



**COUNCIL OF
THE EUROPEAN UNION**



11259/09 (Presse 190)

PROVISIONAL VERSION

PRESS RELEASE

2953rd Council meeting

Environment

Luxembourg, 25 June 2009

President

Ladislav Miko

Minister of the Environment of the Czech Republic

P R E S S

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11259/09 (Presse 190)

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Main results of the Council

*The Council reached **political agreement on the recast of the directive on industrial emissions** (integrated pollution prevention and control).*

*During the informal lunch and the formal session, ministers discussed progress on the road to a **global post-2012 agreement on climate protection**.*

*Without discussion, the Council adopted the **internal energy market package** and a **directive on nuclear safety**.*

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¹ • Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
• Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
• Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the Council's Internet site or may be obtained from the Press Office.

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PARTICIPANTS

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

Belgium:

Mr Benoît LUTGEN

Minister for Agriculture, Rural Affairs, the Environment and Tourism (Walloon Region)

Bulgaria:

Mr Atanas KOSTADINOV

Deputy Minister for the Environment and Water

Czech Republic:

Mr Ladislav MIKO

Mr Jan DUSÍK

Minister for the Environment

First Deputy Minister for the Environment, International Affairs, Legislation and Public Administration Section

Denmark:

Mr Troels Lund POULSEN

Ms Connie HEDEGAARD

Minister for the Environment

Minister for Climate and Energy

Germany:

Mr Michael MÜLLER

Parliamentary State Secretary to the Federal Minister for the Environment, Nature Conservation and Reactor Safety

Estonia:

Mr Jaanus TAMKIVI

Minister for the Environment

Ireland:

Mr John GORMLEY

Minister for the Environment, Heritage and Local Government

Greece:

Mr Stavros KALOGIANNIS

State Secretary for the Environment, Regional Planning and Public Works

Spain:

Ms Teresa RIBERA RODRÍGUEZ

State Secretary for Climate Change

France:

Ms Chantal JOUANNO

Minister of State with responsibility for Ecology

Italy:

Mr Roberto MENIA

State Secretary for the Environment and the Protection of Natural Resources and the Sea

Cyprus:

Mr Michalis Polyniki CHARALAMPIDES

Minister for Agriculture, Natural Resources and Environment

Latvia:

Ms Zaneta MIKOSA

Parliamentary Secretary, Ministry of Environment

Lithuania:

Mr Gediminas KAZLAUSKAS

Minister for the Environment

Luxembourg:

Ms Michèle EISENBARTH

Deputy Permanent Representative

Hungary:

Mr István KLING

State Secretary, Ministry of Environment and Water

Malta:

Mr George PULLICINO

Minister for Resources and Rural Affairs

Netherlands:

Ms Jacqueline CRAMER

Minister for Housing, Spatial Planning and the Environment

Austria:

Mr Nikolaus BERLAKOVICH

Federal Minister for Agriculture, Forestry, Environment
and Water Management

Poland:

Mr Maciej NOWICKI

Minister for the Environment

Portugal:

Mr Francisco NUNES CORREIA

Minister for the Environment, Regional Planning and
Regional Development

Romania:

Mr Marius HIRTE

Deputy Permanent Representative

Slovenia:

Mr Karl Viktor ERJAVEC

Minister of the Environment and Spatial Planning

Slovakia:

Mr Viliam TURSKÝ

State Secretary at the Ministry of Agriculture

Finland:

Ms Paula LEHTOMÄKI

Minister for the Environment

Sweden:

Mr Andreas CARLGREN

Minister for the Environment

United Kingdom:

Mr Hilary BENN

Secretary of State for the Environment, Food and Rural
Affairs

Ms Joan RUDDOCK

Minister of State, Department for Energy and Climate
Change

.....

Commission:

Mr Stavros DIMAS

Member

ITEMS DEBATED

Biodiversity and invasive alien species

The Council adopted conclusions concerning both biodiversity and invasive alien species. The text can be found [here](#).

Industrial emissions

The Council reached political agreement with a view to the subsequent adoption of a common position concerning the recast of the directive on integrated pollution prevention and control.

