a thematic strategy to protect and conserve the marine environment. The text follows closely on the Commission's Communication (December 2002), "*Towards a strategy to protect and conserve the marine environment*", which aims at ensuring sustainable and healthy seas and oceans and their ecosystems, as well as the sustainable exploration of their resources. It constituted a first step in the development of a thematic strategy for the Union in this field, which the current Council Conclusions aim at furthering.

Also in the context of the marine environment, the Council took note of the Commission's report on the activities undertaken to combat the consequences of the marine pollution caused by the sinking of the single-hull oil tanker "Prestige" off the coast of Galicia on 19 November 2002. The Commission stressed, *inter alia*, the creation two years ago of the European Response Centre, a service aimed at addressing major emergencies in this area, as well as a number of initiatives after November 2002, such as: the proposal for a Regulation concerning a ban on single-hull oil tankers with heavy grades of oil and the proposal on penal sanctions on any party causing pollution. Furthermore, it mentioned the important role played by the European Maritime Safety Agency (EMSA) in this respect.

The Council took note of the information provided by the Spanish delegation on the measures taken by the Spanish Government to respond to the environmental disaster caused by the "Prestige", such as: setting up of a data collection centre, coastline clean-up and regeneration action plan (e.g. specialised cleaning of beaches and oil removal). It also mentioned future actions concerning assessment, monitoring and damage compensation and referred to different alternatives to address the neutralisation of oil spillage from the wreckage.

This matter was also addressed by the French delegation which informed the Council of the action of thousands of volunteers who helped to clean coastal areas and recover birds harmed by the disaster. It welcomed the Commission's planned initiatives in this field and stressed the role of the EMSA and of the International Maritime Organisation (IMO). Furthermore, it expressed its wish for the creation of a programme for the monitoring of hydrocarbons discharges at sea with the use of currently available space technology (i.e. satellite monitoring).

The Council also took note of the intervention by the Belgian delegation on the importance of creating a compensation system for marine pollution caused by hydrocarbons. It reaffirmed the "polluter should pay" principle of Community legislation in the environmental field. Moreover, it recalled the Council (Transport) Conclusions on 5-6 December on the creation of a supplementary compensation fund before the end of 2003, in the framework of the IMO, to cover future oil-spills up to EURO 1 000 Million in the waters of the Member States.

The Portuguese delegation intervened also on this matter considering the "Prestige" accident to be one of the most significant of all times. It called for a common European approach in this field as no single country can respond alone to accidents of this magnitude at sea. It supported the French delegation's proposal for satellite monitoring of discharges and informed other delegations of the availability of the Portuguese Government to consider hosting the headquarters of the EMSA.

The Finnish and the Swedish delegation intervened to raise Member States' awareness to the importance of enhancing maritime safety in the Baltic Sea area. The two delegations referred to the significant amount of maritime traffic in this area, in particular of oil carrying tankers.

Conclusions - "Towards a thematic strategy to protect and conserve the marine environment":

"THE COUNCIL OF THE EUROPEAN UNION

1. RECALLING

- Decision No 1600/2002/EC laying down the Sixth Community Environment Action Programme, the Göteborg and other relevant European Council conclusions;
- international law, conventions, in particular the UN Convention on the law of the sea, agreements, protocols and programmes;
- the commitments included in the plan of implementation from the World Summit on Sustainable Development in Johannesburg;

2. RECOGNISES that some significant improvements in the quality status of European seas have been realised and some of the negative trends have been halted and in some cases reversed. STRESSES the importance of the work being done in the framework of the Regional Seas Conventions and agreements such as OSPAR, HELCOM, the Barcelona and the Bucharest Conventions and in the framework of the Arctic Council and UNDERLINES the need for coordination and cooperation among all relevant conventions, IMO and the Commission. Nevertheless REALISES that a large number of problems have yet to be fully addressed and major threats still persist regarding European seas, in some cases to the extent that the structure and function of their ecosystems is being jeopardised;
3. WELCOMES the Commission communication "Towards a strategy to protect and conserve the marine environment", ENDORSES the approach and the outline of its aspirational objectives and CONSIDERS that it establishes a good basis for further development of Community action for marine protection and conservation and contributes to fulfilling the commitments made with a view to achieving sustainable development;
4. WELCOMES the results of the Stakeholder Conference, organised by the Danish Presidency and the Commission in Køge on 4-6 December 2002, which in general supported the aspirational objectives, actions and timetables the Commission proposed in its communication and INVITES the Commission to build upon these results;
5. UNDERLINES that, in order to deal with the huge variability of marine ecosystems, including sea beds, estuarine and coastal areas, marine protection policy requires full consideration of regional conditions and that it is of particular importance to apply the precautionary principle, that preventive action should be taken, that environmental damage should, as a priority, be rectified at source and that the polluter should pay. REMINDS in this context of the need to take into account all human activities having an impact on the marine environment or linked to the marine environment, which may require adjustments of existing policies;

