



**COUNCIL OF
THE EUROPEAN UNION**



6847/08 (Presse 50)

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2856th Council meeting

Environment

Brussels, 3 March 2008

President

Janez Podobnik

Minister for environment and spatial planning of Slovenia

P R E S S

Rue de la Loi 175 B – 1048 BRUSSELS Tel.: +32 (0)2 281 5389 / 6319 Fax: +32 (0)2 281 8026
press.office@consilium.europa.eu <http://www.consilium.europa.eu/Newsroom>

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Main results of the Council

*The Council adopted conclusions on environment focusing on the following priorities: **climate change and energy**, halting **biodiversity loss**, environmental **technologies**, sustainable **consumption and production**, and **simplification of legislation**. The conclusions will be submitted to the spring European Council.*

*The Council held policy debates on the **climate action and renewable energy** package and on a proposal aimed at reducing **CO2 emissions from cars**.*

*Finally, the Council adopted **conclusions on biodiversity and biosafety** in preparation of upcoming international conferences.*

The Council also adopted without debate two common positions on the safety of railways and on the EU railway agency.

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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.
- Documents for which references are given in the text are available on the Council's Internet site (<http://www.consilium.europa.eu>).
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PARTICIPANTS

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

Belgium:

Ms Hilde CREVITS

Flemish Minister for Public Works, Energy, the Environment and Nature

Mr Paul MAGNETTE

Minister for Climate and Energy

Bulgaria:

Mr Atanas KOSTADINOV

Deputy Minister for the Environment and Water

Czech Republic:

Mr Martin BURSÍK

Deputy Prime Minister, Minister for the Environment

Denmark:

Mr Troels Lund POULSEN

Minister for the Environment

Ms Connie HEDEGAARD

Minister for Climate and Energy

Germany:

Mr Matthias MACHNIG

State Secretary, Federal Ministry of 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:

Mr Arturo Gonzalo AIZPURI

Secretary-General for Pollution and Climate Change Prevention, Ministry of the Environment

France:

Mr Jean-Louis BORLOO

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

Italy:

Mr Alfonso PECORARO SCANIO

Minister for the Environment and Protection of Natural Resources

Cyprus:

Mr George CHACALLI

Deputy Permanent Representative

Latvia:

Mr Raimonds VEJONIS

Minister for the Environment

Lithuania:

Mr Artūras PAULAUSKAS

Minister for the Environment

Luxembourg:

Mr Lucien LUX

Minister for the Environment, Minister for Transport

Hungary:

Mr Gábor FODOR

Minister for the Environment and Water Management

Malta:

Ms Theresa CUTAJAR

Deputy Permanent Representative

Netherlands:

Ms Jacqueline CRAMER

Minister for Housing, Spatial Planning and the Environment

Austria:

Mr Josef PRÖLL

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 Attila KORODI

Minister for the Environment and Sustainable
Development

Slovenia:

Mr Janez PODOBNIK

Minister for the Environment and Town and Country
Planning

Slovakia:

Mr Jaroslav JADUŠ

State Secretary at the Ministry of the Environment

Finland:

Mr Kimmo TIILIKAINEN

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

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Commission:

Mr Stavros DIMAS

Member

ITEMS DEBATED

Preparation of the spring European Council – Council conclusions

The Council adopted the following conclusions to be forwarded to the spring European Council on 13-14 March:

"The Council of the European Union,

WELCOMES the Commission's Strategic report on the renewed Lisbon Strategy for Growth and Jobs to launch the new cycle for 2008-2010 and in particular the attention paid to climate change, energy efficiency and renewable energy; URGES the Member States and the Commission to ensure a better coordination between the Lisbon and the EU Sustainable Development Strategies and to pay increased attention to environmental technologies, resource efficiency and biodiversity, as covered by Guideline 11, in the implementation of the Lisbon Strategy during the second cycle;

ENCOURAGES the Member States and the Commission to strengthen further the co-ordination of reform efforts under the Lisbon Strategy by considering adequate policy responses as part of the multilateral surveillance process in Council; STRESSES the importance of the further development and use of indicators as well as qualitative assessment of policies to capture progress towards common objectives in the Lisbon Strategy, such as energy and resource efficiency, renewable energy, eco-innovation as well as biodiversity; WELCOMES the emphasis in the Commission's proposal for a new Community Lisbon Programme placed on priority EU level action with a view to achieving the EU's objectives on reducing greenhouse gas emissions and creating an internal energy market, as well as the promotion of a sustainable industrial policy;

STRESSES the following priorities:

A. Climate Change and Energy

1. Strongly WELCOMES the outcome of the Bali Climate Conference, which launched an inclusive negotiating process to be concluded by December 2009 at the COP-15 Copenhagen Conference, with COP-14 at Poznań in December 2008 as its milestone; RECALLS that the resulting global and comprehensive post-2012 agreement will need to address the following elements: a shared vision for long-term cooperative action; operative components with regard to mitigation and adaptation; as well as frameworks to promote technology, investment and financial flows; STRESSES that the agreement should thus provide an effective and appropriate response to the challenges resulting from climate change highlighted by the IPCC's fourth assessment report and should bring about the necessary reductions consistent with the 2°C objective;

