

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

10796/92 (Presse 248)

1633rd Council meeting

- ENVIRONMENT -

Brussels, 15 and 16 ^{December} ~~May~~ 1992

President: Michael HOWARD,

Secretary of State for the
Environment

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

Belgium:

Mrs Laurette ONKELINK Minister for the Environment

Denmark:

Mr Per Stig MØLLER Minister for the Environment
Mr Leo BJØRNESKOV State Secretary for the Environment

Germany:

Mr Klaus TOEPFER Minister for the Environment

Greece:

Mr Achilleas KARAMANLIS Minister for the Environment,
Regional Planning and Public Works

Spain:

Mr José BORRELL Minister for Public Works and
Transport
Mr Vicente ALBERO State Secretary for the Environment

France:

Mrs Ségolène ROYAL Minister for the Environment

Ireland:

Mr Eamonn RYAN Deputy Permanent Representative

Italy:

Mr Carlo RIPA DI MEANA Minister for the Environment

Luxembourg:

Mr Alex BODRY Minister for the Environment

Netherlands:

Mr J.G.M. ALDERS Minister for Housing, Planning and
the Environment

Portugal:

Mr Carlos BORREGO Minister for the Environment and
Natural Resources

United Kingdom:

Mr Michael HOWARD Secretary of State for the
Environment
Mr David MACLEAN Minister for the Environment and
Countryside

Commission:

Mr Karel VAN MIERT Member

WASTE FROM THE TITANIUM DIOXIDE INDUSTRY

On completion of the co-operation procedure with the European Parliament, the Council adopted by a qualified majority the Directive on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry.

The purpose of this Directive is to fill the temporary legal void created by the judgment delivered by the Court of Justice of 11 June 1991 whereby Directive 89/428/EEC is annulled on grounds of infringement of an essential procedural requirement, in particular lack of a proper legal basis.

The new Directive, which is based on Article 100a of the Treaty, retains the technical provisions (prohibition of dumping and discharges, limit values) of the annulled Directive so as to ensure continuity in implementing the environmental protection objectives as adopted by the Council in this area in 1989.

Since the implementation timetable laid down in the annulled Directive 89/428/EEC has been largely overrun, new target dates have been set.

COMMUNITY ECO-AUDIT SCHEME

Pending the Opinion of the European Parliament, the Council discussed in detail the proposal for a Regulation allowing voluntary participation by companies in the industrial sector in a Community Eco-management and audit scheme (Eco-audit).

The discussion showed that eleven delegations were favourably disposed towards the proposal. The German delegation upheld a general scrutiny reservation.

The objective of the scheme is to promote continuous improvements in the environmental performance of industrial activities by:

- the establishment and implementation of environmental policies, programmes and management systems by companies, in relation to their sites;
- the systematic, objective and periodic evaluation of the performance of such elements;
- the provision of information on environmental performance to the public in the form of "environmental statements".

According to the text, in order for a site to be registered in the scheme the company must:

- adopt a company environmental policy, in accordance with certain relevant requirements which must include commitments aimed at the continuous improvement of environmental performance;
- conduct an environmental review of the site and introduce, in the light of the results of that review, an environmental programme for the site and an environmental management system applicable to all activities at the site;
- carry out, or cause to be carried out environmental audits at the sites concerned, in accordance with certain criteria and in compliance with certain requirements concerning the accreditation of the environmental verifiers;
- set objectives at the highest appropriate management level, aimed at the continuous improvement of environmental performance in the light of the findings of the audit, and appropriately revise the environmental programme to enable the set objectives to be achieved at the site;
- prepare an environmental statement specific to each site audited;
- have the environmental policy, programme, management system, review or audit procedure and environmental statement or

statements examined to verify that they meet the relevant requirements of this Regulation and that the environmental statements are validated by the competent authorities;

- forward the validated environmental statement to the competent body of the Member State where the site is located and disseminate it as appropriate to the public in that State after registration of the site in question.

Each year the Commission shall publish in the Official Journal of the European Communities a list of all the registered sites in the Community.

Member States may promote companies' participation in the Eco-management and audit scheme, in particular the participation of small and medium-sized enterprises. The Commission would present appropriate proposals to Council aiming at greater participation in the scheme by small and medium-sized enterprises, in particular by providing information, training and structural and technical support concerning the audit and verification procedures.

Furthermore, during the review to take place not more than five years after the entry into force of this Regulation, the Commission would propose to the Council any appropriate amendments, particularly concerning the scope of the scheme.

The Council instructed the Permanent Representatives Committee to finalize the text once the German delegation has withdrawn its reservation, having due regard to the Opinion of the European Parliament.

AIR POLLUTION BY EMISSIONS FROM MOTOR VEHICLES

The Council adopted by a qualified majority a common position on the substance of the Directive to tighten up limits on pollutant emissions from light commercial vehicles ⁽¹⁾.

Under Directive 91/441/EEC these vehicles currently benefit from transitional requirements less stringent than those applied to passenger cars.

The purpose of the new Directive, within the framework of the completion of the internal market and of environmental protection, is thus to make the emission standards applicable to this category as stringent as those now in force for passenger cars.

