

PRESS RELEASE

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Continuation of 1713th meeting of the Council

- ENVIRONMENT -

Brussels, 15 December 1993

President: Ms Magda DE GALAN,
Minister for the Environment
of the Kingdom of Belgium

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

Belgium:

Ms Magda DE GALAN Minister for the Environment
Mr Didier GOSUIN Minister for the Environment (Brussels Regional Executive)

Denmark:

Mr Svend AUKEN Minister for the Environment
Mr Leo BJØRNESKOV State Secretary for the Environment

Germany:

Mr Klaus TOEPFER Minister for the Environment

Greece:

Mrs Elizabeth PAPAZOI State Secretary for the Environment, Regional Planning and
Public Works

Spain:

Ms Cristina NARBONA State Secretary for the Environment

France:

Mr Michel BARNIER Minister for the Environment

Ireland:

Mr John BROWNE Minister of State for the Environment

Italy:

Mr Valdo SPINI Minister for the Environment

Luxembourg:

Mr Jean-Marc HOSCHEIT Deputy Permanent Representative

Netherlands:

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

Portugal:

Ms Teresa GOUVEIA Minister for the Environment and Natural Resources

United Kingdom:

Mr Timothy YEO Minister of State, Department of the Environment

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Commission:

Mr Yannis PALEOKRASSAS Member

PACKAGING AND PACKAGING WASTE

By a qualified majority the Council reached political agreement on its common position, under the co-decision procedure with the Parliament, on the Directive harmonizing national measures for the management of packaging and packaging waste ⁽¹⁾.

The objectives of this Directive are to ensure a high level of protection of the environment and to ensure the functioning of the internal market.

The agreement provides for the adoption by the Member States of measures aimed, as a first priority, at preventing the production of packaging waste and, as further fundamental principles, at re-using packaging, at recycling and the other forms of recovering packaging waste and, hence, at reducing the final disposal of such waste.

Regarding prevention, Member States should ensure the implementation of measures which may consist of national programmes or similar actions adopted, if appropriate in consultation with all economic operators.

In the case of re-use, Member States could encourage the re-use of packaging which can be re-used in an environmentally sound manner in accordance with the Treaty.

Regarding recovery and recycling, Member States should take the necessary measures to realize, during an initial phase of five-years from the entry into force of

⁽¹⁾ This concerns all packaging placed on the market in the Community and all packaging waste, whether it is used or released at industrial, commercial, office, shop, service, household or any other level, regardless of the material used.

the Directive, the following objectives:

- recovery: 50% as a minimum and 65% as a maximum by weight of the packaging waste;
- recycling: 25% as a minimum and 45% as a maximum by weight of the totality of packaging materials contained in waste with a minimum of 15% for each material.

Within 10 years a substantial increase in these percentages should be decided on by the Council on a proposal from the Commission.

Transitional derogations would be granted on certain conditions to Greece, Ireland and Portugal, owing to their specific geographic situation and the low level of consumption in this area.

Moreover, any Member States which establish or have established programmes whose recovery and recycling targets go beyond those provided for and which therefore have the appropriate capacity would, in order to make possible a high level of environmental protection, be authorized to pursue those targets provided that the relevant measures do not lead to distortion of the internal market and do not prevent the other Member States from complying with the Directive. There is therefore provision for a procedure whereby the Commission will verify, together with the Member States, that the measures in question are in accordance with the internal market.

Other provisions are included concerning return, collection and recovery systems to achieve the objectives laid down.

Regarding the composition of packaging, the text lays down that within three years of adoption of the Directive, Member States must ensure that packaging cannot be placed on

the market unless it complies with the essential requirements defined by the Directive.

Member States should comply with the Directive no later than 18 months after its adoption.

The common position will be adopted in the near future after finalization of the texts.