The IPPC Directive seeks to prevent and control, in a coordinated way, pollution of the air, water and soil resulting from emissions from industrial installations. It regulates emissions of a wide range of pollutants, including sulphur and nitrogen compounds, dust particles, asbestos and heavy metals. The directive is aimed at improving local air, water and soil quality, not at mitigating the global warming effects of some of these substances. Emissions of carbon dioxide are not covered by IPPC.

The Council discussed in particular the issue of large combustion plants (LCPs), i.e. power plants as well as combustion installations in oil refineries and the metal industry. In order further to reduce pollution from these sources, the Commission had proposed tightening the existing emissions limits for them by bringing them into line with current Best Available Techniques (BAT) by 2016. BAT refers to the most effective and available emission reduction technology, as documented in European BAT Reference Documents (BREFs).

The Council agreed to apply current BAT to new LCPs earlier than proposed by the Commission, namely within two years after the entry into force of the directive. Existing LCPs would have to apply current BAT from 2016, but the agreement foresees a transition period: Until the end of 2020, member states may define transitional national plans capping emissions of certain pollutants (NO_x and/or SO₂ and/or dust). These annual ceilings must decline between 2016 and 2020 and meet levels associated with current BAT at the end of 2019.

Combustion plants firing indigenous coal or lignite, which cannot comply with the emission limits for SO₂, can alternatively apply the minimum rate of desulphurisation. This rate remains at 96% for LCPs with a rated thermal input of over 300 MW.

The political agreement also contains provisions concerning LCPs with specific characteristics that are crucial to energy security in some member states.

It is one of the core elements of the Commission's proposal to strengthen the application of BAT compared to current legislation. The recast envisages a more prominent role for BREFs in order to reduce the scope for national authorities to deviate from BAT in permitting. The Council has now revised the procedure for adopting BREFs in order to ensure that they are available in all official EU languages while containing translation costs. First, excerpts from the BREFs, so-called BAT conclusions, are adopted through the "comitology" procedure. The full BREFs are subsequently adopted by the Commission. Once a new BREF has been issued, relevant permits must be updated within five years.

Soil protection

The Presidency briefed the Council on progress concerning the draft directive establishing a framework for the protection of soil, as set out in its report ([10919/09](#)).

While the European Parliament delivered its opinion in first reading in November 2007 ([14979/07](#)), the Council has not yet reached political agreement on this dossier. Several delegations regretted this fact and expressed the need for a Community instrument, whereas others reiterated their opposition to such common measures as well as their concerns in relation to compliance with the subsidiarity principle, administrative burdens and cost-effectiveness.

Soil has not, to date, been subject to a specific common protection policy at Community level. The draft directive aims at filling this gap by establishing a common strategy for the protection of soil, based on the principles of

- integration of soil concerns into other policies and preservation of soil functions,
- prevention of threats to soil through the identification of priority areas and the establishment of action programmes,
- identification of contaminated sites and remediation of such sites.

Climate Change

Ministers held an open exchange of views on the form and content of the future Copenhagen agreement. A short Presidency summary of the discussion will be circulated shortly.

Bio-waste

The Council adopted the conclusions on bio-waste. The text can be found [here](#).

OTHER BUSINESS

The Council took note of information concerning the following points:

Genetically Modified Organisms

The Austrian delegation intervened on the basis of a note ([11226/2/09 REV 2](#)) concerning policy options for the regulation of genetically modified organisms (GMOs) in the EU. Austria, supported by a large number of delegations, argued that individual member states should be enabled to prohibit or regulate the cultivation of GMOs on the whole territory or certain areas. The way forward described involves agreeing on socio-economic criteria for this, as well as on a set of minor amendments to relevant EU legislation. The Member States supporting this initiative urged the Commission to put forward a proposal and possible additional options.

Timber products

The Presidency informed the Council about the progress concerning the proposal for a regulation laying down the obligations of operators who place timber and timber products on the market (10900/09).

Chemicals

The Danish delegation highlighted the importance of a coordinated approach to dealing with combination effects of chemicals (cocktail-effects), including endocrine disrupters. Experts regard the predominant chemical-by-chemical approach in risk assessment as insufficiently protective against the possibility of mixture effects. Denmark urged the Council and the incoming Presidency to start work in order to ensure that the risk of combination effects is taken into due account in EU chemicals legislation.