6. RECALLING the urgent need to strengthen without delay the safety of maritime transport in order to protect the marine environment, to consider the related issues of liability and sanctions and to fully implement the conclusions of the Council (Transport and Environment) in December 2002;
7. REQUESTS the Commission to bring forward as soon as possible, before May 2005, a thematic strategy to protect and conserve the marine environment, based on an integrated approach, which should include, where appropriate, relevant qualitative and quantitative targets and timetables, against which the measures foreseen can be measured and evaluated, as well as identify actions for its implementation, taking into account the principle of subsidiarity and further engaging stakeholders, as well as ensuring that possible new major measures be subject to impact assessments, and coordinating and improving the use of different existing Community funding instruments towards the protection of the marine environment. In this connection the Commission is invited to:
 - a) propose an ambitious, clear and coherent set of objectives with a view to promoting the protection and conservation of marine ecosystems, including sea beds, estuarine and coastal areas and the sustainable use of the seas and its resources;
 - b) pursue the implementation and enforcement of both existing and new legislation in an integrated manner;
 - c) guide the development and implementation of the ecosystem approach within the marine strategy which integrates both the environment to be protected and the human activities which have an impact on the marine environment or are linked to the marine environment, drawing on existing work in other fora, i.a. in the framework of the Convention on Biological Diversity;
 - d) elaborate a rational approach for the full implementation of Natura 2000 at sea, which may include proposals for adapting the annexes to the Habitats Directive containing marine habitats and species, and implement the necessary technical and financial Community instruments and measures, as a basis for a coherent network of marine protected areas;
 - e) further develop biological and environmental targets and benchmarks, taking into consideration among others the Habitat Directive's favourable conservation status, the Water Framework Directive's good ecological status and other international agreed targets;
 - f) address the issue of invasive alien species and genotypes in the light of the work being undertaken in other fora;
 - g) clarify the connection between the thematic strategy for the marine environment and the Habitat and Birds Directives and marine aspects of other Directives of importance to the marine environment such as the Water Framework Directive, as well as interlinkages with other Community policies and actions including Integrated Coastal Zone Management;

- h) recommend further measures for the integration of environmental aspects in other Community policies;
- i) include further measures, if necessary, in relation to the safety of maritime transport in order to protect the marine environment and consider related issues of liability and, if appropriate, sanctions;
- j) take into account that in international institutions, conventions or agreements the Commission and the Member States should participate in accordance with their respective competences;
- k) enhance and facilitate the coordination and cooperation with and between the Regional Seas Conventions and agreements, the European Environment Agency, the European Maritime Safety Agency and other relevant fora, using their experience, developing a balanced approach for all seas of Europe, taking into account the specific characteristics of closed, semi-closed and open seas, recognising their responsibilities for protecting and conserving the marine environment in a way that avoids overlapping and duplication of efforts;
- l) provide for a coordination and streamlining of monitoring and assessment to achieve the highest synergistic effect;
- m) promote and facilitate effective coordinated and integrated actions by the relevant national and international parties (Member States, accession countries, neighbouring countries, organisations and stakeholders);
- n) invite neighbouring countries to participate in the process and develop partnerships, particularly in the Baltic, the Mediterranean and the Black Sea, considering among others partnership initiatives launched in the context of the World Summit on Sustainable Development;
- o) consider the need for long-term research and monitoring of the marine environment to support the development and implementation of a marine strategy and how this can be best integrated into decision-making."

GENETICALLY MODIFIED ORGANISMS (GMOs)

The Council was informed by the Commission of the resumption of authorisation procedures for new genetically modified (GM) food products. The Commission also informed the Council of its expected communication on biotechnology and on the coexistence between GM-seeds and conventional agriculture due to be released on 5 March 2003.

