



Brussels, 13 December 2006

**BACKGROUND<sup>1</sup>**  
***ENVIRONMENT COUNCIL***  
**Brussels, 18 December 2006**

*The Council's meeting will start at 9:30, under the Presidency of Mr Jan-Erik Enestam, Minister for the Environment of Finland.*

*The Council should reach political agreement on a draft **Marine Strategy Directive** (public deliberation).*

*The Council will adopt conclusions and, subsequently, held an exchange of views on **climate change** on the follow-up to the COP12 to the UNFCCC in conjunction with COP/MOP 2 to the Kyoto protocol (public debate).*

*It will adopt conclusions on **halting the loss of biodiversity**, following a Commission communication on the same subject (public debate).*

*The Council will also be invited to take a position on two proposals for decisions requesting Austria to repeal the prohibition of use and sale in its territory of two **genetically modified maize**.*

*Over lunch, the subject to be discussed in the presence of the current Commission on Sustainable Development (CSD) 15 Chairman H.E. Abdullah bin Hamad Al-Attiyah will be the preparations and priorities for the CSD 15.*

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*The Presidency will hold two press conferences, the first one after the Council lunch and the other one at the end of the Council meeting.*

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<sup>1</sup> This note has been drawn up under the responsibility of the press office.

## **Marine Strategy Directive** (*public deliberation*)

The Council will seek to reach political agreement on a draft directive establishing a framework for community action in the field of marine environmental policy.

The main issue to be solved by the Council with a view to reaching agreement will be to agree on the level of ambition of the directive. This includes deciding on whether the good environmental status has to be reached by 2021 or whether just progress towards this end must be manifested.

The draft directive aims to establish a framework to preserve, prevent the deterioration and restore the marine environment, through the development by the Member States of marine strategies for marine regions or sub-regions.

The objective of the marine strategies is to achieve good environmental status in each marine region. Good environmental status means that seas and oceans are ecologically diverse and dynamic, clean, healthy and productive, their use is at a sustainable level, safeguarding the potential for uses and activities by current and future generations.

Marine strategies will be regularly up-dated and made available to the public according to the Community legislation.

Legal basis proposed: Article 175 (1) of the Treaty – qualified majority required for a Council decision; codecision procedure with the European Parliament applicable. The European Parliament delivered its first reading opinion on 13 November 2006.

## **Climate Change** (*public debate*)

The Council will adopt conclusions on the follow-up to the 12th conference of the parties (COP 12) to the UN framework convention on climate change (UNFCCC) in conjunction with the 2nd session of the conference of the parties serving as the meeting of the parties to the Kyoto protocol (COP/MOP 2), which took place in Nairobi, from 6 to 17 November 2006.

The draft conclusions welcome the results of the conference, emphasise the need to further increase the political momentum, underline the importance of a strong global carbon market and, in particular, the crucial role of the European Union Emissions Trading Scheme (EU ETS), and outline the way forward at EU and international level to reach a global post 2012 agreement.

After having adopted the conclusions, delegations will have the opportunity of a forward-looking exchange of views about the strategy for reaching a post-2012 agreement and its possible shape. They will be invited to provide guidance for preparing work by the Spring European Council. The Presidency suggested the following questions to facilitate the discussion:

- *What would the EU leadership role mean in 2007 and beyond?*
- *What kind of an opening should the EU make now on its possible role in a future agreement? In which way should the global context of the EU's commitments be taken into account?*

- *In view of the need to enhance the political will to contribute to the joint efforts to meet the ultimate objective of the UNFCCC, on which general elements should the EU focus when developing options for a post 2012 arrangement?*

### **Halting the loss of biodiversity (public debate)**

The Council will adopt conclusions on halting the loss of biodiversity by 2010 (16174/06).

On 23 May 2006, the Council received a communication from the Commission on "Halting the loss of biodiversity by 2010 - and beyond. Sustaining ecosystem services for human well-being".