COMMUNITY STRATEGY ON CLIMATE CHANGE - COUNCIL CONCLUSIONS

"The Council

1. **RECALLS** one of the conclusions of the European Council of 10 and 11 December 1993: "fiscal measures possibly relating, inter alia, to the environment could be one of the means of offsetting a drop in social contributions, within a general context of stabilizing all statutory contributions and reducing the tax burden".
2. **FURTHER RECALLS** the conclusions of the ECOFIN Council on 13 December 1993, that the ad hoc working party needs to continue actively the work on the Commission's proposal on energy/CO₂ taxation in the light of the above conclusions.
3. **DECLARES** that, in this context and in the light of the Community's commitment to stabilize CO₂ emissions on the terms agreed by the Joint Energy/Environment Council of 29 October 1990, it is necessary to create a mix of additional various instruments at Community level and to conclude ongoing work taking account of the Commission's proposal on energy/CO₂ taxation as soon as possible, and at the latest by the end of 1994.

4. **REQUESTS** the Commission to take, as soon as possible, the necessary decisions on the methodologies to be used for the national reports in the framework of the Council Decision of 24 June 1993 establishing a monitoring mechanism in order to have a good basis for analyzing national efforts, and to present an evaluation on the progress made towards reaching the Community's CO₂ stabilization target, as required by that Decision.
5. **REQUESTS** the Commission to report on the national instruments, in particular economic and fiscal instruments, of the Member States, relevant to reaching the Community's CO₂ stabilization target, which have been implemented or which will be implemented shortly.
6. **REQUESTS** the Commission to prepare and submit to the next Council meeting a plan that will ensure:
 - the submission by the European Union and its Member States of the reports required by the Framework Convention on Climate Change within six months of its entry into force;
 - demonstration in this report on how the European Union and its Member States will collectively reach, as set out in the conclusions of 29 October 1990, 13 December 1991, 5 May 1992 and 26 May 1992, the objective of stabilization of CO₂ emissions at 1990 levels by the year 2000 in the Community as a whole.
7. **AGREES** in this context to adopt the proposal for a Council Decision on the conclusion by the Community of the Framework Convention on Climate Change, recognizing the importance for the Community of ratifying the Convention before it enters into force and alongside its Member States, so as to allow the fulfilment of the commitment relating to the limitation of CO₂ emissions in the Convention by the Community as a whole through action by the Community and its Member States, within their respective competences."

CONVENTION ON CLIMATE CHANGE

The Council, with the United Kingdom delegation abstaining, adopted the Decision concluding the United Nations Framework Convention on Climate Change signed in June 1992 in Rio de Janeiro.

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433

ENVIRONMENT COUNCIL OF 15 DECEMBER 1993

- Le Conseil a finalement adopte a la majorite qualifiee une position commune sur le projet de directive sur les emballages et dechets d'emballage. Le Danemark, l'Allemagne et les Pays Bas ne se sont pas joints a la position de compromis elaboree par la Presidence, en depit du fait que celle-ci ait deploye de tres nombreux efforts pour accommoder les requetes de ces trois delegations et leur permettre de conserver, voire d'ameliorer des standards en matiere de valorisation des dechets d'emballage qui sont au-dessus de la moyenne communautaire. Le projet adopte conserve d'ailleurs intact un amendement qui permet a tous les Etats membres de deroger a la regle en fixant des standards de valorisation et de recyclage des dechets plus eleves que ceux contenus dans le texte de la Directive, de maniere a preserver ainsi des normes elevees de protection de l'environnement.

A l'issue de cette seance du Conseil, la Commission s'est felicitee de l'adoption de cette position commune qui consacre pour la premiere fois en Europe un regime avance de protection de l'environnement contre les mefaits dus aux emballages.