2. EMPHASISES that a shared vision which addresses our objectives for both climate change and sustainable development, including a global long-term goal for emission reductions, is essential in order to keep the ultimate objective of the Convention within reach; WELCOMES the commitment of both developed and developing countries as contained in the Bali Action Plan to do their fair share in the mitigation and adaptation challenge and STRESSES that adaptation requirements need to be integrated into all decision-making processes; REITERATES the EU's commitment to do more to mobilise finance and scale up technology cooperation to assist developing countries in tackling climate change; EMPHASISES that building a global carbon market and in general using more market-based instruments is instrumental to delivering finance for reducing greenhouse gas emissions;
3. UNDERLINES that putting the EU and its Member States on the path towards a low greenhouse gas emission economy while also enhancing the security of energy supply requires political, social and economic efforts to be shouldered by all, taking into account different capacities and capabilities, and IS CONVINCED that the resolve to deeply transform our economies should deliver new opportunities to underpin European competitiveness, growth and jobs across the EU pulling new and energy-efficient technologies into the market;
4. STRESSES that the EU will do its fair share of global mitigation efforts; in this context WELCOMES the presentation by the Commission of the set of legislative proposals contained in its comprehensive "Climate action and renewable energy package", designed to deliver the ambitious commitments for climate protection and renewable energies agreed by the European Council in March 2007; EMPHASISES that, in keeping with the political direction given by the European Council, comprehensive deliberations by the Council, working closely with the European Parliament, should result in an agreement on these proposals as a coherent package before the end of 2008 and consequently allow for their adoption within the current legislative term, at the latest early in 2009;
5. STRESSES that the following key principles developed by the Commission in its climate action and renewable energy package, building on those established by the European Council, should guide the translation of the European Council's decisions into policy measures, thereby demonstrating EU leadership and global responsibility that should foster an ambitious global and comprehensive post-2012 agreement:
 - these measures should provide a basis to ensure that the greenhouse gas emission reduction and the renewables targets can be reached, giving the necessary impetus for change as well as certainty and ensuring environmental integrity, taking into account achievements accomplished;
 - the efforts required should be shared, based on principles that guarantee full fairness, transparency and solidarity among Member States, respecting the need for sustainable economic growth across the Community, and all sectors contributing, take account of Member States' different starting points, circumstances and potentials, and avoid market distortions;
 - cost-efficiency should be at the heart of the measures in order to maintain and strengthen competitiveness, allowing for sufficient flexibility for Member States in meeting their targets and without excessive costs to any of the Member States;

- the measures should enable the EU to move beyond the 2020 horizon, in support of the necessary global emission reductions to at least 50% by 2050 compared to 1990 levels and in line with the European Council's reaffirmation that developed countries should continue to take the lead also with a view to collectively reducing their emissions by 60% to 80% by 2050 compared to 1990;
 - stepping up to the more ambitious 30% reduction as part of a global and comprehensive agreement, as set out in the European Council conclusions of March 2007, needs to be built in explicitly and in a balanced, transparent and equitable way, taking into account work under the Kyoto Protocol first commitment period;
6. RECOGNISES that, in a global context of competitive markets, the risk of carbon leakage is a concern in certain sectors particularly exposed to international competition, that needs to be analysed and addressed urgently in order for appropriate measures to be implemented in the event that other countries do not commit to taking adequate measures to reduce greenhouse gas emissions in the context of an international agreement;
 7. WELCOMES the presentation by the Commission of its proposal on the EU ETS review, addressing the four key elements which were confirmed by the Council in its conclusions of 28 June 2007; RECALLS that the EU ETS forms an essential part of an integrated climate and energy policy and that the revised Directive should enhance the cost-effectiveness of the necessary emission reductions; furthermore STRESSES that it should enable the EU ETS to link to other mandatory emissions trading systems capping absolute emissions;
 8. CALLS FOR strengthening the use of flexibility mechanisms resulting from projects implemented in third countries which have concluded the international agreement;
 9. RECALLS that the objective of proposing a regulatory framework on carbon capture and storage (CCS), as presented by the Commission, is to ensure that this novel technology is deployed in an environmentally safe way, which will be demonstrated through projects, as agreed by the European Council in Spring 2007; INVITES the Commission to consider the potential role of chemical and other sequestration techniques in developing the future research agenda for energy technology;
 10. STRESSES that, in accordance with the conclusions of the European Council of March 2007, the binding nature of the ambitious target for the use of biofuels in overall EU transport consumption to be introduced in a cost-efficient way is appropriate subject to production being sustainable, the fulfilment of effective sustainability criteria and second-generation biofuels becoming commercially available. Sustainability criteria could in the future also be considered for the use of other forms of biomass for energy;
 11. UNDERLINES the importance of effective national support schemes for renewable energies and flexibility in achieving national renewable targets;
 12. UNDERLINES the need for Community and Member States' source policy to increase energy efficiency and security of supply as key elements for achieving the EU's integrated climate and energy policy and sustainable economic development;
 13. INVITES the Commission to continue to support Member States' efforts to reduce their emissions of greenhouse gases through comprehensive and ambitious Community policies and measures;

