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– ENVIRONMENT –

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President: Mr Brendan HOWLIN

Minister for the Environment of Ireland.

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

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State Secretary for the Environment

Denmark:

Mr Svend AUKEN

Minister for the Environment and Energy

Germany:

Ms Angela MERKEL

Mr Erhard JAUCK

Minister for the Environment

State Secretary, Federal Ministry of the Environment , Nature Conservation and Reactor Safety

Greece:

Mr Théodoros KOLIOPANOS

State Secretary for the Environment

Spain:

Ms Isabel TOCINO BISCAROLASAGA

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Ms Liz McMANUS

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Italy:

Mr Edo RONCHI

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Luxembourg:

Mr Johny LAHURE

Minister for the Environment

Netherlands:

Ms Margreet DE BOER

Minister for Housing, Planning and the Environment

Austria:

Mr Martin BARTENSTEIN

Minister for the Environment

Portugal:

Ms Elisa FERREIRA

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Finland :

Mr Pekka HAAVISTO

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United Kingdom:

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Secretary of State at the Department of the
Environment

For the Commission:

Ritt BJERREGAARD

Member

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT – Review of the Community's Fifth Environmental Action Programme

The Council reached political agreement on a common position regarding the Decision on the review of the European Community Programme of policy and action in relation to the environment and sustainable development, titled "Towards sustainability" (also called "5th Action Programme").

The Decision will formally be adopted as an "A" item at a forthcoming Council meeting.

The Decision is based on a Commission proposal following its progress report on the implementation of the Programme, submitted to the Council in January 1996, as provided for in the Resolution adopting the Programme in February 1993, and on an updated report of the state of the environment by the European Environment Agency.

The decision aims at speeding up the achievement of the Programme's objectives, and at ensuring implementation of its approach by identifying key priorities and issues on which the Community's actions should focus. These priorities are the integration of the environment into other policies such as agriculture, transport, energy, industry and tourism.

COMMUNITY STRATEGY FOR WASTE MANAGEMENT - COUNCIL RESOLUTION

The Council adopted the following Resolution on the Community strategy on waste management. The Resolution provides, within the limits of this political instrument, a comprehensive updated strategy for the coming years in this sector, and establishes principles and guidelines for actions at Community and national level.

"THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community,

Having regard to the resolution of the Council and the Representatives of the governments of the Member States, meeting within the Council, of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development (fifth Environment Action Programme),

Having regard to the Commission communication to the Council and to the European Parliament on a Community strategy for waste management of 18 September 1989, and to the review of this strategy of 1 August 1996.

Having regard to the Council Resolution of 7 May 1990 on waste policy and resolutions of 19 February 1991 and 22 April 1994 of the European Parliament in relation thereto,

Having regard to the existing Community legislation in the field of waste management, in particular Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Directive 91/156/EEC, Council Directive 91/689/EEC of 12 December 1991 on hazardous waste, Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community, Council Decision of 1 February 1993 on the conclusion, on behalf of the Community, of the Convention on the control of transboundary movements of hazardous waste and their disposal (Basel Convention), and Directive 94/67/EC on the incineration of hazardous waste.

Having regard to the Commission Report to the Council and to the European Parliament on waste management policy of 8 November 1995,

1. WELCOMES the Commission Communication on the Review of the Community Strategy for Waste Management and considers it a valuable guideline for matters to be addressed throughout the European Union in the waste sector over the coming years;

2. CONSIDERS that, since the adoption of its Resolution of 7 May 1990 on waste policy, considerable legislative, economic and technical progress has taken place in the waste area which has guided national and Community administrations as well as economic operators and consumers;
3. RECOGNIZES that, despite the considerable efforts made during the last few years, waste generation has continued to grow at Community level;
4. NOTES and shares the increasing concern of the population as regards waste-related problems throughout the European Union;
5. RECONFIRMS the need, in the interest of environmental protection, for a comprehensive waste policy in the Community;
6. CONSIDERS that, in view of sustainable development, Community policy on waste management should be guided primarily by the need for a high level of environmental protection taking account of the potential benefits and costs of action or lack of action and having due regard also to the functioning of the internal market;
7. CALLS on the Commission and Member States to ensure the implementation and enforcement of Community legislation on waste management and to intensify their co-operation in this regard;
- 8.1. URGES the Commission, in co-operation with Member States and taking into account the work being done in international fora, to intensify its efforts to develop agreed terminology and definitions in order to facilitate the achievement of a greater degree of harmonization in the application of Community legislation and to consider the need for review of the European Waste Catalogue and the Hazardous Waste List with a view to improving operational effectiveness;
- 8.2. RECOGNIZES the particular need to distinguish more clearly between waste and non-waste goods and between operations which are waste recovery activities and those which are disposal activities;
- 9.1. EMPHASIZES the role that statistics can play in identifying waste-related problems, assessing management priorities and formulating and achieving realistic objectives within the framework of waste management policies;
- 9.2. STRESSES the need for the production on a regular basis of adequate waste-related data coherent with Community legislation;