The Commission informed the Council that currently 19 applications for new GMO products are being considered, 10 for cultivation purposes and 9 for other uses. Two applications have already been reviewed and the remaining 17 are being reviewed.

A number of delegations were particularly interested in knowing more about the Commission's planned calendar of activities in this field. The Commission informed the Council that a decision on authorisations is not expected before the autumn 2003.

Ministers held a lively exchange of views on these two aspects of the Union's GMO-related policies. A number of delegations expressed their concern about the envisaged authorisation of new GMO products currently under review by the Commission and underscored the need for new authorisations to be given as soon as the regulations on GMO food and feed, as well as on traceability and labelling are adopted.

A few countries supported the Commission's initiatives in this area and considered that the entry into force of Directive 2001/18 on the deliberate release into the environment of GMOs provided a sufficient legal framework to move forward with the authorisation procedure.

Many delegations asked for special attention to be given to the coexistence of GM-seeds with traditional and organic forms of agriculture and asked for clear rules to be set up in this area.

The President concluded that this is a matter of great concern for society in general and that there is a need for effective monitoring mechanisms. She acknowledged the importance of organic farming. Furthermore, she called upon Member States to proceed as soon as possible with the transposition of Directive 2001/18 to national legislation.

It is recalled that the Council (Agriculture) was also informed by the Commission on the same matter on 20 February (see press release 6160/03 for further details).

ENVIRONMENTAL LIABILITY

The Council held a policy debate on the proposal for a Directive concerning environmental liability with regard to the prevention and remedying of environmental damage.

Key questions addressed by Ministers during the discussion concerned:

- the envisaged harmonisation of financial security provisions (e.g. mandatory insurance for operators and phased implementation of the financial security system);
- the scope of the proposal (definition of protected species and natural habitats).

Many delegations expressed their wish for a compulsory financial system in order to implement the "polluter pays" principle, which is at the base of Community policy in the environmental field. Some delegations were favourable to a voluntary financial security system in order to take into account, *inter alia*, the need for further development of the insurance market and of economically feasible products for operators in the environmental sector. Some delegations argued that a phasing-in would not solve problems of substance with regard to a compulsory approach.

Concerning the scope of the proposal, most delegations expressed their wish to see included a broader definition of protected species and natural habitats, supporting the Presidency's proposal on this point. A few delegations wished to limit the scope of the proposal to protected habitats only, while protected species would be covered only within such habitats, as foreseen by Natura 2000 (Habitats Directive).

The President concluded that several complex questions remained to be solved with regard to the proposal. She expressed her intention to reach a political agreement on this issue by the end of the Presidency in June 2003.

The draft Directive aims at establishing a framework whereby environmental damage can be prevented or remedied. There are a number of accidental circumstances that can lead to environmental damage (e.g. oil spills, collapse of waste retention dams, and chemical spills). In such cases, there is a need to ensure that the damaged environmental assets are restored; a better solution would be that the damage does not even occur, so that prevention is also a valuable objective in this context.

In line with the “polluter pays” principle, the proposal is aimed at making operators financially responsible for the necessary preventive and remedial measures.

FOREST FOCUS

Public deliberation

The Council reached a political agreement on a common position on a proposal for a Regulation concerning the monitoring of forests and environmental interactions in the Community (so-called Forest Focus). The Spanish, the Portuguese and the Italian delegations expressed their intention to abstain. Once adopted at a forthcoming Council meeting, the common position will be sent to the European Parliament for a second reading in accordance with the co-decision procedure.

The last outstanding question was resolved by the inclusion of two specific forest fire prevention measures in the scope of the proposed Regulation, such as: awareness raising campaigns and special training for fire prevention interventions. The common position allows those Member States that have not done so yet, to include these measures in their rural development programmes until December 2005. Furthermore, it provides for a special budget line of EURO 0.5 Million per year for the measures mentioned above.

The proposal aims to establish a new Community scheme to assess forest ecosystem conditions. It covers an initial six-year period (2003-2008) with a proposed budget of EURO 52 Million for the period 2003-2006. Financial resources for the remaining two years will be allocated according to the new financial perspectives for the Community.

It builds upon, and regroups elements of, two previous Council Regulations for monitoring the impacts of atmospheric pollution and of fires on forest ecosystems although it has a broader scope (see point 4 below). The proposed scheme is based on the following four pillars:

1. establishment of a monitoring programme on air pollution effects;
2. establishment of forest fire monitoring;
3. ongoing evaluation of monitoring efficiency;
4. establishment of new monitoring activities on forest bio-diversity, soils, climate change and carbon sequestration.