International environment policy

The President briefed the Council about the results of a number of meetings of international bodies in the area of environment policy:

- Second International Conference on Chemicals Management, Geneva, 11-15 May 2009 ([10937/09](#));
- Fourth Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants, Geneva, 4-8 May 2009 ([10935/09](#));
- Seventeenth session of the UN Commission on Sustainable Development, New York, 4-15 May 2009 ([10933/09](#)).

Environment for Europe

The Presidency informed the Council about the progress in reforming the "Environment for Europe" process, which was launched in October 2007 at the 6th UN Economic Commission for Europe in Belgrade ([10932/09](#)).

Conferences

The President also informed the Council about a number of conferences the Czech Presidency organised on environmental subjects:

- International Conference on Practical Implementation of the Aarhus Convention, Brno, 16-17 April 2009 ([11073/09](#));
- Conference "Towards– Opportunities of SEIS and SISE: Integrating Environmental Knowledge in Europe", Prague, 24-27 March 2009 ([11036/09](#));
- Conference on Wilderness and Large Natural Habitat Areas, Prague, 27-28 May 2009 ([11168/09](#)).

EU-China near zero emissions coal plant project

The Commission presented its communication concerning carbon capture and geological storage in emerging economies and developing countries and the financing of the EU-China near zero emissions coal plant project.

OTHER ITEMS APPROVED

ENVIRONMENT

Adaptation to climate change

The Council adopted conclusions on "Climate change: Towards a comprehensive EU adaptation strategy". The text can be found in [10435/09](#).

COMMON FOREIGN AND SECURITY POLICY

Democratic Republic of Congo - EU mission on assistance for security sector reform

The Council adopted a joint action extending and amending joint action 2007/406/CFSP on the EU mission to provide advice and assistance for security sector reform in the Democratic Republic of Congo (EUSEC RD Congo mission) ([10358/09](#)).

The joint action extends for an additional period of three months, until 30 September 2009, the current mission's mandate, which expires on 30 June 2009.

The financial reference amount to cover expenditure relating to the mission from July 2008 to September 2009 is set at EUR 8 450 000.

In 2007, the Council adopted joint action 2007/406/CFSP (EUSEC RD Congo mission), which replaced the mission previously established by joint action 2005/355/CFSP, with a view to fulfilling the EU commitments to contributing to bring stability into the Great Lakes region.

EU strategy against the proliferation of weapons of mass destruction

The Council endorsed a six-monthly progress report (2009/I) on the implementation of the EU strategy against the proliferation of weapons of mass destruction (WMD) and an updated list of priorities for its implementation in the future.

The European strategy against the proliferation of WMD was adopted in December 2003 by the European Council. The six-monthly progress report has been prepared by the office of the High Representative's personal representative for non-proliferation of WMD in coordination with the Commission.

JUSTICE AND HOME AFFAIRS

Community Code on Visas*

The Council adopted today common rules on procedures and conditions for issuing short-stay visas. This is a major step to further develop a common visa policy and to reinforce cooperation in the Schengen area. Third-country nationals will benefit from more consistent and transparent application procedures.

The provisions mainly concern transits through or intended stays not exceeding three months in any six-month period (short-term visas).

The new regulation establishing a Community Code on Visas ([3625/09](#), [11110/09 ADD1](#)) bundles all legal instruments concerning visa decisions and increases transparency and legal security for applicants. It replaces the Common Consular Instructions.

For more details see press release [11376/09](#).

ECONOMIC AND FINANCIAL AFFAIRS

Recommendations to member states concerning their economic and employment policies

The Council adopted its recommendation on the 2009 update of the broad guidelines for the economic policies of the member states and the EU and on the implementation of member states' employment policies ([8250/09](#)). Country-specific recommendations are updated to reflect the progress made with the implementation of the national reform programmes (NRP) and the principles of the European Economic Recovery Plan.