The communication outlines the extent of the challenge and reviews the adequacy of the EU response so far. It identifies key policies areas for action, and related objectives and supporting measures, which are translated into specific targets and actions in an Action Plan annexed to the communication.

The action plan is very detailed and cuts across sectors, as it includes measures in areas such as agriculture, fisheries or trade policy.

The conclusions result from the discussions in various configurations of the Council. They refer to the following topics:

- Biodiversity in the EU
- The EU and global biodiversity
- Biodiversity and climate change
- The knowledge base
- Supporting measures

The Council conclusions send a clear signal that efforts must be strengthened to reach the EU 2010 target, which was agreed by the European Council in Gothenburg in 2001 and reaffirmed in the relaunched Lisbon Strategy in 2005 and in the renewed EU Sustainable Development Strategy of 2006.

### **GMOS**

The Council will be invited to adopt or to reject, by qualified majority, two proposed decisions requesting Austria to repeal the prohibition of use and sale in its territory of two genetically modified maize.

In case of absence of qualified majority, it will be up to the Commission to take the decision.

#### **– *Zea Mays* L. line MON 810**

Commission Decision of 22 April 1998 gave consent for the placing in the market of *Zea Mays* L. line MON 810. On 3 August 1998, the French authorities granted such consent.

On 2 June 1999, Austria informed the Commission of its decision to prohibit provisionally the use and sale of *Zea Mays* L. line MON 810 and gave reasons for that decision. On 24 September 1999, the Scientific Committee on Plants<sup>2</sup> concluded that the information submitted by Austria did not constitute new relevant scientific evidence which had not been taken into account during the original evaluation of the file.

On 2004, Austria submitted to the Commission additional information in support of its national measures concerning maize line MON 810. The Commission consulted the European Food Safety Authority<sup>3</sup>, which concluded, on July 2004, that the information submitted by Austria did not constitute new scientific evidence sufficient to invalidate the environmental risk assessment of maize line MON 810, justifying a prohibition of its use and sale in Austria.

Since there was no reason to consider that the product constituted a risk to human health or the environment, the Commission submitted a draft decision requesting Austria to repeal its provisional safeguard measure, for consideration by the Committee established under Directive 2001/18/EC<sup>4</sup>. The Committee did not deliver an opinion. Therefore, the Commission submitted the proposal to the Council. On 24 June 2005, the Council, by qualified majority, rejected the proposal and presented its reasons in a statement, requiring further evidence.

In November 2005, the EFSA was consulted again by the Commission. In particular, the EFSA was requested to take account of any further scientific information that had arisen subsequent to the previous scientific opinion. In its opinion of 29 March 2006, EFSA concluded that there is no reason to believe that the continued placing on the market of MON 810 maize is likely to cause any adverse effects for human and animal health or the environment under the conditions of its consent<sup>5</sup>.

Therefore, the Commission is of the opinion that Austria should repeal the safeguard measures concerning *Zea mays* L. line MON 810 and submits to the Council the above mentioned proposal.

#### – ***Zea mays* L. line T 25**

Commission Decision of 22 April 1998 gave consent for the placing in the market of *Zea Mays* L. line T 25. On 3 August 1998, the French authorities granted such consent.

On 8 May 2000, Austria informed the Commission of its decision to prohibit provisionally the use and sale of *Zea Mays* L. line T 25 and gave reasons for that decision. On 20 July 2001, the Scientific Committee on Plants<sup>6</sup> concluded that the information submitted by Austria did not constitute new relevant scientific evidence which had not been taken into account during the original evaluation of the file.

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<sup>2</sup> See [http://ec.europa.eu/food/fs/sc/scp/index\\_en.html](http://ec.europa.eu/food/fs/sc/scp/index_en.html).

<sup>3</sup> Which replaced the relevant scientific committees, see <http://www.efsa.europa.eu/en.html>.

<sup>4</sup> OJ L 106, 17.4.2001,p.1.

