



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 5 October 1999 (26.10)
(OR. f)**

9433/99

LIMITE

**PV/CONS 42
ENV 238**

**DRAFT
MINUTES¹**

of the 2194th Council meeting
(Environment)

held in Luxembourg on 24 and 25 June 1999

¹ Information concerning the final adoption of Council Acts which may be released to the public can be found in Addendum 1 to these minutes.

CONTENTS

	<u>Page</u>
1. Adoption of the agenda.....	4
2. Approval of the list of "A" items	4
3. Proposal for a Council Directive on the incineration of waste.....	5
4. Amended proposal for a Council Regulation on a revised Community eco-label award scheme.....	5
5. Amended proposal for a European Parliament and Council Directive amending Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms.....	6
6. Proposal for a Council Regulation allowing voluntary participation by organisations in a Community eco-management and audit scheme	6
7. Proposal for a Council Regulation concerning the financial instrument for the environment (LIFE).....	7
8. Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to noise emission by equipment used outdoors.....	7
9. Proposal for a Directive of the European Parliament and of the Council on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC	7
10. Proposal for a Council Directive on end of life vehicles.....	8
11. Development of the European Community's policy on chemical products.....	8
12. Situation in the negotiations with automobile manufacturers which are not members of the EAMA (JAMA/KAMA).....	8
13. Preparation for the 5th Conference of the Parties to the Convention on Biological Diversity (intersessional meeting, June 1999).....	9
14. Amended proposal for a Council Directive on assessment of the effects of certain plans and programmes on the environment.....	9

15. Report on the Protocol on biosafety 10

16. Commission communication to the Council and the European Parliament on the internal market and the environment 10

17. Commission communication to the Council and the European Parliament: "Preparing for implementation of the Kyoto Protocol" 10

18. The environmental impact of the conflict in South-Eastern Europe 10

19. Other business

 (a) Conference on organic farming (Vienna, 27 and 28 May 1999) 10

 (b) Best environmental protection practices in other policies (Seminar in Bonn, 25 May 1999) 11

o

o o

Annex I (Incineration of waste)..... 12

Annex II (Eco-labels)..... 13

Annex III (GMOs)..... 14

Annex IV (Eco-audit)..... 17

Annex V (LIFE III) 18

1. Adoption of the agenda
9290/99 OJ/CONS 42 ENV 227

The Council adopted the above agenda, with the addition of the following item:

18. The environmental impact of the conflict in South-Eastern Europe.

2. Approval of the list of "A" items
9369/99 PTS A 35

The Council approved the above list of "A" items.

Information concerning items 1, 2, 3, 4 and 5 on the list is given in Addendum 1 to these minutes.

On item 1, "Adoption of a Council Regulation (EC) establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy", it was noted that at the meeting of the Permanent Representatives Committee on 28 May 1999 the Commission gave the following explanation concerning point B of the Annex to the Regulation ("observers"):

"The term "observers" in point B of the Annex to this Regulation at present refers solely to observers carrying out tasks in the framework of NAFO.

Point B of the Annex will also apply to any observers called upon to carry out tasks similar to those of NAFO observers in the context of international commitments that the Community may enter into in the future."

- 3. Proposal for a Council Directive on the incineration of waste
– common position
12756/97 ENV 375 PRO-COOP 126
12791/98 ENV 469 PRO-COOP 191
9300/99 ENV 228 CODEC 356**

The Council reached unanimous political agreement on the common position on the above proposal as set out in 9635/99 ENV 248 CODEC 385. Statements relating to it are given in Annex I to these minutes.

The Council instructed the Permanent Representatives Committee to finalise the text, including the preamble, with a view to its formal adoption at a forthcoming meeting.

- 4. Amended proposal for a Council Regulation on a revised Community eco-label award scheme
– common position
6953/97 ENV 100 PRO-COOP 29
5454/99 ENV 13 PRO-COOP 9
9141/99 ENV 207 CODEC 341**

The Council reached unanimous political agreement on the common position on the above amended proposal as set out in 9634/99 ENV 247 CODEC 384 + COR 1 (en).