SUSTAINABLE DEVELOPMENT STRATEGY

The Council approved its contribution to the Spring European Council (20-21 March 2003) on the review of the implementation of the Union's Sustainable Development Strategy (SDS) and putting into practice the commitments made at the Johannesburg World Summit on Sustainable Development.

The contribution covers the further implementation of the SDS in a horizontal manner, including not only environmental elements but also input from areas such as development co-operation, transport, energy, forestry and fisheries. It reiterates Member States full commitment to the Millennium Development Goals, all the targets and goals agreed in Johannesburg, as well as at the World Trade Organisation (WTO) Doha Ministerial and Monterrey Financing for Development conferences.

The contribution puts particular emphasis on:

- improving the existing instruments for implementing the SDS;
- strengthening the environmental pillar of the SDS;
- reinforcing the coherence between the internal and external dimensions of the SDS as well as between the Union's internal and external policies and commitments;
- putting into practice the outcomes of the Johannesburg World Summit and related international conferences.

It also proposes a number of priorities for action over the next 12 months, at both the internal and the external level.

CHEMICALS LEGISLATIVE PACKAGE

The Council was informed by the Commission of the state of play with regard to the preparations for its forthcoming legislative package proposal on the new Union's chemicals policy. Of particular importance to the Council was the expected timetable for the continued work in this area. The Commission informed the Council that it expected to finalise this process by the end of June.

The Council attached particular importance to this issue as it considers current regulation to be insufficient and is sensitive to people's growing concern on the risks derived from the use of chemicals.

The new legislative package would aim at increasing the level of public health and environmental protection while promoting innovation and safeguarding the competitiveness of European industry. It is expected to replace a number of legal acts such as the Dangerous Substances Directive and the Regulation on the risk evaluation procedures.

The Competitiveness Council was also informed by the Commission on this matter on 3 March 2003 (see press release 6874/03 for further details).

It is recalled that the Council (Environment) held a public debate on 9 December 2002 concerning the implementation of the Commission's White Paper (February 2001) on a strategy for the future chemicals policy, which proposes to set up a single harmonised system: Registration, Evaluation and Authorisation of Chemicals (REACH).

“ENVIRONMENT FOR EUROPE” – 5TH PAN-EUROPEAN MINISTERIAL CONFERENCE

The Council adopted Conclusions on the 5th Pan-European Ministerial Conference “Environment for Europe”, which is due to take place in Kiev, Ukraine on 21-23 May 2003.

The Commission’s Communication “*Pan-European Environmental Co-operation after the 2003 Kiev Conference*” (11 February 2003) sets the background for the Conclusions. The latter are seen as an important contribution to outline the Union’s views on the desired outcomes of the conference and on the future of the “Environment for Europe” process, which aims at improving environmental conditions and promoting convergence on environmental quality and policies throughout Europe.

The conference is being prepared in the framework of the United Nations Economic Commission for Europe (UN/ECE).

Conclusions:

"TAKING INTO CONSIDERATION:

1. The perspective of the “Environment for Europe” process, launched in Dobris (1991) and continued in Lucerne (1993), Sofia (1995) and Aarhus (1998), to serve as a framework for improving environmental conditions and promoting convergence of environmental quality and policies throughout Europe;
2. The emergence of major environmental pressures and challenges following the rapid political, economic and social changes that have taken place since the establishment of the “Environment for Europe” process, such as the EU enlargement process, and the numerous forms of co-operation between countries;

3. The need to respond to new concerns and challenges that have evolved in the decade between the Rio Conference and the Johannesburg World Summit on Sustainable Development;
4. The importance of developing new and reinforcing existing forms of co-operation for promoting environmental protection for the benefit of sustainable development within the UNECE region, recognising the severity of existing environmental challenges, in particular in the EECCA² and South-Eastern European countries;

RECALLING:

5. The EU strategy on Sustainable Development and the targets set in the 6th Environment Action Programme;
6. The ECE- Ministerial Declaration of 25 September 2001 that sets out the regional priorities for WSSD;
7. The commitment of the EU and many other European countries, at the recent Johannesburg World Summit for Sustainable Development (2002) to objectives, targets and partnerships that are relevant to the pan-European region;
8. The valuable contribution of UNECE and other regional institutions, organisations and processes in improving the environment across the pan-European region over the last decades;