- 9.3. INVITES the Commission to establish, in co-operation with the European Environment Agency and Member States, a Community-wide reliable system of data collection for waste, which should be based on common terminology, definitions and classifications and should operate at the lowest public and private cost;
- 10.1. BELIEVES that, in accordance with the polluter pays principle and the principle of shared responsibility, all economic actors, including producers, importers, distributors and consumers, bear their specific share of responsibility as regards the prevention, recovery and disposal of waste;
- 10.2. CONSIDERS that waste management implications of a product should be fully taken into consideration from the conception phase onwards and that, in this context, the producer of a product has a strategic role and responsibility in relation to the waste management potential of a product through its design, content and construction;
- 10.3. INVITES the Commission to further develop these principles and to ensure that the responsibilities of the different economic actors are translated into practical action, taking into account the specific characteristics of each product group and the need for flexibility of implementation;
- 11.1. REITERATES its conviction that waste prevention should be the first priority of any rational waste policy, in relation to minimising waste production and the hazardous properties of waste;
- 11.2. CONSIDERS that efforts made in this respect need to be increased, inter alia, by improving the environmental dimension of technical standards, by reducing the presence of dangerous substances where less dangerous alternatives are available, by the use of eco-audit schemes and scientific data, and by promoting changes in consumption patterns by means of consumer information and education;
- 11.3. INVITES the Commission to promote and the Member States and economic operators to establish and pursue quantitative targets of an indicative nature which aim to achieve significant reductions in the amount of waste generated and increased levels of reuse, recycling and recovery;
- 11.4. REQUESTS the Commission to consider and report to Council as soon as possible as to what additional actions might be taken at Community level to promote waste prevention;
- 11.5. REQUESTS the Commission to collect information on those environmentally dangerous substances and materials in waste which cause special problems in Member States and to bring forward, as appropriate, recommendations for measures to deal with these problems;

- 12.1. INSISTS on the need for promoting waste recovery with a view to reducing the quantity of waste for disposal and saving natural resources, in particular by reuse, recycling, composting and recovering energy from waste;
- 12.2. RECOGNIZES, as regards recovery operations, that the choice of option in any particular case must have regard to environmental and economic effects, but considers that at present, and until scientific and technological progress is made and life-cycle analyses are further developed, reuse and material recovery should be considered preferable where and insofar as they are the best environmental options;
- 12.3. CALLS on the Commission to promote the development and application of life cycle analyses and eco-balances and to disseminate information generated by the use of such instruments in order to assist in the identification of future waste management priorities;
- 12.4. CALLS on the Commission and Member States, as appropriate, to promote return, collection and recovery systems;
- 12.5. REQUESTS the Commission and Member States to take concrete actions with a view to promoting markets for recycled products that comply with Community requirements;
- 13.1. UNDERLINES the need for appropriate Community criteria for waste recovery operations, particularly energy recovery operations, in order to provide for a level playing field in the waste sector;
- 13.2. IDENTIFIES the importance of Community criteria concerning the use of waste, in particular as a fuel or other source of energy;
- 13.3. IS of the opinion that appropriate emission standards should apply to the operation of facilities in which waste is incinerated in order to ensure a high level of protection for the environment;
- 13.4. CONCLUDES that Community standards on emissions from incineration installations to air, water and soil should be strictly respected. As regards existing incineration plants, particular monitoring measures should be envisaged, adequate information needs to be available to the population concerned, and energy recovery should, as far as possible, form part of all incineration operations;
- 14.1. REITERATES the need for the minimization of waste disposal, which will result from the actions mentioned above;

- 14.2. RECOGNIZES the need to establish an adequate and integrated network of disposal facilities, as envisaged by Directive 91/156/EEC on waste;
- 15.1. CONSIDERS that, in the future, only safe and controlled landfill activities should be carried out throughout the Community while allowing Member States, in respecting this requirement, the flexibility to apply the best waste disposal option to meet their particular conditions;
- 15.2. CALLS on the Commission to bring forward as soon as possible a proposal for a Directive on landfills to achieve this objective;
- 15.3. UNDERTAKES to give early consideration to such a proposal;
- 15.4. REQUESTS the Member States to take the necessary measures to ensure to the fullest practicable extent that old landfills and other contaminated sites are properly rehabilitated;
- 16.1. TAKES note of the conclusions drawn up by the different project groups within the framework of the priority waste streams programme initiated by the Commission;
- 16.2. INVITES the Commission to develop, as soon as possible, an appropriate follow-up to these projects;
- 16.3. INVITES the Commission to further explore whether and how other waste streams should be dealt with at Community level;
- 17.1. BELIEVES that Regulation (EEC) No 259/93 is an important legal instrument to control and minimize waste shipments and should be fully implemented in all its provisions;
- 17.2. INVITES the Commission to examine the possibility of simplifying the administrative procedures of Council Regulation 259/93, without lowering the level of environmental protection, with a view to improving the efficiency of the control system, without prejudice to Article 4 para 3 a (ii) of this Regulation;
- 17.3. CALLS on the Member States to increase and improve cooperation, in particular in the field of illegal shipments and the fight against environmental crime;
- 17.4. NOTES and shares the concern of Member States at the large-scale movements within the Community of waste for incineration with or without energy recovery;

