

COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

PRESS RELEASE

9580/88 (Presse 184)

1280th meeting of the Council
- Environment -
Brussels, 24 and 25 November 1988

President: Mr Vassilis KEDIKOGLU,
Minister for the Environment, Regional
Planning and Public Works
of the Hellenic Republic

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

Belgium:

Mrs Miet SMEIT State Secretary for the Environment

Denmark:

Mrs Lone DYBKJAER Minister for the Environment

Germany:

Mr Klaus TOEPFER Federal Minister for the Environment,
Nature Conservation and Reactor
Safety

Greece:

Mr Vassilis KEDIKOGLOU Minister for the Environment,
Regional Planning and Public Works

Mr Georges KTENAS Deputy Minister, Ministry of
Health, Welfare and Social Security

Spain:

Mr Javier SANEZ COSCULLUELA Minister for Public Works and Town
Planning

France:

Mr Brice LALONDE State Secretary for the Environment

Ireland:

Mr Denis O'LEARY Deputy Permanent Representative

Italy:

Mr Enrico PIETROMARCHI

Deputy Permanent Representative

Luxembourg:

Mr Thierry STOLL

Deputy Permanent Representative

Netherlands:

Mr E.H.T.M. NIJPELS

Minister for Housing, Planning
and the Environment

Portugal:

Mr José MARCARIO CORREIA

State Secretary for the Environment

United Kingdom:

The Earl of CAITHNESS

Minister of State,
Department of the Environment

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Commission:

Mr Stanley CLINTON-DAVIS

Member

DRAFT STATEMENT ON THE ENVIRONMENT

The Council prepared a draft statement on the environment for submission to the European Council on 2 and 3 December 1988.

POLLUTION CAUSED BY WASTE FROM THE TITANIUM DIOXIDE INDUSTRY

The Council reached agreement as to principle on a proposal for a Directive on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry.

The main provisions of this Directive comprise:

- a ban on dumping of all waste covered by the Directive with effect from 31 December 1989
- a ban (with effect from 31 December 1989) on discharges of the most dangerous forms of waste into water, in particular solid waste and strong acid waste from existing industrial establishments
- a reduction in discharges of less dangerous waste (in particular weak acid waste and neutralized waste) according to a set timetable running from 1989 to 1992 - reductions are expressed in kilos of waste per tonne of titanium dioxide produced. The Directive also provides for the use, in certain cases, of quality objectives. The quality objectives to be applied will nevertheless have to be set in such a way that they achieve an effect which, in terms of protecting the environment and avoiding distortion of competition, is equivalent to that of limit values
- a reduction in atmospheric discharges of dust, SO_x, SO₂, and chlorine, according to a set timetable.

AIR POLLUTION BY GASES FROM CARS WITH SMALL-CAPACITY ENGINES
(less than 1400 cc)

The Council reached a common position on a Directive relating to the measures to be taken against air pollution by gases from the engines of motor vehicles with a capacity of less than 1400 cc. The text of this Directive which will be formally adopted as soon as possible, will be communicated to the European Parliament under the co-operation procedure.

The common position confirms the agreement as to principle reached at the meeting on 28 and 29 June 1988; it incorporates the limit values and the dates which the Commission proposed for reducing emissions and the compromise arrangement for fiscal incentives.

The present statutory requirements are to be cut by 58% for hydrocarbons and nitrogen oxide, and 48% for carbon monoxide, relative to giving the following limit values:

- Carbon monoxide:
 - = type approval: 30 grams/test
 - = production conformity: 36 grams/test
- Combined emissions of hydrocarbons and nitrogen oxide:
 - = type approval: 8 grams/test
 - = production conformity: 10 grams/test.

These reductions are applicable with effect from 1992 to new models and with effect from 1993 to all new vehicles put on the road.

Not later than the end of 1991, the Council will examine on the basis of a Commission proposal a further reduction in emission levels for polluting gases.

MUNICIPAL WASTE INCINERATORS

The Council held an initial and detailed exchange of views on a proposal for a Council Directive on the prevention of air pollution from new municipal waste incineration plants.

The aim of the proposal is to ensure that new municipal waste incinerators comply with satisfactory emission standards in the interests of preventing air pollution.

A proposal for a Directive on existing incinerators was submitted at the same time as this proposal.

Following the discussion, which brought progress on several unresolved issues, the Council instructed the Permanent Representatives Committee to continue its proceedings so that agreement could be reached on the proposal as soon as possible.

ENVIRONMENT AND EMPLOYMENT CREATION

The Council resumed its examination of the proposal on a five-year Community-wide programme of projects illustrating how actions in the environmental field can also contribute to employment creation.

The Council noted that difficulties still obtained, particularly in connection with the financial aspects of the programme.