WELCOMING:

9. The major achievements of the "Environment for Europe" process, including
 - The implementation of the Environmental Action Programme (EAP) for Central and Eastern Europe;
 - The adoption of legally binding environmental instruments;
 - The endorsement of important policy tools such as the Environmental Programme for Europe (EPE), the Pan-European Biological and Landscape Diversity Strategy (PEBLDS), the Policy Statement on Energy Efficiency, the Guidelines on Energy Conservation in Europe, the Policy Statement of Environmental Management in Enterprises and the Strategy to Phase out Leaded Petrol;
 - The progress on environmental monitoring and reporting, using environmental performance reviews in a Pan-European context, acknowledging the important role of the European Environmental Agency in preparing the 3rd Pan-European Environmental Assessment Report;

² Formerly called the New Independent States (NIS), i.e. Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Republic of Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

10. The convergence of environmental policies and laws with EU environmental standards for both the environmental benefits and the facilitation of free trade that this will bring;
11. The development and implementation of action-oriented forms of co-operation to protect and improve the environment in the sub-regions bordering the enlarged EU, such as the Regional Environmental Reconstruction Programme for South-Eastern Europe, the Northern Dimension and the Northern Dimension Environmental Partnership, the Euro-Mediterranean Partnership, the Danube-Black Sea Task Force, Baltic 21, the Barents Co-operation and the Adriatic Ionian Initiative Environmental Round Table;
12. The valuable contribution made by the Commission Communication to the Council and European Parliament “Pan-European Environmental Co-operation after the 2003 Kiev Conference”, which outlines the environmental co-operation approach of the enlarged EU with countries of the Pan-European region in the coming years. Within the “Environment for Europe” process, the Commission intends to pursue stronger bilateral co-operation with the countries of the Pan-European region in the context of the agreements that the EU has with each one of them by also taking into account the sub-regional networks for environmental activities;

THE COUNCIL STRESSES THAT:

13. The Fifth Pan-European Ministerial Conference in Kiev is the opportunity to agree on the priorities and objectives of environmental co-operation in the wider European region over the next few years;
14. Within the Environment for Europe process, a larger concentration of efforts towards the EECCA countries is needed. The process should seek to build a broad political platform for environmental initiatives and perspectives for co-operation. It should particularly address those areas where the experience gained and the expertise of the EAP Task Force and the Regional Environmental Centres would bring an added value with respect to the bilateral co-operation of the EU or of individual donor countries. It should ensure that the participation of the countries is based on a strategic approach and a real understanding and commitment to reform, including administrative and legislative modernisation. Further efforts to increase investment should continue, especially in the municipal sector;
15. The role and scope of the EAP needs to be refocused in view of the new political demands in order to achieve prompt and concrete results, more specifically in the EECCA countries and taking advantage of the experience gained in its implementation in the Central and Eastern European Countries;
16. The implementation of regional, including sub-regional, environmental instruments, particularly conventions, protocols and policy commitments, should be strengthened to improve coherence of the overall regional environmental framework, and the further development of such instruments should be promoted, when appropriate;

17. The EU should play a leading role in the wider European Region, in promoting sustainable development and strengthening its environmental pillar, within a framework of collective efforts for achieving a better future for our continent and its peoples;

AND REAFFIRMS ITS COMMITMENT TO:

18. Co-operate in the field of environmental protection, and promote effectively environmental policy integration and environmental democracy to achieve sustainable development in the UNECE region;
19. Play a progressive and co-operative role in the international efforts to promote high level participation in and to ensure the success of the 5th Pan-European Ministerial Conference, taking steps to follow up the political commitments decided upon at the Kiev Ministerial Conference;
20. Support bilateral and multilateral initiatives in the context of the “Environment for Europe” process, following the EU priorities, in the countries of Eastern Europe, Caucasus and Central Asia;
21. Support the significant contribution of the ‘Regional Environmental Reconstruction Programme (REReP) for South-East Europe’ for future regional sustainable development infrastructure;
22. Strengthen the implementation of Agenda 21 and the outcomes of WSSD at the regional and sub-regional levels;
23. Strongly urge countries in the Pan-European region which have not already done so to ratify the Kyoto Protocol in a timely manner;
24. Contribute to ensuring a successful outcome at the Kiev Ministerial Conference on:
 - a) Adoption of the environmental strategy for the EECCA countries, which will serve as a framework for an East-West environmental partnership and for bilateral and multilateral co-operation agreements;
 - b) Adoption of the following three legally binding instruments:
 - Protocol on Strategic Environmental Assessment to the Espoo Convention;
 - Protocol on Pollutant Release and Transfer Registers to the Aarhus Convention;
 - Joint Protocol on Civil Liability for Trans-boundary Damage Caused by Hazardous Activities to the Convention on the Protection and Use of Trans-boundary Watercourses and International Lakes and to the Convention on the Trans-boundary Effects of Industrial Accidents;

