

13685/03 (Presse 305)

2536th Council meeting

- ENVIRONMENT -

Luxembourg, 27 October 2003

President : **Mr Altero MATTEOLI**
Minister for the Environment and Protection of
Natural Resources of the Italian Republic

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13685/03 (Presse 305)

CONTENTS¹

PARTICIPANTS.....	4
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ITEMS DEBATED

VOLATILE ORGANIC COMPOUNDS - <i>Public deliberation</i>	6
CHEMICALS POLICY	7
INTEGRATED PRODUCT POLICY - <i>Council conclusions</i>	8
EUROPEAN ENVIRONMENT AND HEALTH STRATEGY - <i>Council conclusions</i>	13
STRUCTURAL INDICATORS - <i>Council conclusions</i>	18
GREENHOUSE GAS EMISSION ALLOWANCE TRADING AND THE KYOTO PROTOCOL'S PROJECT MECHANISMS	20
9TH CONFERENCE OF THE PARTIES TO THE UN FRAMEWORK CONVENTION ON CLIMATE CHANGE (MILAN, 1-12 DECEMBER 2003)	20
OTHER BUSINESS	21
– Aarhus Convention	21
– Ministerial Conference on the Environment and sustainable development in Northern Europe.....	21
– Annual reports on thematic strategies under the 6th Environmental Action Programme	21
– Prevention of forest fires	21
– Ozone pollution	22
– Ship decommissioning.....	22

ITEMS APPROVED WITHOUT DEBATE

EXTERNAL RELATIONS

– Estonia – Regional aid map	I
– Malta – Trade in agricultural products	I

¹

- *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.*
- *The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.*
- *Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk. These statements are available on the abovementioned Council Internet site or may be obtained from the Press Office.*

- Liberia – Exceptions to the arms embargo to allow for a UN mission	I
<i>DEVELOPMENT COOPERATION</i>	
- Technical Centre for Agricultural and Rural Cooperation	II
<i>TRADE</i>	
- Russia – Steel	II
- Anti-dumping – China – Furfuryl alcohol	II
<i>ECOFIN</i>	
- Energy Taxation *	II
<i>INTERNAL MARKET</i>	
- New link between international registered marks and Community trade marks *	III
<i>TELECOMMUNICATIONS</i>	
- Programme MODINIS - <i>Public deliberation</i>	IV
- Use of public sector information - <i>Public deliberation</i>	IV
<i>TRANSPORT</i>	
- GALILEO - Cooperation with China	IV
<i>AGRICULTURE</i>	
- Food Hygiene * - <i>Public deliberation</i>	V
<i>APPOINTMENTS</i>	
- Committee of the Regions	VI

PARTICIPANTS

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

Belgium :

Mr Ludo SANNEN

Flemish Minister for the Environment, Agriculture and Development Cooperation

Denmark :

Mr Hans Christian SCHMIDT

Mr Leo LARSEN

Minister for the Environment

State Secretary

Germany :

Mr Rainer BAAKE

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

Greece :

Ms Rodhoula ZISSI

State Secretary for the Environment, Regional Planning and Public Works

Spain :

Mr Juan del ÁLAMO JIMÉNEZ

State Secretary for the Environment

France :

Ms Roselyne BACHELOT-NARQUIN

Minister for Ecology and Sustainable Development

Ireland :

Mr Pat the COPE GALLAGHER

Minister of State at the Department of the Environment and Local Government

Italy :

Mr Altero MATTEOLI

Minister for the Environment and Protection of Natural Resources

Luxembourg :

Mr Charles GOERENS

Minister for Cooperation, Humanitarian Action and Defence, Minister for the Environment

Netherlands :

Mr Pieter VAN GEEL

State Secretary for Housing, Planning and the Environment

Austria :

Mr Jozef PRÖLL

Federal Minister for Agriculture, Forestry, the Environment and Water Management

Portugal :

Mr Amílcar THEIAS

Mr José Eduardo MARTINS

Minister for Urban Areas, Regional Planning and the Environment

State Secretary for the Environment

Finland :

Mr Jan-Erik ENESTAM

Minister for the Environment

Sweden :

Ms Lena SOMMESTAD

Minister for the Environment

United Kingdom :

Ms Margaret BECKETT

Mr Elliot MORLEY

Mr Ross FINNIE

Secretary of State for the Environment, Food and Rural Affairs

Minister of State for the Environment

Minister for Environment and Rural Development (Scottish Executive)

* * *

Commission :

Ms Margot WALLSTRÖM

Member

The Governments of the Acceding States were represented as follows:

Czech Republic :

Mr Libor AMBROSEK

Minister for the Environment

Estonia :

Mr Villu REILJAN

Minister for the Environment

Cyprus :

Mr Kornelios KORNELIOU

Deputy Permanent Representative

Latvia :

Mr Raimonds VEJONIS

Minister for the Environment

Lithuania :

Mr Arūnas Kundrotas

Minister for the Environment

Hungary :