In this connection, the common position provides for the introduction of the following limit values for pollutant emissions (carbon monoxide, hydrocarbons, nitrogen oxides and particulates):

- class II (1 250 to 1 700 kg)
CO : 5,17 g/km
HC + NOX : 1,4 g/km
PT : 0,19 g/km
- class III (mass 1 700 kg)
CO : 6,9 g/km
HC + NOX : 1,7 g/km
PT : 0,25 g/km

These new standards will be applicable

- from 1 October 1993 to new vehicle type approvals;
- from 1 October 1994 to all new vehicles (first putting into circulation).

(1) Vehicles in Category M1 (vehicles for transporting a maximum of 9 people including the driver) and N1 (vehicles for transporting goods and weighing less than 3,5 tonnes).

Furthermore, the Council will lay down more stringent limit values by 31 December 1994 on the basis of a Commission proposal to be submitted by 31 December.

To establish compliance with the limit values, the common position provides for using the new complete European driving cycle for the vehicles concerned, as laid down in Directive 91/441/EEC subject to certain conditions.

The Council instructed the Permanent Representatives Committee to finalize the text with a view to formal adoption of the common position in the near future.

PHASING-OUT OF SUBSTANCES THAT DEplete THE OZONE LAYER

The Council reached a political agreement ⁽²⁾ on speeding up the phasing-out of certain substances which deplete the ozone layer, with particular reference to the outcome of the meeting of the Parties to the Montreal Protocol in Copenhagen in November.

The new Community objectives for phasing out substances covered by Community legislation on the subject as compared to the timetable agreed in Copenhagen (in brackets) are as follows :

- Chlorofluorocarbons (CFCs) and other full halogenated CFCs
 - = 85% cut by 1.1.1994 (75% cut by 1.1.1994)
 - = 100% cut by 1.1.1995 (100% cut by 1.1.1996) ⁽³⁾
- Halons
 - = 100% cut by 1.1.1994 (100% cut by 1.1.1994)

(2) The French delegation agreed "ad referendum".

(3) Greece is being granted an exemption authorizing 100% cut in CFCs by 1.1.1996 in consideration of the specific conditions of its industry.

- Carbon tetrachloride
 - = 85% cut by 1.1.1994 (85% cut by 1.1.1995)
 - = 100% cut by 1.1.1995 (100% cut by 1.1.1996)

- 1,1,1 Trichloroethane
 - = 50% cut by 1.1.1994 (50% cut by 1.1.1994)
 - = 100% cut by 1.1.1996 (100% cut by 1.1.1996).

The formal adoption of the Regulation introducing these amendments into Regulation No 594/91 in order to speed up the phasing-out of substances that deplete the ozone layer will take place as soon as possible once the texts have been finalized.

Furthermore, the Council adopted the following conclusions concerning the limits on new substances incorporated into the Montreal Protocol at the Copenhagen meeting:

The Council:

welcomes the outcome of the Fourth meeting of the Parties to the Montreal Protocol on substances that deplete the ozone layer, held in Copenhagen from 23 to 25 November 1992;

requests the Commission to bring forward a proposal for simultaneous ratification of the amendment to the Protocol adopted at that meeting by the Community and all the Member States, to take place by 30 September 1993 at the latest;

takes note that the Commission intend to submit as soon as possible, and preferably not later than 28 February 1993, proposals to implement the Montreal Protocol Amendment in respect of HCFCs, HBFCs and methyl bromide;

recognizes the need for urgent work to be done regarding the identification of essential uses of substances;

recognizes the need for urgent action within all Member States to facilitate the rapid reduction and elimination of emissions of ozone-depleting substances including effective measures to minimize leakage and encourage the greatest possible degree of recovery and recycling of such substances.

PROGRAMME OF ACTION IN RELATION TO THE ENVIRONMENT

Following the submission by the Commission last March of a Community programme of policy and action in relation to the environment and sustainable development, the Council adopted a Resolution on this subject.

The programme, which is intended to take over from the 4th programme which expires at the end of 1992, provides an overall framework for specific Community action. It takes a new approach to environmental problems based on the idea of sustainable development; this approach involves not only the authorities but also all economic operators and, primarily, citizens themselves in implementing the concept of shared responsibility.

RESOLUTION OF THE COUNCIL OF THE EUROPEAN COMMUNITIES
AND THE REPRESENTATIVES OF THE GOVERNMENTS
OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL

on a Community programme of policy and action
in relation to the environment
and sustainable development

THE COUNCIL OF THE EUROPEAN COMMUNITIES AND THE REPRESENTATIVES OF
THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Coal and Steel
Community,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to the draft from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the Opinion of the Economic and Social Committee,

Whereas the Treaty establishing the European Economic Community, as amended by the Single European Act, explicitly provides for the development and implementation of a Community policy on the environment; and whereas the Treaty on European Union signed at Maastricht on 7 February 1992 has as a principle objective the promotion of sustainable growth respecting the environment, and specifies the objectives and guiding principles of that policy and the factors which must be taken into account in its preparation;

Whereas the Declaration of the Heads of State and Government, meeting in Council on 26 June 1990, calls inter alia for a further action programme for the environment to be elaborated on the basis of the principles of sustainable development, preventive and precautionary action, and shared responsibility;

Whereas the Community and its Member States have acquired considerable experience in the development and implementation of environmental policy and legislation and have thereby enhanced protection of the environment;

Whereas the United Nations Conference on Environment and Development (UNCED) meeting in Rio de Janeiro, 3-14 June 1992, adopted the Rio Declaration and Agenda 21 which are aimed at achieving sustainable patterns of development worldwide as well as a Declaration of Forest Principles; whereas important Conventions on Climate Change and biodiversity were opened for signature and were signed by the Community and its Member States, and whereas the Community and its Member States also subscribed to Agenda 21 and the said Declarations;

