



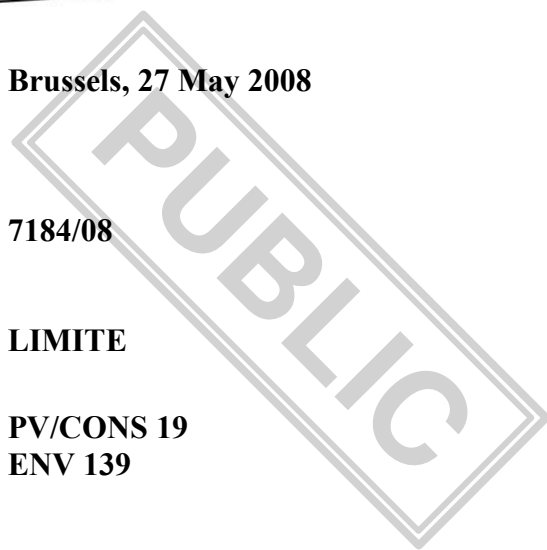
**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 May 2008

7184/08

LIMITE

**PV/CONS 19
ENV 139**



DRAFT MINUTES ¹

Subject : **2856th** meeting of the Council of the European Union (**ENVIRONMENT**), held
in Brussels on 3 March 2008

¹ Information relating to the final adoption of Council acts which may be released to the public is contained in Addendum 1 to these minutes.

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1. Adoption of the agenda

6897/08 OJ/CONS 14 ENV 119

The Council adopted the agenda as contained in the above document.

2. Approval of the list of "A" items

6903/08 PTS A 13

The Council approved the "A" items listed in 6903/08.

Information relating to items 6 and 9 is set out in Addendum 1 to these minutes.

Moreover, the documents in items 7(a) and 8(a) should read as follows :

Item 7 (a) : 16133/07 TRANS 404 CODEC 1410
 + REV 1 (fi)
 + **REV 2 (fr)**
 6416/08 CODEC 190 TRANS 41

Item 8 (a) : 16138/07 TRANS 405 CODEC 1411
 + COR 1 (cs)
 + REV 1 (fi)
 + **REV 2 (fr)**
 6419/08 CODEC 192 TRANS 42

3. Contribution to the Spring European Council (13-14 March 2008)

– Adoption of Council conclusions
 6707/08 ENV 107 ECO 26 ECOFIN 80 ENER 55 MI 70
 RECH 68 AG 21 POLGEN 16

The Council adopted conclusions as set out in 7251/08.

4. **Climate – Energy Legislative Package**

- Policy debate
(Public deliberation, pursuant to Article 8(1)(c) CRP)
 - 5866/08 ENV 53 ENER 30 IND 12 COMPET 32 MI 35 ECOFIN 35
TRANS 23 AVIATION 26 AGRI 24
 - 5862/08 ENV 52 ENER 29 IND 11 COMPET 31 MI 34 ECOFIN 34
TRANS 22 AVIATION 25 CODEC 105
 - 5849/08 ENV 50 ENER 28 IND 10 COMPET 30 MI 33 ECOFIN 32
TRANS 20 CODEC 104
 - 5835/08 ENV 48 ENER 27 IND 9 CODEC 103
 - 6683/08 ENV 102 ENER 53 IND 17 COMPET 66 MI 67 ECOFIN 78
TRANS 49 AVIATION 47 AGRI 51 CODEC 236

The Council held a policy debate on the basis of the four questions contained in paragraph 3 of 6683/08. Written contributions were provided by many delegations (7025/08 + ADD 1 + ADD 2).

Delegations welcomed the presentation of the "Climate Action and Renewable Energy package" by the Commission as a response to the objectives, commitments and targets which were endorsed by the EU Heads of State and Government in March 2007.

Delegations broadly welcomed the direction of the proposed new design features of the EU ETS, such as increased harmonisation of allocation, including the use of auctioning, as well as of the design features of the non-ETS as a way of enhancing the cost-effectiveness of the required emission reductions. In this context, several delegations underlined the importance of energy efficiency measures in achieving the various targets. In addition, several delegations asked for sufficient flexibility in order to reach the targets. A group of delegations raised questions about the choice of the base year, the rigid split between ETS and non-ETS as well as the way in which to recognise the need for economic convergence in these proposals.

Delegations stressed that a regulatory framework on carbon dioxide capture and storage should be aimed at, ensuring the environmentally-safe deployment of this novel technology. Delegations also indicated that sustainability criteria for biofuels are essential.

A majority of delegations stressed that carbon leakage remains a key concern which should be addressed appropriately as soon as possible.

Finally, delegations were of the view that, working closely with the European Parliament, agreement on the proposals as a coherent package should be reached before the end of 2008 with a view to their adoption within the current legislative term, at the latest early in 2009.

5. **Proposal for a Regulation of the European Parliament and of the Council setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles**

- Policy debate
(Public deliberation, pursuant to Article 8(1)(c) CRP)
5089/08 ENV 4 ENT 1 CODEC 8
6439/08 ENV 93 ENT 27 CODEC 193

The Council held a public debate on the basis of two questions introduced by the Presidency in 6439/08. Written contributions were provided by many delegations (7027/08).

In general, delegations welcomed the proposed legislation setting emission performance standards for new passenger cars as a major step for achieving the ambitious EU reduction targets in the context of climate and energy policies. The majority of delegations confirmed that the proposal broadly takes into account the criteria included in last June's Environment Council conclusions. The integrated approach proposed by the Commission was re-endorsed, but some Member States asked the Commission to come forward as soon as possible with concrete proposals in order to deliver the additional 10 g CO₂/km.