Mr Miklós PERSÁNYI

Minister for the Environment and Water

Malta:

Mr George PULLICINO

Minister for Rural Affairs and the Environment

Poland :

Mr Krzysztof SZAMALEK

State Secretary for the Environment

Slovakia :

Mr László MIKLÓS

Minister for the Environment

Slovenia :

Mr Janez KOPAČ

Minister for the Environment, Spatial Planning and Energy

ITEMS DEBATED

VOLATILE ORGANIC COMPOUNDS - *Public deliberation*

On the basis of a Presidency compromise text, the Council reached a unanimous political agreement, with the abstention of Greece, on the draft Directive on the limitation of emissions of volatile organic compounds (VOC) due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13 EC. The text, which takes into account of the European Parliament's Opinion at first reading, will be formally adopted as a Common Position at a forthcoming session, after legal linguistic finalisation, and subsequently submitted to the European Parliament for second reading.

The purpose of the proposed Directive is to limit the emissions of solvents containing VOCs in certain paints, varnishes and vehicle refinishing products. The limits for vehicle refinishing products would be in place by 1 January 2007. A 2-phase approach is suggested for the decorative paint market, with increasingly tight specifications to be in place by 1 January 2007 and by 1 January 2010.

As regards future steps related to VOC reduction, the Commission is invited to submit to the European Parliament and the Council by the end of 2008 a report that examines the broad scope for making further reductions in VOC content in products outside the scope of the Directive as well as the possible introduction of a further (phase II) reduction of vehicle refinishing products.

A second Commission report is foreseen in 2012 to examine the potential for making further reduction in VOC content of products already covered by the Directive. Both these reports shall be accompanied, if appropriate, by proposals to amend the Directive.

Moreover, the Commission review in 2008 will examine any new element in relation to the socio-economic impact of the application of phase II as proposed for paints and varnishes.

CHEMICALS POLICY

Over lunch, Ministers, stressing their firm determination to be involved in the dossier of chemical policy, took note of information provided by Commissioner Wallström on the result of the latest internet consultation on the draft legislative proposal and invited the Commission to present the final proposal as soon as possible.

INTEGRATED PRODUCT POLICY - Council conclusions

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION**1. RECALLING:**

- the informal meeting of Environment Ministers which took place in Weimar on 8/9 May 1999, where Ministers recognised the need to develop an integrated approach at Community level which deals with the entire life cycle of products,
- the Council conclusions on the Commission Green Paper on Integrated Product Policy (IPP) of 7 June 2001,
- the Göteborg European Council of 15 and 16 June 2001 where an environmental dimension was added to the Lisbon process, in the form of a strategy for sustainable development,
- Decision No 1600/2002/EC laying down the Sixth Community Environment Action Programme and, in particular, the objectives and priority areas for action on the sustainable use and management of natural resources and wastes,
- the Brussels European Council conclusions of 20 and 21 March 2003 promoting timely elaboration at both international and EU level of the 10-year framework of programmes on sustainable consumption and production included in the Plan of Implementation from the Johannesburg World Summit on Sustainable Development, on which the EU should take the lead;

2. ACKNOWLEDGES THAT:

- there is a need for economic systems to take into account the limits of the Earth to absorb pollution and provide natural resources and therefore to further support environmental policies which take into consideration the entire life cycle of products and services, preventing the mere transfer between life cycle-phases of environmental impacts,
- the main challenge is to secure both environmental protection and economic and social development, all strongly influenced by products' production and consumption. By adding market based approaches to traditional "command and control" tools, IPP provides new solutions and possibilities in achieving sustainable development,

- the involvement of enterprises and other relevant actors is needed in order to introduce innovation, develop win-win options, adopt best practice solutions and take advantage of the opportunity offered by these. The IPP also contributes to strengthening environmental decision-making processes by involving all interested parties,
- integrated product policy strengthens the product dimension in EU environment policy, simultaneously promoting EU broader environmental, economic and social targets and fulfilling the Lisbon objectives to create an EU eco-efficient economy and the related international commitments. IPP therefore needs to be closely integrated with other EU policies providing a link between production and consumption,
- IPP represents an important element of the future thematic strategies regarding sustainable use of natural resources and prevention and recycling of waste and other EU environmental strategies,
- IPP contributes to the availability and promotion, at the European level, of tools and frameworks with the purpose of providing consumers, and more generally all market actors, with product information, based on solid scientific elements, thereby contributing to a more transparent market,
- IPP has an important role in meeting the EU's commitment to elaborate the 10 year framework of programmes on sustainable consumption and production (SCP) included in the Plan of Implementation from the Johannesburg World Summit on Sustainable Development;

3. WELCOMES:

- the Commission communication on "Integrated Product Policy – Building on environmental life-cycle thinking" and supports the key principles of the Commission's IPP approach such as life-cycle thinking, stakeholder involvement, a market driven approach, an optimal mix of instruments, as well as the intention of the Commission to establish concrete initiatives and timetables,
- the Commission's intention to encourage relevant actors to include in their policies objectives to reduce environmental impacts of all products aiming at a continuous improvement of products and services produced in their respective sectors;

