

15101/02 (Presse 379)

2473rd Council meeting

- ENVIRONMENT -

Brussels, 9 December 2002

President : **Mr Hans Christian SCHMIDT**

Minister for the Environment of the Kingdom of
Denmark

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- *Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.*
- *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.*

ITEMS APPROVED WITHOUT DEBATE*ENVIRONMENT*

- Transboundary movements of hazardous wastes and their disposal I
- Dangerous substances – Pentabromodiphenyl ether * I
- Public participation in drawing up certain environmental plans and programmes II
- Quality of petrol and diesel fuels II
- Climate Change III

TRANSPORT

- Aviation security IV

STATISTICAL DATA

- Territorial units for statistics * V

FISHERIES

- Fishing Agreement EEC-São Tomé and Príncipe V
- EEC-Angola Fishing Agreement VI

EMPLOYMENT AND SOCIAL POLICY

- Exposure of workers to the risks arising from physical agents (noise) VI

PARTICIPANTS

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

Belgium :

Mr Jef TAVERNIER

Minister for Consumer Protection, Public Health and the Environment

Mr Michel FORET

Minister for Town and Country Planning, and the Environment (Walloon Region)

Mr Olivier DELEUZE

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

Denmark :

Mr Hans Christian SCHMIDT

Minister for the Environment

Mr Leo LARSEN

Deputy State Secretary for the Environment

Germany :

Mr Jürgen TRITTIN

Federal Minister for the Environment, Nature Conservation and Reactor Safety

Mr Rainer BAAKE

State Secretary, Federal Ministry of the Environment, Nature Conservation and Reactor Safety

Greece :

Ms Vasso PAPANDREOU

Minister for the Environment, Regional Planning and Public Works

Spain :

Mr Jaume MATAS I PALOU

Minister for the Environment

Mr Pascual FERNÁNDEZ MARTÍNEZ

State Secretary for Water and the Coastline

France :

Ms Roselyne BACHELOT-NARQUIN

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

Mr Eugene BERGER

State Secretary for the Environment

Netherlands :

Mr Pieter VAN GEEL

State Secretary for Housing, Planning and the Environment (Environment and Sustainability)

Austria :

Mr Wilhelm MOLTERER

Federal Minister for Agriculture, Forestry, the Environment and Water Management

Portugal :

Mr Isaltino MORAIS

Minister for Towns, Regional Planning and the Environment

Mr José Eduardo MARTINS

State Secretary for the Environment

Finland :

Mr Jouni BACKMAN

Minister for the Environment

Sweden :

Ms Lena SOMMESTAD

Minister at the Ministry of the Environment

United Kingdom :

Ms Margaret BECKETT

Secretary of State for the Environment, Food and Rural Affairs

Mr Michael MEACHER

Minister of State for the Environment

* * *

Commission :

Ms Margot WALLSTRÖM

Member

ITEMS DEBATED

EXPORT AND IMPORT OF DANGEROUS CHEMICALS

The Council was informed by the Presidency of the expected forthcoming adoption, in first reading, of a Regulation of the European Parliament and of the Council concerning the export and import of dangerous chemicals. The adoption is expected to take place as soon as possible once the ongoing legal/linguistic finalisation of the text has been completed.

The Regulation aims at replacing Regulation 2455/92/EC concerning the export and import of certain dangerous chemicals. In addition, it provides for stricter requirements in certain areas (e.g. extended scope of the export notification to a wider range of chemicals; possibility of an export ban for certain chemicals that are prohibited within the Community; requirement that all dangerous chemicals be appropriately labelled when exported). It is expected to allow for the implementation of the Rotterdam Convention at Community level.

In this context, the Council was also informed by the Presidency of the expected forthcoming adoption of a Decision approving, on behalf of the Community, the Rotterdam Convention on the "Prior Informed Consent" (PIC) procedure for certain hazardous chemicals and pesticides in international trade.

This Decision aims at enabling the Community to become a party to the Rotterdam Convention. The Convention needs to be ratified by 50 parties before entry into force. All Member States (except Ireland) and the Community have signed the Convention. The Convention provides, *inter alia*, for compulsory transmission of information on national bans or on severe restrictions concerning chemicals falling within its scope, for a specific export notification procedure, and for the export of certain chemicals pending prior informed consent from the importing party.

It is expected that both the Regulation and the Decision will be formally adopted before the end of the year.

GREENHOUSE GAS EMISSION ALLOWANCE TRADING

Public deliberation

The Council reached a political agreement on the proposal for a Directive of the European Parliament and the Council establishing a scheme for greenhouse gas emission allowance trading within the Community. In accordance with the co-decision procedure, once the Council's common position is formally adopted at a forthcoming session it will be sent to the Parliament for a second reading.

The proposed Directive aims to create an instrument of environmental protection to reduce emissions of greenhouse gases in a cost-effective manner, in order to allow the Union to meet its obligations under the United Nations (UN) Framework Convention on Climate Change and the Kyoto Protocol.

While seeking an overall reduction in greenhouse emissions, it also aims to ensure the proper functioning of the Internal Market and prevent any distortions of competition which might result from the establishment of separate national trading schemes. The first phase of the proposed scheme covers the period between 2005 and 2007. It precedes the Kyoto Protocol's first commitment period from 2008 to 2012, which corresponds to the second phase of the scheme.

The Council's political agreement provides Members States with:

- the possibility to apply to the Commission for temporary exclusions of certain installations and activities until 31 December 2007, and
- the possibility of unilateral additions of certain activities and gases from 2008.