Whereas at the European Council meeting in Lisbon on 27 June 1992 the Community and its Member States committed themselves to the rapid implementation of the principal measures agreed at UNCED;

Whereas the European Council meetings in Lisbon on 27 June 1992 and in Birmingham on 16 October 1992 invited the Commission and the Council to undertake work relating to the implementation of the principle of subsidiarity and the European Council meeting in Edinburgh on 11-12 December 1992 approved principles, guidelines and procedures for its practical application; and whereas in conformity with the principle of subsidiarity, some aspects of the policy and specific actions embodied in the Programme "Towards Sustainability" fall to be carried out at levels other than those involving the competences of the European Communities;

Whereas the strategy advanced in the Programme relies on the satisfactory integration of environment and other relevant policies;

ACKNOWLEDGE that the Programme "Towards Sustainability" presented by the Commission has been designed to reflect the objectives and principles of sustainable development, preventive and precautionary action and shared responsibility set out in the Declaration of the Heads of State and the Government of the Community meeting in Council on 26 June 1990 and in the Treaty on European Union signed at Maastricht on 7 February 1992;

CONSIDER that insofar as it provides a comprehensive framework as well as a strategic approach to sustainable development the Programme constitutes an appropriate point of departure for the implementation of Agenda 21 by the Community and the Member States;

NOTE that many current forms of activity and development are not environmentally sustainable and ENDORSE, accordingly, the general objective of progressively orientating human activity and development towards sustainable forms;

AGREE that the achievement of sustainable development calls for significant changes in current patterns of development, production, consumption and behaviour;

DECLARE that such changes imply a sharing of responsibility at global, Community, regional, national, local and even personal levels;

ACKNOWLEDGE that the Programme when implemented will take into account the diversity of the various regions of the Community, and will be consistent with the objectives of strengthening economic and social cohesion, and will aim at a high level of protection of the environment;

NOTE that the Conclusions of the European Council(s) at Birmingham on 16 October 1992 (and Edinburgh on 11-12 December 1992) will guide the Community's work in relation to the principle of subsidiarity;

CALL on the Commission to ensure that all proposals it makes relating to the environment fully reflect that principle, and UNDERTAKE to consider those proposals on a case-by-case basis to ensure consistency with the principle;

ACKNOWLEDGE that, pursuant to the principle of subsidiarity and the concept of shared responsibility, some aspects of the policy and specific actions indicated in the Programme fall to be implemented at levels other than that of the Community;

NOTE that the application of the principle of subsidiarity will not lead to a step backwards in Community policy or hinder its effective development in the future; NOTE however that the policy will be made more effective if actions are taken at the appropriate level;

Insofar as environment and development within the European Communities are concerned:

NOTE the Report on the State of the Environment which the Commission has published in conjunction with the Programme; note the generally positive impact the previous action programmes have made on certain environmental problems; note that the end of the time-frame of the

current action programme on the environment coincides with the completion of the Internal Market; and note that, during the Fifth Programme, the environmental dimension of the Internal Market should be reinforced;

CONSIDER, however, that the current measures do not appear to be sufficient to meet the increased pressures on the environment likely to arise in consequence of current and anticipated trends in economic and social activity within the Community and developments in neighbouring regions, especially Central and Eastern Europe and at a wider international level;

AGREE that more progressive, coherent and better co-ordinated policies and strategies for the environment and development involving all levels of society are called for;

ADVOCATE in order inter alia to reduce wasteful consumption of natural resources and to prevent pollution, the elaboration of the concept of life-cycle management of products and processes, particularly in relation to waste management, the use of clean or cleaner technology and the substitution of certain hazardous processes and substances with less hazardous processes and substances in the most cost-effective way;

ENDORSE the strategy of giving increased and appropriate attention to certain key sectors in a co-ordinated and comprehensive manner including through a strengthening of dialogue with the main actors in the sectors identified in the Programme;

ACKNOWLEDGE the need for consideration of a comprehensive Community strategy and action plan for nature conservation and protection, especially in relation to biodiversity and forests;

REAFFIRM the crucial importance of ensuring that environmental concerns are taken fully into account from the outset in the development of other policies and in the implementation of those policies, and the need for appropriate mechanisms within the Member States, the Council and the Commission to help achieve this integration, upon which the strategy advanced in the Programme relies;

INVITE the Commission to consider developing initiatives to this end, including examination of the possibilities for the following areas, and to report on its conclusions in due course:

- new mechanisms within the Commission to increase co-operation between policy areas in the development of proposed legislation including organizational aspects,
- the incorporation, in regular progress reports on the implementation of the Programme and of Agenda 21, of specific assessments, sector by sector, of the contribution of other policy areas to the achievement of environmental objectives,
- the inclusion in new legislative proposals of a section dealing with the likely implications for the environment,
- the environmental dimension in the granting of Community funds;

UNDERTAKE to consider at the national level, and at the level of the Council in its various formations, the introduction of comparable measures to achieve the same aims;

RECOGNIZE that the involvement of all levels of society in a spirit of shared responsibility requires a deepening and broadening of the range of instruments to complement normative legislation including, where appropriate,

- market-based and other economic instruments,
- research and development, information, education and training,
- financial support mechanisms,
- voluntary schemes;