<sup>5</sup> [http://www.efsa.europa.eu/en/science/gmo/gmo\\_opinions/1439.html](http://www.efsa.europa.eu/en/science/gmo/gmo_opinions/1439.html)

<sup>6</sup> See [http://ec.europa.eu/food/fs/sc/scp/index\\_en.html](http://ec.europa.eu/food/fs/sc/scp/index_en.html).

On 2004, Austria submitted to the Commission additional information in support of its national measures concerning maize T 25. The Commission consulted the European Food Safety Authority<sup>7</sup>, which concluded, on July 2004, that the information submitted by Austria did not constitute new scientific evidence sufficient to invalidate the environmental risk assessment of maize line T 25, justifying a prohibition of its use and sale in Austria.

Since there was no reason to consider that the product constituted a risk to human health or the environment, the Commission submitted a draft decision requesting Austria to repeal its provisional safeguard measure, for consideration by the Committee established under Directive 2001/18/EC<sup>8</sup>. The Committee did not deliver an opinion. Therefore, the Commission submitted the proposal to the Council. On 24 June 2005, the Council, by qualified majority, rejected the proposal and presented its reasons in a statement, requiring further evidence.

In November 2005, the EFSA was consulted again by the Commission. In particular, the EFSA was requested to take account of any further scientific information that had arisen subsequent to the previous scientific opinion. In its opinion of 29 March 2006, EFSA concluded that there is no reason to believe that the continued placing on the market of T 25 maize is likely to cause any adverse effects for human and animal health or the environment under the conditions of its consent<sup>9</sup>.

Therefore, the Commission is of the opinion that Austria should repeal the safeguard measures concerning *Zea mays* L. line T 25 and submits to the Council the above mentioned proposal.

## **Other business**

- (a) Proposal for a Directive on waste (*public deliberation*)
  - Progress report (5050/06)
- (b) Thematic strategy on the sustainable use of pesticides (*public deliberation*)
  - Proposal for a Directive establishing a framework for Community action to achieve a sustainable use of pesticides
  - Proposal for a Regulation concerning the placing of plant protection products on the market
  - = Information by the Presidency (11902/06, 11896/06, 11755/06)
- (c) Proposal for a Directive on environmental quality standards in the field of water policy (*public deliberation*)
  - Information by the Presidency
- (d) External relations – report from the Presidency/Commission on the results of EU-Third country meetings
  - EU-US High-Level Dialogue on Climate Change, Clean Energy and Sustainable Development (Helsinki, 24-25 October 2006)
  - EU-Ukraine Summit (Helsinki, 27 October 2006)
  - Euro-Mediterranean Ministerial Conference on the Environment (Cairo, 20 November 2006)

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<sup>7</sup> Which replaced the relevant scientific committees, see <http://www.efsa.europa.eu/en.html>.

<sup>8</sup> OJ L 106, 17.4.2001,p.1.

<sup>9</sup> [http://www.efsa.europa.eu/en/science/gmo/gmo\\_opinions/1439.html](http://www.efsa.europa.eu/en/science/gmo/gmo_opinions/1439.html)

- EU-Russia Summit (Helsinki, 24 November 2006)
  - Northern Dimension Summit (Helsinki, 24 November 2006)
  - (e) Communication from the Commission: Building a global carbon market
    - = Information from the Commission (15585/06)
  - (f) Eighth Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Nairobi, 27 November to 1 December 2006)
    - Information from the Presidency/Commission
  - (g) (poss.) Communication on the results of the review of the Community Strategy to reduce CO<sub>2</sub> emissions from cars
    - Information from the Commission
  - (h) Information from the Commission on European action on water scarcity and drought
    - Requested by the Portuguese and Spanish delegations
  - (i) The need for a gradual substitution of phosphate in detergents
    - Requested by the Swedish delegation
  - (j) Foreseeable impact of the Community mercury strategy on the Almadén Region
    - Requested by the Spanish delegation
  - (k) Conference on the Environment (Paris, 2-3 February 2007)
    - Requested by the French delegation
  - (l) Water Directors' meeting held in Finland
    - Information from the Presidency
  - m) UN GA resolution on sustainable fishing
    - Requested by the UK delegation
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