GENETICALLY MODIFIED ORGANISMS AND MICRO-ORGANISMS

The Council held an initial discussion on the proposal for a Directive on the contained use of genetically modified micro-organisms.

The aim of the proposal is to establish controls on the contained use (e.g. research and development work) of genetically modified micro-organisms (GMMs). It introduces a system of notification of operations, the application of specific containment measures which vary according to the type of micro-organism and the nature of the operation, and measures concerning accidents and waste management.

The main problems discussed were:

- the definition of "contained"
- the procedure for notification of operations
- the definition of genetically modified organisms (GMOs)
- the confidentiality of information.

The Council also noted the progress of discussions on a proposal for a Directive on the deliberate release to the environment of genetically modified organisms. This Directive is designed to ensure that the use of genetically modified organisms in the natural environment is rendered completely safe.

After discussion, and pending receipt of the Opinion of the European Parliament, the Council noted with satisfaction that considerable progress had already been made on these proposals and instructed the Permanent Representatives Committee to continue its work in order that the two Directives could be approved as soon as possible.

PROTECTION OF NATURAL AND SEMI-NATURAL HABITATS AND OF WILD
FAUNA AND FLORA

The Council examined a proposal for a Directive on the protection of natural and semi-natural habitats and of wild fauna and flora.

The aim of the proposal is the adoption of a co-ordinated Community policy on wildlife protection which takes as its starting point existing Community legislation (wild birds Directive) and international agreements (e.g. the Berne Convention on the Conservation of European Wildlife and Natural Habitats).

After detailed discussion of the main features of the proposal, the Council instructed the Permanent Representatives Committee to take the matter further in the light of the Council discussion.

TRANSFRONTIER MOVEMENTS OF HAZARDOUS WASTE TO THIRD COUNTRIES

The Council adopted the Resolution contained in Annex I.

OZONE

The Council welcomed the forthcoming ratification of the Montreal Protocol by the Community and the Member States, which meant that the Protocol could enter into force on 1 January 1989.

The Council also held a more wide-ranging discussion on this matter.

THE GREENHOUSE EFFECT

The Council noted the Commission communication entitled "The Greenhouse Effect and the Community" presented by Mr CLINTON-DAVIS, which covers the Commission's work programme on the appraisal of the policy options available for dealing with the hazards associated with the greenhouse effect.

BRUNTLAND REPORT

The Council heard with interest the announcement by the Danish delegation that Denmark intended to organize a symposium in Autumn 1989 on action to be taken further to the report of the Bruntland Commission.

The report highlights the need for stronger action to defend the environment and for environmental considerations to be incorporated in policy on economic growth.

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MAJOR ACCIDENT HAZARDS

The Council finally adopted the Directive amending Directive 82/501/EEC on the major-accident hazards of certain industrial activities.

The aim of the Directive is to extend the scope of Directive 82/501/EEC to include all storage of dangerous chemicals, packaged or loose, whatever the site.

The Directive will also strengthen the information provisions by specifying a minimum number of items of information that must be supplied to the public; these include: the nature of the hazards to which the population and the environment are exposed, measures to be taken in the event of an accident, whether emergency plans exist and details of how to obtain further information.

LARGE COMBUSTION PLANTS

The Council formally adopted the Directive on the limitation of emissions of pollutants into the air from large combustion plants.

This Directive provides in particular for:

- reductions in overall emissions of SO₂ from existing plants in three stages: 1993, 1998 and 2003. The reductions have been differentiated according to Member State to reflect the need for a balanced distribution of the effort required taking account of the specific situation obtaining in each Member State;
- reductions in overall NO_x emissions from existing plants in two stages. These reductions have been determined using a similar approach to that adopted for SO₂ emissions;
- Community emission limit values for SO₂, NO_x and dust for new plants, subject to:
 - = the adoption of specific provisions for certain types of fuel and plant, i.e. high sulphur fuel, lignite, peak load installations and refineries;
 - = Spain being granted a derogation for solid fuel to allow for its specific energy situation.

ANNEX I

COUNCIL RESOLUTION
concerning transfrontier movements
of hazardous waste to third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to Council Directive 84/631/EEC on the supervision and control within the European Community of the transfrontier shipment of hazardous waste (¹), as last amended by Council Directive 86/279/EEC (²);

Having regard to the Communication from the Commission, dated 18 July 1988 on exports of dangerous waste;

WHEREAS recent reports about the export of hazardous waste to third countries have given rise to great concern because of the lack of adequate arrangements to ensure the protection of the environment and human health;

WHEREAS serious environmental damage could result from this trade and therefore this problem must be tackled as a matter of urgency;

WHEREAS a Community system for control of transfrontier shipments of hazardous waste is operational;

¹) OJ No L 326, 13.12.1984, p. 31.
²) OJ No L 181, 4. 7.1986, p. 13.