Statements relating to it are given in Annex II to these minutes.

The Council instructed the Permanent Representatives Committee to finalise the text, including the preamble, with a view to formal adoption of the common position at a forthcoming meeting.

5. **Amended proposal for a European Parliament and Council Directive amending Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms**
6378/98 ENV 64 SAN 34 CODEC 106
7138/99 ENV 124 SAN 34 CODEC 165
9225/1/99 ENV 219 SAN 92 CODEC 350 REV 1
+ REV 1 COR 1 (en, nl)
9303/99 ENV 231 SAN 94 CODEC 357

The Council reached agreement with a view to a common position, with the French, Irish and Italian delegations abstaining. The text as agreed is given in 9855/99 ENV 256 SAN 100 CODEC 405.

Statements made are given in Annex III to these minutes.

6. **Proposal for a Council Regulation allowing voluntary participation by organisations in a Community eco-management and audit scheme – common position**
12866/98 ENV 473 PRO-COOP 195
9142/99 ENV 208 CODEC 342
+ COR 1 (en)
+ COR 2 (en)

The Council reached unanimous political agreement on the common position on the above amended proposal as set out in 9633/99 ENV 246 CODEC 383.

Statements relating to it are given in Annex IV to these minutes.

The Council instructed the Permanent Representatives Committee to finalise the text, including the preamble, with a view to formal adoption of the common position at a forthcoming meeting.

7. **Proposal for a Council Regulation concerning the financial instrument for the environment (LIFE)**
– common position
14222/98 ENV 546 FIN 485 PRO-COOP 246
9143/99 ENV 209 FIN 200 CODEC 343
+ COR 1 (en)

The Council reached agreement with a view to a common position, with Portugal abstaining.

The text agreed is given in 9747/99 ENV 253 FIN 255 CODEC 396.

Statements relating to it are given in Annex V to these minutes.

8. **Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to noise emission by equipment used outdoors**
– common position
9146/99 ENT 133 ENV 212 CODEC 345
9219/99 ENT 138 ENV 218 CODEC 349

The Council reached unanimous political agreement with a view to the adoption of a common position on the compromise text given in 9146/99 ENT 133 ENV 212 CODEC 345, subject to the following amendment concerning maximum noise emission levels for lawnmowers and lawn trimmers/lawn edge trimmers: an indicative target of 2 dB lower than the binding levels established for stage I would be applied in stage II.

9. **Proposal for a Directive of the European Parliament and of the Council on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors and amending Council Directive 74/150/EEC - common position**
9272/99 ENT 140 ENV 222 CODEC 352
9274/99 ENT 141 ENV 223 CODEC 353

The Council agreed on the text given in 9272/99 with a view to the adoption of a common position.

**10. Proposal for a Council Directive on end of life vehicles
– common position
11034/97 ENV 287 ENT 149 PRO-COOP 97
8095/99 ENV 164 ENT 109 CODEC 288
9339/99 ENV 235 ENT 146 CODEC 360**

After a lengthy debate, partly in restricted session, the President made the following statement:

- "1. I note that there is a blocking minority against the current draft.
2. I note that the Council sees the possibility of a compromise and that the Commission does not fundamentally reject this possibility.
3. A solution could consist of bringing forward the date of entry into force of the obligation to take back new vehicles and postponing the date in respect of vehicles already on the market.
4. I note that the incoming Presidency intends, in agreement with the Commission, to schedule a further discussion of and a decision on the draft Directive within the Council."

**11. Development of the European Community's policy on chemical products
– Council conclusions
14124/98 ENV 542 ENT 227 SAN 208
9322/99 ENT 144 ENV 233
9323/99 ENT 145 ENV 234
+ COR 1**

The Council adopted the conclusions as set out in 11265/99 ENT 188 ENV 304.

