



Brussels, 29 October 2007

## **BACKGROUND<sup>1</sup>**

### ***ENVIRONMENT COUNCIL*** **Luxembourg, 30 October 2007**

*The Council's meeting will start at 10:00, under the Presidency of **Mr Francisco NUNES CORREIA**, Minister for the environment, regional planning and regional development of Portugal.*

*According to its provisional agenda, the Council will adopt conclusions regarding:*

- ***climate change**: preparation of COP13 to the UNFCCC and CMP3 to the Kyoto Protocol;*
- ***water scarcity and droughts**.*

*The Council will hold policy debates on:*

- *a proposal for a directive on **fuels**;*
- *the renewed EU **sustainable development strategy**.*

*The Council will be invited to adopt decisions aimed at repealing the provisional prohibition of use and sale of **genetically modified** maize in Austria.*

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*It is foreseen that, over lunch, Ministers will discuss about the world adaptation to the climate change, in the sequence, in particular, of the issue of the Commission Green Paper.*

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*The Presidency will hold a press conference at the end of the session.*

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

## ***Conclusions***

### **Climate Change**

- **Preparations for the 13th Conference of the Parties (COP 13) to the United Nations Framework Convention on Climate Change (UNFCCC)<sup>2</sup> and the 3rd Meeting of the Parties to the Kyoto Protocol<sup>3</sup> (CMP 3) – Bali, 3 to 14 December 2007**

The Council will adopt conclusions setting out the EU's objectives for the Bali Climate Conference.

The Council conclusions focus on the scientific evidence as well as on the scale and the urgency of facing the climate change challenge and elaborate on the overarching priority for the Bali Climate Conference: to launch a negotiation process which should result in a global and comprehensive post-2012 agreement by 2009.

Other elements should be considered as essential parts of an appropriate framework beyond 2012:

- further developing a shared vision to reach the ultimate objective of the Convention;
- agreeing on deeper emission reduction commitments by developed countries;
- facilitating further contributions by other countries to reduce greenhouse gas emissions;
- extending the carbon market, including innovative flexible mechanisms;
- increasing cooperation on technology research, development, diffusion, deployment and transfer;
- enhancing efforts to address adaptation, including risk management instruments, finance and technologies for adaptation;
- addressing emissions from international aviation and maritime transportation;
- reducing emissions from deforestation and enhancing sinks by sustainable forest management and land use practices.

In this context, the conclusions reiterate and expand on the building blocks for such an agreement and go into the detail of the differentiated contributions by the Parties to that agreement.

### **Water scarcity and droughts (*public debate*)**

The Council will adopt the conclusions set out in doc. *13888/07*.

The conclusions follow the Commission's communication on the same topic<sup>4</sup> and were drawn up on the basis of the discussions at the informal meeting of Environment Ministers in Lisbon on 1 September 2007.

In its conclusions, the Council recognizes that water scarcity and droughts are problems with relevant socio-economic and environmental impacts in the EU and assumes a clear commitment to continue the work, together with the Commission, on exchange of information and best practices and on the elaboration of concrete measures at national, EU and international level. The next step will be a follow-up report by the Commission in 2008.

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<sup>2</sup> For further details please see <http://unfccc.int/2860.php>.

<sup>3</sup> For further details please see [http://unfccc.int/kyoto\\_protocol/items/2830.php](http://unfccc.int/kyoto_protocol/items/2830.php)

<sup>4</sup> 12052/07.

## ***Policy debates***

### **Fuel** (*public deliberation*)

The Commission submitted a proposal for a directive (6145/07) aimed at reducing pollution and greenhouse gas emissions from road and non-road fuel use and at increasing the use of biofuels. The proposed directive should contribute to the implementation of Community strategies on air quality, climate change and sustainable development.