4. CALLS UPON the Commission and Member States as appropriate to:

Scope of IPP

- apply, as already requested in the Environment Council conclusions of 7 June 2001, the IPP approach also for services, and especially for key areas such as tourism,

- in particular, explore further the approaches for encouraging a movement from products to services, where this would use fewer resources and reduce environmental impacts;

Green Public Procurement:

- further strengthen Green Public Procurement (GPP) in order to promote greener products diffusion and cleaner technologies as well as further encourage local and national authorities to take fully into account environmental aspects in public procurement,
- promote the role of public procurement in stimulating high environmental performance through sustainable innovation and improved technology,
- finalise rapidly the Product Group Database on existing product criteria and support actively its use on a voluntary basis by Member States and, at the same time, continue to inform public purchasers on how Ecolabel, Environmental Product Declaration (EPD) and EMAS should be used in relation to public procurement,
- promote GPP experiences and information exchange by supporting national and local networks (e.g. BIG-NET),
- promote the establishment of a GPP focused working group in order, inter alia, to exchange information and experiences , measure progress, develop suitable indicators and to discuss the need for further EU initiatives on GPP;

Consumer information:

- improve the quality of environmental information to the consumers, advise Member States in view of a better application of the existing legislation as well as its future modification, and strengthening the role of its guidelines on green claims;

Coordination of instruments and related information tools:

- present a coherent strategy for existing and future information instruments in order to promote environmental improvements through the whole supply chain. Such a strategy should:
 - = be based on the principles of life-cycle thinking,
 - = take account of the different needs of actors in the supply chain, also developing or improving all the relevant forms of information,
 - = set out plans for greater synergy between the information and management tools (inter alia ecolabelling, Life Cycle Assessment, EPD, Environment Management Scheme, GPP) that need coordination in order to make possible the use of same data for different purposes and to make existing and future product related voluntary, legal and economic instruments, more efficient and mutually supportive,

- = show how these information tools and the resulting knowledge base can be integrated into other IPP measures, notably GPP and product standards (for example, in the context of the Commission's proposed directive on energy-using products),
- = improve the quality and quantity of voluntary environmental information to the consumers and other stakeholders throughout the product chain by removing barriers and improving the access to such information;

Research:

- further promote the role of research in order to improve the scientific base of the assessment of the harmfulness of different substances and the environmental impact of different products and in order to provide a basis for the development of more environmentally friendly technologies, products and services,
- further promote inter-disciplinary research in order to identify challenges and opportunities to sustainable production and consumption;

Workplan and timetable:

- establish a more detailed work-plan and timetable for actions, initiatives and implementation foreseen by the communication; in particular the elaboration of action plans for the integration of environmental requirements into public procurement, the discussion on establishing a Community Environment Product Declaration (EPD) scheme or framework, the setting out of a strategy on information tools and the identification of products with the greatest potential for environmental improvement should be considered in an earlier phase,

IPP permanent working group:

- define more precisely how Member States are to be effectively involved in the development, implementation and monitoring of the IPP,
- establish a formal working group to support the Commission in the follow-up to the communication, with effective means of consultation with all relevant stakeholders;

Small and Medium-sized Enterprises:

- take account of special needs of Small and Medium sized Enterprises (SMEs) when developing IPP initiatives, also bearing in mind their role in the Member States' economy,
- disseminate the positive experiences of SMEs that, through clean product development and the use of voluntary IPP instruments, have increased their market share;

Pilot projects:

- involve Member States in the selection of pilot projects in order to avoid duplication and to optimise previous experiences;

Environmental Design:

- ensure that new Directives concerning products will promote environmental design of products and the efficient use of raw materials, taking into consideration the environmental impacts caused by goods and services along their whole life cycle,
- if using the "New Approach" for proposals for Community legislation, to develop these proposals so that precise environmental targets and requirements are set in the political process;

Relation to relevant policy approaches:

- develop the IPP approach in relation to the objectives to be set for products in the new thematic strategies and other relevant policy approaches as defined by the 6th Environment Action Programme such as the new chemicals policy, inter alia by ensuring that life-cycle assessment and other tools take chemical usage into account and by clarifying the responsibilities of downstream users and the role of the final consumer;

Future developments:

- review the international dimension of life-cycle thinking in the report to be presented to the Council and to the Parliament in 2007;

Environmentally negative subsidies:

- give high priority to work on a list of criteria which allow environmentally negative subsidies to be recorded;

Other economic instruments:

- consider, in the forthcoming Commission communication on economic instruments in environmental policy, how such instruments can support the implementation of IPP;

5. **CALLS UPON Member States**, in developing and implementing their national strategies on IPP and other relevant policies, to consider the content of the Commission communication and these conclusions as a guidance."