Measures against tax evasion linked to import

The Council adopted a directive intended to strengthen measures against the evasion of value added tax (VAT) on imports ([10689/09](#)). The new act specifies the conditions under which the importation of goods is exempt from VAT if followed by a supply or transfer of those goods to a taxable person in another member state.

The exemption applies only if the importer has provided to the competent authorities of the member state of importation the following information:

- the VAT identification number of the importer issued in the member state of importation
- the VAT identification number of the customer, to whom the goods are supplied, issued in another member state, or his own VAT identification number issued in the member state in which the dispatch or transport of the goods ends
- the evidence that the imported goods are intended to be transported or dispatched from the member state of importation to another member state.

AGRICULTURE

Processed agricultural products - Euro-Mediterranean Agreement with Tunisia

The Council adopted a decision on the EU position to be taken within the EU-Tunisia Association Council in order to amend the implementation provisions on processed agricultural products of the Euro-Mediterranean Agreement establishing an association between the EU and Tunisia ([10604/09](#)).

Active substances of plant protection products

The Council adopted¹ a directive including certain paraffin oils in Annexe I of directive 91/414, provided they comply with the purity criteria of European Pharmacopoeia 6.0 ([10385/09](#)). Furthermore, the Council adopted² a directive including certain other paraffin oil in Annexe I of directive 91/414 under the same condition ([10386/09](#)).

ENERGY

Ecodesign requirements for electric motors - Regulatory procedure with scrutiny

The Council decided not to oppose the adoption by the Commission of a regulation implementing directive 2005/32/EC with regard to ecodesign requirements for electric motors.

The amending directive is subject to the regulatory procedure with scrutiny, which allows the Council to oppose the adoption of legal acts by the Commission for defined reasons. As the Council has given its green light, the Commission may adopt the regulation, unless the European Parliament objects.

¹ Poland, Denmark and United Kingdom voted against.

² Denmark voted against.

Ecodesign requirements - glandless standalone circulators

The Council decided not to oppose the adoption by the Commission of a regulation implementing directive 2005/32/EC with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products.

The amending directive is subject to the regulatory procedure with scrutiny, which allows the Council to oppose the adoption of legal acts by the Commission for defined reasons. As the Council has given its green light, the Commission may adopt the regulation, unless the European Parliament objects.

Energy Community Ministerial Council

The Council adopted a decision establishing the European Community position in view of the meeting of the Ministerial Council of the Energy Community that will take place in Sarajevo on 26 June 2009 and took note of the agenda.

Internal energy market

The Council unanimously adopted the package of legislative measures concerning the internal energy market, approving all European Parliament's second reading amendments.

The texts of these legislative acts are set out in the following documents: the directive concerning common rules for the internal market in electricity [3648/09](#), [10814/09 ADD1 REV 3](#), the regulation on conditions for access to the network for cross-border exchanges in electricity [3651/09](#), [10817/09 ADD1 REV2](#), the regulation establishing an Agency for the Cooperation of Energy Regulators [3650/09](#), [10816/09 ADD1](#), the directive concerning common rules for the internal market in natural gas [3649/09](#), [10815/09 ADD1 REV1](#) and the regulation on conditions for access to the natural gas transmission networks [3652/09](#), 10818/09 ADD1.

The third package of legislative measures on the internal energy market aims to supplement the existing rules so as to ensure that the internal market operates smoothly for all consumers and to enable the EU to achieve a more secure, competitive and sustainable energy supply. The new legislation is also intended to give energy consumers more protection and the benefit of the lowest possible energy prices. In addition, the package promotes sustainability by stimulating energy efficiency and guaranteeing that small companies, too, in particular those investing in renewable energy, will have access to the energy market. Another key objective of this legislation is to ensure fair competition between EU companies and third country companies.

For more details see press release 11271/09.

Community framework for nuclear safety installations

The Council adopted a directive setting up a Community framework for nuclear safety of nuclear installations ([10667/09](#)).

The directive establishes a Community framework in order to maintain and promote the continuous improvement of nuclear safety and its regulation. In addition, its objective is to ensure that member states shall provide for appropriate national arrangements for a high level of nuclear safety to protect workers and the general public against the dangers arising from ionizing radiations from nuclear installations.