**12. Situation in the negotiations with automobile manufacturers which are not members of the EAMA (JAMA/KAMA)
– Council conclusions
9301/99 ENV 229 ENT 143 TRANS 151**

The Council adopted the conclusions as set out in 9912/99 ENV 258 ENT 161 TRANS 164.

**13. Preparation for the 5th Conference of the Parties to the Convention on Biological Diversity (intersessional meeting, June 1999)
– Council conclusions
9144/99 ENV 210 AGRI 107**

The Council adopted the conclusions as set out in the Annex to 9144/99.

**14. Amended proposal for a Council Directive on assessment of the effects of certain plans and programmes on the environment
– policy debate
7093/97 ENV 104 PRO-COOP 32
6333/99 ENV 59 PRO-COOP 40
9145/99 ENV 211 CODEC 344**

The Council held a policy debate on the above proposal on the basis of questions put forward by the Presidency concerning the key elements of the proposal.

The great majority of the delegations supported the principle of the Directive. In their view, it was a useful instrument for allowing environmental considerations to be integrated into the decision-making process and thus contributing to a high level of environmental protection. In this context, several delegations stressed the need to ensure sufficient flexibility to take account of the diversity of the situations in the Member States. In general, it was felt that the scope of the Directive should be clarified, although views on the most appropriate way to achieve this were rather divided. Finally, some delegations stressed that care must be taken to avoid a disproportionate burden on national administrations and to ensure coherence between the provisions of the Directive and existing procedures, in particular by clarifying the relationship between the various parts.

The President concluded that work would continue on the basis of the information provided during the debate.

- 15. Report on the Protocol on biosafety**
– procedure
9284/99 ENV 224
9302/99 ENV 230

The Council adopted the conclusions as set out in Annex II to 9302/99, with the word "significantly" deleted from the fourth indent.

- 16. Commission communication to the Council and the European Parliament on the internal market and the environment**
– presentation
9165/99 MI 65 ENV 216

The Council noted the Commission's presentation of the above communication.

- 17. Commission communication to the Council and the European Parliament: "Preparing for implementation of the Kyoto Protocol"**
– presentation
8830/99 ENV 185 ENER 66 FISC 139 ONU 8

The Council noted the Commission's presentation of the abovementioned communication.

- 18. The environmental impact of the conflict in South-Eastern Europe**

The Council adopted the conclusions on the environmental impact of the conflict in South-Eastern Europe as set out in 9911/99 ENV 257.

- 19. Other business**

- (a) Conference on organic farming (Vienna, 27 and 28 May 1999)**
– Commission statement

The Council noted the information given by the Commission.

- (b) Best environmental protection practices in other policies
(Seminar in Bonn, 25 May 1999)
– briefing by the German delegation
9304/99 ENV 232 ENER 77 MI 67 AGRI 114 TRANS 152
ECO 233 FSTR 66**

The Council noted the information provided by the German delegation.

Statements relating to the proposal for a Council Directive on the incineration of waste

Re Articles 4 (4) and 16

"Concerning a possible ban on the incineration of certain wastes, the Commission states that, following its commitment made in the proposal for a Directive on end of life vehicles (COM(97) 358 final), it is considering the evidence on the environmental issues related to the presence of PVC in waste streams in order to define an overall strategy on PVC waste management. This will be the basis for a Communication on PVC provided for in the work programme of the Commission for 1999. In this context, the Commission is currently studying the environmental impact of the incineration of PVC through independent scientific studies.

Concerning other wastes the Commission is considering initiatives for specific waste streams, in particular for batteries and electrical and electronic waste, which take into account the environmental impact from incineration or landfilling of these wastes."