EUROPEAN ENVIRONMENT AND HEALTH STRATEGY - Council conclusions

The Council adopted the following conclusions:

" THE COUNCIL OF THE EUROPEAN UNION:

I - RECALLING THAT:

1. The Treaty in Articles 152 and 174 requires that a high level of human health protection should be ensured in the definition and implementation of all Community policies and actions, that Community policy on the environment shall contribute to, inter alia, the protection of human health and the promotion of measures at international level to deal with regional or global environmental problems, and that the Community policy on the environment shall be based on the precautionary principle;
2. The World Health Organisation (WHO) defines "environment and health" as including "both the direct pathological effects of chemicals, radiation and some biological agents, and the effects (often indirect) on health and well-being of the broad physical, psychological, social and aesthetic environment, which includes housing, urban development, land use and transport"¹;
3. The Sixth Environmental Action Programme has the goal of contributing to a high level of quality of life and social well-being for citizens by providing an environment where the level of pollution does not give rise to harmful effects on human health and the environment;
4. The Programme of Community action in the field of Public Health (2003-2008) lists among its range of actions and support measures that of promoting health and preventing disease through action on health determinants across all Community policies and activities;
5. The multi-annual Framework Programmes of the European Community for Research and Technological Development have included specific actions in the field of environment and health, an area which continues to be a key subject of research;
6. The Community's sustainable development strategy can provide a tool for the promotion of the integration of environmental and health aspects into sectoral policies;
7. An important international process was launched in Frankfurt in 1989 when Environment and Health Ministers of the European region of the World Health Organisation adopted the European Charter on Environment and Health; and the Helsinki (1994) and London (1999) declarations identified further action, in particular the National Environmental Health Action Plans (NEHAPs) developed by most Member States and Acceding Countries. The forthcoming pan-European Ministerial Conference on Environment and Health to be held in Budapest in June 2004 with the theme "The future for our children' will be the next milestone in the process;

¹ "Environment and health. The European Charter and commentary", Copenhagen, WHO Regional Office for Europe, 1990 (WHO Regional Publications, European Series, No 35).

8. Environment and health is also high on the global agenda and a number of the goals set by the Johannesburg World Summit on Sustainable Development (WSSD) as well as the United Nations Millennium Development Goals deal with human health issues related to environmental degradation;

II - CONSIDERING THAT:

9. There is a growing need to formulate an overall Community-wide and multi-disciplinary framework approach to coordinate the various Community action programmes, with a view to identifying and exploiting all potential synergies while avoiding unnecessary duplication of effort and identifying potential gaps and issues which should be developed further;
10. Environmental assessments and policy actions have to date achieved significant progress by focusing on single pollutants in single environmental compartments. Whilst further efforts in this direction should be continued, there is now growing awareness of the need to address the effects of the combination of harmful environmental factors, of the transfer of pollutants from one environmental compartment to another, and of long-term exposure thereto;
11. When investigating the relationship between environment and health, high volume chemicals on which very little information is available at the present, but for which a significant exposure is expected, should also be considered. In this respect, the new chemical policy with the REACH system will therefore be elaborated with a view to making it an essential tool to improve knowledge and prevent future threats to human health;
12. Furthermore, our societies have proved to be vulnerable to extreme climatic events, leading to serious consequences for public health. As such events are expected to become more frequent and severe, our societies should improve their capacities to assess these impacts better and to prepare for these effects;
13. A range of important human pathologies are associated with the exposure of the population, in particular vulnerable population groups such as children in their different developmental stages, pregnant women, the elderly, and the socio-economically disadvantaged, to a number of environmental factors, both indoors and outdoors, and in the short and the long term. Children are particularly vulnerable to certain environmental factors and therefore an additional safety factor may be required when considering actual risk for children. Specific actions are therefore needed in order to protect their health and enhance their healthy life expectancy;
14. Environment-related health problems could affect men and women differently. There is therefore a need for further research in this field.

15. Factors in the indoor environment influence the prevalence of respiratory disease, asthma and allergy in children. For this reason the indoor environment should be more closely focussed on in the future work programme. Small children spend much of their time indoors so safe conditions are crucial. In addition, many workers spend considerable parts of their working lives indoors and a safe working environment is essential to them. It is therefore essential that unacceptable risks such as environmental tobacco smoke should be reduced or eliminated altogether;

III - WELCOMES:

16. The European Environment and Health Strategy outlined in the Commission Communication ¹ with its focus for the first cycle (2004-2010) on four major human health problems (childhood respiratory diseases, asthma, allergies; neurodevelopmental disorders; childhood cancer; endocrine disrupting effects), and with its three ultimate objectives, namely the reduction of the health risks and disease burden caused by environmental factors in the EU, the identification and prevention of new health threats caused by environmental factors, and the strengthening of EU capacity for policymaking in this area. As such, the Strategy represents an important step towards establishing a coherent, long-term, integrated Community policy to combat environmental and health threats, including specific measures and activities;
17. The Commission's intention to establish a European Integrated Environment and Health Monitoring and Response System which will generate synergies and facilitate the sharing of data and methodologies in order to increase the understanding of the environment and health relationship;