NOTE the objectives, targets, actions and time-frames indicated in the Programme; and consider that these constitute a useful start in moving towards sustainable development;

ACKNOWLEDGE the Programme's contribution to efforts to fulfil the objective specified in the Treaty that the Community's environmental policy should take account of the potential benefits and costs of action or lack of action; and INVITE the Commission to develop appropriate proposals in the light of such further study as may be necessary;

NOTE that sustainability of activity and development will not be attained within the life-span of this Programme and, consequently, that further, still more progressive, measures will probably be necessary beyond the year 2000 in order to hand on the environment to the next generation in a fit state to maintain public health and social and economic welfare at a high level;

NOTE, also, that while many of the measures and actions are set within a time-frame which extends to 2000, and even beyond, it is intended to undertake a review of the Programme before the end of 1995; in the meantime invite the Environmental Policy Review Group proposed in the Programme, once it be established, to keep the implementation of the Programme under review on the basis of regular reports from the Commission summarizing progress under the Programme; as part of the review process consideration should be given to the relationship between trade and the environment;

CALL on the Commission in its reviews of the Programme to give special attention to any necessary revision of objectives and priorities, after adequate consultation, especially with the Member States;

CONSIDER that in order to ensure that Community measures on the environment are more effectively implemented, co-operation procedures between the Commission and the Member States should be further improved;

EMPHASIZE the importance of effective implementation and enforcement of Community legislation in all Member States; STRESS that due regard should be given both at the stage when legislation is proposed and when it is adopted to the quality of the drafting of the legislation, in particular in terms of the practicability of

implementing and enforcing it; and undertake to discuss in Council the Commission's annual report on the state of implementation and enforcement of Community legislation in the Member States;

NOTE that, while Member States are responsible for the implementation and enforcement of measures agreed by the Council, the Commission will continue to be the appropriate body for the monitoring of that implementation and enforcement; and CALL on the Commission to consider bringing forward proposals for helping to improve the functioning of enforcement agencies within the Member States and encouraging the spread of best practice;

STRESS the urgency of the European Environment Agency beginning work as soon as possible;

NOTE the proposal in the Programme for the establishment of a Consultative Forum and an Environmental Policy Review Group and a network of enforcement agencies from the Member States; and WELCOME the principle of wider and more systematic consultation with interested bodies;

Insofar as environment and development at the wider international level are concerned,

ASSERT that the Community and the Member States will contribute positively to the implementation of effective strategies to deal with such problems as climate change, deforestation, desertification, depletion of the ozone layer and loss of biodiversity and to fulfil as early as possible the commitments to which they have agreed upon ratification of relevant international Conventions;

UNDERTAKE to play a positive role in the formulation of programmes of sustainable development including in the developing countries and in the countries of Central and Eastern Europe within the framework of the Community's co-operation and association agreements;

NOTE that many of the internal Community measures in the Programme are designed to reduce wasteful consumption of resources and, thereby, will contribute to greater efficiency in resource management at the wider international level;

REAFFIRM their commitment to implement the eight point plan for follow-up to UNCED agreed at the Lisbon European Council. Tasks for the Community and its Member States which need to be addressed include:

- to establish the basis for ratification of the Climate Change and Biodiversity Conventions with the aim of ratification by the end of 1993, and to prepare the relevant national strategies by the same time;
- to integrate the Rio Declaration, Agenda 21 and Statement of Forest Principles into appropriate policies of the Community and its Member States as soon as possible;
- to work to review, under the aegis of the SDC, the implementation of the forest principles; and to work towards the preparation of a possible Forest Convention;
- to participate positively in negotiations on a future Desertification Convention;
- to fulfil the commitments to strengthen assistance to developing countries in the field of sustainable development and to increase funding for Agenda 21 by identifying financial support to be given to developing countries including significant new and additional resources;

in this regard, to put into concrete form the ECU 3 billion commitment which the European Community and its Member States made in Rio as an initial contribution to the prompt and effective implementation of Agenda 21 with priority being given to technology transfer, institutional capacity building, and poverty reduction;

- to work for the restructuring and replenishment of the Global Environment Facility so that it can become the permanent financial mechanism for relevant new global environmental Conventions, in particular the Climate Change and Biodiversity Conventions;
- to continue to give consideration to an Earth increment to IDA for environment purposes;

NOTE that the implementation of the Programme will make a major contribution to the follow-up to Agenda 21 by the European Community and its Member States;

STRESS the need to promote the participation of NGOs and other major groups in the follow-up to UNCED at the national and SDC levels;

STRESS the importance of establishing the SDC and the need for full participation of the Community in the work of the SDC in line with the conclusions agreed by the Council on 23 November 1992 and NOTE that the Community and the Member States will submit regular progress reports on the implementation of Agenda 21 to the SDC;

and, in the light of the foregoing,

SUBSCRIBE to the necessity for a programme of policy and action in relation to the environment designed to achieve a sustainable development path;

APPROVE the general approach and strategy of the Programme "Towards Sustainability" presented by the Commission;

INVITE the Commission to come forward with appropriate proposals to give effect to the Programme insofar as it pertains to action at Community level;

UNDERTAKE to decide on proposals submitted by the Commission as expeditiously as possible taking account of the relevant indicative objectives, targets and time-frames set out in the Programme which will be discussed in the context of those proposals;

CALL on all Community Institutions, Member States, enterprises and citizens to accept their relative responsibilities to protect the environment for this and future generations and to play their full part in implementing this Programme.

