



**COUNCIL OF
THE EUROPEAN UNION**



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PRESS RELEASE

2676th Council meeting

Agriculture and Fisheries

Brussels, 18 July 2005

President

Ms Margaret BECKETT

Secretary of State for Environment, Food and Rural Affairs
of the United Kingdom

P R E S S

Rue de la Loi 175 B - 1048 BRUSSELS Tel.: +32 (0)2 285 9589 / 6319 Fax: +32 (0)2 285 8026
press.office@consilium.eu.int <http://ue.eu.int/Newsroom>

10817/05 (Presse 179)

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Main Results of the Council

*The Council held a comprehensive policy debate on the reform of the **EU sugar sector**.*

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- Where declarations, conclusions or resolutions have been formally adopted by the Council, this is indicated in the heading for the item concerned and the text is placed between quotation marks.
- The documents whose references are given in the text are available on the Council's Internet site <http://ue.eu.int>.
- Acts adopted with statements for the Council minutes which may be released to the public are indicated by an asterisk; these statements are available on the abovementioned Council Internet site or may be obtained from the Press Office.

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PARTICIPANTS

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

Belgium:

Ms Sabine LARUELLE

Minister for Small and Medium-Sized Businesses, the Liberal Professions and the Self-Employed and Agriculture

Mr Yves LETERME

Minister-President of the Flemish Government and Flemish Minister for Institutional Reform, Agriculture, Sea Fisheries and Rural Policy

Czech Republic:

Mr Petr ZGARBA

Minister for Agriculture

Denmark:

Mr Hans Christian SCHMIDT

Minister for Food, Agriculture and Fisheries

Germany:

Ms Renate KÜNST

Federal Minister for Consumer Protection, Food and Agriculture

Estonia:

Ms Ester TUIKSOO

Minister for Agriculture

Greece:

Mr Evangelos BASIAKOS

Minister for Rural Development and Food

Spain:

Ms Elena ESPINOSA MANGANA

Minister for Agriculture, Fisheries and Food

France:

Mr Christian MASSET

Deputy Permanent Representative

Ireland:

Ms Mary COUGHLAN

Minister for Agriculture and Food

Italy:

Mr Giovanni ALEMANNI

Minister for Agricultural and Forestry Policy

Cyprus:

Mr Efthymios EFTHYMIU

Minister for Agriculture, Natural Resources and Environment

Latvia:

Mr Mārtiņš ROZE

Minister for Agriculture

Lithuania:

Ms Kazimira Danutė PRUNSKIENE

Minister for Agriculture

Luxembourg:

Mr Fernand BODEN

Minister for Agriculture, Viticulture and Rural Development, Minister for Small and Medium-sized Businesses, the Liberal Professions and the Self-Employed, Tourism and Housing
State Secretary for Relations with Parliament, State Secretary for Agriculture, Viticulture and Rural Development, State Secretary for Culture, Higher Education and Research

Ms Octavie MODERT

Hungary:

Mr József GRÁF

Minister for Agriculture and Rural Development

Malta:

Mr George PULLICINO

Minister for Rural Affairs and the Environment

Netherlands:

Mr Henne J.J. SCHUWER

Deputy Permanent Representative

Mr Ate OOSTRA

Director-General

Austria:

M. Josef PRÖLL

Federal Minister for Agriculture, Forestry, the
Environment and Water Management**Poland:**

Mr Józef Jerzy PILARCZYK

Minister for Agriculture and Rural Development

Portugal:

Mr Jaime SILVA

Minister for Agriculture, Rural Development and Fisheries

Slovenia:

Ms Marija LUKAČIČ

Mr Franci BUT

Minister for Agriculture, Forestry and Food
State Secretary at the Ministry of Agriculture, Forestry
and Food**Slovakia:**

Mr Zsolt SIMON

Minister for Agriculture

Finland:

Mr Juha KORKEAOJA

Minister for Agriculture and Forestry

Sweden:

Ms Ann-Christin NYKVIST

Minister for Agriculture

United Kingdom:

Ms Margaret BECKETT

Mr Ben BRADSHAW

Secretary of State for the Environment, Food and Rural
Affairs
Parliamentary Under-Secretary of State, Department of the
Environment, Food and Rural Affairs**Commission:**

Ms Mariann FISCHER BOEL

Mr Joe BORG

Mr Markos KYPRIANOU

Member

Member

Member

.....