IV - UNDERLINES:

18. The added value which can be generated by close coordination of the Sixth Environmental Action Programme, the Programme of Community Action in the field of Public Health (2003-2008) and the Sixth Framework Programme for Research and Development;
19. The need to ensure that the consultative group and technical working groups established by the Commission take into account the work of scientific committees and other advisory fora set up to advise the Commission in order to optimise synergies and avoid duplication of work;
20. The need for close cooperation between the Commission and the Member States, making full use of the inputs from scientific institutions, and involving NGOs and other stakeholders in implementation of the Strategy;

¹ *Doc. 10676/03 ENV 347 SAN 141*

21. The importance, in the context of the drawing up of the "Action Plan 2004-2010", of establishing concrete operational and quantifiable objectives on the basis of existing environmental and health data banks, in order to ensure integrated information. Priority should be given to developing broader Health Impact Assessment Methodologies, Information Surveillance Systems and an Early Warning System and to developing robust, reliable and informative indicators on Environment and Health. Joint programmes on monitoring would also help the exchange of experience and knowledge and would fill some of the gaps;
22. The need to support the development and implementation of the the European Environment and Health Strategy, including through the Framework Programmes for Research and Development, and to pay particular regard to both capacity building, and the generation, exchange and dissemination of knowledge;
23. The fact that appropriate and effective advocacy, information, education and communication, based on sound science, is key to promoting public awareness so that people can avoid well known and emerging environmental health threats. Furthermore, public awareness can also play an important role in ensuring sufficient support for the development of new risk management policies;
24. The need to consider how to supplement regulatory instruments with other types of measures, for example policies designed to motivate economic operators and individual citizens to undertake positive action in the field of environment and health.
25. The need to ensure that specific attention can be paid to the environment and health issues which are prevalent in the Acceding countries;
26. The need to co-operate closely with international institutions such as the World Health Organisation, the United Nations Environment Programme, the United Nations Commission on Sustainable Development, the United Nations Economic Commission for Europe and the Organisation for Economic Cooperation and Development, in developing the external dimension of the Strategy, taking into account the goals set by the World Summit on Sustainable Development and the UN Millennium declaration;

V - CALLS UPON THE COMMISSION TO:

27. Ensure, in establishing and implementing the "Action Plan 2004-2010", a strict linkage and interaction with the relevant Thematic Strategies of the Sixth Environment Action Programme, the Programme of Community Action in the field of Public Health, the Sixth Framework Programme for Research and Development and other relevant Community programmes with a view to providing input for their future development;
28. Ensure that the Strategy and its Action Plan are regularly evaluated and adjusted on the basis of scientific knowledge and experience acquired during implementation;

29. Develop, in the first cycle of the Strategy, the research base for the socio-economic evaluation of the health impact of policies and measures with particular focus on the health of children and other vulnerable groups in order to support policy-making and strengthen the integration of health aspects into the new integrated impact assessment tool;
30. Consider including in the first cycle of the Strategy research on the less explored health and environmental threats represented by the broad physical, psychological, social and aesthetic environment affecting the health and well-being of the population such as:
 - indoor environmental factors including environmental tobacco smoke,
 - the socio-economic determinants of environmental health,
 - the impacts of climatic change,
 - contaminated water, and
 - noise
31. Ensure the appropriate consultation of the Council in the evolution of the Action Plan in the lead up to the pan-European Ministerial Conference on Environment and Health to be held in Budapest.
32. Contribute, in close cooperation with the Member States and the World Health Organisation, to the preparation and follow-up of the forthcoming pan-European Ministerial Conference on Environment and Health and, in this framework, ensure consistency between the "Action Plan 2004-2010" and the Children's Environment and Health Action Plan for Europe (CEHAPE);

VI - CALLS UPON THE MEMBER STATES TO:

33. Ensure an active role for civil society, NGOs and citizens' organisations in developing and implementing the Strategy;
34. Ensure close organisational cooperation between all institutions competent for environment and health control with particular reference to the surveillance and monitoring activities, at local, national and international level."