The political agreement also provides for:

- free of charge allocation of allowances for the first phase and at least 90% free of charge allocation in the second phase, thereby making the use of auctioning possible for Member States who choose to do so;

- “pooling of installations”: Member States may allow operators carrying out the same activity to voluntarily form a "pool" and nominate a trustee responsible for managing the allowances on their behalf;
- penalties to operators of 40 Euros in the first phase and 100 Euros in the second phase for each excess tonne of carbon dioxide (CO₂) emitted and not covered by sufficient allowances.

General features of the proposed trading scheme include:

- its binding nature;
- the compulsory listing of the sectors of activity to be covered (e.g. energy activities, production and processing of ferrous metals, mineral industry, pulp, paper and board industrial plants);
- the initial focus on CO₂ only;
- the emphasis on harmonised rules of allocation of emission allowances and adequate monitoring, reporting and verification of gas emissions.

The trading scheme will allow Member States to grant greenhouse gas emissions permits to operators in relevant sectors of activity. These permits will create an obligation to hold “emission allowances” equal to the actual greenhouse gas emissions of those operators.

Member States will be responsible for allocating these allowances; the latter may be traded between companies if they choose to do so. Emissions trading allows individual companies to emit more than foreseen by an initial allocation on condition that they can find another company that has emitted less than allowed and is willing to sell its “spare allowances”. If companies emit above their allowances, sanctions will be imposed on them.

TRACEABILITY AND LABELLING OF GENETICALLY MODIFIED ORGANISMS **(GMOs)**

Public deliberation

The Council reached a political agreement on a proposal for a Regulation of the European Parliament and of the Council concerning the traceability and labelling of GMOs and of food and feed products produced from GMOs. The Luxembourg, the Netherlands, the United Kingdom and the Danish delegations were unable to join this agreement. In accordance with the co-decision procedure, once the Council's common position is formally adopted at a forthcoming session, it will be sent to the European Parliament for a second reading.

This Regulation amends certain aspects of Directive 2001/18/EC on the deliberate release into the environment of GMOs. It aims to establish a framework for the traceability of products consisting of or containing GMOs, and food and feed derived from GMOs, with the objective of facilitating accurate labelling, monitoring of the effects on the environment and, where appropriate, on human health. The Regulation is aimed also at facilitating the implementation of appropriate risk management measures including, if necessary, withdrawal of products from the market.

The Council's political agreement provides for :

- *traceability of GMO mixtures as or in products to be used directly as food or feed, as well as for processing:*
operators may replace written information with a declaration of use accompanied by a list of the unique identifiers for all those GMOs that have been used to constitute the mixture;

- *a special review clause:*
no later than two years from the date of entry into force of the proposed regulation, the Commission shall forward to the European Parliament and to the Council a report on its implementation, in particular with regard to the traceability of mixtures, and where appropriate, make a proposal;
- *exemptions from traceability and labelling:*
the provisions of the proposed regulation do not apply to adventitious or technically unavoidable traces of authorised GMOs in products intended for processing for non-food/feed purposes, in a proportion no higher than 0.9%.

The proposed traceability system contains the following general elements:

- the establishment by the Commission of a system to identify GMOs via the assignment of a “unique identifier” (e.g. numeric or alphanumeric code); this “unique identifier” will allow the retrieval of information concerning traits, characteristics and transformation processes of individual GMOs;
- systems and procedures to identify the operators to whom and from whom products are made available;
- the transmission by operators of information concerning the identity of a specific product;
- the retention of information by operators for a period of five years;
- a co-ordinated approach to inspections and controls.

Following the political agreement reached at the Agriculture and Fisheries Council on 28 November 2002 concerning a proposal for a regulation of the European Parliament and of the Council on genetically modified food and feed, the following thresholds will also apply in the context of this regulation:

- a 0,5 % threshold limit for adventitious traces of GMOs that are unauthorised but have nevertheless been assessed as being risk-free;
- a 0,9 % minimum threshold regarding the scope of application for labelling rules below which products can be exempted from labelling requirements.

The text agreed on at the Environment Council covers the overall chain of production and the commercial transactions that take place among different operators as regards traceability and labelling of GMOs. The compromise found recently at the Agriculture and Fisheries Council on a parallel proposal for a regulation on genetically modified food and feed concerns primarily products that are to be delivered as such to the final consumer.

SUSTAINABLE USE OF PESTICIDES - Council Conclusions

The Council adopted the following conclusions in response to the Commission's communication entitled "Towards a thematic strategy on the sustainable use of pesticides" (submitted in July 2002) with a view to providing the Commission with guidance in this area and the required course of action:

"THE COUNCIL OF THE EUROPEAN UNION

1. Recalls that Decision No 1600/2002/EC laying down the Sixth Community Environment Action Programme determines that reducing the impacts of pesticides on human health and the environment and more generally to achieve a more sustainable use of pesticides as well as significant overall reduction in risks and of the use of pesticides consistent with the necessary crop protection should be one of the objectives and priority areas for action on the environment and health and quality of life.
2. Recalls that decision No 1600/2002/EC also determines the development of a thematic strategy on sustainable use of pesticides that addresses:
 - minimising the hazards and risks to health and environment from the use of pesticides;
 - improved controls on the use and distribution of pesticides;
 - reducing the levels of harmful active substances including through substitution the most dangerous with safer, including non-chemical, alternatives;
 - encouragement of the use of low input or pesticide free cultivation among others through raising users awareness, promoting the use of code of good practices, and promoting consideration of the possible application of financial instruments;
 - a transparent system for reporting and monitoring progress made in fulfilling the objectives of the strategy including the development of suitable indicators.
3. Recalls the Council conclusions on the Commission report "Evaluation of the active substances plant protection products submitted in accordance with article 8(2) of Council Directive 91/414/EEC on the placing of plant protection products on the market" on 12 December 2001 on possible amendments to directive 91/414/EEC and the Council conclusions on the Commission White Paper on a strategy for a future Chemicals Policy of 7 June 2001.