The Governments of the acceding States were represented as follows:

Bulgaria :

Mr Byurhan Iliyazov ABAZOV

Deputy Minister for Agriculture and Forestry

Romania :

Mr Mugur CRACIUN

Secretary of State, Ministry of Agriculture, Forests and
Rural Development

ITEMS DEBATED**PRESIDENCY WORK PROGRAMME**

The Presidency briefly presented its programme for agriculture and fisheries¹. The key priority of the Presidency will be to reach political agreement on the reform of the sugar sector. The WTO negotiations in Hong Kong in December will also be an important event. The Presidency will make sure that all delegations are informed of the state of play on the negotiations.

With regard to animal health and welfare, the Presidency will aim, if possible, to conclude the negotiations on avian influenza, and on minimum rules to protect chickens kept for meat production. The Presidency also hopes to make progress on the European animal health strategy, and will begin work in the area of TSEs including on the Commission's TSE strategy.

Concerning fisheries, the top priority of the Presidency will be the Total Allowable Catches and Quota Regulation, where the Presidency will aim at improving and simplifying the decision-making process. Important work will also be undertaken with regard to the Baltic and Mediterranean, a number of stock recovery plans, and the European Fisheries Fund.

¹ This programme appears on the British presidency website under the subtitle "priorities of the Presidency": <http://www.eu2005.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1115139037161>

AGRICULTURE

– *Protection of chickens kept for meat production*

The Council took note of a presentation by Commissioner Kyprianou of a proposal for a Council Directive laying down minimum rules for the protection of chickens kept for meat production ("broilers").

The Council also took note of the Commission's intended strategy in the area of Mr Kyprianou's responsibilities as well as the intention of the Presidency to make progress on this file in order to come back on these strategic issues before the end of the year.

The German, Swedish and Danish delegations expressed their broad support for the proposal tabled by the Commission, warning against the risk of excessive stocking density of broilers. The Danish and Swedish delegations also indicated that they currently applied national rules as regards requirements for slaughter and maximum stocking densities.

The Slovak, Czech and French delegations expressed their concerns as regards the possible loss of competitiveness of the EU poultry industry on the world market and the possible loss of market shares in the EU, the need to take due account of the economic aspects and the geographical positions of the Member States, as well as the schedule of implementation of the proposed Directive. The French delegation suggested submitting the impact assessment study of the Commission on the proposal to the examination of the Special Committee on Agriculture.

The Greek delegation underlined the need for sufficient protection for broilers as well as a secure framework in this area and stressed the importance of a cost/benefit balance.

Commissioner Kyprianou recalled that 5,5 billion chickens (broilers) were slaughtered for meat production in the EU each year and that this proposal had been cautiously prepared and adopted after consultations with the interested parties, such as the main industry representatives, consumer and animal welfare organisations as well as discussions with relevant experts from the Member States. He also noted that scientific opinion from the Scientific Committee on Animal Health and Animal Welfare had been used to conduct a detailed examination of the proposal which provides for an output-oriented approach. The proposal combines harmonised technical requirements and data collected by the farmers with an indicator-based monitoring of the flocks after slaughter. He underlined his awareness as regards the importance of competitiveness for the EU broiler's industry with regard to third countries' production. He also indicated that his Institution would report to the European Parliament and to the Council on a voluntary labelling scheme.

– ***Community Strategic Guidelines for Rural Development (Programming period 2007–2013)***

The Council took note of the presentation by the Commission of its proposal for a Council Decision on Community Strategic Guidelines for Rural Development and gave a mandate to the Special Committee on Agriculture to examine the proposal, in order to prepare a debate at a future meeting of the Council (10893/05).

The target date for adoption of the Community strategic guidelines is Autumn 2005. The common framework for monitoring and evaluation should be fully elaborated by the end of 2005. On 20 June 2005, the Council unanimously reached political agreement on the Regulation establishing a European Fund for Rural Development for 2007-2013.