STRUCTURAL INDICATORS - Council conclusions

The Council adopted the following conclusions:

"THE COUNCIL (ENVIRONMENT)

1. RECALLS the European Community's commitment to obtain sustainable development through active implementation of the Community sustainability objectives, the environmental dimension of the Lisbon strategy as decided by the Göteborg European Council, the 6th Environmental Action Programme, the Cardiff process and the objectives of the World Summit on Sustainable Development;
2. TAKES NOTE OF the Commission's Communication on Structural Indicators proposing a shortlist of 14 headline structural indicators which will be supported by a publicly-accessible data base containing the longer reference list of previous years' structural indicators;
3. TAKES NOTE OF the proposal of the Commission to update and agree on the shortlist of structural indicators every three years, in order to ensure more stability in the process and coherence with the recent streamlining of documents for the Spring European Council; while NOTING that the shortlist of headline indicators may nonetheless be modified in the light of new policy priorities, which may arise, *inter alia*, from the review of the EU Sustainable Development Strategy (SDS);
4. CONSIDERS that the three environmental related headline structural indicators should be reformulated and differentiated as appropriate to focus on the most significant environmental impacts and that meaningful and robust indicators for the four areas identified by the Göteborg European Council, in particular on biodiversity and health, should be included as soon as possible and not later than by the next review of the EU SDS;
5. CALLS UPON the Commission to continue to intensify the development and improvement of environment related structural indicators, monitoring progress and identifying best practices, in particular indicators covering the priorities as set out in the 6th Environmental Action Programme and the Göteborg conclusions;
6. WELCOMES the development of a comprehensive assessment and reporting system for SD building on the work of the Eurostat Task Force on Sustainable Development Indicators;
7. CONSIDERS that it is essential to implement the integration principle stated in art. 6 of the Treaty within the Council decision making process;

8. AGREES that the present Conclusions should be integrated into the preparation of a joint position on structural indicators and ASKS the Presidency to take the appropriate steps to this end while respecting the areas of responsibility of each of the concerned Council formations and the coordinating role of the GAERC reporting to the European Council. The relevant fora of the Council shall contribute to this process;
9. LOOKS FORWARD TO the Commission's first annual environmental policy report to be submitted in time to enable the Council (Environment) to prepare thoroughly its contribution to the Spring European Council."

GREENHOUSE GAS EMISSION ALLOWANCE TRADING AND THE KYOTO PROTOCOL'S PROJECT MECHANISMS

The Council decided to postpone the policy debate on the proposal for a Directive amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms.

The present proposal ("linkage Directive"), by linking the Joint Implementation (JI) and the Clean Development Mechanism (CDM) of the Kyoto Protocol to the Community emissions trading scheme, provides for the conversion of JI/CDM credits into emission allowances.

As highlighted in the Conclusions of the European Council held in Brussels on 16 and 17 October 2003, this so-called "linkage Directive" aims at contributing to global sustainable development by promoting, inter alia, the spread of clean technologies while safeguarding the EU's competitiveness.

9TH CONFERENCE OF THE PARTIES TO THE UN FRAMEWORK CONVENTION ON CLIMATE CHANGE (MILAN, 1-12 DECEMBER 2003)

The Council held an exchange of views mainly focussed on questions such as the appropriate approach concerning the linkage of the Kyoto Protocol's project-based mechanisms with the EU Greenhouse Gas emissions trading scheme, as well as the criteria for calculation of individual contributions under the so-called Bonn Political Agreement (July 2001), providing US \$ 410 million to developing countries annually from 2005.

The Council decided to continue discussions at a later stage, taking into account the timing of the Conference (COP 9).

OTHER BUSINESS– *Aarhus Convention*

The Council took note of oral information from Commissioner Wallström about a package of legislative proposals to be adopted in the near future with a view to the implementation, by Member States, of the "Access to Justice" pillar of the Aarhus Convention, the establishment of rules for implementing the Convention inside the Community Institutions and the conclusion of this Convention by the Community.

– *Ministerial Conference on the Environment and sustainable development in Northern Europe*

The Council was briefed by the Swedish Minister on the abovementioned Conference, held in Lulea, Sweden, on 28 and 29 August 2003, where Ministers of the Environment and their representatives from the eleven Member States of the Council of the Baltic Sea States discussed the Commission proposal for a new Northern Dimension Action Plan 2004-2006.

– *Annual reports on thematic strategies under the 6th Environmental Action Programme*

The Council took note of information from the Commission on the progress of its work on the Thematic Strategies (soil protection; protection and conservation of the marine environment; sustainable use of pesticides; air quality; urban environment; sustainable use and management of resources; waste prevention and recycling) laid down in the 6th Environment Action Programme.

– *Prevention of forest fires*

The Portuguese delegation referred to the serious damage caused by recent forest fires in Portugal, also in relation to biodiversity. The Portuguese delegation, supported by the Spanish delegation, urged the Commission to submit its communication on the financing of the NATURA 2000 network as soon as possible. The Portuguese delegation also underlined the need to dedicate adequate, specific and autonomous funding to the conservation of natural resources under other Community policies.

– *Ozone pollution*

The Council took note of information provided by the French and Belgian delegations explaining the measures that had been taken recently with regard to their ozone policy as well as of contributions from some delegations that wanted further discussion of this matter. The French delegation, supported by Spain and Greece, suggested more systematic information exchange and structure for coordinating ozone policies.

– *Ship decommissioning*

The Council took note of suggestions from the Belgian delegation concerning a possible modification of EU legislation and a more focussed external EU action in the UN with regard to the issue of ship decommissioning, 90 % of which occurs in countries such as India, Pakistan, Bangladesh and China under very bad working conditions.