CLIMATE CHANGE - PRESIDENCY CONCLUSIONS

1. Recalling the conclusions of the Joint Energy/Environment Council meeting on 29 October 1990 and the commitment made by heads of Government meeting in Lisbon in June 1992 to the ratification of the Climate Change Convention, the Council agrees that Member States and the Community should proceed with all urgency so as to ensure that ratification by all of them will take place at the very latest by the end of 1993. In this context the Council welcomes the presentation of the Commission's proposal for ratification by the Community.
2. To facilitate the ratification of the Climate Change Convention the Council agrees that all Member States should submit national programmes to limit CO₂ emissions to the Commission as soon as possible and at the latest by the end of March 1993. They should ensure, whether or not they have already submitted programmes, that their programmes are in such a form as will indicate the expected CO₂ emission level for the year 2000. The Council recalls that the submission of national programmes to the Commission by April 1992 was called for by the conclusions of the Joint Environment/Energy Council on 13 December 1991.
3. The Council invites the Commission to prepare as quickly as possible a report on whether Member States' programmes will allow them to meet jointly the Convention CO₂ commitment in the context of the 1990 conclusions, so that the Council can note the way in which the twelve programmes provide a sufficient basis for meeting that commitment. Following this the Council should seek to agree a report setting out the way in which the CO₂ commitment in the Convention would be met jointly, which should be sent to the Secretariat of the Convention at the same time as ratification.
4. The Council further agrees to seek to reach agreement on the proposal for a monitoring mechanism as soon as possible.

5. The Council expresses its support for the conclusions of Ecofin Ministers on the Commission's carbon/energy tax proposal and urges that discussions on that proposal should continue actively in the light of those conclusions.

IMPLEMENTATION AND ENFORCEMENT OF COMMUNITY ENVIRONMENTAL
LEGISLATION - COUNCIL CONCLUSIONS

"The Council,

REAFFIRMS the importance it attaches to the consistent and effective application of EC environmental legislation throughout the Community;

NOTES in this regard the Commission's paper to the Council on monitoring the application of Community law, and welcomes the Commission's undertaking to produce reports to the Council annually in the future;

DECLARES its intention that these reports should be used as a basis for an annual discussion in the Council on the subject of the implementation and enforcement of existing Community legislation;

CALLS upon the Commission to work with the Member States on a collaborative and informal basis to identify and overcome problems in this area;

WELCOMES the establishment of the informal network of environment enforcement authorities from the Member States as a mechanism for collaboration between enforcement practitioners, NOTES the conclusions reached at its first meeting at Chester on 3 to 6 November 1992 and INVITES the Commission to provide the network with appropriate assistance."

PACKAGING AND PACKAGING WASTE

The Council held an initial policy debate on the proposal for a Directive on packaging and packaging waste.

The purpose of the proposal is to harmonize national provisions on packaging waste and to put into practice the broad principles of the Community strategy for waste management. It comes in response to the Council Resolution of 7 May 1990 calling upon the Commission to submit as soon as possible specific proposals concerning packaging waste.

The debate enabled delegations to consider the key aspects of the proposal, i.e.:

- the balance between harmonization and environmental protection
- quantified targets
- return and management systems
- shared responsibilities and voluntary agreements
- essential requirements for packaging.

At the end of its discussion the Council instructed the Permanent Representatives Committee to continue examining the proposal, particularly in the light of the opinions of the advisory bodies, with a view to reaching agreement as soon as possible.

POSSESSION OF AND TRADE IN SPECIES OF WILD FAUNA AND FLORA

The Council took note of the progress report on the proposal for a Regulation laying down provisions with regard to the possession of and trade in specimens of species of wild fauna and flora.

The Permanent Representatives Committee was instructed to continue examining the proposal in the light in particular of the Opinion of the European Parliament which is still awaited.

RATIFICATION OF THE BASEL CONVENTION

After discussing the political and legal aspects of ratification by the Community of the Basel Convention (Control of Transboundary Movements of Hazardous Wastes and their Disposal), the Council agreed to the following:

1. The Council stresses that formal adoption of the waste shipment Regulation is a matter of urgency. The Council agreed here that the European Parliament should again be urgently requested to deliver an early Opinion so that the Council could adopt the Regulation as soon as possible.
2. The Council agrees that the instrument of approval of the Convention on behalf of the Community will not be deposited with the Secretary-General of the UN until the Council, acting unanimously, has decided a date for such deposit.

3. The Council instructs the Permanent Representatives Committee urgently to study all aspects of the question with a view to enabling the Council rapidly to decide the earliest appropriate date for the deposit of the instrument of approval by the Community.

Moreover, the Representatives of those Member States which have not yet ratified the Convention, meeting in the Council, declare that they will take the measures necessary to permit as far as possible the deposit no later than the date decided by the Council under paragraph 1 above of the instruments of ratification approval or acceptance of the Convention by the Member States.

EUROPEAN ENVIRONMENT AGENCY - PRESIDENCY CONCLUSIONS

Following an exchange of views, the Presidency drew the following conclusions:

"The Council, recalling the Presidency's conclusions drawn up at its meeting of 20 October 1992, notes the agreement reached at the European Council meeting in Edinburgh on the seats of Community institutions and looks forward to an early decision on the location of new Community bodies and agencies at a forthcoming European Council.

In the meantime certain preparatory activities could be set in hand to help ensure the effective functioning of the European Environment Agency as soon as a decision on its seat is taken.