B. Halting Biodiversity Loss

14. STRESSES the need to achieve greater synergies between climate change and biodiversity policies as a way to secure co-benefits, in particular by strengthening mutually supportive activities and measures with regard to climate change mitigation, including reducing emissions from deforestation and forest degradation, and adaptation, as well as with regard to the production and consumption of and trade in biofuels and biomass and associated concerns regarding conservation and sustainable use of biodiversity and ecosystems;
15. ENCOURAGES the Member States and the Commission to strengthen efforts aimed at halting biodiversity loss by 2010 also through the implementation of actions included in the Communication on Halting the Loss of Biodiversity by 2010 – and Beyond, and in its Action Plan, as referred to in the Council conclusions of 18 December 2006; STRESSES that full implementation of the Natura 2000 network both on land and at sea is an essential step towards reaching this objective; URGES the Commission and the Member States to develop efficient and cost-effective policy means for integrating biodiversity concerns into policies and programmes of all relevant sectors, to ensure that further economic development does not take place at the expense of biodiversity and that biodiversity and the ecosystem services it provides can continue to contribute to sustainable economic development; UNDERLINES the importance of engaging all actors, notably business, to protect biodiversity, and in this context RECALLS the need to further promote the EU Business and Biodiversity Initiative; STRESSES the importance of accompanying these actions with the implementation of the Communication strategy foreseen in the EU Action Plan which should include awareness raising activities targeted at different interest groups;
16. STRESSES the need to increase efforts to strengthen the implementation of the Convention on Biological Diversity (CBD) and significantly reduce the rate of biodiversity loss globally by 2010 and in this respect UNDERLINES the need for the 9th Conference of the Parties to the CBD to achieve ambitious, yet realistic results; CALLS for the provision of innovative mechanisms to mobilise resources from public and private sources at international and national level as a means to contribute to achieving the global 2010 target, and in this context CALLS UPON COP 9 to adopt a resource mobilisation strategy; REITERATES its commitment to completing the elaboration and negotiation of an international regime on access to genetic resources and benefit sharing at the earliest possible time before the tenth meeting of the Conference of the Parties;

C. Environmental technologies

17. UNDERLINES the importance of environmental technologies as one of the fastest growing markets and of eco-design and a life-cycle approach in supporting eco-innovation; RECALLING the need to integrate eco-innovation across all relevant policies so as to foster it rapidly on a broad scale and to provide new impetus to the Lisbon Strategy, STRESSES the value of environmental technologies in order to reduce pressure on environmental media, such as air, water, soil and biodiversity, and as a means to improve energy and resource efficiency, as increasing global demand for energy and resources puts ever greater pressure on the environment; WELCOMES the presentation of the Commission's Lead Market Initiative, in particular in areas such as sustainable construction, bio-based products, recycling and renewable energy sources, where the development of innovation-friendly markets and ambitious and dynamic environmental standards should facilitate or reinforce the global opportunities for European enterprises in environmental technologies;

18. RECOGNISES the impact the EU has on global environmental standards through ambitious legislation and targets and EMPHASISES the need to design environmental legislation to support eco-innovation;
19. RECOGNISES the importance of small and medium-sized enterprises for the EU economy as well as their significant impact on the environment and particular challenges related to increasing energy and resource efficiency; STRESSES their role in shifting Europe's economy to a more sustainable pathway;
20. EMPHASISES the importance of targeted actions, notably through the Environmental Technologies Action Plan, to encourage market take-up and mobilise financing for R&D, eco-innovations and environmental technologies, in particular in promising areas such as construction, food and drink, energy-efficient water-technologies, transport, recycling and waste water, fully drawing on the potential of lead markets, public procurement, dynamic performance requirements such as the top-runner approach, and considering environmental technology verification and other instruments;

D. Sustainable Consumption and Production

21. REITERATES that the promotion of sustainable consumption and production is one of the key challenges for the EU and that economic growth must be further decoupled from negative environmental impacts and must be achieved within the carrying capacity of ecosystems;
22. WELCOMES the Commission's intention to present a Sustainable Consumption and Production Action Plan and an Action Plan on Sustainable Industrial Policy as early as possible in 2008; EXPECTS the Action Plans to contain concrete objectives and actions such as reducing negative environmental impact by providing a framework for the design and introduction of new or improved products and establishing favourable market conditions for environmentally-friendly technologies, products and services, elements for setting targets to improve energy and resource efficiency, promoting continuous improvement of performance labelling schemes, improving existing economic instruments, promoting their wider use and mechanisms for their follow-up, enhancing internalisation of external costs, as well as promoting environmental management schemes and sustainable consumption and sustainable lifestyles;
23. INVITES the Commission to present its Communication on Green Public Procurement in 2008, and ENCOURAGES the Commission to explore different measures, including the possibility of setting targets, which should enable the EU and the Member States to reach the objective of fulfilling by 2010 an EU average level of Green Public Procurement equal to that currently achieved by the best performing Member States, and to establish a process involving the Member States for the identification of Green Public Procurement criteria and follow-up;
24. UNDERLINES the need for a more sustainable use of natural resources in the EU, in relation also to the impact of this resources use beyond our continent, as highlighted in the Council conclusions of 23 October 2006;