– *Reform of the sugar sector*

The Council, having heard the Commission's presentation of the three legislative proposals and the preliminary reactions given by delegations to the three questions on the main principles underlying the sugar reform proposal, invited the Special Committee for Agriculture to conduct a thorough examination of all the issues and to prepare a report which the Council will examine at a future session (10514/05 + ADD1).

The questionnaire, which had been submitted to the Special Committee on Agriculture (SCA) on 11 July, aimed at getting political guidance from the ministers. The general political orientation following the round table held at the Council could be summarised as follows:

- In general an overwhelming majority of delegations acknowledged the need for a reform of the sugar sector; delegations also recognised the importance of complying with the World Trade Organisation's legal requirements, following the outcome of the WTO Panel. Most of the delegations also supported the introduction of a restructuring scheme in particular in order to alleviate the social effects of the sugar price cuts on sugar producers and beet growers.
- Concerning the options proposed, between the voluntary restructuring scheme combined with a larger price cut or the smaller price cut and mandatory quota cuts as proposed in the Commission Communication of July 2004, a large number of delegations could support the first approach included in the proposals. However, several delegations supported reduced price cuts, these cuts being possibly extended for a longer period of time than the two years proposed. Some of these delegations also supported in some cases a reduction of the current B quota (exported sugar at guaranteed prices) and a further reduction of current C sugar (sold outside the EU without export refund) and asked to keep the current distinction between A quota (sugar for domestic use at guaranteed prices) and B quota, in order to protect the EU sugar output for domestic consumption.
- Concerning the extension of the reformed regime until the 2014/15 marketing year, most of the delegations supported this long-term perspective which would provide for stability for EU producers and consumers as well as sustainability of the regime for the sugar imports from the African Caribbean and Pacific (ACP) countries and the Least Developed Countries. Nevertheless, some delegations suggested that a mid-term review be inserted in the proposals, possibly after the restructuring scheme in 2010, in order to consider possible further price and quotas cuts.

- As regards the Commission proposals for compensation under the scheme of a decoupled payment and of national envelopes for direct payments that would represent 60% of the estimated revenue loss: although many delegations found this approach in line with recent CAP reforms to be fair and balanced, several delegations asked for an increased rate of compensation while others insisted on sticking to budget neutrality. A few delegations asked to keep part of the payment coupled to production in order to avoid the total ceasing of activity in regions of the EU.

The Commission presented these proposals on 22 June 2005. Since then intensive work on this issue has been carried out by three working groups, on 1 July, 6 July and 12-13 July.

Given that the legal basis for these proposals is Article 37 of the Treaty, the so-called consultation procedure applies - no legally binding Opinion from the European Parliament -: the EP's Opinion is scheduled for 15 November 2005, the adoption of the report by the Committee being expected on 11 October. The EP appointed rapporteur is Jean-Claude Fruteau (PSE).

FISHERIES– *Commission emergency measures for anchovy*

The Council held a discussion relating to the Commission Regulation on emergency measures for anchovy in the Bay of Biscay (International Council for the Exploration of the Sea (ICES) Sub-area VIII) and invited the Commission to monitor the situation closely in the light of the latest scientific advice, and to take appropriate measures.

The French delegation, having indicated that the fishing of anchovy concerned 100 vessels, 400 families and thousands of jobs in concentrated geographical areas, asked for the reopening of the fisheries for anchovy after six weeks, on 16 August, on the basis of a scientific opinion provided by the IFREMER (French Research Institute for Exploitation of the Sea)¹ under which anchovy fishing would be authorised only for adult fish and there would be a protected area ("box") in the Gironde estuary for spawning, where fishing would be banned.²

The Spanish and German delegations supported the decision taken by the Commission to close the fisheries for anchovy for three months in the Bay of Biscay.