Il faut souligner le fait que cet exercice etait tres complexe car il devait se fonder sur le principe de l'harmonisation, de maniere a eviter que des reglementations nationales differentes ne conduisent a un nouveau cloisonnement du marche interieur, tout en tenant compte du fait que le niveau de traitement des dechets d'emballages dans la Communaute est encore tres disparate. C'est la raison pour laquelle la proposition initiale de la Commission a ete sensiblement modifiee de maniere a tenir compte a la fois de la situation dans les Etats membres ou la legislation est naissante et ceux ou elle est developpee, sans contrevenir a l'esprit du marche unique. Cet equilibre a pu etre realise en fixant des objectifs intermediaires souples (fourchettes de valorisation des emballages de 50 a 65% et de recyclage des divers composants de 25 a 45%). En outre, les Etats membres qui n'ont pas encore les moyens d'atteindre des objectifs aussi importants beneficieront d'une derogation leur permettant d'allonger cette periode. Enfin les Etats membres qui sont deja au-dela de ces objectifs et/ou qui souhaitent aller au-dela pourront le faire par derogation, mais a condition que les capacites de traitement des dechets soient suffisantes et que la Commission puisse s'assurer que la fixation d'objectifs ambitieux ne se traduise pas par un accroissement des problemes dans les pays voisins. En effet nul n'ignore que recemment plusieurs Etats membres ont du faire face a un afflux important de dechets non traites a des prix negatifs qui provenaient d'un Etat qui a adopte des normes elevees, mais qui ne dispose pas encore des capacites de traitement necessaires pour faire face a ces normes. Il est primordial que de telles situations ne se produisent pas car elles entrainent des disfonctionnements qui, a la limite, pourraient conduire certains Etats a adopter des mesures

contraires au principe de libre circulation.

Il faut donc être très clair sur le fait que les conditions liées à l'obtention de la dérogation pour les États membres dont la législation environnementale est la plus avancée:

- ne remettent en rien en cause cette législation,
- sont destinés à préserver le principe de libre circulation,
- permettront le décollage d'une véritable politique de traitement des déchets d'emballages dans tous les États membres.

Enfin l'adoption de fourchettes pour les normes et les dérogations autorisées pour les États membres qui ne peuvent s'y conformer ou qui sont au-delà doit être perçue dans le cadre d'une législation évolutive qui se met en place et dont les objectifs à cinq ans ne doivent pas cacher l'objectif à plus long terme qui est un niveau très élevé d'élimination de tous les déchets dès que les conditions techniques et économiques le permettront dans tous les États membres.

Au-delà des normes de valorisation et de recyclage, ce projet de Directive est très important car il fixe notamment des objectifs en matière de standardisation des emballages, il prévoit l'interdiction des substances dangereuses dans les emballages, il contient des dispositions sur l'information et la sensibilisation des citoyens, sur les mesures économiques propres à encourager les objectifs de la Directive.... Le projet, tout en fixant des normes, laisse, en vertu du principe de la subsidiarité, une grande latitude aux États membres pour se doter des moyens appropriés pour remplir ces objectifs.

- Le Conseil a adopté des conclusions sur la stratégie à suivre en matière de changements climatiques. L'adoption de ces conclusions a permis au Conseil de se prononcer en faveur de la ratification de la Convention sur le Climat, adoptée à Rio. Les conclusions du Conseil engagent le groupe ad hoc sur la proposition de taxe CO₂: énergie à poursuivre ses travaux et dans la perspective des conclusions du Conseil européen sur les mesures fiscales dans le domaine de l'environnement. La Commission est invitée à faire un rapport sur les mesures que les États membres adoptent collectivement en vue de faire face aux engagements pris à Rio.

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228
433

INFORMAL MEETING OF ENVIRONMENT MINISTERS AT THE SEMINAR ON DURABLE ENVIRONMENT AND DEVELOPMENT

Les trois rapports prepares par la Commission, qui constitueront l'ossature des debats de la reunion organisee conjointement par le Conseil et la Commission pour contribuer a la reflexion sur la conciliation entre les exigences de protection de l'environnement et la necessite de preserver la competitivite et l'emploi dans la Communauté, ont ete presentes a la reunion informelle. Pour stimuler le debat, les rapporteurs ont invite les participants a la reunion a reflechir a une serie de questions.