E. Better regulation

25. WELCOMES the second strategic review of the Better Regulation initiatives; REITERATES that further efforts are necessary to simplify and improve legislation where appropriate and to reduce unnecessary administrative burden, while respecting the Community *acquis*; UNDERLINES that efforts to reduce the administrative burden and simplify legislation at the EU and national level should deliver legislation that not only cuts unnecessary costs for business and others, but achieves environmental objectives more effectively through enabling streamlining of procedures for implementation and enforcement bodies; and therefore also CALLS on the Commission and the Member States to increase efforts to consider implementation measures in their impact assessment of new legislation, and to share best practice on implementation and enforcement; LOOKS FORWARD to upcoming further improvements to the Commission's Impact Assessments, in particular in relation to the analysis and quantification of (long-term) environmental impacts."

Climate action and renewable energy package

The Council held a policy debate on key aspects of the climate action and energy legislative package with a view to the adoption of political orientations to be given by the European Council on 13 and 14 March. The European Council conclusions will provide guidance for further examination of the package.

The debate took place on the basis of a questionnaire put forward by the presidency ([6683/08](#)). Two questions related to the level of ambition of the package and to the sustainability criteria were also the subject of a previous policy debate by the EU ministers for energy at their meeting on 28 February (*see press release [6722/08](#), p. 10*).

Other questions were related specifically to the EU emission trading system (ETS), the non-ETS sectors and to the proposed framework for geological storage of carbon dioxide.

Written contributions provided by individual delegations can be found in documents [7025/08 + ADD1](#).

At the end of the meeting, the presidency summarised the outcome of the debate as follows:

- We welcome the presentation of the climate action and renewable energy package by the Commission as a response to the objectives and targets that were endorsed by the EU heads of state and government last year.
- We broadly welcome the direction of the proposed new design features of the EU ETS, such as the increased harmonisation of allocation, including the use of auctioning, as a way of enhancing the cost-effectiveness of the required emission reductions.

- In this context, the need for more flexibility in achieving the different targets has been put forward.
- We are aware that carbon leakage remains a key concern that should be addressed appropriately.
- It will be important to fully clarify the methodology used to determine the emission reduction and renewable energy targets.
- Work on the EU ETS review, the non-ETS effort-sharing, the CO2 storage framework and the renewable energy sources will need to progress at the same rhythm.
- As agreed in our contribution to the spring European Council, we need to make headway on the technical issues as quickly as possible in order to reach a final agreement with the European Parliament.

Over lunch ministers had an exchange of views on the international aspects of the package with Mr Yvo de Boer, executive secretary of the UN Climate Convention.

The package contains the following proposals:

- A directive amending directive 2003/87/EC so as to improve and extend the EU greenhouse gas emission allowance trading system ("ETS review") ([5862/08](#)).
- A decision on the effort of EU member states to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 ("non ETS effort-sharing") ([5849/08](#)).
- A directive on the promotion of the use of renewable energy sources ("renewables directive") ([5421/08](#)).
- A directive on the geological storage of carbon dioxide ("CCS directive") ([5835/08](#)).

In addition, the package contains a communication on "Supporting early demonstration of sustainable power generation from fossil fuels" ([5780/08](#)) as well as revised Community guidelines on state aid for environmental protection¹.

The legislative package, to be examined under the Parliament-Council codecision procedure, will complement existing measures in order to reinforce the EU's leadership in the global fight against climate change.

¹ More information can be found at: http://ec.europa.eu/energy/climate_actions/index_en.htm

It was presented by the Commission on 23 January 2008 with a view to implementing the objectives, targets and commitments taken on by EU heads of state and government in March 2007 ([7224/1/07](#)):

- a 20% reduction of greenhouse gas emissions by 2020 compared to 1990;
- a 30% reduction in greenhouse gas emissions by 2020 compared to 1990 as its contribution to a global and comprehensive post-2012 agreement;
- saving 20% of the EU's energy consumption compared to projections for 2020;
- a 20% share of renewable energies in overall EU energy consumption by 2020;
- a 10% minimum target for the share of biofuels in overall EU transport petrol and diesel consumption by 2020;
- to develop the necessary technical, economic and regulatory framework to bring environmentally safe carbon dioxide capture and sequestration to deployment with new fossil-fuel power plants.

On 12 February 2008 the Council adopted conclusions on the economic and fiscal implications from the implementation of policies to mitigate and adapt to climate change (*see press release [6187/08](#), p. 8*).

Emissions of CO₂ from cars

The Council held a policy debate on a draft regulation on setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles.

The debate was structured according to the questions suggested by the presidency having in view the need to provide guidance for further examination by the Council preparatory bodies.

A number of delegations provided with written contributions ([7027/08](#)).