4. Recalls the conclusions concerning the plan of implementation from the World Summit on Sustainable Development in Johannesburg, which includes actions to promote programmes for the environmentally sound, effective and efficient use of soil fertility improvement practices and agricultural pest control and actions to strengthen and improve co-ordination of existing initiatives to enhance sustainable agricultural production and food security and the commitment to achieve by 2020 that chemicals are used and produced in ways that lead to minimisation of significant adverse effects on human health and the Environment.
5. Welcomes the Commission Communication “Towards a Thematic Strategy on the Sustainable use of pesticides” and finds that the Communication contains a number of measures that will contribute to the sustainable use of pesticides in the forthcoming strategy.
6. Underlines the importance of this strategy for implementation of sustainable agriculture and the importance of the CAP in achieving the sustainable use of pesticides.
7. Notes that the thematic strategy should complement the existing legislative framework, in particular Directive 91/414/EEC, by targeting the use-phase of plant protection products and calls for coherence in the development of this strategy and the revision of the Directive in order to contribute to sustainable use of pesticides.
8. Calls on the Commission to forward the thematic strategy in the beginning of 2004 taking into account the principle of subsidiarity and in that connection to:
 - bear in mind that national plans to fulfil the objectives for pesticides in Article 7(1) of 6th EAP should be established in all Member States and cover a large number of national measures, which might be used, such as quantifiable objectives, measures to achieve these objectives as for instance information, advice and training, and procedures to regularly follow up and review progress towards the objectives. Measures contained in different national plans should take into account already existing reduction programmes as well as the prevailing conditions for agricultural production and the state of the environment in regions and Member States
 - provide guidance on key measures for national plans
 - include a proposal for an EU framework for the development of Integrated Pest Management (IPM) and Integrated Crop Management (ICM) as one of the tools that could be used in national plans to achieve the sustainable use of pesticide. The framework should provide the possibility to develop EU guidelines, including a definition and essential requirements of IPM/ICM and take into account regional/ local conditions and international agreements
 - promote further the use of low-input or pesticide free crop farming, especially the appropriate use of organic farming
 - take into account the differences between Member States, when proposing guidelines for training, education and advice of the users of pesticides to be used in national plans

- identify measures to be used at Community level and measures that may be used at national level
- consider the usefulness of establishing requirements for plant protection equipment and maintenance of the equipment
- consider the potential for economic instruments at all appropriate levels as one of the means to achieve sustainable use of pesticides
- include an assessment of the impacts of Community measures proposed in the thematic strategy
- explore how different stakeholders, inter alia producers, distributors, users and consumers may contribute to achieving sustainable use of pesticides
- underline that the thematic strategy when addressing GMOs should take account of the Directive 2001/18
- develop suitable indicators to measure the progress on national risk reduction plans. Such indicators shall take into accounts the work done by Member States and OECD. Indicators may also take into account the specific risk of plant protection products and national risk mitigation measures and therefore develop a system, leading to comparable statistics on pesticides
- set up appropriate time-frames for the implementation of relevant measures
- keep in mind the situation in third countries concerning the use of pesticides and to ensure consistency between the EU's-internal and external policies and relevant international agreements."

CHEMICAL SUBSTANCES POLICY - Council Conclusions

The Council adopted the following conclusions in preparation of the 22nd Meeting of the United Nations Environmental Programme (UNEP) Governing Council which is due to take place in February 2003:

"The Council

1. REAFFIRMS its conclusions adopted 7 June 2001 on EU chemicals policy and URGES the Commission to come forward with its main proposals for a simple, clear and transparent regulatory framework to implement the chemicals strategy in EU. Furthermore, CALLS on the Commission to finalise its analysis of the Globally Harmonised System (GHS) for Classification and Labelling of chemicals and thereafter to put forward appropriate proposals to introduce this system into the new EU chemicals legislation.
2. UNDERLINES that safe management of chemicals is of high priority for the European Union as reflected in other EU programmes and policies such as the 6th Environmental Action Programme and that the European Union is ready to move the international agenda on chemicals forward through supporting continued efforts particularly by UNEP in close co-operation with the Intergovernmental Forum for Chemical Safety.
3. WELCOMES that the Johannesburg Summit, in the chapter on sustainable production and consumption, adopted clear targets on chemicals and that chemical policy is an integral part of the Johannesburg Plan of Implementation.
4. WELCOMES that chemicals will be considered at the 22nd UNEP Governing Council in February 2003 and underlines the importance of developing a detailed EU position in time for the meeting.
5. WELCOMES the UNEP report of the Global Mercury Assessment Working Group and RECOGNISES the conclusion that there is sufficient evidence of significant global adverse impacts to human health and/or the environment arising from the release of mercury to the environment.
6. WELCOMES the report from the European Commission on mercury from the chlor-alkali industry, COM(2002) 489 final, and RECOGNISES, inter alia, the conclusion that a coherent and sustainable strategy should ideally, in addition to dealing with the problem of mercury from the chlor-alkali industry, include action in relation to primary production of mercury in Europe.

