



Brussels, 22 June 2006

**Draft
BACKGROUND¹
ENVIRONMENT COUNCIL
Luxembourg, 27 June 2006**

*The Council's meeting will start at 10:00, under the presidency of **Mr Josef PRÖLL**, federal minister of agriculture, forestry, environment and water management of Austria.*

On the two following draft legislative acts:

- *the Council should reach political agreement on a draft directive on the assessment and management of **flood risks (public deliberation)**.*
- *the Council will be called to agree on a general approach on a draft directive on **ambient air quality**.*

The Council will adopt conclusions on:

- *a thematic strategy on prevention and recycling of **waste**;*
- *a thematic strategy for the **urban environment**.*

The Council will discuss:

- ***genetically modified organisms**;*
- *a strategy on a proposed **biofuels/biomass** action plan.*

*Without discussion ("A" item), the Council will adopt a common position on a draft regulation on the EU's financial instrument for the environment (**LIFE+**).*

The Presidency will hold a press conference at +/- 13h00.

¹ This note has been drawn up under the responsibility of the press office.

Floods (*public deliberation*)

The Council is expected to resolve the outstanding issues and reach political agreement on a draft directive on the *assessment and management of flood risks*.

The outstanding issues concern:

- the scope of the proposal (limited to international river basins or also including national basins);
- timetables and deadlines.

When presenting its proposal (5540/1/06), the Commission took into account that, between 1998 and 2004, Europe suffered over 100 major floods, including catastrophic floods along the rivers Danube and Elbe in 2002, floods that caused some 700 fatalities, the displacement of about half a million people and insured economic losses totalling at least EUR 25 billion, and that flood events during summer 2005, in Austria, Bulgaria, France, Germany and Romania and elsewhere, had pushed these figures even higher.

Assets at risk from flooding include private housing, transport and public service infrastructure, commercial and industrial enterprises, and agricultural land. In addition to economic and social damage, floods can have severe environmental consequences, for example when waste water treatment plants or factories holding large quantities of toxic chemicals are inundated. Floods can also destroy wetland areas and reduce biodiversity.

The objective of the proposal is, therefore, to reduce and manage the risks which floods pose to human health, the environment, infrastructure and property.

In order to attain its objective, it provides for preliminary flood risk assessments of each river basin district, flood mapping in areas with a significant flood risk, a coordination mechanism within shared river basins, and flood risk management plans in vulnerable river basins and coastal areas.

The proposal applies to the whole Community territory, and therefore to flood risk in both rivers and coastal zones. Considering that most of the river basins in Europe are shared, concerted action at Community level would bring added value and improve the overall level of flood protection.

The proposed Directive provides considerable flexibility for Member States to determine the level of protection required, the measures to be taken and the timetables for implementing flood risk management plans. A close link with the water framework Directive² is provided for.

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

² Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327 of 22.12.2000).

Air quality

Pending the opinion of the European Parliament at first reading, the Council is expected to agree on a general approach on a draft directive on *ambient air quality and cleaner air for Europe*, which will also serve as a basis for discussions with the European Parliament in order to work towards rapid agreement on this important piece of legislation.

Two major issues remain to be resolved:

- the introduction of binding or non-binding standards for fine particles;
- the possibility for further enlarging the period of derogation for compliance with limit values.

The Presidency has proposed a compromise package which includes several key elements:

- (a) existing limit values are maintained without any changes
- (b) a binding limit value for PM_{2.5} in 2015 will replace a non-binding target value applicable from 2010 (25µg/m³ for both target value and limit value); Member States have to elaborate air quality plans in order to attain target and limit value.
- (c) an exposure reduction target for PM_{2.5} with the aim of reducing air pollution in urban background; a review to be carried out by the Commission until 2013 with a view to replacing the target by a legally binding exposure reduction obligation.
- (d) it follows the Commission's proposals and takes account of Member States' current difficulties in reaching air quality targets and allows for a time-limited extension of attainment dates for limit values under clearly defined conditions; for limit values which are already in force the possibility for postponement is limited to PM₁₀ until three years after entry into force of this Directive.

It is recalled that, despite significant improvements in Europe's air quality driven by legislation and other factors, air pollution continues to have serious human health and environmental effects.

In September 2005, the Commission presented a thematic strategy on air pollution (*12735/05 + ADD 1 + ADD 2*) and a proposal for a new air quality directive in the European Union (*14335/05*).

The draft directive aims to revise the current ambient air quality legislation, comprising two main elements:

- a) the merging of five legal instruments into a single directive (the framework directive³, the first⁴, second⁵ and third⁶ daughter directives and the exchange of information decision⁷; the fourth daughter directive⁸ being merged later through a simplified "codification" process).
- b) introduction of new air quality standards for fine particulate matter (PM_{2.5}) in the air, because of the large health benefits to be obtained⁹.

³ Directive 96/62/EC, OJ L 296, 21.11.1996, p. 55.

⁴ Directive 1999/30/EC, OJ L 163, 29.6.1999, p.41.

