November 2013

Dear Rob,

I am writing to update the Committee on the Environment Council which I attended on 14 October. This was an important Council in that the principal item saw the Council reach agreement on the EU’s collective negotiating approach at the forthcoming UNFCCC Convention of Parties talks in Warsaw which I will be attending next week.

The Council also agreed that the Presidency should work with the Commission to find a first reading compromise agreement on CO2 emissions from cars as well as discussing proposals for an amending Regulation on shipments of waste.

Detail

Shipment of waste

The Council started with an exchange of views on the proposal for an amending regulation to the Shipments of Waste Regulation regarding transhipment of waste in international waters. The Commission introduced the dossier, emphasising the severe impact that dumping or mismanagement of waste could have on the environment. The rules currently in place were poorly monitored and implementation varied significantly between Member States. Strengthening of inspections could bring economic benefits for Member States. All Member States welcomed the potential of the proposals to help improve compliance with the waste shipments regulation across the EU. Most Member States supported the current balance struck between ensuring a minimum level playing field and allowing the necessary flexibility.

Preparations for the UNFCCC negotiations – adoption of Council Conclusions

This dominated the day and whilst a compromise text was finally agreed, setting out the Council’s views on the negotiation position, there were very clear dividing lines. These were apparent in opening remarks from the Presidency. Poland and the Commission provided alternative perspectives on messages emerging from recent international meetings, including the Major Economies Forum and pre-COP. The Presidency highlighted the EU’s proposal of...
a 'step-wise' approach to preparing and assessing mitigation commitments in the two years to the 2015 negotiation.

Discussions initiated by Commissioner Hedegaard highlighted that the US and China had talked about "doing homework" on commitments in 2014. This, combined with the previous public statements of the EU in support of the stepwise approach, meant that the Council Conclusions should maintain a firm commitment to this process. Following substantial negotiations with Poland in the margins – lead by the UK and the Commission – a compromise was eventually reached amongst all member states agreeing language on the EU's step-wise approach.

CO2 emissions from new passenger cars

The Presidency introduced the item inviting interventions from any Member States who could not agree with or had misgivings about the text negotiated in June under the Irish Presidency. Germany was committed to reaching a first reading agreement on the basis of the previous trilogue discussions that accepted the target of 95g/km for 2020, but that allowed some further flexibility. Germany requested that the Presidency and Commission develop proposals, as Germany would, that could flow into a first reading agreement with the European Parliament.

Government Business

In addition to the formal business I had a number of bilateral discussions. I met Owen Paterson to discuss the UK's contribution to the current EU level discussions on shale gas, particularly in the context of building on extensive existing legislative base and the value of European Commission guidance. As part of this discussion we touched on the European Parliament's recent plenary discussion of the Environmental Impact Assessment Directive Review. I also had an informative discussion with the Finnish Minister for the Environment where we discussed a number of matters of mutual interest, particularly around peatlands and its potential inclusion in the Green House Gas inventory and our work on forestry planting. Minister Niinistö was interested in our work in Scotland, particularly in the context of our climate justice work (where I was able to highlight our recent conference) and expressed support for the work we are doing and our progressive stance on peatlands and forestry in connection to his role as a negotiator on LULUCF at the Warsaw COP.

I had planned bilateral meetings with Ed Davey, the Swedish Environment Minister and the Irish delegation. These plans did not come to fruition given that there was much more extensive discussion on the forthcoming Warsaw climate discussions than the agenda had expected and all three were, unfortunately, delayed in additional bilaterals required to achieve an agreement on a compromise text at that stage. This limited the availability of myself and others to have bilateral discussions out with the Council chamber.

Commentary

This was a very interesting Council and there was lively debate and clear evidence of the majority of EU Member states favouring a progressive line. Proceedings were, understandably, dominated by formal Council discussion of the forthcoming UNFCCC convention in Warsaw and the EU approach. This was important given that the Polish Government will chair and that they are at the more critical end of the EU's ambition on climate change. This was a useful insight into the role that the Scottish Government could
play in a changed constitutional settlement adding another progressive voice arguing for higher ambition and able to demonstrate real evidence of progress.

I am copy this letter to Christina McKelvie, Convener European and External Relations Committee for information.

Kind regards

[Signature]

PAUL WHEELHOUSE