To enable ministers to express their views on the crucial elements of the proposal and give guidance for future discussions, the Presidency suggests that a debate takes place at Council level on the basis of the following questions (13522/07):

1. *Do members of the Council consider that the European Union should define a clear ambition to reduce greenhouse gas emissions from fuels and the fuel supply chain and therefore set a reduction target for such emissions?*
2. *If so, on what conditions could you accept the inclusion of such a target in the fuel quality directive?*

Legal basis proposed: Articles 95 and 175 of the Treaty. Qualified majority required for a Council decision. Co-decision procedure with the European Parliament applicable.

### **Sustainable Development Strategy** (*public debate*)

The Council will hold a policy debate on the renewed EU sustainable development strategy, following the adoption by the Commission of the progress report 2007<sup>5</sup>.

The Presidency suggests that the debate would focus on the following questions (14141/07):

- *Do Member States share the Commission's views concerning progress in implementing the renewed Sustainable Development Strategy, and what barriers to the implementation are they encountering?*
- *What are Member States' views on future priorities in an evolving EU policy context?*

In June 2006, the European Council adopted a comprehensive renewed EU Sustainable Development Strategy (SDS)<sup>6</sup> which confirmed the Guiding Principles for Sustainable Development adopted in 2005 as well as the four key objectives to be pursued, namely: environmental protection, social equity and cohesion, economic prosperity and international responsibilities<sup>7</sup>. The renewed SDS includes provisions for implementation, monitoring and follow-up.

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<sup>5</sup> 14238/07.

<sup>6</sup> 10917/06.

<sup>7</sup> 10255/1/05 REV 1.

## ***Decisions***

### **Genetically modified organisms**

The Council will be invited to adopt or to reject, by qualified majority, two proposed decisions<sup>8</sup> requesting Austria to repeal the provisional prohibitions of use and sale of genetically modified maize (*Zea Mays* L. line MON 810 and *Zea Mays* L. line T 25).

It is not yet possible to predict if there will be a qualified majority at Council in favour or against the proposals. In case of absence of qualified majority, it will be up to the Commission to take the decisions.

#### **– *Zea Mays* L. line MON 810**

Commission Decision of 22 April 1998 authorised the placing in the market of *Zea Mays* L. line MON 810 for all uses of the product (import, processing into food and feed products and cultivation).

On 2 June 1999, Austria informed the Commission of its decision to provisionally prohibit the placing on the market of *Zea Mays* L. line MON 810 for all uses covered by the consent.

Meanwhile, a new Directive on the deliberate release into the environment of genetically modified organisms entered into force<sup>9</sup>. In January 2004, the Commission requested Austria to re-consider its safeguard clause in light of the new legal framework. Austria submitted to the Commission additional information in support of its national safeguard clause.

The Commission consulted the European Food Safety Authority<sup>10</sup>, which concluded, in 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.

On the basis of such an opinion, the Commission submitted a draft decision requesting Austria to repeal its provisional safeguard measure. On 24 June 2005, the Council, by qualified majority, rejected the proposal and presented its reasons, requiring further evidence.

In November 2005, the EFSA was once more consulted by the Commission. It was, in particular, 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 was no reason to believe that the continued placing on the market of MON 810 maize was likely to cause any adverse effects for human and animal health or the environment under the conditions of its consent<sup>11</sup>.

Therefore, the Commission submitted to the Council a new proposal requesting Austria to repeal the safeguard measures concerning *Zea mays* L. line MON 810.

On 18 December 2006, the (Environment) Council rejected the Commission proposal, through a decision that refers only to the environmental aspects of the safeguard clause, namely cultivation.

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<sup>8</sup> 13701/07 and 13702/07.

<sup>9</sup> Directive 2001/18/EC (OJ L 106, 17.4.2001, p. 1).

<sup>10</sup> Which replaced the relevant scientific committees, see <http://www.efsa.europa.eu/en.html>.

<sup>11</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)

The food and feed safety aspects of *Zea mays* L. line MON 810 have been assessed by the EFSA, which concluded that this product is unlikely to cause any adverse effects for human and animal health.

Under these circumstances, the Commission considered that the proposal should be amended in order to take into account only food and feed aspects of the Austrian prohibition namely the prohibition on import and processing of unprocessed kernels as source materials for further processing or for direct food or feed use. The Commission therefore submits an amended proposal to the Council.