- 17.5. INVITES the Commission to consider the scope for the amendment of Community legislation in relation to the incineration of waste with energy recovery in order to address this concern, and to present appropriate proposals;
- 17.6. REITERATES its commitment taken in the context of the Basel Convention to prohibit, in addition to the already existing prohibition of shipments of hazardous waste for final disposal, shipments of hazardous waste for recovery to developing countries;
18. EMPHASIZES the importance of appropriate waste management planning at all competent levels including local and regional levels and, where appropriate, co-operation between Member States;
19. ENCOURAGES Member States to use a broad range of instruments, including economic instruments where appropriate, in the most coherent way, with a view to achieving their waste policy objectives;
- 20.1. RECOGNIZES, in line with the Commission White Paper on growth, competitiveness and employment, the job creation potential that the protection of the environment, and in particular a coherent and sound waste management policy, may have;
- 20.2. CALLS on Member States to orientate their waste management policies as appropriate to realize these opportunities;
- 20.3. RECOGNIZES the need for appropriate support for small and medium-size enterprises in order to encourage responsible waste management policies;
21. INVITES the Commission to report to the Council on the progress made in the areas covered by this Resolution at the latest by the end of 2000."

SUPERVISION AND CONTROL OF SHIPMENTS OF WASTE WITHIN, INTO AND OUT OF THE EUROPEAN COMMUNITY – MODIFICATION OF REGULATION 259/93

The Council unanimously reached a political agreement on the Regulation amending Regulation 259/93 on the supervision and control of waste shipments within, into and out of the Community. The new Regulation brings Regulation 259/93 into line with decision II/12, made by the Parties of the Basel Convention in March 1994, prohibiting immediately the exports to non-OECD states of hazardous waste destined for final disposal and, from 1 January 1998, the export of such waste destined for recycling and recovery.

The Regulation will formally be adopted as an "A" item at a forthcoming Council meeting.

CONTAINED USE OF GENETICALLY MODIFIED MICRO-ORGANISMS (GMMs)

The Council reached a common understanding on the basis of a compromise text on the proposal for amending directive 90/219 on the above-mentioned subject. A common position will be adopted once the Parliament's opinion is available.

Directive 90/219/CEE lays down common measures for the contained use of genetically modified micro-organisms with a view to protecting human health and the environment. Taking into account the experience and scientific knowledge gained over the last few years, the purpose of this proposal is to

- update the scope of the directive;
- provide simplified procedures for further technical amendments;
- modify the risk-categorization of the contained-use activities;
- adapt the administrative procedures and notification requirements to the actual risk-level of activities;
- further specify the containment and control measures to be applied.

To that effect, the main elements of the compromise text are:

- **Article 2** together with the information on waste management (Annex V part A) and the protective measures for waste (Annex IV) clarifies the distinction between the scope of the present Directive and of Directive 90/220/EEC and aims at avoiding an interpretation of the provisions of the Directive whereby the dumping of GMMs as waste without any control or risk assessment could be allowed.
- **Article 5** read in conjunction with **Annex III**, makes it clear that containment measures have to be selected following a risk assessment of the GMM and activity and provides for a 4-class system of contained uses to reflect the need to properly differentiate according to risk level.
- **Articles 7 to 10** establish a notification system in line with the principle of graduated requirements, increasing in relation to the level of risk, whilst keeping a balance between administrative requirements and safety.
- **Article 3** provides for limited exemptions for GMMs for which safety to human health and the environment has been established.
- **Annex III** provides specific guidance on the inclusion of GMMs in class 1 and details the successive steps of the procedure which will lead to the assignment of the contained use to one of the 4 classes established under Article 5.
- **Annex IV** presents the applicable containment and other protective measures to the various containment levels, ensures that, even for class 1 contained uses, basic safety principles are applied, and properly graduates the requirements in relation to the overall level of containment.

COMMUNITY STRATEGY ON CLIMATE CHANGE

The Council had a thorough debate on the next step of the Community's strategy on climate change. The debate showed that further work is still needed on some issues to bridge the gap between positions in this field. Hence, it was not possible to adopt the draft conclusions prepared by the Presidency. This subject will figure again on the agenda of the Environment Council's next meeting, in March 1997.

The point of departure for the discussion in the Council is the Ministerial Declaration agreed at the Second session of the Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC) in July 1996. This declaration called for an acceleration of the negotiations for a protocol to UNFCCC; such a protocol should lay down policies and measures as well as quantified and legally binding objectives for limiting emissions of greenhouse gases and significant overall reductions of such emissions, within a specified timeframe.

The main issues discussed were the quantified emission reduction objectives, the "burden sharing" among Member States and the basis according to which the objectives should be expressed (in absolute terms or otherwise).

These questions are closely interwoven and further complicated by the fact that the situation as regards emissions (past, present and anticipated future levels) is largely different in Member States.