7. *AGREES, as an overall EU position for the chemical issues at the UNEP Governing Council in February 2003,*
- that the Johannesburg commitments on chemicals call on an active follow up process including incorporation of the target of using and producing chemicals in ways that lead to the minimisation of significant adverse effects on human health and the environment by 2020 in ongoing UNEP activities such as the Strategic Approach to International Chemicals Management and that procedures for regular stocktaking of these commitments should be established within UNEP;
 - that a Strategic Approach to International Chemicals Management must be developed by 2005 which shall promote and support concrete international action and initiatives on chemicals to safeguard a high level of protection of human health and the environment;
 - that the conclusions in the report on mercury from the chlor-alkali industry as well as the UNEP Global Assessment of Mercury, warrant action specific to mercury and its compounds; and
 - that Member States support and actively work for concrete international actions to be initiated on mercury and its compounds, for instance a legally-binding instrument or other appropriate instruments, and that global assessment of other heavy metals such as lead and cadmium shall commence.
8. INVITES the Commission to present in 2004 a coherent strategy, based, inter alia, on its report to Council (COM (2002) 489 final), with measures to protect human health and the environment from the release of mercury based on a life-cycle approach, taking into account production, use, waste treatment and emissions."

FUTURE CHEMICALS' POLICY

Public debate

The Council held a public debate concerning the legislative package required for the implementation of the Commission's White Paper on a new chemicals' policy at Union level. The debate was held on the basis of a paper drawn up by the Presidency in preparation of the in-depth discussions and negotiations the Council is expected to have on this matter during 2003.

The paper focused the debate on the following key issues:

- the scope of the new authorisation system (what substances should be covered ?);
- type of sanctions (how to apply the principle of “no data – no marketing” ?);
- chemical substances in products imported into, as well as produced in the Union (which consumer goods to include in the regulation; e.g. toys, textiles, electronics ?);
- the situation of small and medium sized enterprises (SMEs) and downstream users.

Following the discussion, the President concluded that there was consensus among delegations on the importance of the subject matter and that the four questions raised by the paper were essential. Moreover, he concluded that carcinogens, mutagens and reprotoxic chemicals (so-called CMRs), as well as Persistent Organic Pollutants (POPs), such as persistent, bioaccumulative and toxic chemicals (PBT) and very persistent and very bioaccumulative chemicals (vPvB), should be considered in future proposals, with special attention being given to endocrine disrupters.

Delegations agreed on the principle of replacing those chemicals presenting most danger with safer alternative substances and that the lack of adequate data for registration should imply banning the marketing of those substances. There was also broad support for specific guidance to be directed at SMEs to assist with the implementation of future legislation.

The President welcomed the very constructive debate and the Commission's intention to present its proposals in the beginning of 2003. Moreover, the Council took note of Presidency conclusions underscoring the importance and great urgency of this matter.

The Commission's White Paper was presented in February 2001 and discussed on several occasions by the Council. It aims at ensuring a high level of public health and environmental protection while promoting innovation and competitiveness of the European industry. The White Paper proposes to set up a new single harmonised system for registration, evaluation and authorisation of chemicals (REACH). The system would be managed by Member States and the European Chemicals Bureau (ECB). The industry would be required to submit information and testing strategies to national authorities.

FOREST FOCUS

The Council took note of a progress report on the latest work concerning the proposal for a Regulation of the European Parliament and of the Council on monitoring of forests and environmental interactions in the Community (so-called Forest Focus).

The President welcomed the very substantial progress that had been made on this dossier. He called upon the Permanent Representatives Committee to continue its efforts towards a final agreement, if possible in first reading, during the incoming Greek Presidency early in 2003, pending the European Parliament's opinion.

The proposal aims to establish a new Community scheme to assess forest ecosystem conditions in a broader context. It builds upon, and regroups elements of, two previous Council Regulations for monitoring the impacts of atmospheric pollution and of fires on forest ecosystems.

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 biodiversity, soils, climate change and carbon sequestration.

ENVIRONMENTAL LIABILITY

The Council took note of a progress report on the latest work concerning the proposal for a Directive of the European Parliament and the Council on environmental liability with regard to the prevention and remedying of environmental damage.

The President welcomed the progress that had been made on this dossier. He called upon delegations to strive towards significant progress during the incoming Greek Presidency with a view to reaching a possible political agreement in 2003.

The Directive aims to establish 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 makes operators financially responsible for the necessary preventive and remedial measures.

MARINE ENVIRONMENT

– *Environmental disaster caused by the accident of the "Prestige" - Council conclusions*

The Council took note of a statement by the Spanish delegation on the accident involving the sinking of the outdated single-hull oil tanker "Prestige" on 19 November 2002 off the coast of Galicia. The Spanish delegation drew the Council's attention to the major environmental, social and economic damages caused to the region as a result of this catastrophe.

Following this statement, the Portuguese delegation intervened on the same matter emphasising the serious consequences of the accident for Galicia and the Northern coastal regions of Portugal. It underscored the importance for the Union to respond in a well co-ordinated and effective fashion to these accidents.

The French delegation joined in the concerns expressed by the Spanish and Portuguese delegations and called upon Member States and the Commission to develop new opportunities for exchange of information at European level on matters of marine security and emphasised the need for the Union to be very firm in condemning this kind of "environmental crimes".