1. Dans le domaine des instruments de mesure visant a assurer les conditions de mise en oeuvre du developpement soutenable

Different definitions of 'sustainable development' are possible. To what extent do our requirements for indicators and the evaluation rules depend on the chosen definition ?

The 5th Environment action programme has identified some priority sectors in the quest of sustainability (agriculture, tourism, transport, energy...). How, precisely, are sectoral indicators to be used in the policy planning process ?

Some indicators may have wildly different monetary values, depending on your point of view. The pharmaceutical industry, for example, would probably put a higher value on an indicator of diverse genetic resources that would be public - who might not even want to value them at all, on ethical grounds. But we have to reach an agreed figure if our information is to guide policy. How much should we rely on expertise, and how much on conventional wisdom and public opinion ?

The United Nations suggest a common world-wide satellite system of green accounts. Is the UN approach sufficient to meet Europe's special needs ?

2. Dans le domaine des relations entre industrie et environnement

The EC environmental protection market is said to have reached 50 billion ECU in 1990 or 1 % of GDP ; OECD estimates the world market for environmental equipment and services at 236 billion ECU, and growing at 5,5 % a year. What does this tell us about priorities for industrial research and development and why ?

Because economic and fiscal instruments act through the price system, they seem to guarantee an efficient integration of environmental considerations in production processes and products. They safeguard a competitive environment, which is generally recognised as major driving force for the technological and economic performance of companies and they give a market premium to those engaging in 'sustainable' production and consumption, i.e. involving reduced use

of environmental resources. Why, therefore, is industry critical of the use of those instruments, even to the extent that they sometimes prefer a less cost-effective instrument such as the so-called command-and-control regulation ? How can the dialogue with industry be improved ?

The agricultural sector is highly regulated and does not seem to support sustainable rural societies. What should be changed ?

To what extent can really effective voluntary agreements within an industry be compatible with competition policy ?

3. Dans le domaine de l'action des pouvoirs publics vis-a-vis des mesures en faveur du developpement soutenable

How do we reconcile the need for a co-ordinated approach to sustainability, requiring joint efforts, with the fact that many opportunities present themselves at a local level ?

Utilities tend to be highly regulated in Europe, but market forces are considered a good tool for getting change. How can these forces be given play in a highly regulated situation ?

Although, it is logically defensible to have a green tax reform, shifting the European fiscal burden away from labour and more onto (for example) energy, strong resistance appears when it comes to implementation. What consequences do we have to draw ? Does it matter that according to September 1993 Eurobarometer survey results, 60 % of Europeans would be in favour ?

Are administrations good at choosing the preferred topics for research, from the point of view of sustainability ?

What should be the role of a Multilateral Trade Organisation in moves towards sustainability ?

Le Commissaire Paleokrassas a pour sa part presente au Conseil ses recommandations sur le developpement durable dans la ligne des premieres reflexions qu'il avait soumisees au Conseil informel d'Arrhus en indiquant les 5 priorites auxquelles devrait immediatement s'attacher la Communaute et les Etats membres.

Quantifying environmental costs and benefits and apportioning them among the various actors of the economy ('green accounting').

Changing the tax base from labour/production/property to resource. At the same time, 'negative taxes' i.e. subsidies are to be received in view of their contribution to sustainable development (green taxation). The quick adoption of the carbon/energy tax is in this respect only one step, but a critical one to initiate the transition towards the new model.

Starting fundamental studies immediately on how to construct a new urban model for the Community.

Imposing the new development model on the rest of the world, as otherwise we may have a distortion in the international division of labour ('Green GATT' - MTO).

The dynamics of the internal market should be steered towards an optimal resource use in the Community. Therefore instruments of Community policy are to be reviewed systematically as far as their impact on sustainable development is concerned i.e. competition policy, structural funds, trade policy, R & D affairs, energy, transport, etc.

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