- c) Follow-up to relevant WSSD commitments, with emphasis on sustainable energy, including renewable energy and energy efficiency, climate change, water and sanitation, bio-diversity, sustainable production and consumption patterns, de-coupling economic growth from resource use and environmental degradation, chemicals and sustainable transport;
- d) Implementing the Johannesburg goals concerning a sustainable energy future and striving for a commitment of the ECE States to work towards establishing national targets for the share of renewable energy and the establishment of a target for the UNECE region;
- e) Actively seeking to consolidate and enlarge the Johannesburg coalition of countries who adopted the Joint Declaration on “The Way Forward on Renewable Energy”; in this respect, welcome the offer of Germany to host a Conference in Renewable Energy in 2004;
- f) Supporting the EU Water Initiative for the EECCA region aiming at a more sustainable water use and a more efficient water infrastructure, as well as supporting the EU Energy Initiative “Energy for Poverty Eradication and Sustainable Development”;
- g) Co-operation to develop effective measures to integrate sustainable development into formal and non-formal education, and to take further steps to elaborate an action-oriented UNECE Strategy on Education for Sustainable Development, together with the Council of Europe and UNESCO;
- h) Endorsement of the Guidelines for strengthening compliance with and implementation of Multilateral Environmental Agreements (MEAs), allowing their practical application and thereby enhanced co-operation;
- i) Supporting ongoing initiatives such as a shared European environmental information system, towards streamlining of environmental monitoring and reporting, in the context of the reporting legal framework review and calling upon a harmonised approach of environmental information on international level;
- j) Supporting the Initiative on Environment, Water and Security in Central Asia, in co-operation with competent international organisations;

- k) Adoption of a Resolution on Biological and Landscape diversity, and a joint commitment to work through concrete actions, including under PEBLDS and at national level, towards halting the loss of biological diversity by the year 2010, including co-operation on forest bio-diversity with the Ministerial Conference on the Protection of Forests in Europe as well as co-operation on agro-bio-diversity, and the establishment of the Pan-European ecological network;
- l) Implementation of the Pan-European Strategy to Phase-Out Leaded Petrol by a broader number of countries;
- m) Co-ordinating and streamlining European environmental processes, avoiding unnecessary duplication of legal and other instruments, and improving Pan-European environment governance structures, *inter alia* by Ministerial steering, taking into account the resources available to sustain them."

OZONE LAYER

The Council was informed by the Commission of its proposal for a Regulation concerning the critical uses and exports of halons, the export of products and equipment containing chlorofluorocarbons (CFCs) and controls on bromochloromethane.

The proposal is aimed at modifying Regulation 2037/2000 on substances that deplete the ozone layer in order to promote a more effective and safer implementation of this Regulation. It proposes the following possible amendments:

- Phasing out of the use of halon: establishment of timeframes for reducing the use of this controlled substance for critical uses, where justified;
- Export of halon: reduced production of halons globally, promotion of safe practices for the transport of halons for critical uses, mandatory monitoring of exports and confirmation of export for critical uses;
- Export of CFCs or products containing CFCs: to restrict not only the export of, for instance, used refrigerators and air-conditioning equipment containing CFCs but also other products and equipment containing foam blown with CFCs;
- Provisions on new substances: in order for the Community to fully comply with its obligations under the Montreal Protocol the new substance bromochloromethane is also included in the scope of the proposal.

GREENHOUSE GAS EMISSIONS

The Council was informed by the Commission of its proposal for a Decision on a monitoring mechanism of Community greenhouse gas emissions and the implementation of the Kyoto Protocol.