Commissioner Borg reiterated the position of his Institution as regards the decision to close the fisheries for anchovy for a three-month period following scientific advice that showed clear evidence of the very depleted stocks of anchovies. He mentioned that only such drastic measures could save and regenerate the stocks and expressed his disagreement with the opinion provided by the IFREMER. Against that background, he explained that for the moment the Commission could not reconsider its decision to close the fisheries in mid-august and would maintain it for three months. However, he made it clear that if significant changes were to happen, the Commission would take appropriate measures.

Following new scientific information which indicates that urgent measures are necessary for the protection and recovery of this stock, the Commission adopted, on 1 July 2005, emergency measures on anchovy in the Bay of Biscay, closing the fishery for three months³ until 3rd October. The Total Allowable Catch (TAC) for anchovy for 2005 was 30 000t in ICES Sub-area VIII..

On 4 July 2005, France asked for the Commission Regulation to be referred to the Council as provided for by Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

¹ <http://www.ifremer.fr/francais/>

² http://www.agriculture.gouv.fr/spip/leministere.leministrelecabinet.communiquepresse_a4977.html

³ Commission Regulation (EC) No 1037/2005 of 1 July 2005. OJ L 171, 2.7.2005, p.24.

OTHER BUSINESS

– *Definition of fresh poultry meat and origin labelling*

The Council took note of a request from the Netherlands delegation on the need for a revision of Council Regulation No 1906/90¹ and Commission Regulation No 1538/91² (11178/05). This delegation insisted in particular on the lack of clarity as regards the marketing standards laid down in these Regulations concerning defrosted poultry meat and considered in particular that poultry meat that has been frozen should not be labelled as fresh. The Netherlands delegation also supported the introduction of an EU label for poultry meat originating in the EU, taking into account that Council Regulation No 1906/90 provides that poultry meat from third countries that is offered for sale as fresh must carry a label indicating the country of origin.

Commissioner Fischer-Boel stressed that after thorough consultation within the Commission it had been concluded that from the legal point of view, the abovementioned Regulations provided specific and detailed rules concerning general food law. However, she made clear that under the current interpretation of the Institution, the practice of selling defrosted poultry meat labelled as fresh was not in conformity with Community standards. She also indicated as regards an EU label for poultry meat originating in the EU that proper traceability and labelling were currently not compulsory in the poultry sector, although it could be the subject of further consideration in the future. Finally she pointed out that she had raised this issue during a meeting on 26 May with poultry industry representatives and suggested using labelling on a voluntary basis as a first step, prior to a check after a certain period of time.

¹ Council Regulation (EEC) No 1906/90 of 26 June 1990 on certain marketing standards for poultry meat (OJ L 173, 6.7.1990, p. 1).

² Commission Regulation (EEC) No 1538/91 of 5 June 1991 introducing detailed rules for implementing Regulation (EEC) No 1906/90 on certain marketing standards for poultry meat (OJ L 143, 7.6.1991, p. 11).

– *Crisis distillation measures in the wine sector*

The Council took note of a request made by the Italian delegation to the Commission to open urgently crisis distillation measures in Italy no later than the end of July (11234/05).

The Italian authorities consider that the measure is justified also by the market situation in Italy. They submitted their initial request to the Commission in May, with supporting data in June.

Commissioner Fischer-Boel, while acknowledging the serious situation of the sector, indicated that the Italian request was still being carefully examined by the Commission but gave an assurance that the Commission departments would conclude their investigations as soon as possible in view of the major importance of this issue for the Italian delegation.

Article 30 of Regulation (EC) No 1493/1999 of 17 May 1999¹ on the common organisation of the market in wine, provides for the possibility of a crisis distillation measure in the event of exceptional market disturbance due to major surpluses. Such measures may be limited to certain categories of wine and/or certain areas of production, and may apply to quality wines psr at the request of the Member State concerned.

In **2005** the Commission has already opened crisis distillation **three times**:

- for **Greece** on 10 June (Commission Regulation (EC) No 887/2005, OJ L 148, 11.6.2005, p. 34)
- for **Spain** on 19 May (Commission Regulation (EC) No 762/2005, OJ L 127, 20.5.2005, p. 8)
- for **France** on 19 May (Commission Regulation (EC) No 761/2005, OJ L 127, 20.5.2005, p. 6).