– ***Zea mays* L. line T 25**

Commission Decision of 22 April 1998 authorised the placing in the market of *Zea Mays* L. line T 25 for all uses of the product (import, processing into food and feed products and cultivation).

On 2 June 1999, Austria informed the Commission of its decision to provisionally prohibit the placing on the market of *Zea Mays* L. line MON 810 for all uses covered by the consent.

Meanwhile, a new Directive on the deliberate release into the environment of genetically modified organisms entered into force<sup>12</sup>. In January 2004, the Commission requested Austria to re-considered its safeguard clause in light of the new legal framework. Austria submitted to the Commission additional information in support of its national safeguard clause.

The Commission consulted the European Food Safety Authority<sup>13</sup>, which concluded, in July 2004, that the information submitted by Austria did not constitute new scientific evidence sufficient to invalidate the environmental risk assessment of T 25 maize, justifying a prohibition of its use and sale in Austria.

On the basis of such an opinion, the Commission submitted a draft decision requesting Austria to repeal its provisional safeguard measure. On 24 June 2005, the Council, by qualified majority, rejected the proposal and presented its reasons, requiring further evidence.

In November 2005, the EFSA was once more consulted by the Commission. It was, in particular, 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 was no reason to believe that the continued placing on the market of T 25 maize was likely to cause any adverse effects for human and animal health or the environment under the conditions of its consent<sup>14</sup>.

Therefore, the Commission submitted to the Council a new proposal requesting Austria to repeal the safeguard measures concerning *Zea mays* L. line T 25.

On 18 December 2006, the (Environment) Council rejected the Commission proposal, through a decision that refers only to the environmental aspects of the safeguard clause, namely cultivation.

The food and feed safety aspects of *Zea mays* L. line T 25 have been assessed by the EFSA, which concluded that this product is unlikely to cause any adverse effects for human and animal health.

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<sup>12</sup> Directive 2001/18/EC (OJ L 106, 17.4.2001, p. 1).

<sup>13</sup> Which replaced the relevant scientific committees, see <http://www.efsa.europa.eu/en.html>.

<sup>14</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)

Under these circumstances, the Commission considered that the proposal should be amended in order to take into account only food and feed aspects of the Austrian prohibition namely the prohibition on import and processing of unprocessed kernels as source materials for further processing or for direct food or feed use. The Commission therefore submits an amended proposal to the Council.

## **Other business**

### *Information from the Presidency*

- (a) Business and biodiversity
- (c) 6th Ministerial Conference "Environment for Europe" (Belgrade, 10 to 12 October 2007) 14211/07
- (d) 36th Session of the Assembly of the International Civil Aviation Organisation (Montreal, 18 to 28 September 2007) 14234/07
- (e) Pesticides: Proposals for directives establishing a framework for Community action to achieve a sustainable use of pesticides and concerning the placing of plant protection products on the market

### *Information from the Presidency/Commission*

- (b) 19th Meeting of the Parties to the Montreal Protocol on substances that deplete the ozone layer (Montreal, 17 to 21 September 2007)

### *Information from the Commission*

- (f) SMEs and sustainable consumption and production

### *Requested by the Netherlands delegation*

- (g) Review of the Directive relating to tyres for motor vehicles and their trailers and to their fitting: noise from tyres

### *Requested by the Italian delegation*

- (h) European policy on GMOs and the role of EFSA 13919/07

*Requested by the Spanish delegation*

- (i) Problem of necrophagous birds in Spain because of shortage of natural food: a serious threat to biodiversity
- (j) 8th Conference of the Parties to the UN Convention to Combat Desertification (Madrid, 3 to 14 September 2007) 14210/07

*Requested by the Austrian, German, Irish, Italian, Latvian and Luxembourg delegations*

- (k) Information about the Informal Vienna Ministerial Meeting on the role of nuclear power in the climate change and energy efficiency debate (Dublin Follow-Up)
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