



**COUNCIL OF  
THE EUROPEAN UNION**



7042/1/09 REV 1 (Presse 53)

## **PRESS RELEASE**

2928th Council meeting

### **Environment**

Brussels, 2 March 2009

President

**Martin BURSÍK**

Deputy Prime Minister and Minister for the Environment of  
the Czech Republic

# **P R E S S**

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## **Main results of the Council**

The Council adopted conclusions **developing the EU position on a comprehensive post-2012 climate agreement, as a contribution to the Spring European Council.**

The Council confirmed the **provisional prohibitions of genetically modified maize in Hungary and Austria** by rejecting Commission proposals aimed at lifting these measures.

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<sup>1</sup> 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.

## **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 Dzhevdet CHAKAROV

Minister for the Environment and Water

### **Czech Republic:**

Mr Martin BURSÍK

Mr Jan DUSÍK

Deputy Prime Minister and 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 Sigmar GABRIEL

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

Ms María Jesús RUIZ RUIZ

State Secretary for Climate Change  
Minister for Environment of the Autonomous Community of Castile-Leon

### **France:**

Mr Jean-Louis BORLOO

Ministre d'État, Minister for Ecology and for Sustainable Development and Town and Country Planning

### **Italy:**

Ms Stefania PRESTIGIACOMO

Minister 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:**

Mr Raimonds VEJONIS

Minister for the Environment

### **Lithuania:**

Mr Gediminas KAZLAUSKAS

Minister for the Environment

### **Luxembourg:**

Ms Michèle EISENBARTH

Deputy Permanent Representative

### **Hungary:**

Ms Kinga GÖNCZ

Minister for Foreign Affairs

### **Malta:**

Ms Theresa CUTAJAR

Deputy Permanent Representative

**Netherlands:**

Ms Jacqueline CRAMER

Minister for Housing, Spatial Planning and the Environment

**Austria:**

Mr Nikolaus BERLAKOVICH

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

**Poland:**

Mr. Stanisław GAWŁOWSKI

State Secretary at the Ministry of the Environment

**Portugal:**

Mr Francisco NUNES CORREIA

Minister for the Environment, Regional Planning and Regional Development

**Romania:**

Mr Nicolae NEMIRSCHI

Minister for the Environment

**Slovenia:**

Mr Karl Viktor ERJAVEC

Minister for the Environment and Spatial Planning

**Slovakia:**

Mr Jaroslav JADUŠ

State Secretary at the Ministry of the Environment

**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

Mr Ed MILIBAND

Secretary of State for Energy and Climate Change

Ms Jane DAVIDSON

Minister for Environment, Sustainability and Housing (Welsh Assembly)

**Commission:**

Mr Stavros DIMAS

Member

## **ITEMS DEBATED**

### **FURTHER DEVELOPMENT OF THE EU POSITION ON A COMPREHENSIVE POST-2012 CLIMATE AGREEMENT (CONTRIBUTION TO THE EUROPEAN COUNCIL) - *Council conclusions***

The Council adopted conclusions developing the EU position on a comprehensive post-2012 climate agreement, as a contribution to the Spring European Council, see [7128/09](#).

## **INDUSTRIAL POLLUTION**

The Council held a public exchange of views on the recast of the directive on integrated pollution prevention and control (so-called "IPPC Directive", [5088/08](#)). This directive regulates air, water and soil pollution from industrial installations by obliging them to comply with Best Available Techniques (BAT).

The discussion focused on four key issues:

#### - The role of BREFs

Many delegations supported strengthening the role of European BAT reference documents (BREFs) in determining permit conditions, particularly as regards emission limit values. Many delegations also wished to keep the present procedures for preparing and adopting BREFs. Delegations were in favour of more transparency in the setting of emission limit values. At the same time, many ministers stressed that competent authorities should be able to deviate from BREFs when justified due to specific local conditions.

#### - Minimum requirements

The European Parliament might propose the introduction of minimum requirements for further activities covered by the proposed directive, but not yet subject to such obligations. Some ministers welcomed this idea, while other said that this could lead to negative effects on the environment. As minimum requirements would represent higher emissions levels than BAT, the introduction of further minimum requirements could in fact increase divergence from BAT in permits. Others pointed out that the introduction of further minimum requirements could increase the administrative burden.

- Large combustion plants

Some delegations supported the Commission's proposals to bring emissions from existing large combustion plants (including power plants) into line with current BAT by 2016. A number of others underlined the cost of retrofitting existing installations and expressed concern that the investments involved could impact the security of energy supply. Given that many Member States have recently upgraded their combustion plants to comply with current legislation, they asked for a longer phase-in of BAT. A third group of delegations could accept the implementation of BAT by 2016, provided that there is a certain transitional flexibility.

- Scope of the directive

A large number of delegations stressed that they did not agree with the Commission's view that the benefits would justify the costs of extending the scope of the directive to include combustion plants with a rated thermal input of between 20 and 50 MW. They also pointed out that such plants are already subject to environmental regulation. Reservations on including certain types of waste and industrial farming were also voiced.

The views expressed by ministers will guide the preparation of a political agreement within the Council that could be obtained at the next Environment Council in June.