ITEMS APPROVED WITHOUT DEBATE

EXTERNAL RELATIONS

Estonia – Regional aid map

The Council approved a draft Decision, to be taken by the EU-Estonia Association Committee, on a regional aid map for the assessment of public aid granted by Estonia (*doc. UE-EE 809/02*).

Under this decision, maximum aid intensities applicable in Estonia will be limited, in net grant equivalent, to 50% of costs in the regions of Central Estonia, North-Eastern Estonia, Western Estonia and Southern Estonia, and to 40% in the region of Northern Estonia. These maximum aid intensities may be raised by 15 gross percentage points in the case of aid granted to small and medium-sized enterprises. They will constitute upper limits which apply to the total aid whenever assistance is granted concurrently under several regional schemes, and regardless of whether it comes from local, regional, national or Community sources.

The Decision will apply until 31 December 2004, or up to the date of Estonia's accession to the European Union, whichever comes first.

Malta – Trade in agricultural products

The Council adopted a Regulation on measures aimed at liberalising trade with Malta in processed agricultural products, on the basis of negotiations held in view of Malta's accession to the EU (*doc. 12431/03*).

The Regulation provides for tariff concessions that will apply on a transitional basis, as from 1 November, pending the conclusion of an agreement. Negotiations with Malta follow the same approach as the trade concessions for agricultural products concluded with the ten associated Countries of Central and Eastern Europe.

Liberia – Exceptions to the arms embargo to allow for a UN mission

The Council adopted a Common Position and a Regulation providing for an exception to the arms embargo against Liberia in order to allow for United Nations mission to support the implementation of the cease-fire agreement signed in Accra on 17 June (*docs 13512/03 + doc. 13513/03*).

The decisions modify Common Position 2001/357/CFSP and Regulation 1030/2003 which, adopted in May 2001, provide for a visa ban, an arms embargo and bans on the provision of arms-related technical training or assistance and on imports of rough diamonds from Liberia.

The establishment of a UN mission and the exception to the arms embargo were authorised by United Nations Security Council Resolution 1509(2003), adopted on 19 September 2003. The UN mission took over on 1 October from an international force led by the Economic Community of West African States (Ecowas).

DEVELOPMENT COOPERATION

Technical Centre for Agricultural and Rural Cooperation

The Council approved a draft Decision on adoption of the 2004 budget for the Technical Centre for Agricultural and Rural Cooperation, established under the Partnership Agreement between the Group of African, Caribbean and Pacific countries (ACP) and the European Community (*doc. ACP-CE 2154/03*). The text will be forwarded to the ACP–EC Committee of Ambassadors for adoption.

TRADE

Russia – Steel

The Council adopted a Decision approving an Agreement between the European Community and Russia on trade in steel products, amending the Agreement between the European Coal and Steel Community and Russia in the same field (*doc. 12065/1/03*). The Council also adopted a Regulation on the administration of restrictions on imports of certain steel products from Russia *doc. 12044/03*).

The ECSC Treaty expired on 23 July 2002 and the Community took over all rights and obligations contracted by it.

Anti-dumping – China – Furfuryl alcohol

The Council adopted a Regulation imposing a definitive anti-dumping duty on imports of furfuryl alcohol from the People's Republic of China (*doc. 13292/03*).

ECOFIN

Energy Taxation *

The Council, following the examination of the European Parliament's opinion of 24 September 2003, adopted the Directive on a Community framework for the taxation of energy products (*doc.8500/03 + doc. 13253/03 ADD 1*).

This Directive will improve the functioning of the Internal Market and help to meet the environmental objectives of the Community and the Kyoto Protocol.

The Directive, due to enter into force from 1st January 2004, widens the scope of the Community minimum rate system, currently limited to mineral oils, to all energy products, chiefly coal, gas and electricity, as well as updating the minimum rates for mineral oils which have not been revised since 1992.

For all these products, only their uses as motor fuel or heating fuel are taxed, and not their use as raw materials, or in chemical reductions or for electrolysis. Furthermore, energy products used as motor fuel for certain industrial and commercial purposes and those used as heating fuel will normally be taxed at levels lower than those applicable to energy products used as motor fuel.

Specific provisions are proposed concerning the taxation of diesel used by hauliers engaged in international activities, in order to limit the distortion of competition operators are confronted with.

Member States are allowed to differentiate between commercial and non-commercial diesel, in particular in order to reduce the gap between the use of non-commercial gas oil used as propellant and petrol.

Business use of energy products may be taxed at a lower rate than non-business use.

Member States are also allowed to apply other exemptions or reduced levels of taxation where this will not be detrimental to the proper functioning of the internal market and will not result in distortions of competition. The introduction of more efficient transport pricing instruments is also facilitated by authorisation for corresponding reductions in the tax levels.