The directive will enter into force on the twentieth day following that of its publication in the Official Journal of the EU. Member states will have two years after its entry into force to comply with its provisions.

INTERNAL MARKET

Classification, labelling and packaging of substances and mixtures - Technical amendments

The Council decided not to oppose the adoption by the Commission of a regulation amending regulation 1272/2008 on classification, labelling and packaging of substances and mixtures, for the purposes of its adaptation to technical and scientific progress.

Unified Patent Litigation System

The Council requested an opinion by the European Court of Justice on the compatibility with the EC Treaty of the Agreement creating a Unified Patent Litigation System.

Agricultural and forestry tractors - codification

The Council adopted a codified version of the existing directive relating to the driver-perceived noise level of wheeled agricultural or forestry tractors for the purpose of clarification and simplification ([3687/08](#)).

RESEARCH

Croatia, Serbia, Turkey - Scientific and technological cooperation agreements - Euratom

The Council adopted decisions authorizing the Commission to open negotiations on agreements for scientific and technological cooperation between the Euratom (European Atomic Energy Community) on the one part, and Croatia, Serbia and Turkey respectively, on the other part, associating these countries to the Euratom framework programme for nuclear research and training activities (2007-2011).

European Research Infrastructure Consortium

The Council adopted a regulation creating a legal framework for a European Research Infrastructure Consortium (ERIC) ([10603/09](#)). The new act is aimed at stimulating the establishment and operation of new research infrastructures at the level of the EU.

TRANSPORT

Trans-European conventional rail system - Regulatory procedure with scrutiny

The Council decided not to oppose the adoption by the Commission of a decision amending Decision 2006/679/EC as regards the implementation of the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European conventional rail system.

The amending decision is subject to the regulatory procedure with scrutiny, allowing the Council to oppose the adoption of legal acts by the Commission. Now that the Council has given its green light, the Commission may adopt the decision, unless the European Parliament objects.

TRADE POLICY

Simplification of the border controls - EU/Norway

The Council adopted a decision setting up the EU position to be taken in the Joint Committee of the European Economic Area Agreement with regard to the simplification of border controls for the trade of goods with Norway (11029/09, [11037/09 ADD 1](#)).

Autonomous EU tariff quotas for agricultural and industrial products

The Council adopted a regulation opening new and increasing existing autonomous tariff quotas for certain agricultural and industrial products ([10353/09](#)).

Autonomous customs tariff duties on industrial, agricultural and fishery products

The Council adopted a regulation temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products and ending the suspension of autonomous customs tariff duties on other products ([10354/1/09 REV 1](#)).

Agreement EU-Switzerland on simplification of the border controls

The Council adopted a decision approving the agreement between the EU and Switzerland on the simplification of border controls and formalities in respect of the import and export of goods, as well as on security measures ([10376/1/09 REV 1](#)). The decision provides also for a provisional application of the agreement from 1 July 2009.

CUSTOMS UNION

Convention on a common transit procedure

The Council adopted a decision aimed at enabling the EC-EFTA joint committee on common transit, to modify the Convention on a common transit procedure in view of updating the list of goods which involve a higher risk of fraud in the course of a transit operation.

The 1987 Convention on a common transit procedure¹ lays down specific measures as regards guarantees to be provided in respect of goods which involve a higher risk of fraud in the course of a transit operation.

The regular review of the list, on the basis of information collected from the contracting parties to the Convention, indicates that certain goods which appear on that list are no longer considered to involve a higher risk of fraud. Other products, on the other hand, could be added to the list.

¹ OJ L 226, 13.8.1987, p. 2.

DEVELOPMENT

Centre for the Development of Enterprise - ACP-countries

The Council approved a draft decision on the revised budget of the Centre for the Development of Enterprise for 2009, and forwarded the text to the Committee of Ambassadors from the African, Caribbean and Pacific Countries (ACP-countries) and the EU for adoption ([10979/1/09](#)). The budget of the Centre is due to be revised in order to facilitate its restructuring.

Integrating environment in development cooperation

The Council adopted conclusions on integrating environment in development cooperation. The text can be found in [10944/09](#) + [COR1](#).