While the Council acknowledges the contribution which has hitherto been made by the Commission Task Force for the Agency, these measures are no longer sufficient to cope with diverging developments in data collection initiatives and information systems in the Member States that could hamper the future functioning of the Agency.

It accordingly notes the Commission's intention to set in hand interim arrangements to:

- maintain and up-date the CORINE information system;
- establish as soon as possible an informal high-level group of national representatives to:
 - = discuss the future work programme and priorities of the Agency, taking account of the priorities identified in the Fifth Environment Action Programme,
 - = consider the structure of the national networks and topic centres in the light of the work programme and priorities envisaged,
 - = draw up proposed work programmes for topic centres and initiate the procedures for selecting topic centres for priority areas;

- strengthen co-operation between Member States in order to:
 - = ensure a consistent development of initiatives relevant to the work of the Agency,
 - = set up a catalogue of data sources and projects,
 - = establish a prototype computerized network.

It stresses that these arrangements are of an interim nature only and urges the European Council to reach a rapid decision on the seat of the European Environment Agency."

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OTHER DECISIONS

Fisheries

The Council adopted Regulations:

- reducing (1 200 instead of 1 380 tonnes) the 1992 TAC for sole in zone IIIa and IIIb, c, d (EEC zone) (fifth amendment to Regulation No 3882/91);
- reducing Swedish catch possibilities for cod in the Community fishing zone by 900 tonnes in 1992 (amendment to Regulation No 3885/91);
- reducing from 1 500 to 1 050 tonnes the share of the cod quota allocated to the Community for 1992 in Swedish waters of the Baltic Sea which has to be caught in the former "white zone" (amendment to Regulation No 3886/91).

1993 BUDGETARY PROCEDURE

Further to the instructions of the European Council, the President of the Council agreed with representatives of the European Parliament on a number of elements making for successful completion of the 1993 budgetary procedure.

The Council endorsed these elements at this meeting. The European Parliament will be informed of this before it begins on the second reading.



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PRESS RELEASE

10796/92 (Presse 248)

COR 1(en)

C O R R I G E N D U M

1633rd Council meeting

- ENVIRONMENT -

President: Michael HOWARD,

Secretary of State for the
Environment

This meeting was held on
15 and 16 December 1992.

Bruxelles, le 16 décembre 1992

NOTE BIO(92) 317(suite 1) AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

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CONSEIL ENVIRONNEMENT (Bruno Julien)

Blanc seing du Conseil, pour la mise en oeuvre du Cinquième Programme communautaire de politique et d'action dans le domaine de l'environnement. Le Conseil s'est en effet prononcé après un court débat sur la subsidiarité, dans la ligne du Conseil d'Edimbourg, sur une résolution qui consacre les grands principes du programme soumis par la Commission et dont les maîtres mots sont responsabilités partagées de tous les acteurs, intégration de la dimension environnementale dans les autres politiques communautaires, prévention, fixation d'objectifs, efforts internationaux partagés dans l'esprit de Rio (Voir IP N°1063).

- Le Conseil a adopté un amendement au règlement sur les substances contribuant à la disparition de la couche d'ozone. Cet amendement permet à la Communauté d'aller au delà du protocole de Montreal en adoptant des normes plus strictes sur la limitation de certaines substances concourant à l'élimination de la couche d'ozone. Ainsi les Etats membres ont-ils décidé l'élimination des chlorofluorocarbones (CFC) et CFC halogènes le 1er janvier 1995 au lieu du 1er janvier 1996. La même décision a été prise pour le tetrachloride de carbone.

La Commission a annoncé son intention de proposer au début de l'année prochaine des dispositions permettant aux Etats membres de se conformer aux amendements au protocole de Montreal adoptés lors de la réunion de Copenhague pour les produits suivants : HCFC, HBFC et Metyl Bromide.

Ces décisions sont importantes car comme l'a rappelé le Commissaire Van Miert la couche d'ozone ne s'est pas reconstituée sur l'Antarctique. Les mesures réalisées au printemps 1992 indiquent une large disparition de l'ozone sur l'hémisphère nord. Dans ces circonstances, la Communauté doit poursuivre son rôle de "leadership".

- Le Conseil a adopté de nouvelles normes d'émissions pour les véhicules utilitaires légers inférieurs à 3,5 t. Ceci permettra de rapprocher les normes pour ce type de véhicules de celles qui ont déjà été adoptées pour les automobiles. Trois catégories ont été retenues suivant la cylindrée (moins de 1250cc, de 1250 à 1700cc, plus de 1700cc). Des valeurs ont été définies pour le CO, le HCV, le NOx et les particules. Ces mesures seront appliquées dès le 1/10/94 pour tous les véhicules commercialisés et de nouvelles normes seront proposées par la Commission pour le 31/12/93 pour application à partir de 1996.

- Après un premier tour de table sur l'Eco-Audit pour les entreprises au cours duquel ont été abordé principalement les problèmes liés à la mise en oeuvre de ce règlement pour les PME et le graphisme à retenir pour les entreprises qui respectent les engagements, un groupe de travail du Conseil s'est réuni parallèlement à la session du Conseil. Il doit remettre ses conclusions ce matin pour la reprise des débats au Conseil.