The president formulated the closing remarks of the discussions along the following lines:

- We broadly welcome that the Commission's proposal setting performance emission standards for new passenger cars addresses the growing climate change impact from road transport and ensures that this sector contributes to the achievement of the Community's overall objective of limiting the global annual temperature increase to a maximum of 2°C above the pre-industrial levels.
- I have noticed that delegations fully support the integrated approach as proposed by the Commission, that is, the target of 120 g CO₂/km by 2012, knowing that improvements in motor technology would have to reduce emissions to 130 g CO₂/km while complementary measures would contribute a further emissions cut of up to 10 g CO₂/km.

- We need to strike the right balance between, on the one hand, competitiveness and competition neutrality and, on the other hand, the need to reduce CO₂ emissions from road transport.
- The introduction of long-term objectives was mentioned by several delegations and there is a need to study the possibility of including them in the proposed legislation, in order to give the right signal to the industry.
- The presidency will continue to work taking into consideration the outcome of today's policy debate and future discussions within the Council preparatory bodies.

In December 2007, the Commission presented the proposal for a regulation on setting emission performance standards as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles ([5089/08](#) + [ADD 1](#) + [ADD 2](#)). The proposal followed the communication on the Community strategy to reduce CO₂ emissions from passenger cars and light-commercial vehicles submitted in January 2007.

The communication underlined that while progress had been made towards the target of reduction of CO₂ emissions from cars, the Community objective of average emissions from the new car fleet of 120g CO₂/km would not be met by 2012 in the absence of additional measures.

In June 2007, the Council confirmed its support to the objective of 120 g CO₂/km on average for new cars sold in the EU by 2012, whilst avoiding distortions and ensuring economic and social fairness².

Convention on biological diversity - Council conclusions

The Council adopted the following conclusions:

"UNDERLINING the intrinsic value of biodiversity and its importance for life on earth and for supporting ecosystem services, as well as the EU's commitment to strong political responses to address all the objectives of the Convention on Biological Diversity (CBD);

RECALLING the EU's commitment to the global target of significantly reducing the rate of biodiversity loss by 2010 and the EU objective of halting biodiversity loss by 2010 within the EU, and to proceed urgently with the implementation of the EU Action Plan to 2010 and beyond, as referred to in the Council conclusions of 18 December 2006;

EMPHASISING the determination of the EU to play an active and constructive role and to contribute to ambitious, yet realistic outcomes at the ninth meeting of the Conference of the Parties (COP 9) to the Convention on Biological Diversity in May 2008; STRESSING the urgent need for vigorous efforts at all levels and further concrete actions to achieve the global 2010 biodiversity target;

² <http://register.consilium.europa.eu/pdf/en/07/st11/st11483.en07.pdf>
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THE COUNCIL OF THE EUROPEAN UNION:

1. REAFFIRMS the Council conclusions of 28 June 2007 and the positions contained therein;
2. STRESSES the importance of enhanced implementation of the CBD's Programmes of Work;
3. URGES COP 9 to address firmly the need for enhanced and effective collaboration at all levels between the Rio Conventions and other related instruments and processes, including work on reducing emissions from deforestation and forest degradation, as well as on other relevant mitigation and adaptation measures, and to determine ways to ensure that the CBD contributes to the process launched by the Bali Action Plan under the UNFCCC, to be concluded in 2009, with a view to maximising co-benefits and achieving greater synergies between climate change and biodiversity policies;
4. EMPHASISING the importance of a rapid and full implementation of the Programme of Work on Protected Areas for achieving the 2010 and 2012 goals, UNDERLINES its full commitment to the adequate implementation of the Natura 2000 network as the EU's most important instrument to implement the CBD Programme of Work on Protected Areas; STRESSES the need to meet the specific targets agreed in the Programme of Work; STRESSES the urgent need to develop more effective measures and adequate technical and financial support to establish and better manage protected areas in the regions in which they are most needed; in this context WELCOMES the LifeWeb Initiative aimed at matching voluntary commitments by Parties for the designation and management of protected areas with voluntary commitments from donors for dedicated (co-)financing; ENCOURAGES Member States and the Commission to participate in this initiative;
5. WELCOMES the outcome of the CBD expert workshop on Ecological Criteria and Biogeographic Classification Systems held in the Azores, Portugal, in October 2007, and CALLS UPON COP 9 to adopt on the basis of this outcome a set of ecological criteria for identifying marine areas in the high seas in need of protection and to agree on how to apply such criteria, *inter alia* in the context of a UN process for enhanced conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction;
6. NOTES with concern the alarming outcome of the fourth report under the Global Environment Outlook (GEO-4) and, mindful of the short time left to achieve the 2010 biodiversity target, INVITES Member States and the Commission to announce at the High-Level Segment of COP 9 their specific commitments on additional actions for addressing biodiversity loss before COP 10, and to encourage other Parties to do the same;
7. RECOGNISING the importance of keeping the momentum after 2010 by timely preparation of an updated Strategic Plan for the Convention, CALLS UPON COP 9 to take the necessary decisions to launch this process;
8. WELCOMES the outcome of the 6th meeting of the Ad Hoc Open-ended working group on Access and Benefit-Sharing and STRESSES the EU's commitment to continue the elaboration and negotiation of the international ABS regime on this basis, with a view to completing the negotiations at the earliest possible time before COP 10; furthermore, HOLDS THE VIEW that the international ABS regime could include some binding components, if it also includes international standards on national access law and practice, linked to compliance support measures;