Several delegations expressed their solidarity with those areas and populations affected by this disaster. The Commission voiced its consternation for the environmental damage caused by the accident and stated its will to promote preventive measures in the area of marine security.

In the context of the discussion, the Council adopted the following conclusions, also in response to the recently adopted conclusions at the Transport, Telecommunications and Energy Council meeting on 5-6 December 2002:

"THE COUNCIL OF THE EUROPEAN UNION,

1. EXPRESSING its great concern about the series of very serious accidents involving the maritime transport of dangerous substances that have taken place in front of the European coasts in the latest years, such as the PRESTIGE accident that has happened in front of the Galician coastline (Spain) and REGRETTING the serious economic, social and environmental damage that derives from such accidents;
2. RECOGNIZING that, despite the measures taken during the last years, the maritime transport of certain substances still generates important risks for the maritime and coastal environment, as well as for the populations that depend on them, and that, as a result, it is essential to adopt additional measures to reduce the risks and to minimize and repair the damage in case such accident has taken place;
3. RECALLING the objective of the European Union of achieving a high level of protection for the environment, and in particular, the priority given to the protection of natural habitats and biodiversity; RECALLING also the objective of halting the loss of biodiversity by the year 2010 established in the Strategy for Sustainable Development adopted by the European Council of Göteborg;
4. ASKS the Commission immediately to establish, in cooperation with the Member States concerned, an expert team to help coordinating the assistance offered by the Member States and to examine the long term effects of the damage resulting from the oil slick as well as from the remaining oil in the wreck while taking into account the flow of marine currents and to assess what measures can be taken in order to avoid further environmental damage in the future due to the oil still remaining in the wreck;
5. URGES Member States to have in place all necessary operational capabilities, such as specialised towage and recovery vessels, in order to respond directly to threats to the environment as a consequence of accidents with oil tankers and to encourage cooperation between Member States to this effect; PROPOSES the examination of a common mechanism by which the oil companies and shipping companies used by them, shipowners, charterers and insurance companies provide the means, not only to prevent, but also to efficiently combat possible ecological disasters such as those caused by ERIKA and PRESTIGE;
6. WELCOMES the Commission Communication of 3 December 2002 on improving safety at sea in response to the PRESTIGE accident ¹ and the main thrust therein which includes first conclusions from the accident as well as considerations concerning further measures to minimise in the future the dangers arising from such accidents;

¹ Doc. 15301/02 MAR 153 ENV 747 COM (2002) 681 final.

7. UNDERLINES the importance of integrating environmental considerations into the EU's common policies as stated in the Treaty, and in particular to do so for the maritime transport policy; STRESSES in this respect the preventive dimension of the maritime safety policy; RECALLS the need to apply appropriately to maritime transport the precautionary principle, the principle that environmental damages should be rectified at the source, and the polluter-pays principle;
8. REAFFIRMS the Conclusions on Ship's Safety and Pollution Prevention adopted by the Council (Transport) on 6 December 2002, which aim at reinforcing both the maritime safety and the prevention of marine pollution and SUPPORTS its commitment to pursue and improve maritime safety policy in order to reduce the risk of accidents, avoid loss of lives and prevent marine pollution ; WELCOMES in particular the actions to accelerate the phasing out of single hull tankers, to ban the use of single hull tankers for the transport of heavy grade oils, and to faster identify places of refuge;
9. INVITES the Commission to examine possibilities offered by the Regulation of the Council of 11 November 2002 establishing the European Union Solidarity Fund¹ for funding the cleaning-up of disaster stricken areas, including natural zones, for actions not covered by other funds;
10. WELCOMES the commitment of Member States, as expressed at the Council (Transport) on 6 December 2002, to support the establishment of a supplementary compensation fund able to cover future oil-spills and STRESSES the need that it should also cover environmental damages and ecological losses; AGREES that in the event that all environmental damage is not fully covered by this fund, other measures will be examined and requests the Commission to address this issue and to submit, before the end of July 2003, appropriate proposals to that end;
11. . STRESSES the importance of ensuring the participation of the EU candidate countries as well as other neighbouring countries, including Russia, in particular in the efforts to protect natural habitats and biodiversity, especially through participation in the banning of single-hull tankers carrying heavy grades of oil;
12. HIGHLIGHTS the need to guarantee an adequate protection of the marine areas and coastal zones that are sensitive in nature or that have a particular environmental value and advocates the furthering of the process of designating those areas in the framework of IMO and NATURA 2000; ASKS the Commission to evaluate the possible alternatives for protective action, including action to prevent damages to these areas such as a review of the safety conditions of maritime transport of heavy grades of oil and other hazardous or noxious substances;

¹ OJ L 311, 14.11.2002, p. 3.

13. AGREES to a further strengthening and improvement of the existing co-operation between the conventions for the protection of the marine environment (Barcelona ¹, Lisbon ², HELCOM ³, OSPAR ⁴etc.) and the EU, i.a. in order to ensure consistency in the conservation of the ecosystem and bio-diversity of marine areas;
14. CONSIDERS it necessary to reinvigorate the environmental activities of IMO aiming at reinforcing maritime safety and the prevention of pollution by tankers; Is of the opinion that the meeting of the Marine Environment Protection Committee (MEPC) of July 2003 should be used to enhance the credibility of the environmental activity of IMO; URGES Member States to play an active and coordinated role at that meeting;
15. URGES the Commission and the Member States to identify further measures regarding the implementation and strengthening of environmental legislation at national, EU or international level with a view to preventing environmental dangers arising from accidents relating to ships transporting hazardous substances, including the issue of the environmental liability and to fully restoring, in case accidents occur, the ecological losses and the environmental damages;
16. . AGREES to establish a European network of exchange of experience in matters of pollution by hydrocarbons;
17. COMMITS itself to take all measures within its power to prevent accidents such as those of the PRESTIGE from occurring again and to reinforce the combat against criminal behaviour such as in the cleaning of tanks."