**PREPARATION FOR THE 5TH SESSION OF THE COMMISSION FOR SUSTAINABLE
DEVELOPMENT AND THE SPECIAL SESSION OF THE GENERAL ASSEMBLY OF THE
UNITED NATIONS**

The Council adopted the following conclusions:

**"Guidelines for European Union Preparation for the
United Nations General Assembly Special Session
to be held in New York in June 1997**

Introduction

1. The Council reaffirms its support for the follow-up process to the Rio Conference and in this context welcomes the presentation of the Commission Communication on EU preparations for the Special Session of the UN General Assembly (UNGASS) to be held in June 1997 to review the implementation of Agenda 21 and related outcomes of UNCED. The Council considers that the Communication provides a sound general basis for the development of the EU position on the issues arising at UNGASS.
2. The Council underlines that the development of the EU position for UNGASS will have to evolve between now and June 1997 and should take full account of the important preparatory meetings and documents, and other conferences which will be held in the run up to UNGASS. However, in order to guide this process and to ensure effective EU leadership of UNGASS preparations, the Council considers it appropriate to establish a number of broad perspectives at this stage.
3. The Council considers that the EU should support participation in UNGASS at Head of State or Government level in order to ensure a high public and political profile for the Special Session and to demonstrate strong political commitment to the mainstreaming of sustainable development. Active and broad involvement of major groups must also be ensured.

General Considerations in relation to UNGASS

4. The Council affirms that UNGASS should not renegotiate but should review Agenda 21 in terms of successes, failures and gaps in implementation; it should also identify new issues, provide for another review (Rio + 10) to maintain momentum and formulate an action-oriented Political Declaration. The Council looks to UNGASS to recreate the sense of urgency generated by the Rio process, to reconfirm sustainable development as the fundamental goal for the future and to engage fresh political support for it. The Council believes that UNGASS should operate in the perspective of such broad political concepts as globalization and our responsibility for the welfare of present and future generations and that it should underline the relevance of issues relating to the environment, natural resources and food security to overall security.
5. UNGASS should set the Work Programme for the next cycle of CSD. In doing this, UNGASS, while reaffirming the continuing importance of the sectoral and cross-sectoral issues identified at UNCED and taking account of the socio-economic driving forces of environmental change, will need to set a work programme which concentrates on key issues as further indicated in paragraph 10. In particular UNGASS should stress the need to change long term trends in consumption and production patterns and to integrate the environmental dimension in decision-making in all sectors.
6. Because institutional aspects are crucial in the preparation and implementation of CSD-decisions, UNGASS will also need to consider the future organization of labour between the different UN taskmanagers (including UN-DPCSD). This consideration should take into account the overall framework of the institutional changes which have occurred since Rio and the overall objectives of the ongoing UN reform process. In this context it should be recognized that international environmental institutions need to be strengthened. The outcome of UNEP-GC 19 will be particularly important in this respect.
The Council considers that, as the CDS is the leading Functional Commission of ECOSOC in the follow-up of Rio, its role should be confirmed in accordance with recent ECOSOC decisions and that the coordination of its work with that of the other ECOSOC Functional Commissions should be strengthened.

Political Declaration

7. The Council considers that the Political Declaration (referred to in paragraph 4) should, inter alia,
 - emphasise the need for the balanced overall implementation of Agenda 21, reflecting both its environment, social, economic and development objectives;
 - reflect the increasing globalization of environmental problems and our common responsibility for dealing with them;

- acknowledge that it will be possible to ensure sustainable development only by addressing relevant long term perspectives and by integrating its economic, social and environmental components in a transparent, accountable and democratic framework which respects and empowers all sectors of society and takes account of common but differentiated responsibilities at the international level;
- confirm sustainable development as a true partnership between developing and developed countries, between all concerned international organizations including the Bretton Woods institutions and WTO, as well as all between all sectors of society;

8. In the perspective of sustainable development, the Council considers that the Political Declaration should note the achievements so far realised since Rio and call, as appropriate, for their consolidation and further development, and in particular:

- welcome the work achieved in the framework of the Climate Change Convention; draw attention to the implications of the IPCC Second Assessment Report and stress the importance of adopting, at the third Conference of the Parties to the Climate Change Convention in Kyoto, a legally binding protocol or another legal instrument fully encompassing the remit of the Berlin mandate;
- welcome the progress in implementing the Convention on Biological Diversity including the production of the Global Bio-Diversity Assessment and give further impetus for the timely conclusion of the development of a Biosafety Protocol;
- welcome the entry into force of the Convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa, and urge the international community, States and major groups to participate actively in the work under the Convention, noting, within the scope of the Convention, the particular importance of the agreed priority given to action in Africa, and underlining the importance of CoP I in the Autumn of 1997;
- acknowledge the particular progress made in the past 10 years in the field of ozone layer protection and stress the need for strengthened efforts by all Parties to the Montreal Protocol;
- welcome the progress made in the implementation of the Basel Convention and call for the timely implementation of the ban on the export of hazardous waste for any purpose from OECD to non-OECD countries;

- welcome the coming into force of the UN Convention on the Law of the Sea and the adoption of various international fisheries instruments since Rio; welcome the Washington Global Plan of Action and stress the need for cooperation from all the international organisations involved; endorse decision 4.15 of CSD IV on improving global decision-making on the oceans;
- as substantial contributions to the ongoing process of achieving sustainable development, welcome the outcome of the series of international conferences and specialized summits which have been held since Rio, and in particular:
 - the World Summit on Social Development (Copenhagen);
 - the Conference on Population and Development (Cairo);
 - the Conference on Sustainable Development for Small Island developing States (Barbados);
 - the 4th World Conference on Women (Beijing);
 - the Conference on Human Settlements (Habitat II, Istanbul);
 - the World Food Summit (Rome).