WHEREAS each Member State must see to the disposal of all waste produced in its territory;

WHEREAS negotiations are underway within OECD on a draft Agreement on the control of transboundary movements of hazardous waste and within the United Nations Environment Programme on a draft Global Convention on the same subject;

1. STRESSES the urgency of agreeing a system at the widest possible international level to ensure effective control of transfrontier movements and disposal of hazardous waste;
2. WELCOMES the negotiations underway in OECD and UNEP to this end in which the Community and the Member States are playing an active role;
3. NOTES that the provisional results of these negotiations reflect on a wider scale the principles laid down in the EEC Directives dealing with the same issue; in particular the principles of reduction of waste to a minimum level, prior informed consent, safe disposal, and the responsibility of the producer for the proper management of his waste;
4. RECALLS that under Council Directive 84/631/EEC, as amended by Council Directive 86/279/EEC, any export of hazardous waste to third countries is subject to specific controls;

5. RECOGNIZES the ban on imports of hazardous waste imposed by a number of third countries;
6. REQUESTS Member States, in co-operation with the Commission, to encourage the development of the effective management of hazardous waste at source and of the technology for the processing of hazardous waste, the exchange of technical information and the development of trained manpower resources for the safe handling, processing and disposal of hazardous waste; and to elaborate necessary standards and technical guidelines for waste disposal installations.
7. REQUESTS the Commission and the Member States to give due priority to the provisions to developing countries when they so request for information on the risks pertaining to the incorrect disposal of hazardous waste and of technical and other assistance to enable them to deal with the problems posed by hazardous waste.
8. INVITES the Member States to further the development of an adequate and environmentally compatible infrastructure in the Member States for the disposal of all types of waste.

MISCELLANEOUS DECISIONSAgriculture

The Council adopted the Regulations

- applying the full amount of the premium for maintaining suckler cows in Spain.

The aim of this Regulation is to set the suckler cow premium for Spain at the same level (25 ECU per cow) as in the Community of Ten.

- laying down special measures for hemp seed

This Regulation follows from a decision taken by the Council of 13 to 17 June 1988 to grant aid to hemp seed in order to maintain production and, as far as possible, to ensure that it develops in a manner comparable to linseed production.

Customs Union

The Council adopted the Regulation increasing the volume of the Community tariff quota opened for 1988 for ferrochromium containing more than 6% by weight of carbon (increased to 570 000 from 390 000 tonnes, in two 90 000-tonne instalments, with the first being apportioned between certain Member States - BNL 12 070; D 30 170; E 10 050; F 20 120; I 10 050; UK 7 540 - and the second being kept in reserve).

ECSC

The Council gave its assent under Article 56(2)(a) of the ECSC Treaty

- Mediocredito Ligure (Italy)
 - Clydesdale Bank PLC (United Kingdom).
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Brussels, 23 November 1988

NOTE BIO (88) 373 AUX BUREAUX NATIONAUX
cc. aux Membres du Service du Porte-Parole

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ENVIRONMENT COUNCIL: November 24 1988 (M. BERENDT)

The most contentious issue on the agenda of this Council promises to be the fixing of exhaust emission norms for small cars. At the June Council a qualified majority in favour of the Commission's proposals seemed assured when ministers had a first political discussion on the issue, but the French government subsequently withdrew its agreement. The European Parliament had not then given its opinion on the proposals. This opinion has now been given, so an attempt can be made to achieve a Council common position.

There is a risk that the position of member states has become more polarised since the June discussions, and difficult negotiations can be expected. The standards in question are those to be applied to small cars of less than 1.4 litres as from 1992 and 1993. These vehicles will account for a large proportion of the total Community vehicle fleet, so the outcome of this Council could have far-reaching consequences for motorists, the motor industry and the environment.

The Commission proposals are for standards equivalent to those to be applied for medium-sized cars i.e. 30 grams per test for carbon monoxide and 8gms for the combination of hydrocarbons and nitrogen oxides.

Ministers will have their first chance to discuss in detail the Commission's proposals on biotechnology, although they will not yet be in a position to take decisions. These proposals were in two parts, the first dealing with the confined use of genetically modified micro-organisms, which will govern the use of these substances in laboratories and in the manufacturing processes; and the second concerning the release into the environment of the organisms or products containing them. The Commission is convinced of the need for a clear Community policy in this fast-developing area of industry.

Preparatory discussions have concentrated on the first of the Commission proposals, on 'contained use', where some progress has been made towards agreement. The Commission stresses that an authorisation procedure is envisaged under its proposals; the competent authorities must determine under what conditions permission will be granted for contained uses.