9. UNDERLINING the important role that the business community, including small and medium-sized enterprises, can play in the implementation of the CBD, as noted *inter alia* in the CBD Decision VIII/17 on private sector engagement, WELCOMES the Business and Biodiversity High-Level Conference, held on 12-13 November 2007 in Lisbon, providing guidance for the future development of the EU Business and Biodiversity Initiative and for the establishment of the European 2010 agenda on this topic; WELCOMES the commitment by the Commission to establish a technical facility to support the Initiative; CALLS for continued efforts to raise awareness of advantages that can be gained from biodiversity protection, promote further use of market, corporate responsibility and regulatory schemes, support business with operational tools, and encourage new incentives to develop public-private partnerships;
10. CALLS UPON COP 9 to adopt a resource mobilisation strategy; URGES the Member States, the Commission, other countries and organisations and the private sector to consider how to provide new financial means for supporting the implementation of the CBD and halting the loss of global biodiversity through innovative mechanisms and additional sources, such as *inter alia* the concept of payments for ecosystem services and the opportunities provided by the UNFCCC COP in Bali to look at payments for reducing emissions from deforestation and forest degradation;
11. RECOGNISES the work carried out by the European Platform for Biodiversity Research Strategy to identify and promote policy-relevant research;
12. STANDS READY to take part in on-going efforts to establish an international mechanism for the provision of objective, authoritative and peer-reviewed scientific knowledge to policy-making, while promoting synergy with existing processes; WELCOMES the contribution made by the IMoSEB consultative process and the Millennium Ecosystem Assessment and STRESSES the urgent need for a follow-up to the conclusions of the Conference of the International Steering Committee of the consultative process of IMoSEB held in Montpellier in November 2007 and ENCOURAGES Parties and others to engage in this process;
13. WELCOMES the outcome of the European Conference on Invasive Alien Species held in Madrid in January 2008; NOTING the increasing threats to biodiversity from invasive alien species (IAS), RECALLS the Council conclusions of 25 June 2002 that support the CBD Guiding Principles on alien species adopted at CBD COP 6 through Decision VI/23; REITERATES the EU's commitment to implement these principles and CALLS ON other Parties to do so as well; EMPHASISES the need to address the remaining gaps and inconsistencies in the international regulatory framework on invasive alien species; in this context RECALLS the urgent need for an EU strategy on invasive alien species and an effective early warning system; CALLS FOR effective response mechanisms at EU level; RECOGNISES the efforts made by the relevant conventions and organisations, such as the International Plant Protection Convention (IPPC) and the European and Mediterranean Plant Protection Organisation (EPPO);
14. UNDERLINES the need for COP 9 to address specifically and as a matter of urgency and priority the issue of the production and consumption of and trade in biofuels and biomass and associated concerns regarding conservation and sustainable use of biodiversity and ecosystems, as highlighted in the Council conclusions of 28 June 2007;

15. RECOGNISING the challenge to ensure sufficient and sustainable food production globally in the context of increased demand for food and wide and growing use of food and non-food crops for the production of biofuels, bioenergy and other uses, EXPRESSES its deep concern on the alarming rate of loss of agricultural biodiversity, including its services for wildlife and habitats; IS COMMITTED to supporting actions that will halt this loss while promoting food security, improving human nutrition and enhancing rural development; WELCOMES the work on the International Treaty on Plant Genetic Resources for Food and Agriculture and the Multi-Year Programme of Work of the FAO Commission on Genetic Resources for Food and Agriculture encompassing plant, animal, aquatic, forest and microbial genetic resources and aiming, inter alia, at the achievement of Millennium Development Goals 1 and 7 and at climate change mitigation and adaptation, in particular in view of its contribution to the implementation of the Programme of Work on Agricultural Biodiversity of the CBD;
16. Furthermore, WELCOMING the FAO Global Plan of Action for Animal Genetic Resources adopted at the first International Technical Conference held in Interlaken, Switzerland, in September 2007, which provides an international framework for the sustainable use, development and conservation of animal genetic resources for food and agriculture, STRESSES its importance for the CBD Programme of Work on Agricultural Biodiversity and CALLS UPON COP 9 to encourage Parties to contribute to its full and effective implementation;
17. RECALLS the UN Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly on 13 September 2007 and CALLS UPON COP 9 to invite Parties to take due account of these rights as identified in the relevant provisions, particularly relating to traditional knowledge and genetic resources, in order to guide the Parties and facilitate the fulfilment of their commitments under the CBD."