¹ OJ L 179, 14.7.1999, p. 1. Regulation last amended by the Act of Accession of 2003.

OTHER ITEMS APPROVED**AGRICULTURE****EU/Switzerland : Tariff quota for the import of live bovine animals ***

The Council adopted a Regulation adopting autonomous and transitional measures to open a Community tariff quota for the import of live bovine animals originating in Switzerland (*10730/05 and 11139/05*).

FISHERIES**EU/Morocco, Greenland - Partnership agreements**

The Council adopted two draft negotiating directives for a fisheries partnership agreement with the Kingdom of Morocco and Greenland.

JUSTICE AND HOME AFFAIRS**Admission of third-country nationals to carry out scientific research in the UE**

The Council adopted a Recommendation to facilitate the issue by Member States of uniform short-stay visas for researchers from third countries (*3621/1/05*).

The Recommendation is aimed at consolidating the European research policy with a view to the achievement of the objectives of the Lisbon economic reform strategy.

The Recommendation covers only the area of uniform visas issued for a total period of no more than three months and calls on Member States to adopt measures facilitating the entry and movement of researchers who are nationals of third countries subject to a visa requirement under Regulation No 539/2001.

The Recommendation will be completed by two other texts : a Directive establishing procedure for admitting third-country nationals for purposes of scientific research and a Recommendation to facilitate the admission of third-country nationals to carry out scientific research in the EU.

INTERNAL MARKET

Approval of vehicles – protection of occupants

The Council adopted a Decision on the accession of the EU to Regulations of the United Nations Economic Commission for Europe (UNECE) on the approval of vehicles with regard to the protection of the occupants (7590/05).

The Regulations of the UNECE on the approval of vehicles with regard to the protection of occupants in the event of a frontal collision (Regulation 94) and in the event of a lateral collision (Regulation 95) are intended to remove technical barriers to trade in motor vehicles and ensure a high level of safety and protection for vehicle occupants.

The EU became a contracting party to the UNECE Agreement in 1998 and has acceded to 78 Regulations annexed to that Agreement.

Enterprises and entrepreneurship – Extension of community programme *

The Council adopted a Decision extending for one year the multiannual programme for enterprises and entrepreneurship (*PE-CONS 3635/05 and 10936/05 ADD1*).

The decision aims at amending Decision 2000/819/EC on a multiannual programme for enterprise and entrepreneurship, and in particular for small and medium-sized enterprises (SMEs) (2001-2005), by extending its period of validity until 31 December 2006 and increasing its financial reference amount by EUR 88,5 million.

The programme is a framework plan of activities that aim at:

- enhancing the growth and competitiveness of business;
- promoting entrepreneurship;
- simplifying and improving the administrative and regulatory framework for business;
- improving the financial environment for business, especially SMEs;
- giving business easier access to EU support services, programmes and networks.

Protection of workers – Construction of machinery *

The Council adopted a common position on a draft Directive laying down harmonised safety requirements for the design and manufacture of certain machines in order to improve prevention of accidents when using them (5786/05 + ADD1 and 10855/05 ADD 1). The common position will be submitted to the European Parliament for a second reading.

The purpose of the draft Directive is to update technical prescriptions of the existing community legislation¹ governing the design and construction of machinery, interchangeable equipment, safety components, lifting accessories, removable mechanical transmission devices and partly completed machinery.

The agreed text defines only the essential health and safety requirements of general application, supplemented by a number of more specific requirements for certain categories of machinery.

Once the new provisions come into force, the Member States will have to ensure that manufacturers comply, before placing machinery on the market, with the following conditions:

- Ensure that it satisfies the mandatory health and safety requirements;
- Ensure that technical files are available;
- Provide necessary information, such as the instructions for use and warnings;
- Carry out conformity assessment procedures;
- Draw up the EC declaration of conformity;
- Affix the CE marking.

Since the Commission presented the original proposal in January 2001, the text has been significantly amended with a view to ensuring terminological consistency, to addressing concerns for industrial stakeholders and allowing a smooth transition from the Directive currently in force.