Re Article 7 (4)

"The Austrian, Danish, Portuguese, Finnish, Luxembourg and Netherlands delegations interpret the concept of untreated mixed municipal waste as referred to in Article 7 (4) as follows:

"Treated mixed municipal waste is waste that is treated in such a way that it is homogeneous of composition and that it contains low levels of pollutants. Mixed municipal waste that is dried, compressed, mixed with other materials or partially separated shall still be considered untreated mixed municipal waste."

Re Articles 7 and 8 and Annexes II, IV and V

"Denmark will not oppose the adoption of a common position, although the proposal is not fully compatible with the principles of Community strategy on waste and it believes the permitted limit values for co-incineration are too high. In the next stage of the procedure with the European Parliament, Denmark will try to achieve improvements on these points."

Re Annex II (2)

"The Council states that for large combustion plants co-incinerating waste the values established in this Annex do not affect those that will be adopted under the revision of the large combustion plants Directive (88/609/EEC)."

Statements relating to the amended proposal for a Council Regulation on a revised Community eco-label award scheme

Statement by the United Kingdom and Portugal

"The United Kingdom and Portugal regret that it has not been possible to agree a text for Article 11 which is closer to the Commission's proposal. That proposal included a clear arrangement for gradual convergence between the EU scheme and the national schemes, in the interests of the single market; but the text of Article 11 as it now stands does not define cooperation and coordination in terms of any concrete actions. The efforts made to improve the EU scheme certainly improve the chances of the scheme gaining some profile in the single market; but the key factor for success is here, in the scheme's relationship with existing national schemes. The United Kingdom and Portugal therefore hope that in the practical operation of the new Regulation real progress will be made towards achieving convergence as soon as possible."

Commission statement

Article 15

"The Commission states that participation of all relevant non-governmental organisations in the scheme will be properly addressed within the setting of the consultation procedures. The Commission will ensure that a balance of interests is maintained in all parts of the consultation process."

Statements relating to the amended proposal for a European Parliament and Council Directive amending Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms

Council and Commission statement

"The Commission and the Council note the reason underlying the position adopted by Ireland at this time on the proposed amendment of Directive 90/220/EEC, i.e. the need to complete its national consultation process on GMOs and the environment.

In the interests of achieving as wide a consensus as possible, the Commission and the Council will be sensitive to points which Ireland might raise as a result of the consultation process during the proposal's second reading."

Statement by Denmark, Austria and the United Kingdom

"Denmark, Austria and the United Kingdom call upon the Commission as a matter of priority to consider, outside the framework of Directive 90/220, the feasibility of and possible criteria for a liability regime or regimes to cover the release and marketing of GMOs."

Statement by the Danish, Greek, French, Italian and Luxembourg delegations concerning the suspension of new GMO authorisations

"The Governments of the following Member States (Denmark, Greece, France, Italy and Luxembourg), in exercising the powers vested in them regarding the growing and placing on the market of genetically modified organisms (GMOs),

given the need to put in place a tighter, more transparent framework, in particular for risk assessment, having regard to the specifics of European ecosystems, monitoring and labelling,

given the need to restore public and market confidence,

point to the importance of the Commission submitting without delay full draft rules ensuring labelling and traceability of GMOs and GMO-derived products and state that, pending the adoption of such rules, in accordance with preventive and precautionary principles, they will take steps to have any new authorisations for growing and placing on the market suspended."

Statement by the Austrian, Belgian, Finnish, German, Netherlands, Spanish and Swedish delegations

"Being aware of the increasing public concern about the potential risks to health and environment linked to the release and the placing on the market of GMOs, the abovementioned delegations

- stress the need to implement a more transparent and strict framework concerning critical issues such as risk assessment taking into account the specificity of European ecosystems, monitoring and labelling as well as the need to restore the trust of public opinion and of the market;
- reaffirm their intention to work for a rapid finalisation of the legislative process concerning the proposal for an amendment of Directive 90/220/EEC and invite the European Parliament to join the Council and the Commission in their intention so that the legislative process can be rapidly finalised.