⁵ Directive 2000/69/EC, OJ L 313, 13.12.2000, p. 12.

⁶ Directive 2002/3/EC, OJ L 67, 9.3.2002, p.14.

⁷ Decision 97/101/EC, O.J. L 35, 5.2.1997, p. 14.

⁸ Directive 2004/107/EC, OJ L 23, 26.1.2005, p. 3.

⁹ Recent scientific evidence has suggested that the smaller particles (PM_{2.5}) are particularly dangerous for human health and should be reduced in Europe.

At the same time, more flexibility will be given to the Member States. Where they can demonstrate that they have taken all reasonable measures to implement the legislation but still need more time to comply with air quality standards in certain places, it is proposed to allow them to request a time-limited extension to the compliance deadline in the affected zones under certain conditions.

Legal basis proposed: Article 175 (1) of the Treaty – qualified majority required for a Council decision, co-decision procedure with the European Parliament applicable.

Waste

The Council will adopt conclusions on the proposed thematic strategy on prevention and recycling of waste.

As prescribed in the EU's 6th environment action programme (6th EAP)¹⁰, the thematic strategy on waste (5047/06) sets objectives and outlines the means by which the EU can improve waste management. The strategy is aimed at contributing to the sustainable use of natural resources with a view to reducing the overall negative environmental impact. Presented in tandem with the thematic strategy on the sustainable use of natural resources, it provides for the following main measures:

- a renewed emphasis on full implementation of existing legislation,
- introducing life-cycle thinking into waste policy,
- promotion of waste prevention policies,
- improving the knowledge base,
- fostering waste recycling (recycling standards, economic instruments),
- simplification and modernisation of legislation.

The action and changes proposed by the thematic strategy are expected to lead to less waste to landfill, more compost and energy recovery from waste and more and better recycling. The EU should become, in the long term, a recycling society, that seeks to avoid waste and uses waste as a resource.

In the draft conclusions, the Council, in particular:

- stresses that account should be taken of all environmental and socio-economic impacts;
- underlines the importance of the general principles of waste management, such as the precautionary principle, the polluter-pays principle, the waste generator's responsibility and the producer's responsibility;
- emphasises the key importance of waste "hierarchy": prevention; re-use; recycling; other recovery operations; disposal;
- considers "life-cycling thinking" as a useful concept for evaluating the impacts of waste;
- agrees to prevent the generation of waste as far as possible;
- supports the EU's vision of becoming a "European recycling society";
- supports the idea of modernising the EU legal framework;
- agrees to the increasing of the levels for recycling, including the production of high-quality compost;

¹⁰ Decision 1600/2002/EEC, OJ L 242, 10.09.2002, p.1.

- recognises that economic instruments can play a crucial role in waste prevention and management, it being up to the Member States to decide on their use.

Urban environment

The Council will adopt conclusions on the thematic strategy on urban environment¹¹.

The strategy is one of seven foreseen under the 6th Environment Action Programme¹². It reacts to the fact that some 80 % of Europe's citizens live in urban areas and are therefore subject to the harmful effects of environmental problems. It should be applied to capital cities and cities with over 100 000 inhabitants, i.e. the EU largest 500 towns and cities.

The strategy is aimed at contributing to a better quality of life and well-being of citizens by encouraging sustainable development and providing a clean and healthy urban environment with air quality, low noise, clean water, high use of renewable energy and low consumption of space and resources.

The strategy permits Member States to help regional and local authorities to learn from one another about measures that are particularly effective in improving the environmental performance of European cities and urban areas.

These measures, in the form of recommendations, address:

- training;
- support for EU-wide exchange of best practices;
- creation of a Commission internet portal for local authorities.

In the draft conclusions, the Council, in particular:

- emphasises the close link existing between the thematic strategy on urban environment, the EU sustainable development strategy and the other thematic strategies;
- welcomes the integrated approach of the thematic strategy on urban environment;
- calls on Member States to consider the possibilities of national Strategic Reference Framework for urban environment issues as well as opportunities in the context of LIFE+ Regulation and funds;
- recognises the relevance of the 7th Framework Programme for Research and Development, as well as the importance of the promotion of eco-innovation through rapid implementation of the multiannual programme of studies, analyses, forecasts and other related work in the energy sector (ETAP programme)
- highlights the importance of public participation in decision making in this field;
- invites the Commission to promote Local Agenda 21 and the Aalborg commitments;
- calls for reducing greenhouse gas emissions and improving energy efficiency through transport and land use planning, urban design, construction and the operation of buildings, green public procurement and citizens' lifestyles;
- emphasises the need to protect children's health;
- recommends measures to manage relations between cities and their hinterlands;

¹¹ Communication from the Commission: 5298/06 + ADD 1.

¹² Decision 1600/2002/EC, OJ L 242, 10.9.2002, p. 1.

- welcomes the exchange of good practice;
- invites the Commission to provide guidance for improving the quality of the urban environment;
- recommends cooperation on international activities in the same field.