9. The Council favours a short and focused Political Declaration which concentrates on key priorities where action or decisions are most urgent; these priorities should be finalised nearer the time of UNGASS. Against this general background, the Special Session should give attention to all four sections of Agenda 21, including the following issues which, as appropriate, should be reflected in the Political Declaration :

in relation to natural resources and their sustainable use

- highlight the importance of forests as one of the key topics for UNGASS; recognise the very substantial work on forests undertaken since UNCED; stress the need for continued high level international dialogue on the issues, and for political commitment to a holistic approach preferably including a legally binding instrument and, depending on the progress of the Intergovernmental Panel on Forests, urge the rapid implementation of its recommendations or seek to strengthen them;
- taking account of the results of the "Global Freshwater Assessment", draw attention to the increasing problem of freshwater scarcity with its implications for international security and food production, as well as to the growing danger of water pollution and inadequate sanitation in the context of increasing urbanisation;

- draw attention to the need for an integrated approach to the protection and sustainable management of land and soil resources which includes the positive functions of soil with regard to global climate, biological diversity, freshwater resources and food security;
- stress the emergence of oceans and marine resources as a major priority since UNCED and the need to ensure that they feature on CSD's agenda on a regular basis and that an integrated approach is taken in examining marine resources and pollution issues;
- stress the need for a greater use of renewable energy and safe low carbon energy sources and for increased energy efficiency; and give direction to the UN system in following up the UN report to CSD 5 on the UN coordination of energy policies;
- underline the strategic role of the transport sector and the urgent need for change in an environment-friendly direction with regard to emission standards, traffic management and infrastructural development;
- note the emergence of chemical management as a priority area for attention and welcome the work of the Interorganisation Programme for the Safe Management of Chemicals (IOMC) and of the Intergovernmental Forum on Chemical Safety, as well as giving impetus to the negotiations on Prior Informed Consent (PIC) and on Persistent Organic Pollutants (POPs);
- stress the importance of prevention and reduction of waste, and the role of economic instruments and good product stewardship in this context;
- underline the priority of achieving a successful conclusion to the negotiations for the Convention on the Safety of Radioactive Waste Management;
- stress the need for enhanced international cooperation in the transfer of environmentally sound technologies particularly involving the private sector;

in relation to finance

- acknowledge the progress that has been made in ensuring greater environmental appraisal of development aid, and urge the generalisation of existing good practice;
- welcome the contribution made by the Global Environment Facility towards achieving global environmental benefits and stress the need for a satisfactory replenishment and for designation of GEF as the permanent financing mechanism for the Conventions on Climate Change and Biodiversity;

- include a commitment by all DAC donors to increase efforts through development aid and to meet sustainable development needs especially of the poorest and least developed countries and of sectors which private investment and markets cannot or do not adequately address; in this context reaffirm the EU commitment to meet the UN target for ODA flows of 0,7% of GNP as soon as possible;
- highlight the importance of enhancing the contribution of the private sector, including both domestically and externally financed investment, to sustainable development, by adapting macroeconomic, environmental and investment policies to create stronger incentives for economic activity to support national sustainable development strategies, including through appropriate use of economic instruments and removal of environmentally damaging subsidies; urge international negotiations in OECD and WTO on investment to take account of environmental considerations;
- welcome the recent large increase in private flows to developing countries and economies in transition, notably in foreign direct investment and stress the need for greater business participation in the sustainable development process;

in relation to trade and environment

- reaffirm the need for trade and environment policies to be mutually supportive in order to reinforce sustainable development both in the context of the WTO and in regional and interregional free trade agreements and for progress on trade and environment in the work of WTO and other fora and reaffirm that the multilateral trading system should accommodate, under clear and predictable rules, the use of trade measures taken in the framework of MEA's, since such measures can be necessary to achieve the objectives of the MEA; reaffirm that while an open multilateral trading system makes possible a more efficient use of natural resources, effective environmental policies and sustainable development strategies are needed in order to ensure that environmental benefits of trade liberalisation are realized and that trade induced growth will be sustainable; reaffirm that trade liberalisation can promote economic development, particularly for developing countries, and their greater integration into the world economy; and that states should avoid using environment based trade restrictions for protectionist purposes;

in relation to local and regional cooperation

- note in particular and welcome the wide uptake of Agenda 21 at local level in many countries and stress the importance of the local and regional level and of improving operational coordination at these levels including through the use of regionally based approaches and instruments with a view to more effective implementation, monitoring and reporting;

in relation to international environmental law

- recall the responsibility for the coordination of international environmental law given to UNEP by Agenda 21. UNGASS should also take account of, and if possible endorse, UNEP's recommendations following the Review of the Montevideo Programme;

Future Work of the CSD

10. The Council considers that UNGASS should set the Work Programme for the next cycle of CSD, inter alia so as to encourage the continued cooperation of Ministers and the fuller involvement of Ministers with responsibility in the different sectoral areas. It should reflect more strongly CSD's responsibility for monitoring sustainable development and its role as a forum for the exchange of ideas and experiences which can act as a catalyst for implementation efforts. CSD decision-making should concentrate on fewer issues (which should be of global concern), probably no more than three per year, and more specific objectives; active efforts are needed to make decisions more operational. The Council will consider more concrete issues for the future CSD Work Programme and further proposals for improving the effectiveness of the CSD, including the timing of the appointment of its Bureau, in its further preparations for UNGASS."