Against this background the Governments of these Member States, having regard to the precautionary principle set out in Article 174(2) of the Treaty, intend:

- to take a thoroughly precautionary approach in dealing with notifications and authorisations for the placing on the market of GMOs,
- not to authorise the placing on the market of any GMOs until it is demonstrated that there is no adverse effect on the environment and human health, and
- to the extent legally possible to apply immediately the principles, especially regarding traceability and labelling, laid down in the political agreement for a revision of Directive 90/220/EEC reached by the Council on 24/25 June 1999.

Therefore, these delegations invite the Commission as a matter of urgency to make a proposal for effective implementation of the provisions regarding labelling and traceability of GMOs through the comitology procedure provided for in Directive 90/220/EEC.

These delegations welcome the intention of the Commission in the context of the forthcoming white paper on liability to assess the question of liability for environmental damage linked to the deliberate release and placing on the market of GMOs.

These delegations take note of the possibility for Member States to introduce national measures in conformity with the new provisions laid down in paragraphs 5, 6 and 7 of Article 95 of the EC Treaty."

Council statements

"Before the date mentioned in Article 2 of the Directive amending Directive 90/220/EEC, Decision 94/730/EC will be replaced by a decision taken on the basis of Article 6 with an equivalent content."

"A system of unique identification, with an unambiguous link with the scope of the consent, and the accompanying register, will be further developed by Committee procedure. The Council calls upon the Commission to initiate as soon as possible a process to establish such a system, taking into account existing identification systems."

"At a further stage of the revision of the Directive the Council intends to take into consideration the implications of the outcome of the negotiations on the Biosafety Protocol as regards the issue of import/export of GMOs."

Statements relating to the proposal for a Council Regulation allowing voluntary participation by organisations in a Community eco-management and audit scheme

Statement by the German delegation

Participation in EMAS – maintaining registration in EMAS (Article 3(2))

"To increase the attractiveness of EMAS, it must be ensured that the external costs borne by enterprises are kept within reasonable proportions. The Commission is therefore invited to use the power conferred on it in Article 3(2)(b), second sentence, of the amended EC Regulation and to take measures permitting less frequent validation, particularly for small and medium-sized enterprises and for farms."

Statement by the German, Austrian and Luxembourg delegations

Participation in EMAS –Registration in EMAS (Article 3(1))

"The German, Austrian and Luxembourg delegations believe that requiring the use of advanced technologies may contribute substantially to enterprises achieving the objective of EMAS. The reference to a technological standard in Article 3(a) of Regulation (EEC) No 1836/93 should be retained, to ensure as far as possible a uniform technological level in Europe and thus equality of opportunity, throughout the European market, to obtain the EMAS logo. In this context, the above delegations also, without prejudice to the adoption of the common position, support amendments 7, 12 and 25 to the Commission proposal requested by the European Parliament on 15 April 1999."

Council statement

"The Council invites the Commission to investigate all possible means, including acquiring the copyright, of agreeing a practical solution, with CEN enabling the full text of Section 4 of standard EN/ISO 14001:1996 to be reproduced in Annex I, point A, of the amended Regulation."

Statements relating to the proposal for a Council Regulation concerning the financial instrument for the environment (LIFE)

Unilateral statement by Portugal

"Portugal recognises the importance of the LIFE-Nature component for nature conservation, in particular with regard to the sustainability of the NATURA 2000 network and to the role it can play in improving the citizens' quality of life.

Portugal therefore considers that it is essential to strengthen nature conservation policy in the European Union and that the financial resources for the period 2000-2004 will have to be substantially increased to that end."

Statement by the Netherlands

"In the light of the restrictions on the resources available under the financial perspective for category III until 2006, the Netherlands endorses the principle of zero real growth for LIFE III. The Netherlands considers that the budget of EUR 613 million approved for LIFE III by the Environment Council exceeds the amount equivalent to zero real growth."