¹ Barcelona Convention of 16 February 1976 for the Protection of the Mediterranean Sea against pollution (cf. OJ L 240, 19.1977, p. 1).

² Agreement of Lisbon of 17 October 1990 on cooperation for the protection of the North-East Atlantic against accidental pollution.

³ Revised Convention Helsinki of 1992 on the Protection of the marine Environment in the Baltic Sea Area (cf. JO C 226, 21.8.1993, p.9).

⁴ Convention of Oslo and Paris on the Protection of the marine Environment of the North-East Atlantic, 1992 (cf. OJ C 172, 7.7.1995, p. 1).

– *"Towards a strategy to protect and conserve the marine environment"*

The Council took note of the Commission's presentation of its Communication entitled "Towards a strategy to protect and conserve the marine environment" (submitted on 7 October 2002). The Communication aims to respond to the global objective set in the Union's 6th Environmental Action Programme to promote the sustainable use of the seas and the conservation of marine ecosystems.

– *Conference on the marine environment*

The Council was informed by the Presidency on the main outcome of the conference on the development of a European strategy for the protection and conservation of the marine environment, which took place in Køge on 4-6 December.

QUALITY OF BATHING WATER

The Council took note of the Commission's presentation of a proposal for a Directive of the European Parliament and of the Council concerning the quality of bathing water. The proposal lays down provisions for the monitoring and classification of bathing water quality and for providing information to the public thereof.

It is aimed at replacing Directive 160/76/EEC in order to reflect scientific knowledge gained since its adoption in 1976.

The Union's Water Policy has recently been restructured with the adoption of the Water Framework Directive in 2000, providing a coherent framework for all water-related legislation. The provisions of the proposed Directive intend to be fully compatible with this new framework.

NUCLEAR SAFETY AND RADIOACTIVE WASTE

The Council took note of the Commission's presentation of its Communication (submitted in November 2002) on nuclear safety in the Union, as well as of the initial statements made by several delegations relating thereto. The Communication includes, *inter alia*, a legislative proposal for EURATOM Directives setting out basic obligations and general principles on the safety of nuclear installations and on the management of spent nuclear fuel and radioactive waste.

In this context, the Council also heard the Commission's presentation of a proposal for a Council Decision empowering the Commission to issue EURATOM loans in order to help finance nuclear power stations.

OTHER BUSINESS– ***CITES - 12th meeting of the Conference of the Parties***

The Council took note of information from the Presidency on the outcomes of the 12th meeting of the Conference of the Parties to the Convention on International Trade in endangered species of wild fauna and flora (CITES). The meeting took place in Santiago (Chile) on 3-15 November 2002.

(Doc. 15177/02)

The President highlighted, *inter alia*, the following successful results at the Conference:

- listing of big-leaf mahogany on Appendix II of CITES;
- listing of basking shark and whale shark on Appendix II of CITES;
- the decision that commercial trade in whale products should not be allowed until the International Whaling Commission deemed that this was appropriate;
- decisions to improve enforcement of anti-poaching and control of illegal ivory trade;
- measures to improve co-operation between the Convention and the Commission on the Conservation of Antarctic Marine Living Resources, in particular as concerns toothfish species;
- increased number of Asian freshwater turtles and tortoises covered by CITES.

– ***Natura 2000***

The Council took note of a statement by the Portuguese delegation on the Natura 2000 network as concerns in particular some of its funding difficulties. Their intervention was supported by a number of other delegations.

(Doc. 15189/02)

– ***Genetically modified seeds in non-transgenic seed***

The Council took note of a statement by the Belgian delegation on genetically modified seeds in non-transgenic seed as concerns in particular the setting of thresholds for the maximum tolerated levels of genetic contamination of seed. In their statement, they asked the current and incoming Presidencies to put the matter on the agenda of a forthcoming Council meeting for discussion. A number of delegations showed their support for this intervention.

(Doc. 15102/1/02 REV 1)

ITEMS APPROVED WITHOUT DEBATE

ENVIRONMENT

Transboundary movements of hazardous wastes and their disposal

The Council adopted a Decision approving the participation of the Community in the Sixth Conference of the Parties (COP 6) to the "Basel Convention" on the control of transboundary movements, as well as disposal, of hazardous wastes. The conference is due to take place in Geneva (Switzerland) on 9-13 December.

The Decision will allow the Commission to conduct negotiations on behalf of the Community, with regard to matters falling within its field of competence. The Commission is expected to report to the Council on the outcomes of the negotiations as well as on any other matters that may arise during COP 6.

The Convention aims to minimise the generation of hazardous wastes in terms of quantity and dangerousness, to dispose of them as close to the source of generation as possible and to reduce their movement. It covers toxic, poisonous, explosive, corrosive, flammable, ecotoxic and infectious wastes. The Convention was adopted in 1989 and entered into force in 1992.