Cartagena protocol on biosafety - Council conclusions

The Council adopted the following conclusions:

[\(6346/07\)](#)

ANY OTHER BUSINESS

The Council took note of information regarding the following items:

Type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information

The presidency provided with information on the state of play regarding the draft regulation submitted by the Commission on 21 December 2007. Its purpose is to lay down harmonised rules on the construction of motor vehicles with a view to ensuring the functioning of the internal market, whilst providing for a high level of environmental protection regarding atmospheric emissions. The proposal is under examination with a view to reaching a first reading agreement with the European Parliament (*5127/08 and 6676/08*).

Noise from military aircraft

The Dutch delegation raised the issue of noise nuisance from military planes.

Relevant EU legislation, specifically the noise limits on civil aircraft in directive 2006/93/EC and the management of environmental noise in directive 2002/49/EC, does not currently include military activities (*6909/08*).

Emissions from shipping

The Dutch delegation raised the issue of international air emission requirements for ocean-going vessels, with a view to the upcoming Marine Environment Protection Committee meeting of the International Maritime Organisation (from 31 March to 4 April 2008). (*6908/08*)

Ukraine's decision regarding the Danube-Black Sea navigation canal

The Romanian delegation drew attention on Ukraine's intention to proceed with the excavation of the Bystroe shipping canal in the Danube delta. The Danube delta biosphere reserve, shared by both countries, is the largest wetland reserve in Europe (*6884/08*).

Genetically modified organisms (GMOs): exploring the way forward

The French delegation provided a contribution on the subject ([7128/08](#)).

European conference on invasive alien species

The presidency briefed ministers on the outcome of the European conference on invasive alien species that was held on 15 and 16 January in Madrid.

The conference concluded that the threat of invasive alien species, which are causing damage to ecosystems and indirectly also to the economy and human health, is growing exponentially and prevention is the adequate response. It was recommended to support early warning systems and rapid response mechanisms ([7013/08](#)).

The Albufeira Convention

Information provided by the Portuguese and Spanish delegations, as an example of bilateral cooperation in the management of shared river basins with the benefit of compliance with the water framework directive ([7167/08](#)).

OTHER ITEMS APPROVED

COMMON FOREIGN AND SECURITY POLICY

Iraq - Specific restrictive measures

The Council adopted a common position on Iraq ([6465/08](#)).

The common position amends common position 2003/495/CFSP and implements UN Security Council Resolution 1790 of 18 December 2007, which extended until 31 December 2008 specific arrangement on payments for Iraqi exports of petroleum, petroleum products, and natural gas and specific arrangements concerning immunities from legal proceedings of certain Iraqi assets.

The Council also adopted a regulation amending regulation (EC) No 1210/2003 as legal instrument to implement these measures. In addition, the regulation is aligned with recent developments in sanctions practice regarding the identification of competent authorities, liability for infringements and jurisdiction ([6464/08](#)).

Union of Comoros - Restrictive measures

The Council adopted a common position concerning restrictive measures against the illegal government of Anjouan in the Union of Comoros ([6557/08](#)).

Following the request of the African Union, the restrictive measures establish a visa ban and an assets freeze against the members of the illegal government of Anjouan and associated persons.

The African Union requested the support of the EU for the sanctions which the African Union Peace and Security Council decided on 10 October 2007 to impose against the illegal authorities of Anjouan in the Union of Comoros, following Presidential elections which were held there in unsatisfactory conditions.

JUSTICE AND HOME AFFAIRS

Drugs - Benzylpiperazine

The Council adopted a decision on defining 1-benzylpiperazine (BZP) as a new psychoactive substance which is to be made subject to control measures and criminal provisions ([12970/1/07](#)).

GENERAL AFFAIRS

Adaptation of legal acts to the regulatory procedure with scrutiny

The Council adopted several directives and regulations in different fields in order to adjust existing legal acts to the regulatory procedure with scrutiny.

A new regulatory procedure with scrutiny was introduced by decision 2006/512/EC ("comitology decision"). It is intended to be used for measures of general scope which seek to amend non-essential elements of a basic instrument adopted under the legislative co-decision procedure.

The set of these 26 amended directives and regulations as regards the implementing powers conferred to the Commission concern the following "comitology files":

- directive 2000/60/CE establishing a framework for Community action in the field of water policy ([3647/2/07](#))
- directive 2000/53/CE on end-of life vehicles ([3648/2/07](#))
- directive 2002/96/EC on waste electrical and electronic equipment ([3649/2/07](#))
- directive 2002/95/EC on the restriction of the use of certain hazardous substances in electrical and electronic equipment ([3650/2/07](#))
- directive 2005/32/EC establishing a framework for the setting of ecodesign requirements for energy-using products, as well as directives 92/42/EEC, 96/57/EC and 2000/55/EC ([3651/11/07](#))
- directive 2006/43/EC on statutory audit of annual accounts and consolidated accounts ([3683/07](#))
- regulation 1606/2002 on the application of international accounting standards ([3684/07](#))
- regulation 396/2005 on maximum residue levels of pesticides in or on food and feed ([3694/07](#))
- directive 92/49/EEC on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance ([3679/1/07](#))
- directive 91/675/EEC setting up a European insurance and occupational pensions committee ([3669/07](#))