HUMANE TRAPPING STANDARDS

After careful examination of the situation, the Council agreed on the following statement which was adopted by a qualified majority, with the Italian delegation dissenting:

"The Council took note of a report from the Commission on the state of negotiations towards the establishment of agreed humane trapping standards.

However, the Council noted with concern that, as it stands, the agreement would allow some forms of leghold traps to continue to be used.

The Council requested the Commission to reopen negotiations with third countries, with a view to achieving a more satisfactory agreement.

The Council awaits the presentation by the Commission of proposals for a decision in relation to this matter, which should be submitted in time for decision by the next Environment Council.

In parallel, the Council requests the Commission, with reference to the mandate from the Council, to take the necessary steps as of 1 January for the introduction of an import ban to come into effect not later than 31 March 1997 in accordance with the terms of existing Regulation 3254/91 and in particular Article 3(1) thereof."

It is recalled that the Council, on 25 June 1996, approved a negotiating mandate, aimed at the conclusion of a framework agreement on humane trapping standards with Canada, the United States and the Russian Federation, these three countries being the main third parties involved in the export of furs to the Community. The agreement would lay down standards on humane trapping methods for traps designed to kill or capture wild animals. Trapping methods would have to be tested and certified to meet these standards.

Article 3 of Council Regulation 3254/91 provides for an import ban on the furs of 13 animal species and products thereof as from 1 January 1995, unless the Commission had established that the exporting country had either banned leghold traps or was using internationally agreed humane trapping standards. This regulation is not yet being enforced due to the ongoing negotiations.

FUTURE STRATEGY FOR THE CONTROL OF ATMOSPHERIC EMISSIONS FROM ROAD TRANSPORT ("AUTO-OIL PROGRAMME")

Proposals for directives on

- quality of petrol and diesel fuels
- measures to be taken against air pollution by emissions from motor vehicles

The Council took note of the report on the state of work on the two directives, which will be a priority in the work programme of the next presidency.

The examination of the proposals – which were only brought forward this autumn – is still at an early stage. The two directives are the first of a package of proposals for a future strategy for the control of atmospheric emissions from road transport. Proposals on emissions from heavy duty and light commercial vehicles as well as on maintenance and inspection are being prepared.

It is recalled that the two directives were the subject of an open debate during the last Environment Council meeting on 15 October.

QUALITY OF WATER INTENDED FOR HUMAN CONSUMPTION

Pending the opinion of the European Parliament, the Council took note of a progress report on the proposal for a Directive concerning the quality of water intended for human consumption. A first policy debate on this issue took place at the Council meeting on 15 October; since then a first reading has been completed at expert level.

COMMON RULES AND PROCEDURES TO APPLY TO SHIPMENTS TO CERTAIN NON-OECD COUNTRIES OF CERTAIN TYPES OF WASTE

The Council took note of the state of play on the proposal for a Regulation establishing common rules and procedures to apply to the shipments to certain non-OECD countries of certain types of waste.

On the basis of the elements included in this report, the incoming Presidency should be in a favourable position to prepare a compromise text that could lead to a common position of the Council once the European Parliament's opinion is available.

The proposal aims at establishing common rules and procedures to apply to shipments of "green" waste destined for recovery from the Community to third countries.

**COMMUNITY ACTION PROGRAMME PROMOTING NON-GOVERNMENTAL
ORGANIZATIONS PRIMARILY ACTIVE IN THE FIELD OF ENVIRONMENTAL PROTECTION**

The Council took note of the state of play on the proposal for a Decision on the abovementioned subject, which aims at providing financial support to non-governmental organizations particularly active in environmental affairs. The Council invited the Permanent Representatives Committee to further examine the proposal on the basis of a revised Commission proposal to be transmitted to the Council shortly.

Points raised under "Other business"

Proposal for a Council decision authorizing the placing on the market of genetically modified maize (Zea mays L.)

Commissioner Bjerregaard informed the Council on the state of play regarding the requested authorization for the placing on the market of genetically modified maize (Zea mays L.). She confirmed that the three scientific committees which the Commission has consulted on this matter are due to present their findings in the days ahead; the Commission would then take a decision in the light of the committees' report, probably at its meeting on 18 December 1996.

The Council discussed this proposal, made in accordance with Directive 90/220/EEC, on the deliberate release into the environment of genetically modified organisms at its meeting of 25/26 June 1996. A large number of delegations then stated that they could not support this proposal and would like the Commission to withdraw it. As a result of this lack of support and in accordance with the directive, the decision-making competence reverted to the Commission on 31 August 1996. In the light of the strong opposition encountered, the Commission decided to seek additional scientific advice instead of simply adopting its proposal.