Dangerous substances – Pentabromodiphenyl ether *

Public deliberation

The Council adopted the Directive of the European Parliament and the Council amending Directive 76/769/EEC on restrictions on the marketing and use of certain dangerous substances and preparations as concerns pentabromodiphenyl ether (pentaBDE) and octabromodiphenyl ether (octaBDE). The text of the Directive is as agreed on 8 November by exchange of letters following a conciliation with the Parliament under the co-decision procedure.

(Doc. 3664/02 and doc. 14230/02 ADD 1)

The new Directive prohibits the placing on the market and the use of pentaBDE and octaBDE, as well as the placing on the market of articles containing one or both of these substances. In February and October 2002, the Scientific Committee on toxicity, ecotoxicity and the environment confirmed the results of previous risk assessments on pentaBDE and octaBDE and the need to reduce their use to protect the environment. In June 2000, it had expressed concern about the exposure of breast-fed children to pentaBDE and that increasing levels of pentaBDE in breast milk might be the result of a use not yet identified.

The Directive does not cover decabromodiphenyl (decaBDE) at this stage, in view of inconclusive risk assessment results (August 2002). Nevertheless, it calls for risk reduction measures to be taken by the Community without delay and for a risk reduction strategy to be established immediately in relation to decaBDE. The latter strategy is expected to be in place no later than 30 June 2003.

Public participation in drawing up certain environmental plans and programmes

The Council decided to convene, in accordance with the co-decision procedure, the Conciliation Committee with a view to reaching an agreement with the European Parliament on the proposal for a Directive providing for the public participation in drawing up certain environmental plans and programmes. The meeting is due to take place on 10 December.

The plans and programmes concerned are notably in the waste area, relating to air quality management and water protection from nitrates.

Moreover, it aims to enhance public participation in environmental decision-making and to ensure that basic procedures are consistent in all Member States and in cases with a transboundary dimension. Once adopted, it will contribute to implementing the United Nations/Economic Commission for Europe Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters, (the so-called "Århus Convention").

It is recalled that on 6 November, the Council and the Parliament reached an agreement within the Conciliation Committee, on a proposal for a Directive on public access to environmental information, whose purpose was also to align Community law with the provisions of the "Århus Convention".

Quality of petrol and diesel fuels

The Council decided to convene, in accordance with the co-decision procedure, the Conciliation Committee with a view to reaching an agreement with the European Parliament on the proposal for a Directive on the quality of petrol and diesel fuels. The meeting is due to take place on 10 December.

The draft Directive is aimed at completing specifications for air quality standards provided for in Directive 98/70/EC by way of a phased reduction of the sulphur content in petrol and diesel fuels.

Climate Change

The Council adopted conclusions on the follow-up to the Eight Conference of the Parties (COP 8) to the United Nations Framework Convention on Climate Change, which took place in New Delhi (India) from 23 October to 1 November 2002.

“The Council:

- WELCOMES the progress made in New Delhi on important issues, including the adoption of the New Delhi work programme on education, training and public awareness and on the prompt start of the Clean Development Mechanism of the Kyoto Protocol, and IS CONVINCED that these results will help to broaden participation and ensure efficient emission reductions as well as contributing to sustainable development in developing countries;
- RECALLS its conclusions of 17 October 2002 and the fact that the European Union in New Delhi called upon all Parties to engage in a common and open dialogue with a view to begin a process, after the entry into force of the Kyoto Protocol, on further action under the Convention and the Protocol, consistent with the ultimate objective of the Convention and based on the robust findings in the Third Assessment Report of the IPCC, without prejudging the outcome of such a process;
- WELCOMES the constructive forward-looking discussions that began in New Delhi, but considers the political results of COP 8 as inadequate in dealing with the urgent issue of longer-term reductions of greenhouse gas emissions. The Council TAKES NOTE of the need for further action after 2012 expressed by a very large number of developed and developing country Parties during the COP 8 Ministerial Round-tables and STRESSES the recognition in the Delhi Ministerial Declaration of the findings of the IPCC TAR, which confirms that significant cuts in global emissions will be necessary to meet the ultimate objective of the Convention;
- LOOKS FORWARD to the continuation of the discussions on further action and emphasises that the European Union is determined to continue to lead in the fight against climate change also by bringing the process on further action forward building on the promotion of a confidence-building dialogue among Parties at all relevant levels before the next Conference of the Parties, including promotion of informal meetings on this issue. NOTES in this context that the Delhi Declaration calls for Parties to promote informal exchange of information on actions relating to both mitigation and adaptation to assist Parties to continue to develop effective and appropriate responses to climate change;
- WELCOMES the initiative of the Russian Federation to convene a World Climate Change Conference in Moscow from 29 September to 3 October 2003 as a multi-stakeholder forum aimed at exchanging views on facilitating implementation of existing policies related to climate change, as a contribution to the UNFCCC process, including the Kyoto Protocol, and to the ongoing scientific work by the IPCC. The EU looks forward to taking advantage of the conference in order to increase awareness of the importance of international efforts to address climate change. In this context, STRESSES the importance of the Kyoto Protocol as a first and necessary step towards meeting the ultimate objective of the Convention and continues to strongly urge all Parties that have not already done so to ratify the Protocol. EMPHASISES in this context its determination to continue to promote dialogue with these Parties;

- STRESSES the role of renewable energy in combating climate change and emphasises its resolve to speed-up the co-operation on renewable energy on the basis of the declaration “The Way forward on Renewable energy” made by the EU and a large group of like-minded developed and developing countries at the World Summit of Sustainable Development in Johannesburg. WELCOMES the call, in the Delhi Declaration from COP 8, for action at all levels to substantially increase the global share of renewable energy sources and the recognition of national and voluntary regional targets as well as initiatives in this context.“

TRANSPORT

Aviation security

Public deliberation

The Council adopted the Regulation of the European Parliament and the Council on common rules for civil aviation security, under the plan for combating terrorism established following the 11 September 2001 attacks in the United States. The text of the Regulation is as agreed on by exchange of letters following a conciliation with the Parliament under the co-decision procedure.