## GENETICALLY MODIFIED ORGANISMS

The Council was invited to act on three decisions proposed by the Commission in order to lift national safeguard clauses prohibiting genetically modified organisms:

- Proposal for a Council Decision concerning the provisional prohibition of the use and sale in Hungary of genetically modified maize (*Zea mays* L. line MON810) expressing the Bt cry1Ab gene, pursuant to Directive 2001/18/EC of the European Parliament and of the Council ([5685/09](#))
- Proposal for a Council Decision concerning the provisional prohibition of the use and sale in Austria of genetically modified maize (*Zea mays* L. line T25) pursuant to Directive 2001/18/EC of the European Parliament and of the Council ([6327/09](#))
- Proposal for a Council Decision concerning the provisional prohibition of the use and sale in Austria of genetically modified maize (*Zea mays* L. line MON810) pursuant to Directive 2001/18/EC of the European Parliament and of the Council ([6330/09](#))

The Council adopted, by qualified majority, three decisions rejecting the three Commission proposals<sup>1</sup>.

The Council justified its decisions on MON810 on the grounds that:

- Maize line MON 810 was approved according to Directive 90/220/EC, which has since been replaced by Directive 2001/18/EC, which contains harmonized environmental risk assessment criteria for GMOs. Maize line MON 810 has not yet undergone a procedure of re-assessment in accordance with Directive 2001/18/EC.

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<sup>1</sup> With EE, FI, NL, UK voting against all three Council decisions. RO voted against the Council decision on T25 only while SE voted against the Council decisions on MON810 only.



- Where the conditions set out in the relevant legislation apply, a Member State may restrict the use and/or sale of a GMO in accordance with Article 23 of Directive 2001/18/EC.
- Finally, the Council in its conclusions adopted on 4 December 2008 underlined the possibility, under existing authorisation procedures of GMOs for cultivation, of taking case specific management or restriction measures, including prohibition measures, in order to ensure biodiversity protection in fragile ecosystems and/or in regions with specific agronomical and environmental characteristics.

The Council's justification of the decision concerning T25 is identical, but relates to T25.

**CONTRIBUTION TO THE SPRING EUROPEAN COUNCIL (19 AND 20 MARCH 2009) -  
Council conclusions**

The Council adopted conclusions as a contribution of the Council (Environment) to the Spring European Council, see [7065/09](#).

## **WHALING**

The Council adopted a decision establishing the position to be adopted on behalf of the European Community at the next three annual meetings of the International Whaling Commission (IWC), plus the related inter-sessional meetings.

The European Community supports the maintenance of the currently applicable moratorium on commercial whaling. At the same time, it could support proposals for the management of aboriginal subsistence whaling, provided certain conditions are fulfilled.

At the 60<sup>th</sup> annual meeting of the IWC in Santiago de Chile in June 2008, an important process was launched to look at the contentious issues within the IWC and determine a way forward. The next annual meeting of the IWC will be hosted by Portugal and will take place in Madeira, in June 2009, while an inter-sessional meeting is scheduled for 9-11 March 2009 in Rome.

23 EU Member States are currently parties to the International Convention on the Regulation of Whaling. The European Community has observer status.

The overarching objective of the European Community in relation to the IWC remains to ensure an effective international regulatory framework for the conservation and management of whales.

## **OTHER BUSINESS**

The Council took note of information concerning the following points:

### **The fall in demand for recycled materials**

The Presidency presented a note on the situation on the recycling markets, where demand for recycled materials has recently fallen drastically ([6918/09](#)). This was supported by a large number of delegations which expressed their concern at this situation and noted the need for short- and long-term measures to address it.

### **Waste and hazardous substances in electrical and electronic equipment**

The Commission presented an information note ([6898/09](#)) on two proposals it had submitted in December 2008:

- a recast of the directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([17333/08](#)), and
- a recast of the directive on waste electrical and electronic equipment ([17367/08](#)).

### **Biodiversity Action Plan**

The Commission briefed the Council in a note ([6961/09](#)) on its recent communication on a mid-term assessment of implementing the EC Biodiversity Action Plan ([17473/08](#)).

### **25th Session of the UNEP Governing Council**

The Presidency informed the Council on the outcome of the 25th session of the UNEP Governing Council that took place in Nairobi on 16–20 February 2009 ([6899/09](#)).

## **G8 Environment Ministers meeting**

The Italian delegation presented its information note ([6769/09](#)) on the meeting of the G8 Environment Ministers in Syracuse on 22 -24 April 2009, which Italy organises in its capacity as G8 President. The aim of the Syracuse meeting is to provide an opportunity to discuss combating climate change and preserving biodiversity.

## **Methane**

The French delegation presented a note ([6969/09](#)), drawing attention to the importance of action on methane in the context of the fight against global warming and with a view to the Copenhagen Conference at the end of this year.

**OTHER ITEMS APPROVED****ENVIRONMENT****Persistent Organic Pollutants - Long-range Transboundary Air Pollution**

The Council adopted a decision authorising the Commission to participate, on behalf of the European Community, in negotiations on amendments to the Protocol on Persistent Organic Pollutants (POPs) under the United Nations Economic Commission for Europe (UN-ECE) Convention on Long-range Transboundary Air Pollution.

The aim of the protocol is to control, reduce or eliminate discharges, emissions and leakage of POPs which have significant adverse effects on health and the environment because they are transported by air beyond frontiers over long distances.

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