Furthermore it stated that, in accordance with Directive 90/220/EEC, it was up to the Member States to proceed to the appropriate controls and hinted at the possibility of amending the Directive 90/220/EEC by inserting a provision on labelling. A number of delegations stressed the need for a decision to be taken as quickly as possible, in order to have legal certainty and to end a situation which is becoming difficult for all parties concerned, in view of shipments of maize already arriving in Community ports.

Imports of genetically modified soya

The delegations of Luxembourg and Austria intervened on the subject of importation of genetically modified soya into the Community. These delegations, supported by others, expressed their concern at the absence of clear rules regarding end-use, packaging and labelling of this product. The delegations, with Austria pointing to the "Novel Foods" Regulation and possible amendment to Directive 90/220/EEC in this respect, invited the Commission to take appropriate measures in order to safeguard the Community from any possible risks involved.

OTHER DECISIONS

(Adopted without discussion. In the case of legislative acts, votes against and abstentions are indicated. Decisions including statements to which the Council has decided to grant the public access are indicated by asterisks; the statements in question may be obtained from the Press Office.)

Environment**Protection of species of wild fauna and flora***

The Council adopted the Regulation on the protection of species of wild fauna and flora by regulating trade therein. This Regulation is applicable from 1 June 1997. It covers endangered animals and plants as well as – much more importantly, in terms of trade – any products made from such species. The new rules will have to be observed not only by professional traders but are applicable to the introduction into the Community of such species or products by any person.

By means of the Regulation the Community will be able to ensure better application – often by means of stricter provisions – of the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Community had given an undertaking to that effect at the 9th Conference of the Parties to the Convention (Fort Lauderdale, 7 to 18 November 1994).

The Regulation comprises four Annexes reflecting a level of protection increasing from Annex D (statistical monitoring only) to Annex A (total trading ban). The species covered are those listed in the Annexes to the Convention with the addition of a series of "priority" species. Their inclusion in the appropriate Annex is based on objective criteria. The ensuing level and extent of protection in the Community will, therefore, exceed those provided for under the Convention..

The greater the threat of extinction facing the species in question, the more restrictive the conditions fixed for introducing them into the Community. Concrete measures laid down in the Regulation include the completion of the requisite checks and the presentation of import permits issued by the approved management authority of the Member State of destination. Special attention is given to the re-export of specimens of the species covered and also to the control of commercial activities involving such specimens. Finally, the Regulation also covers infringements which Member States will be required to penalize.

Directive "SEVESO II" *

The Council unanimously adopted at second reading the Directive concerning control of major-accident hazards involving dangerous substances (Seveso II Directive).

The new Directive is to replace, in two years' time, the Seveso Directive (82/501) adopted following a series of accidents involving dangerous substances, such as those which occurred at Flixborough (1974), Beek (1975), Seveso (1976) and Manfredonia (1976). It revises current legislation on the basis of experience acquired with that legislation.

The Directive will reinforce current legislation in several respects, notably through:

- the definition, by each establishment covered by the Directive, of a major-accident prevention policy;
- the submission of safety reports by establishments where dangerous substances are present in the quantities set out in the Annex to the Directive (parts 1 and 2, column 3);
- major-accident prevention objectives and limitation of the consequences of such accidents in Member States' land-use and/or other relevant policies.

The safety report must, inter alia:

- demonstrate that a major-accident prevention policy and a safety management system for implementing it have been put into effect in accordance with the information set out in one of the Annexes to the Directive;
- demonstrate that major-accident hazards have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for man and the environment;
- demonstrate the safety and reliability incorporated into the design, construction, operation and maintenance of any installation, storage facility, equipment and infrastructure connected with its operation which are linked to major-accident hazards inside the establishment;
- demonstrate that internal emergency plans have been drawn up and supply information to enable the external plan to be drawn up in order to respond in the event of a major accident;
- provide sufficient information to the competent authorities to enable decisions to be made in terms of the siting of new activities or developments around existing establishments.

Member States are required to ensure that the public is able to give its opinion on:

- planning for new establishments;
- modifications to existing establishments, where the modifications concern land-use;
- developments around such existing establishments.

Lastly, the Directive provides for an information system designed to enable lessons to be drawn from experience with a view to improving prevention.

Telecommunications

EDICOM

As the European Parliament had approved the common position, the Council adopted by a qualified majority, with the German and United Kingdom delegations voting against, a Decision on inter-administration telematic networks for statistics relating to the trading of goods between Member States (EDICOM).

This Decision makes provision for a three-year programme (1997-1999) with a financial reference amount of ECU 30 million. It essentially repeats the terms of the Decision adopted by the Council on 11 July 1994, which the Court of Justice annulled, with the exception of the legal basis for the programme (Article 129d instead of Article 235), its duration and its budget.

Licences for the provision of telecommunications services

The common position on the Directive on a common framework for general authorizations and individual licences in the field of telecommunications services was adopted by the Council by a qualified majority, with the Greek delegation voting against.

The common position will be forwarded to the European Parliament for a second reading under the co-decision procedure.