Several delegations stressed the importance of including in the Regulation tangible and ambitious long-term objectives, possibly for 2020. On the utility parameter, some delegations supported the use of the mass of the vehicle as in the Commission's proposal; others would prefer to use the footprint of the car, as this would reduce the chance of perverse effects and would serve as an incentive for manufacturers to reduce the weight of cars. On the inclination of the linear curve between emission limit values and weight that will influence the burden sharing between manufacturers and the environmental outcome, some Member States would prefer to have a slope of less than 60% (20% or 30%) to better reflect the polluter pays principle; others would like to have a slope between 74% and 80% to safeguard the competitiveness of the European automotive industry.

The level of penalties was considered excessively high by some Member States that have raised concerns on the inclusion of these amounts in the car's price. Some delegations would prefer to consider the amounts of the excess emissions premium as revenues for Member States' budgets. Others would like to earmark those revenues for research, development and technological innovation.

Several delegations stressed the need for a clear timetable, underlining that this Regulation should apply from 2012 onwards in order to give manufacturers enough time to comply.

6. Preparation for the Ninth ordinary meeting of the Conference of the Parties (COP 9) to the Convention on Biological Diversity (CBD) (Bonn, 19 to 30 May 2008)

- Adoption of Council conclusions
6684/08 ENV 103 AGRI 52 RECH 67 ENER 54 PI 8 FORETS 6
PECHE 42 ONU 9

The Council adopted conclusions as set out in 7250/08.

7. **Preparation for the fourth ordinary meeting of the Conference of the Parties to the Convention on Biological Diversity serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (COP/MOP 4) (Bonn, 12 to 16 May 2008)**

- Adoption of Council conclusions
6346/08 ENV 86 WTO 24 ONU 7 AGRI 43

The Council adopted conclusions as set out in 6346/08.

8. **Any Other Business**

(a) **Proposal for a Regulation of the European Parliament and of the Council on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information**

- Information from the Presidency
5127/08 ENT 3 ENV 9 CODEC 14
6676/08 ENT 37 ENV 101 CODEC 235

The President drew the attention of the Council to the state of play. Some delegations stressed that it was extremely important to implement the Euro VI proposal as soon as possible, at the latest 2011-2012. Sweden argued that the Commission should examine measuring methods for the CO₂ emissions of the entire vehicle (not only the engine).

(b) **Noise from military aircraft (AWACS)**

- Requested by the Netherlands delegation
6909/08 ENV 121 AVIATION 54

The Netherlands and Germany asked the Commission to examine whether EU environment legislation could be applied to military aircraft in the absence of a NATO decision to replace AWACS engines with quieter ones.

The Commission pointed out that there was still the possibility of an Action Plan within NATO. If such solutions could not be found, the application of EU standards to military aircraft could be explored.

(c) Emissions from shipping (upcoming discussion in the Marine Environment Protection Committee (MEPC) of the IMO)

- Requested by the Netherlands delegation
6908/08 ENV 120 MAR 34

The Netherlands drew the Council's attention to the upcoming discussions. Many delegations supported the Netherlands' approach, with a view to the meeting of the IMO's MEPC at the end of March 2008, to tighten international SO₂ and NO_x maritime emission requirements, and to come up with an EU regulation if necessary.

A certain number of delegations underlined that the IMO was the preferable forum, as it was the only one able to ensure that ships worldwide reduce emissions.

The Commission argued that it was time for the IMO to ensure effective and efficient measures. The Commission would make proposals in accordance with its Integrated Maritime Policy presented in October 2007.

(d) Ukraine's Final Decision regarding the Danube-Black Sea Deep Navigation Canal – a serious threat to the Danube Delta

- Requested by the Romanian delegation
6884/08 ENV 116 TRANS 53 COEST 49

Romania supported by several Member States drew the attention of the Council to this problem and stressed that this issue should be resolved in accordance with international law.

The Commission confirmed that it was using every occasion to urge Ukraine to reconsider its approach and refrain from implementing the decision before an agreement under the Espoo Convention was reached.

(e) GMOs: exploring the way forward

- Requested by the French delegation
7128/08 ENV 135 AGRILEG 34

On the basis of a note (7128/08) submitted to the Council, France presented its views on how to give an impetus to the reform of expertise and evaluation required for the authorisation of GMOs at EU level.

Nine delegations (Greece, Spain, Italy, Cyprus, Luxembourg, Hungary, Austria, Poland and Romania) broadly shared the French concerns. The Commission representative, for his part, welcomed the French version on this matter, indicating that his Institution has already launched a study which focuses on long-term effects of GMOs.

(f) European Conference on Invasive Alien Species (Madrid, 15-16 January 2008)

- Information from the Presidency
7013/08 ENV 129

The President drew the attention of the Council to the outcome of this conference.

Belgium stressed the necessity of a legal framework for this second greatest threat to biodiversity and suggested further discussion at the next Environment Council in June.

The Commission pointed out that it had launched an on-line stakeholder consultation till 5 May and it was intending to prepare a Commission communication by the end of this year and a legislative proposal by 2009-2010.

(g) The Albufeira Convention – an example of bilateral cooperation in the management of shared river basins with the benefit of compliance with the Water Framework Directive

- Requested by the Spanish and Portuguese delegations
7167/08 ENV 136

Portugal and Spain explained the state of play. The Commission welcomed the progress reached.