- Le Conseil a eu un long échange de vue sur la mise en oeuvre de la convention de Bâle (échange des déchets) dont l'objet principal était la ratification de cette convention. Certains Etats membres souhaitent signer au plus vite cette convention avant que les engagements communautaires découlant du règlement sur l'échange des déchets entrent en vigueur. D'autres Etats membres souhaitent au contraire que la ratification se fasse dans un esprit plus communautaire parallèlement à la mise en oeuvre du règlement communautaire sur les déchets. Le Commissaire Van Miert épaulé par l'avis des services juridiques du Conseil et de la Commission, a souligné les dangers pour les Etats membres de s'engager dans la ratification d'une convention internationale si les mesures communautaires concordantes ne sont pas encore mises en oeuvre, impliquant que la signature de la convention des Etats membres ne devrait pas se faire avant la mise en oeuvre du Règlement sur les déchets. Ce débat n'était pas clos lorsque le Conseil s'est séparé à 21h30.

Le Conseil reprendra ses travaux ce matin à 10 heures.

Amitiés,


Costas Stathopoulos

Bruxelles, le 16 décembre 1992

NOTE BIO(92) 317 (suite 2 et fin) AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

CONSEIL ENVIRONNEMENT (Bruno Julien)

Le Conseil a adopté en point A les conclusions du trilogue sur le budget 1993 à la suite des décisions du Conseil Européen d'Edimbourg.

- Faisant suite au débat de la veille, le Conseil a finalement été en mesure d'adopter la décision sur la conclusion de la convention de Bâle au nom de la Communauté. Le Commissaire Van Miert a fait une déclaration au nom de la Commission au sujet de la modification de la base juridique de l'article 113 à l'article 130S. La Commission considère en effet qu'il s'agit là d'un élément de politique commerciale. Le Parlement Européen doit se prononcer dès le début de l'année prochaine sur la modification de la base juridique. On peut donc ainsi raisonnablement espérer que le Conseil puisse adopter formellement le règlement européen sur le transfert des déchets, ce qui permettrait ainsi à la Communauté de ratifier la convention de Bâle avant la seconde conférence des parties contractantes.

- Onze Etats membres ont marqué leur accord sur le projet de règlement instaurant un système d'Eco-Audit après avoir accepté un certain nombre d'amendements à la proposition de la présidence notamment pour rendre le système plus facilement utilisable par les PME. Néanmoins, l'Allemagne a maintenu pour le moment sa réserve estimant que le système prévu devait être aménagé pour tenir compte des exigences spécifiques liées aux différents types de produits. La Commission, comme les autres Etats membres, ont estimé qu'un système trop précis fixant des normes spécifiques par type d'entreprises serait lourd à gérer et entraînerait des procédures bureaucratiques contraires à l'esprit de ce règlement dont le seul but est d'accroître la sensibilité des entreprises dans leur gestion quotidienne vis-à-vis de l'environnement.

- Sur la base d'une proposition de conclusions du Conseil au sujet du mécanisme de contrôle des émissions de CO2 dans les Etats membres, le Conseil a procédé à une série d'échange de vues. Cette résolution du Conseil prévoyait en fait d'appuyer le projet de décision de la Commission en enjoignant les Etats membres de soumettre leurs programmes nationaux de limitation des émissions de CO2 avant mars 1993. Plusieurs délégations ont estimé que dans le cadre général des changements climatiques, cette résolution n'allait pas assez loin. Ils ont notamment souhaité que l'on rappelle les engagements de limitation des émissions de CO2 au niveau de '92 en l'an 2000. Des Etats membres ont estimé également qu'il ne fallait pas insister uniquement sur les engagements indépendants des Etats membres, mais sur une approche commune et solidaire. Enfin, plusieurs Etats membres ont souhaité une référence aux mécanismes permettant la mise en oeuvre de la limitation des émissions de CO2 et notamment de la taxe sur le CO2 et l'énergie. En raison des divergences, la présidence a décidé que le projet de conclusions resterait un projet de la présidence et qu'il serait soumis à la prochaine présidence danoise pour guider ses travaux sur le mécanisme de contrôle du CO2.

- Les Etats membres ont fait part de leur sentiment sur la mise en oeuvre et le contrôle de la législation communautaire. Le Commissaire Van Miert a souligné l'importance d'une bonne mise en oeuvre du droit communautaire par les Etats membres pour assurer la crédibilité de la Communauté. Il a noté l'augmentation importante du nombre de plaintes soit pour non transposition soit pour infraction. Dans cette perspective, le rapport annuel au Parlement sera également soumis au Conseil et il serait souhaitable qu'un débat s'engage tous les ans sur les conclusions de ce rapport après analyse par le groupe de travail. L'initiative de la présidence d'organiser une rencontre des instances nationales chargées de la mise en oeuvre à Chester est intéressante et se poursuivra dans l'avenir. Le Commissaire a estimé qu'il conviendrait d'approfondir cette initiative dans le cadre des tâches liées à l'Agence de l'Environnement. En conclusion, le Commissaire s'est déclaré très ouvert à des discussions approfondies au sein du Conseil sur la mise en oeuvre de la législation communautaire y compris si les Etats membres le souhaitent sur des cas particuliers. Mais M. Van Miert a levé toute ambiguïté en rappelant que la Commission était gardienne des traités et que les Etats membres ne pouvaient espérer utiliser ces échanges comme moyens de ralentir ou d'arrêter des procédures.