GMOs

The Council will hold an exchange of views on *genetically modified organisms* (GMOs), covering the following issues suggested by the Presidency (9966/06):

- 1) *How do the Member States view current developments since the Environment Council meeting on 9 March 2006, in particular the key actions proposed by the Commission; what further steps, if any, do they believe should be taken?*
- 2) *How do the Member States and the Commission see the role of the precautionary principle in the authorisation and risk assessment of GMOs and GMO products?*

At the December and March (Environment) Councils, a number of delegations expressed concerns at the way in which decisions authorising GMOs are taken at EU level, in particular concerning

- the fact that the Commission has authorised products, under the committee procedure, against a (simple) majority in the Council;
- the fact that there is room for improvement in risk assessment practices and in the transparency of decision-making procedures;
- the fact that Member States' input into evaluation applications is reduced;
- the use of the precautionary principle.

Authorisation for a GMO is currently subject to the following procedure:

On the basis of a European Food Safety Authority positive opinion, the Commission submits a draft decision to the regulatory committee¹³ authorising the product. The committee must give an opinion by qualified majority.

When no qualified majority is attained in the committee, in accordance with the committee procedure¹⁴, the Commission submits a proposal giving the Council three months to take a decision. A qualified majority is also required in the Council for adopting or rejecting the Commission's proposal, whereas unanimity is needed to modify it. In the event of rejection, the Commission must re-examine its proposal. In the event of the Council failing to reach a decision, the act is to be adopted by the Commission.

Respecting the current legal framework, the Commission suggested to the Member States an approach for improving the scientific consistency and transparency of risk assessment and decision-making procedures (key actions). It further invited the Member States to present their views on this approach with the aim of reaching agreement on a common way forward.

¹³ Established under Article 30 of Directive 2001/18/EC.

¹⁴ See Article 5 of Council Decision 1999/468/EC (OJ L 184/23, 17.7.1999).

Biofuels/biomass

The Council will hold an exchange of views on the environment aspects of the biofuels/biomass policy, on the basis of the following questions suggested by the Presidency (9984/1/06):

- *How can the (Environment) Council contribute most effectively to the development of the European Energy Policy and help ensure that the EU takes a holistic and coordinated approach to achieving the three key objectives of competitiveness, security (of supply) and environmental sustainability; how can the two new policy strategies on biofuel and biomass be used and developed to help deliver such an integrated and balanced approach?*
- *In particular, how can energy policy, including increased use of biomass and biofuels, contribute to wider environmental objectives (e.g. climate change and protection of biodiversity). What specific environmental actions or measures should be included in the Action Plan to achieve this?*

The Commission recently adopted an EU strategy on biofuels¹⁵ and a Biomass action plan¹⁶. Council conclusions on the biomass action plan were adopted by the (Transport, Telecommunications and Energy) Council on 8 June¹⁷.

In its conclusions of 23/24 March 2006, the European Council called for "*an Energy Policy for Europe, aiming at effective Community policy, coherence between Member States and consistency between actions in different policy areas and fulfilling in a balanced way the three objectives of security of supply, competitiveness and environmental sustainability*". It underlined that, "*to achieve this consistency (...) energy policy has to satisfy the demands of many policy areas*". It, therefore, called for an "*enhanced coordination between the relevant Council formations*".

A strategic energy review will be presented by the Commission by the end of this year, based on preparatory discussions in the later part of 2006.

The outcome of the (Environment) Council's debate will contribute to a prioritised Action Plan to be adopted by the European Council at its 2007 spring session.

Other Business

The Council will be briefed by the Presidency on the following items:

- Proposal for a regulation on type approval of motor vehicles with respect to emissions and on access to vehicle repair information (Euro 5)
- Conferences:
 - "REACH" (Vienna, 30-31 March 2006)
 - "European Sustainable Development Network (ESDN)" (Salzburg, 1-2 June 2006)
 - "Green Public Procurement" (Graz, 3-4 April 2006)

¹⁵ 6153/06.

¹⁶ 15741/06.

¹⁷ See 10042/06

- Eighth ordinary meeting of the Conference of the Parties (COP 8) to the Convention on Biological Diversity (CBD) (Curitiba, 20-31 March 2006)
- Second Conference of the Parties to the Stockholm Convention on persistent organic pollutants (POPs) (Geneva, 1-5 May 2006)

The Council will be briefed by the Commission and the Presidency on the following item:

- Third meeting of the Parties to the Cartagena Protocol on Biosafety (MOP 3) (Curitiba, 13-17 March 2006)

The Council will be briefed by the Commission on the following item:

- European action on water scarcity and droughts

The Council will be briefed by the Swedish delegation on the following item:

- Ministerial Meeting within the North Sea Conference (Göteborg, 4-5 May 2006)

The Council will be briefed by the Spanish, Portuguese, German and Czech delegations on the following item:

- EU legislation for the prevention and management of biowaste

The Council will be briefed by the Belgian delegation on the following items:

- Import of wild birds into the European Union
- International Conference on "How to Better Regulate Waste Prevention, Re-use, Recycling and composting at the European Level?" (Brussels, 19-20 June 2006)