The proposed Directive lays down the common rules to be applied by the Member States as regards the procedures and conditions for the provision of telecommunications services. It is an essential component of the regulatory framework to be put in place at Community level with a view to the liberalization of the sector in as from 1998; it should considerably facilitate the freedom to provide telecommunications services in the Community and the entry of new operators onto the market. Member States are to transpose the Directive by 31 December 1997.

The common position provides *inter alia* that:

- Member States are to ensure that telecommunications services and/or telecommunications networks can be provided either without authorization or on the basis of general authorizations, to be supplemented where necessary by rights and obligations giving rise to individual licences. The latter may be issued only where the beneficiary is given access to radio frequencies or numbers, enjoys particular rights or is subject to a limited number of particular obligations which are listed, for instance the provision of universal services.
- Member States may limit the number of individual licences for any category of telecommunications services and for the establishment and/or operation of telecommunications infrastructure only to the extent required to ensure the efficient use of frequencies or for the time necessary to make sufficient numbers available.
- All the conditions attached to the authorizations must be objectively justified in relation to the service concerned, non-discriminatory, proportionate and transparent. It should be noted that similar criteria apply to the fees and charges imposed on undertakings within the context of the authorization procedures.

These conditions are listed in the Annex to the common position and seek to ensure compliance with the relevant essential requirements (such as security of network operations, data protection, protection of the environment and town and country planning objectives, the avoidance of interference, etc.). The Annex lists further conditions which Member States may lay down (for example, conditions regarding the protection of subscribers, conditions relating to special arrangements for disabled people, the financial contribution to the provision of universal service, etc.). The conditions for individual licences are also listed in the Annex (e.g. specific environmental and town and country planning requirements, compliance with universal service obligations, etc.).

- A one-stop-shopping procedure will be established to facilitate the provision of telecommunications services throughout the Community. A Licensing Committee is to be established, composed of representatives of the Member States, for the implementation of the Directive.

Satellite personal-communications services

The Council adopted unanimously its common position on the proposal for a Decision on action at Community level in the field of satellite personal-communications services in the European Union.

Under the co-decision procedure, the common position will be forwarded to the European Parliament for a second reading.

The purpose of the proposal is to facilitate the rapid introduction of compatible satellite personal-communications services (satellite-PCS) in the Community on the basis of the principles of the internal market, within a comparable time-frame by means of a coordinated approach by the national regulatory authorities.

The common position gives a major role to the European Conference of Postal and Telecommunications Administrations (CEPT); it contains a mandate for the CEPT to harmonize frequency use by mid-1997 as well as the conditions for the use of S-PCS. However, the text offers the possibility of taking decisions on these matters at Community level under a Regulatory Committee procedure where the CEPT's work is not progressing satisfactorily.

Should it prove necessary to limit the number of satellite personal-communications service authorizations owing to the scarcity of the frequency spectrum available, the Member States would be obliged to coordinate their authorization procedures so as to choose systems which can operate throughout the Community.

Steel**Community rules for aid to the steel industry**

Following the agreement reached at its meeting on 14 November 1996, the Council formally gave its assent – unanimously, under Article 95 of the ECSC Treaty – to the draft Commission decision establishing Community rules for aid to the steel industry (Steel Aid Code).

A summary of the Aid Code appears in press release no. 11221/6 – Presse 303 of 14 November 1996.

SMEs*

Having reached unanimous agreement at its meeting of 14 November 1996, and the legal and linguistic revision of the text now being completed, the Council formally adopted the decision for a Third Multiannual Programme for Small and Medium-Sized Enterprises (SMEs) in the European Union (1997-2000).

See press release no. 11221/6 – Presse 303 of 14 November 1996 for further details.

The Council also proceeded to the formal adoption of the Resolution on realising the full potential of Small and Medium-Sized Enterprises, including micro-enterprises and the craft sector, through an integrated approach to improving the business environment and stimulating business support measures.

See press release no. 11221/6 – Presse 303 of 14 November 1996 for the full text of this resolution.

Foodstuffs – Final adoptions *

Following approval of its common positions by the European Parliament, the Council finally adopted the following three Directives and one Decision:

- a Directive amending the existing rules (laid down in Directive 89/398/EEC) on the placing on the market of foodstuffs intended for particular nutritional uses.

This Directive lays down a special procedure to allow the issue of temporary authorizations (for a two-year period) for the placing on the market of foodstuffs for dietary purposes resulting from research. The introduction of such temporary authorizations will represent an advantage for the industry as compared with the procedures in force, which are deemed too cumbersome to allow a product resulting from technological innovations to be marketed rapidly;

- a Directive amending Directive 94/35/EEC on sweeteners for use in foodstuffs (by a qualified majority with Germany and Sweden voting against).

This Directive adapts the existing rules on sweeteners to technical developments;

- a Directive amending Directive 95/2/EC on food additives other than colours and sweeteners (by a qualified majority with the French delegation abstaining).

The Directive authorizes the use of "processed eucheuma algae" and gives it E-No 407a;

- a Decision on the maintenance of national laws prohibiting the use of certain additives in the production of certain specific foodstuffs (by a qualified majority with the Belgian delegation voting against).

This Decision authorizes the Member States to maintain their legislation on the production of certain foodstuffs which are regarded as traditional. The foodstuffs, categories of additives and Member States concerned are set out in the Annex to the Decision.