A la suite du tour de table, le Conseil a adopté des conclusions qui rappellent l'importance d'une bonne application de la législation communautaire, se félicitent des rapports annuels de la Commission et des débats qu'ils susciteront au Conseil, souhaitent un renforcement de la coopération entre les Etats membres et la Commission, se félicitent de l'établissement d'un réseau informel d'autorités nationales de mise en oeuvre des dispositions relatives à l'environnement.

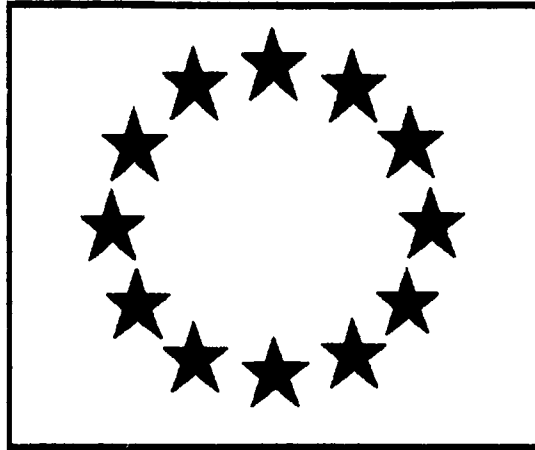
- Le Conseil a procédé à une première analyse de la proposition sur les déchets d'emballage. Ce tour de table a montré que les Etats membres avaient des positions sensiblement différentes mais qu'ils étaient dans l'ensemble tous favorables à une solution communautaire. Le Commissaire Van Miert a d'ailleurs indiqué à cet effet que sans législation communautaire, le développement des initiatives nationales pourrait à terme entraver la libre circulation dans la mesure où l'on ne peut faire une différence entre les emballages et les produits. C'est la raison pour laquelle il a soutenu que cette législation devait se faire au titre de l'article 100A pour arriver à un haut degré d'harmonisation. Notant que quelques Etats membres souhaitaient établir une hiérarchie des normes entre recyclage, réutilisation, destruction, le Commissaire a estimé qu'il fallait tenir compte des circonstances locales, des coutumes et des ressources et qu'il n'était donc pas opportun d'établir cette hiérarchie. D'autre part, il est nécessaire de laisser aux Etats membres une souplesse suffisante pour agir à l'intérieur du cadre communautaire. M. Van Miert a exprimé le souhait que ce projet soit adopté sous présidence danoise.

- Le Commissaire Van Miert a indiqué que le projet d'Eco-label progressait. En principe en juin 1993 les critères écologiques et les définitions seront arrêtées pour six produits et le mécanisme pourra donc être opérationnel à cette date.

Le Conseil devait enfin aborder le problème du siège de l'Agence Européenne pour l'Environnement lors du déjeuner.

Amitiés,


Costas Stathopoulos



COMMISSION DES COMMUNAUTES EUROPEENNES
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BRUXELLES, LE 16 DECEMBRE 1992

NOTE BIO(92) 317 (SUITE 3 ET FIN) AUX BUREAUX NATIONAUX
CC AUX MEMBRES DU SERVICE DU PORTE-PAROLE

CONSEIL ENVIRONNEMENT

LORS DU REPAS, LES MINISTRES ONT ABORDE LES ELEMENTS LIES AU FONCTIONNEMENT DE L'AGENCE EUROPEENNE POUR L'ENVIRONNEMENT ET ONZE DELEGATIONS SE SONT PRONONCEES EN FAVEUR D'UNE RESOLUTION QUI INDIQUE QUE LE CONSEIL PREND NOTE DE L'INTENTION DE LA COMMISSION ' TO SET IN HAND INTERIM ARRANGEMENTS TO :

- MAINTAIN AND UP-DATE THE CORINE INFORMATION SYSTEM:
- ESTABLISH AS SOON AS POSSIBLE AN INFORMAL HIGH-LEVEL GROUP OF NATIONAL REPRESENTATIVES TO :

- . DISCUSS THE FUTURE WORK PROGRAMME AND PRIORITIES OF THE AGENCY, TAKING ACCOUNT OF THE PRIORITIES IDENTIFIED IN THE FIFTH ENVIRONMENT ACTION PROGRAMME:

- . CONSIDER THE STRUCTURE OF THE NATIONAL NETWORKS AND TOPIC CENTRES IN THE LIGHT OF THE WORK PROGRAMME AND PRIORITIES ENVISAGED

- . DRAW UP PROPOSED WORK PROGRAMMES FOR TOPIC CENTRES AND INITIATE THE PROCEDURES FOR SELECTING TOPIC CENTRES FOR PRIORITY AREAS:

- STRENGTHEN COOPERATION BETWEEN MEMBER STATES IN ORDER TO

- . ENSURE A CONSISTENT DEVELOPMENT OF INITIATIVES RELEVANT TO THE WORK OF THE AGENCY:

- SET UP A CATALOGUE OF DATA SOURCES AND PROJECTS:

- ESTABLISH A PROTOTYPE COMPUTERISED NETWORK

STRESSES THAT THESE ARRANGEMENTS ARE OF AN INTERIM NATURE ONLY AND URGES THE EUROPEAN COUNCIL TO REACH A RAPID DECISION ON THE SEAT OF THE EUROPEAN ENVIRONMENT AGENCY

IL S'AGIT LA D'ELEMENTS IMPORTANTS QUI PREFIGURENT LA MISE EN OEUVRE EFFECTIVE DE L'AGENCE POUR L'ENVIRONNEMENT.

AMITIES.