(Doc. 3660/02 and doc. 14512/02 ADD 1 REV 1)

Under the Regulation, each Member State must adopt a national civil aviation security programme, and appoint a single authority to co-ordinate and monitor its implementation, with the following provisions:

- All staff, including flight crew, must be screened before being allowed access to restricted areas within airports; where this is not practicable, they are to be subjected to random screening, also covering all items carried on board aircraft.
- One year after entry into force of the Regulation, all staff and all items must be screened before being allowed access to the most critical areas within airports. By 1 July 2004 the Commission will adopt implementing measures to be applicable at the latest five years later.

In a statement concerning the funding of security measures, adopted in conjunction with the Regulation, the Parliament, Council and Commission recognise the diversity of situations existing in Member States and the need to avoid the distortions of competition that might result. They take note of the fact that the Commission will give favourable consideration to public funding of additional security measures. The Commission will undertake a study which will address in particular the way that funding is shared between public authorities and operators, without prejudice to the distribution of competencies between the Member States and the European Union, and will submit proposals to the Parliament and Council if necessary.

STATISTICAL DATA**Territorial units for statistics ****Public deliberation*

The Council adopted its common position on the draft Regulation of the European Parliament and the Council aimed at establishing a common classification of Territorial Units for Statistics (NUTS) for the implementation of Community actions and policies.

(Doc. 14052/02 and doc. 13077/02 ADD 1)

The draft Regulation is intended to provide a legal framework for the geographical division of the territory on which statistical data are gathered, and procedures for amending the NUTS classification where necessary. It signals a departure from the current method whereby NUTS are established through negotiations between the Member States and Eurostat, the statistical office of the European Communities.

FISHERIES**Fishing Agreement EEC-São Tomé and Príncipe**

The Council adopted a Decision on the conclusion of the Agreement in the form of an exchange of Letters concerning the provisional application of the Protocol setting out, between 1 June 2002 and 31 May 2005, the fishing opportunities and the financial contribution provided for the Agreement between the European Economic Community (EEC) and the Government of the Democratic Republic of São Tomé and Príncipe on fishing off the coast of São Tomé and Príncipe.

(Doc.11465/02)

The Protocol to the agreement between the European Community and São Tomé and Príncipe expired on 31 May 2002. A new Protocol was initialled by both parties on 14 February 2002 fixing the technical and financial conditions governing the fishing activities of Community vessels in São Tomé and Príncipe waters for the period from 1 June 2002 to 31 May 2005.

Fishing opportunities will be allocated to France, Spain and Portugal, mostly for tuna fishing.

The Council also adopted a Regulation on the conclusion of the above mentioned Protocol (*doc. 11464/02*). The financial contribution of the Community will be of 925,000 € for the first year (2002-2003), and 637,500 € for each of the next two years (2003-2005).

EEC-Angola Fishing Agreement

The Council adopted a Decision on the conclusion of the Agreement in the form of an exchange of Letters concerning the provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for the Agreement between the European Economic Community (EEC) and the Government of the Republic of Angola on fishing off the coast of Angola between 3 August 2002 and 2 August 2004 (*doc. 13267/02*).

The protocol annexed to the fisheries agreement between the EEC and the Republic of Angola expired on 2.5.2002, but was prolonged until 2.8.2002 while the negotiations to renew the protocol were continuing. The new Protocol will be the ninth since the entry into force of the fisheries agreement between the EC and Angola in 1987. In terms of fishing opportunities for Community vessels it is the second most important agreement after Mauritania.

The new protocol covers the period from 3 August 2002 to 2 August 2004. It allocates fishing opportunities for Spain, Portugal, Italy, Greece, France, the Netherlands and Ireland. These fishing opportunities concern the shrimp vessels (22), the demersal vessels (4200 GRT per month), the freezer tuna seiners (15), the surface longlines (18) and pelagic fishing vessels (2). The financial compensation paid by the Community is set at 15,500,000 € per year. These levels were fixed on the basis of the conclusions of a group of Angolan and Community scientists, which met in Luanda to review the scientific information on the state of the resources at the same time as the third and final round of negotiations were being conducted.

EMPLOYMENT AND SOCIAL POLICY

Exposure of workers to the risks arising from physical agents (noise)

The Council adopted a Directive of the European Parliament and of the Council laying down minimum requirements for the protection of workers from risks to their health and safety arising from exposure to noise. This Directive will replace Directive 86/188/EEC on the protection of workers from the risks related to exposure to noise at work, lowering the upper levels of exposure from 90 to 87 decibels.

The music and entertainment sectors are covered by the Directive's provisions, however, in order to facilitate their practical implementation, a specific code of conduct must be drawn up by Member States in consultation with the social partners or with the appropriate labour and industry representatives at national level.

In 1992 the Commission presented its original proposal which contained requirements regarding the exposure of workers to the risks arising from four different physical agents: noise, mechanical vibrations, optical radiation and electromagnetic fields and waves. In view of the technical complexity of the examination of all physical agents in a single instrument, it was agreed in 1999 to split the Directive and to treat each physical agent separately.