- directive 2004/109/EC relating to the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market ([3670/07](#))
- directive 2006/49/EC on the capital adequacy of investment firms and credit institutions ([3671/07](#))
- directive 2006/48/EC relating to the taking up and pursuit of the business of credit institutions ([3672/07](#))
- directive 2004/39/EC relating to markets in financial instruments ([3675/07](#))
- directive 2002/87/EC relating to the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate ([3673/07](#))
- directive 2003/6/EC on insider dealing and market manipulation (market abuse) ([3674/07](#))
- directive 2003/71/EC relating to the prospectus to be published when securities are offered to the public or admitted to trading ([3676/07](#))
- directive 2002/83/EC relating to life assurance ([3677/07](#))
- directive 2005/60/EC on the prevention of the use of the financial system or the purpose of money laundering and terrorist financing ([3678/07](#))
- directive 98/8/EC concerning the placing of biocidal products on the market ([3682/07](#))
- regulation 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) ([3680/07](#))
- directive 2001/18/EC concerning the deliberate release into the environment of genetically modified organisms ([3681/07](#))
- directive 2001/83/EC on the Community code relating to medicinal products for human use ([3692/07](#))
- regulation 1829/2003 on genetically modified food and feed ([3693/07](#))
- directive 2005/68/EC relating to reinsurance ([3685/07](#))
- directive 85/611/EEC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities ([3689/07](#)).

TRANSPORT

Safety of the Community's railways

The Council adopted a common position on the proposal for a directive on the safety on the Community's railways ([16133/07](#) + [ADD 1](#)).

The common position will be sent to the European Parliament for a second reading in the framework of the codecision procedure.

The proposal amending the safety directive 2004/49/EC ([17039/06](#)) is part of a set of proposals, including a draft directive on interoperability ([17038/06](#)) and a draft regulation on the European Railway Agency ([17040/06](#)), aimed at improving cross-acceptance of railway vehicles in the EU and thus improving the functioning of the internal market. The Commission adopted these proposals in December 2006.

Cross-acceptance can be improved by applying the principle of mutual recognition more systematically to national authorisation procedures and by harmonising certain provisions. This will contribute to better conditions for the competitiveness of railways in Europe.

The Council agreed on three main changes to the Commission proposal:

Firstly, the Council will transfer all provisions on authorisation of railway vehicles from the safety directive to the interoperability directive. As a result, all provisions on authorisation will be incorporated in a single legislative act.

Secondly, the text agreed by the Council clarifies the different roles and responsibilities of players involved in railway transport (railway undertakings, infrastructure managers, keepers of vehicles and entities in charge of maintenance of vehicles), in particular as regards the maintenance of railway vehicles.

Thirdly, the Council proposes to set up a certification system for maintenance. The certificates issued will be valid in the whole Community and will guarantee that the certified entity meets the maintenance requirements for any vehicle for which it is responsible. Those involved in maintenance will be free to choose whether to participate in this system.

In addition, taking into account the fact that Cyprus and Malta do not have railway systems, the Council provides for an exemption to transpose and implement this directive as long as no railway system is established on their territories.

European Railway Agency

The Council adopted a common position on a proposal for a regulation amending the regulation establishing a European Railway Agency ([16138/07](#) + [ADD 1](#)).

The text will be sent to the European Parliament for a second reading in the framework of the codecision procedure.

The Commission transmitted its proposal to the Council in December 2006 ([17040/06](#)). The main objective of the proposal is to adapt the legislative framework for the European Railway Agency to new tasks that result from the modifications to the rail safety directive (see above) and the railway interoperability directive.

An important new Agency's task will be the classification of all technical and safety rules applicable in each member state in a single reference document. In so doing, it can be gradually identified which national rules should be considered equivalent and, consequently, cannot be used as ground for additional checks. Thus the Agency will significantly contribute to increased cross-acceptance of railway vehicles authorisations amongst member states.

The Council made some changes to the Commission proposal with a view to ensuring a better use of the Agency's technical expertise.

For more details see also press release [15891/07](#), p. 45.

Agreement on air services with Armenia

The Council adopted a decision approving the signing and provisional application of an agreement on air services with Armenia.

The agreement is the result of negotiations carried out by the Commission under a mandate granted by the Council in June 2003 with a view to bringing member states' existing bilateral aviation agreements into line with Community law.

SOCIAL POLICY

Parking card for people with disabilities - Enlargement

The Council adopted a recommendation adapting recommendation 98/376/EC on parking card for people with disabilities ([5758/08](#)).

The annex to the recommendation, which defines the physical layout of the parking card in order to have a standard format throughout the EU, is technically updated by reason of the enlargement of the EU in 2004 and in 2007.

This recommendation aims to ensure that the member states introduce a parking card for people with disabilities based on a standard Community model. This parking card allows the cardholders to benefit from parking facilities reserved for people with disabilities in the member state in which they happen to be.

TRANSPARENCY

Public access to documents

The Council adopted the reply to confirmatory application 03/c/01/08 made by Mr Martin OTTMANN (doc. [6452/08](#)).