The proposal is aimed at replacing Decision 93/389/EEC, which established a mechanism for monitoring anthropogenic (i.e. caused by human activity) greenhouse gas emissions. The objective is to make the Community and the Member States better able to comply with the reporting requirements under the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol.

The draft Decision aims in particular at:

- reflecting in the Monitoring Mechanism the reporting obligations and guidelines for the implementation of the UNFCCC and the Kyoto Protocol;
- providing for further information on and harmonisation of emissions forecasts;
- widening the scope of greenhouse gas monitoring in the Union in order to cover the use of flexible mechanisms and registries under the Kyoto Protocol.

METABOLITES IN GROUNDWATER

The Council was informed by the Commission, at the request of the Danish delegation, of the state of play concerning new guidelines for assessing the presence of metabolites in groundwater.

The Commission explained that a guidance document currently under examination by the Standing Committee on the Food Chain and Animal Health is not a proposal for legislation, nor is it legally binding. Furthermore, it announced that it was preparing two legislative proposals, which would address the issue of metabolites in groundwater.

The presence of metabolites (e.g. from herbicides and insecticides) in groundwater is currently regulated by Directive 91/414/EEC concerning the placing of plant protection products on the market. The protection of ground water from metabolite contamination is of particular concern, as it constitutes a unique natural resource (e.g. source of drinking water).

OTHER BUSINESS

- ***Satellite monitoring of hydrocarbons discharges***

(Intervention by the French delegation; see page 7 for further details)

- ***Compensation system for marine pollution***

(Intervention by the Belgian delegation; see page 7 for further details)

- ***Volatile organic compounds***

The Council was informed by the Commission of its proposal for a Directive on the limitation of emissions of volatile organic compounds (VOCs) due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products. The proposal aims at amending Directive 1999/13/EC on the limitation of emissions of VOCs due to the use of organic solvents in certain activities and installations.

- ***Limit values for exhaust gas***

The Council took note of a joint intervention by the French and the German delegations on the importance of promoting more stringent limit values for exhaust gas (e.g. Nitrogen oxide - NOx) from passengers cars and lorries with diesel engines. This intervention was made in line with the results of the 12th Franco-German Meeting of Environment Ministers, which took place in Potsdam, Germany on 27 February 2003.

Some delegations stressed the importance of this issue and the need for the Commission to come forward with a proposal that would ensure that future diesel-engine vehicles (both light and heavy duty vehicles) be equipped with the necessary technology to reduce their emission levels.

The President concluded by inviting the Commission to report on this matter at the next Environment Council.

ITEMS APPROVED WITHOUT DEBATE

ENVIRONMENT

Public participation in environmental plans and programmes *

Public deliberation
(Docs 3676/03 + 5487/03 ADD1)

The Council adopted a Directive providing for public participation in environmental plans and programmes.

The Directive covers plans and programmes provided for under Directives 85/337/EEC and 96/16/EEC in the area of waste, air quality management and the protection of water from nitrates. It aims to enhance public participation in decision-making, and to ensure that procedures are consistent in all Member States and in cases having a cross-border effect. The Directive is further aimed at implementing the United Nations Convention, concluded at Aarhus in June 1998, on access to information, public participation in decision-making and access to justice in environmental matters.

It supplements the provisions of Directive 2003/4/EC of 28 January 2003 on public access to information on the environment, which is also aimed at aligning Community law with the provisions of the Aarhus Convention.

It is recalled that the Council and the Parliament reached agreement on a joint text in conciliation regarding the Directive in question on 10 December 2002 (see press release 15472/02 for further details).

Transboundary movement of GMOs **Public deliberation**(Doc. 15546/02 + 6272/I/03 ADD1 REV2)*

The Council adopted a common position on the proposal for a Regulation on the transboundary movement of genetically modified organisms (GMOs), with the German and Italian delegations abstaining. In accordance with the co-decision procedure the text of the common position will be sent to the European Parliament for a second reading.

The proposal is designed to implement part of the Cartagena Protocol on Bio-safety in the Community. While existing Community legislation covers to a large extent imports and trade in GMOs, the proposal is intended to fulfil the requirements under the Protocol on exporters by establishing a common system of notification and information for transboundary movements of GMOs.

With regard to the identification of GMOs in mixtures, the aim of the proposal is to provide for consistency with Directive 2001/18/EC on the deliberate release into the environment of GMOs and with other current or future Community legislation covering traceability, labelling and identification of such GMOs (see press release 12976/02 for further details).