INTERNAL MARKET

New link between international registered marks and Community trade marks *

The Council adopted a Decision approving the accession of the European Community to the Protocol to the Madrid Agreement concerning the International Registration of Marks¹ (*doc. 12812/03*), and the Regulation giving effect to this accession by modifying the Community trade mark system accordingly (*doc. 12813/03 + 12976/03 ADD 1*)

¹ This Agreement was adopted at Madrid on 27 June 1989. The Protocol Relating to the Madrid Agreement concerning the International Registration of Marks (the Madrid Protocol) was adopted in Madrid on 27 June 1989, with two main aims:

- (a) to establish a more flexible system than that of the Madrid Agreement, thus making it more attractive to certain States which were reluctant to accept some aspects of the Madrid Agreement, and
- (b) to enable a link to be established between the international Madrid system for the registration of marks and the Community trade mark, making it possible to obtain an international registration on the basis of a Community trade mark, and to obtain a Community trade mark on the basis of the filing of an international application. To this end, not only States but also the European Community as such may become parties to the Madrid Protocol.

By adopting these acts, it will be possible for firms to profit from the advantages of the Community trade mark through the Madrid Protocol and vice versa by allowing Community trade mark applicants and holders of such trade marks to apply for international protection of their trade marks through the filing of an international application under the Madrid Protocol and, conversely, holders of international registrations under the Madrid Protocol to apply for protection of their trade marks under the Community trade mark system.

The establishment of a link between the Community trade mark system and the International registration system under the Madrid Protocol is expected to promote a harmonious development of economic activities, eliminate distortions of competition, be cost efficient and increase the level of integration and functioning of the internal market.

TELECOMMUNICATIONS

Programme MODINIS - *Public deliberation*

The Council¹ approved the amendment proposed by the European Parliament at second reading with a view to the adoption of a Decision on a multiannual programme (2003-2005) for the monitoring of eEurope, dissemination of good practices and the improvement of network and information security (MODINIS). In particular, the proposed amendment sets the financial framework for the implementation of this programme at EUR 21 million. The Decision will be adopted in the form of the common position as thus amended.

Use of public sector information - *Public deliberation*

The Council² approved the amendments proposed by the European Parliament at second reading with a view to the adoption of a Directive on the re-use of public sector information. The Directive will be adopted in the form of the common position as thus amended.

TRANSPORT

GALILEO - Cooperation with China

The Council adopted a Decision on the signing of a Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) - GALILEO between the European Community and its Member States and the People's Republic of China (*doc. 13324/03 + doc. 13325/03*).

¹ The Council adopted its common position on 26 May 2003 on the above draft Decision.

² The Council adopted its common position on 26 May 2003 on the above draft Directive.

The sectors for cooperative activities initially covered by the Agreement include scientific research, industrial manufacturing, training, application, service and market development, trade, radio-spectrum issues, integrity issues, standardisation and certification and security.

The Agreement specifies that, if requested by the Parties, the extension of cooperation to GALILEO Public Regulated Service and to exchange of classified GALILEO-information would be subject to an appropriate separate agreement.

This Agreement will have an initial duration of five years. It is expected to be signed during the EU-China Summit in Beijing on 30 October 2003.

AGRICULTURE

Food Hygiene * - *Public deliberation*

The Council adopted common positions on the three Regulations and a Directive concerning food and feed hygiene (*doc. 12133/03 + ADD 1*). These legislative texts, which fall under the co decision procedure, are part of the "Hygiene package" adopted by the Commission in July 2000.

The adopted texts are:

- a Regulation of the European Parliament and of the Council on the hygiene of foodstuffs - a Regulation of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin (*doc. 10543/1/02 + ADD 1*)
- a Regulation of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (*doc. 5420/1/03 + ADD 1*)
- a Directive of the European Parliament and of the Council repealing certain Directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC , (*doc. 11583/03 + ADD 1, doc. 11584/03 + ADD 1*).

The aim of the hygiene package is to provide a unified and consolidated Community legislation regarding both the rules for feed hygiene and food hygiene, consistent with the requirements laid down by the European Food Safety Authority. These texts should allow traceability of the products from the producer to the consumer ("from farm to fork" approach) and a control at the main stages of production and processing by the introduction of the Hazard Analysis and Critical Control Point (HACCP) system.

APPOINTMENTS**Committee of the Regions**

The Council adopted Decisions appointing:

- Mr Juan GONZÁLEZ BLASCO, Consejero de Obras Públicas, Urbanismo y Transporte, Comunidad de Madrid, as an alternate member of the Committee of the Regions in place of Mr Manuel COBO VEGA for the remainder of his term of office, which ends on 25 January 2006 (*doc. 13554/03*);
 - Mr Carlos MAYOR OREJA, Vicepresidente, Comunidad de Madrid, as a member of the Committee of the Regions in place of Mr Alberto RUIZ-GALLARDON JIMÉNEZ for the remainder of his term of office, which ends on 25 January 2006 (*doc. 13556/03*).
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