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The Council is expected to discuss both the ozone layer and the greenhouse effect. Chlorofluorocarbons provide the link between the two issues. They break down the ozone layer which protects the earth from damaging radiation, but at the same time they are a major component of the greenhouse gases which are expected to lead to global warming. The Commission sees the need for a virtual elimination of cfc use by the end of the century and will be looking for first reactions to its recent communication on the greenhouse effect.

Toxic waste exports will also be discussed, with a further attempt to agree a Council resolution on exports to developing countries.

Among other points on the agenda will be titanium dioxide, being discussed for the seventh time, rules governing municipal waste incinerators, where a decision is possible, and protection of the natural habitat, for which the Commission made proposals earlier this year with a view to establishing a Community network and system of designated protected areas.

Amltes, 
C.D. EHLERMANN

Brussels, 24 November 1988

NOTE BIO(88) 373 (suite 1) AUX BUREAUX NATIONAUX
CC. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

ENVIRONMENT COUNCIL (M. BERENDT)


Environment ministers today agreed a common position on the second stage emission values for small cars (below 1.4 litres). Denmark, Greece and the Netherlands remained opposed to the package. The agreement was essentially the same as that negotiated in June. Both France and Germany agreed. The values, of 30 grammes per test for carbon monoxide (Co) and 8 grammes for hydrocarbons and nitrogen oxides combined, would take effect on October 1992 for new models and October 1, 1993 for new cars. The question now goes back to the European Parliament for second reading.

The more definite aspect threatening progress was on the information of tax rebates for clean cars. In the final compromise the Commission made a new declaration stating that it would seek an interim judgement from the Court of Justice if the Netherlands introduced fiscal incentives for cars with catalytic converters as planned for mid January 1989. The Commission would then take account of this judgement. Until such a judgement is forthcoming, other Member States will not introduce any further fiscal incentives.

France and Spain put a joint unilateral declaration in the minutes, stating their understanding that the second stage limits would last for at least five years. Nevertheless, the package states that the Council will consider, not later than the end of 1991 and on the basis of a Commission proposal, a further reduction of the emission levels.

Commenting on the decision, Commissioner Stanley CLINTON DAVIS said that by the early 1990s small cars would represent 60 per cent of the Community fleet. "Today's Council decision is a major step towards a cleaner European environment and completes the package of vehicle emission measures which we have been striving for since 1985".

Regards,


C.D. EHLERMANN

Bruxelles, le 25 novembre 1988

**NOTE BIO (88) 373 (suite 2 et fin) AUX BUREAUX NATIONAUX
cc. aux Membres du Service du Porte-Parole**

ENVIRONMENT COUNCIL (M. Berendt)

The Council concluded at 5 o'clock this morning. After having agreed the small cars directive, ministers adopted one other piece of environment legislation, concerning the dumping and discharge of waste from the Titanium Dioxide industry.

This directive sets 31 December 1989 as the final date for the end of dumping and discharge of solid wastes and strong acids at sea, with a time delay until December 31 1992 for Britain, Spain and France and a possible further six months for the UK. Limits were also fixed for weak acid emissions and discharge into air. Adoption of the directive completes several years of negotiation on this issue.

There was detailed discussion of the Commission's two linked proposals on biotechnology. Every member State supported the two directives in principle and accepted the Commission's general approach, although technical difficulties still remain to be resolved, such as the insistence by some member countries on a stricter form of authorisation for laboratory and factory use of genetically modified micro-organisms. The proposals will now be treated as a priority in the environment working group in the Council with a view to progress under the next presidency.

The proposals on the protection of natural species and their habitats were well received by most delegations, although the proposed methods of implementation of the directive were regarded by several ministers as too cumbersome. The United Kingdom and Spain were the most guarded in their reaction to the proposals.

The Council successfully agreed a resolution on the export of toxic waste, at last finding a formula to satisfy Dutch demands. This resolution stressed the urgency of introducing an international system; welcomed the international negotiations in OECD and OPEC; noted that provisional results of these negotiations reflected the principles laid down in Community directives; recognised the ban on toxic waste imports imposed by certain third countries; requested member states to encourage development of the capacity to manage waste and to provide developing countries which ask for it with technical advice and assistance.

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There was less success in agreeing a resolution on cfc's, where a presidency draft proved insufficient for a number of ministers, including the UK and Germany, who were seeking an 85 per cent reduction. The discussion on the ozone layer and the greenhouse effect thus ended inconclusively, although with general support for a more substantial cutback in cfc production than provided for in the Montreal Protocol.

The Commission proposals for pilot projects on jobs and the environment were again blocked by France, Germany and the UK, despite a vigorous intervention by the Commission.

Regards,
C.D. Ehlermann