¹ The draft Directive amends Directive 95/16/EC and extends its scope to portable cartridge-operated machines and to construction site lifts. It also repeals Directive 98/37/EC.

TRANSPORT

EU/Galileo- Cooperation with Norway, Argentina and Republic of Korea

The Council adopted decisions authorising the Commission to open negotiations for establishing a cooperation agreements with Norway, Argentina and the Republic of Korea on the development of a civil global navigation satellite system.

SHIPPING

International Safety Management Code

The Council adopted a common position with a view to the adoption of a Regulation of the European Parliament and of the Council on the implementation of the International Safety Management Code (ISM code) within the EU (6919/05).

The objective of this Regulation is to enhance the safety management and safe operation of ships as well as the prevention of pollution from ships, by ensuring that companies operating ships comply with the ISM Code by means of shipboard and shore-based safety management systems, and the control thereof by flag and port state administrations.

The ISM Code was adopted by the International Maritime Organisation (IMO) in 1993 and was amended by IMO by Resolution MSC.104(73), adopted in 2000.

China - Agreement on Maritime Transport - EU enlargement

The Council adopted two Decisions on the signing and the conclusion of the protocol amending the agreement on maritime transport with China to take into account of the accession to the EU of the ten new Member States (6721/05 and 7996/05).

The Agreement on maritime transport between the EU and China was signed in 2002.

SOCIAL POLICY

Railway workers - Agreement by social partners *

The Council adopted a Directive intended to implement the agreement concluded in 2004 between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector (*10050/05+COR 1 and 10924/05 ADD 1*).

The Austrian, Slovak and United Kingdom delegations abstained.

The agreement covers, in particular, daily and weekly rest, breaks, driving time, records of working hours and provisions for future evaluation and follow-up.

Member States will, after consultation with the social partners, bring into force the provisions necessary to comply with this Directive within three years after the date of its entry into force or will ensure that the social partners have adopted the necessary provisions by means of an agreement by that date.

ENVIRONMENT

Aarhus Convention *

The Council adopted a common position with a view to the adoption of a Regulation of the European Parliament and of the Council on the application to Community institutions and bodies of the provisions of the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention) (*6273/05 + ADD 1 and 10896/05 ADD 1*).

The Belgian delegation voted against and the German delegation abstained.

The Regulation is aimed at applying the requirements under the Aarhus Convention to European Union institutions and bodies, in particular by:

- guaranteeing the right of public access to environmental information received or produced by EU institutions or bodies and held by them;

- ensuring that environmental information is progressively made available and disseminated to the public in order to achieve its widest possible systematic availability and dissemination;
- providing for public participation concerning plans and programmes relating to the environment;
- granting access to justice in environmental matters at EU level under the conditions laid down by this Regulation.

The Regulation will be sent to the European Parliament for its second reading.

Protection of wild fauna - Migratory waterbirds *

The Council adopted a Decision approving the conclusion of the agreement on the conservation of African-Eurasian migratory waterbirds (8647/1/05 +ADD1 and 10729/05).

The European Community is a contracting party to the Convention on the conservation of migratory species of wild animals (the Bonn Convention), which provides for the conclusion of regional agreements for species with an unfavourable conservation status.

Batteries and accumulators*

The Council adopted a common position on a draft Directive with a view to minimising the negative impact of batteries and accumulators on the environment (5694/05 + ADD 1 and 10844/05 ADD 1). Belgium, Greece, Ireland and Italy abstained from voting. The common position will be forwarded to the European Parliament for a second reading.

The draft Directive is intended to contribute to the protection of the environment without creating unjustified social or economic costs through the achievement of the following objectives:

- to restrict the disposal of waste batteries and accumulators;
- to reduce the volumes of hazardous batteries and accumulators produced; and
- to increase the level of collection and recycling of waste batteries and accumulators.

The draft Directive establishes rules regarding the placing on the market of batteries and accumulators and specific rules for the collection, treatment, recycling and disposal of waste batteries and accumulators, regardless of their shape, volume, weight, material composition or use.

The Council reached political agreement on the common position in December 2004 (*see press release 15962/04, page 9*).
