



EEB ASSESSMENT OF THE ENVIRONMENTAL RESULTS OF THE GERMAN PRESIDENCY OF THE EU, January to June 2007

*Creating a momentum for climate and eco-innovation policies, disappointing on
waste.*

SUMMARY OF THE EEB VERDICT ON THE TEN GREEN TESTS

ISSUE:	VERDICT:
1. SUSTAINABLE ENERGY POLICY	☺
2. CLIMATE CHANGE	☺
3. 6TH ENVIRONMENTAL ACTION PROGRAMME REVIEW	☺
4. BETTER REGULATION	☺
5. CLEANING UP TRANSPORT	☹
6. CLEAN AIR	no verdict
7. WASTE	☹
8. SOIL AND AGRICULTURE	☹
9. ECOLOGICAL INNOVATION	☺
10. MERCURY	☺☹

SUMMARY

While the results did not match the ambitions demanded by the environmental movement, we commend the German Presidency for the result of the March European Council, where new benchmarks were set for climate and energy policy. Some Member States were clearly reluctant about an EU unilateral greenhouse gas reduction target, but the Presidency managed to convince them. The G-8 Summit was also not uneventful, and delivered an initial, somewhat weak but tangible, acknowledgement from the USA of the need to reduce greenhouse gas emissions. The German Government initially displayed a less commendable face on the issue of obliging car producers to invest more in energy-efficient cars, Even Chancellor Merkel was quoted as opposing a legally-binding efficiency target. Later the Presidency vigorously supported the Commission's weakened proposal.

Following an earlier Dutch initiative in 2004, Sigmar Gabriel, the German Environment Minister, used his country's Presidency to launch a debate about ecological industry innovation. It remained unclear until the last moment how far the Minister wanted to go in recommending precise EU-level policy initiatives to trigger such ecological innovation to his colleagues and the Commission. Even at the EEB conference in Berlin, two weeks before the Informal Environmental Council, the

Minister was not very clear on this. However, the proposals he ultimately defended at the Informal Council on 2 June were excellent and pointed in the right direction. Regarding the more routine EU environmental agenda, the Presidency produced no miracles. Most important decisions were taken at the Environmental Council meeting on 28 June. On the Waste Directive, EEB is far from content at the weakening of existing waste legislation and the absence of a link with the targets laid down in the Sixth Environmental Action Programme. Another important issue, not included in the 'Ten Tests', was the Directive on Priority Substances and Environmental Quality Standards for Water. Here too the Council did not follow the European Parliament and refused to increase the number of chemicals to be controlled, or to improve control mechanisms.

Germany put pressure on the Commission finally to produce a proposal for Euro VI emissions standards for trucks and buses, but so far without success. It could not play a role on the Air Quality Directive because the glacial formalisation process of the political agreement in the Council of October 2006 did not allow the European Parliament even to begin its second reading.

Obviously, the German Presidency's profile was also characterised by work leading to the June European Council agreement on a Reform Treaty. While EEB remains neutral about many of the politically sensitive issues discussed in that forum, we commend the Presidency for leaving untouched the sustainable development and environment-related dimensions of the existing Treaties and the failed Constitutional Treaty, for retaining the elements on democratisation, and for confirming the binding nature of the Charter of Fundamental Rights. Introducing the need to combat climate change at global level in the environmental chapter is in itself positive, but it should not be seen as meaning that other global problems, such as the need to stop worldwide biodiversity deterioration, now have less priority,

EEB VERDICT ON THE TEN GREEN TESTS

INTRODUCTION

This is an assessment of the German Presidency by the European Environmental Bureau (EEB), the largest federation of environmental citizens' organisations in Europe. EEB has a mandate from its members to work on environment-related issues, a broad agenda comprising 'traditional' environmental issues, as well as sectoral and horizontal policies with a direct or potential environmental impact, sustainable development, participatory democracy, and so on.

EEB views the six-month Presidency as a convenient period over which progress on the EU's environment-related policy and legislation can be measured. We appreciate that a Presidency cannot make decisions on its own. It needs the cooperation of the Commission, European Parliament and other Member States. But Presidencies still have a special impact, whether on how it chairs discussions, or how it prioritises practical work, and the profile it gives specific issues.

But EEB's Assessment is not an overall political assessment of the German Presidency's performance. We are not assessing its role on general foreign affairs issues, internal security matters, migration policies, etc. Our assessment is based primarily on the Ten Green Tests we presented at the start of the Presidency.

EEB presented its Ten Green Tests and Memorandum to the German Presidency at the start of the year. We had previously sent an initial letter listing our priorities for the Presidency, which covered most of the issues in the Green Tests. We also established good contacts with the Minister for Environment and his staff, and our German members had their own specific activities to promote EEB's ambitions over this period.

Regarding the tests on energy and climate, and its assessment, EEB was, as usual, ably assisted by Climate Action Network Europe.

On the Ten Green Tests, item-by-item, EEB reached the following conclusions:

1. A SUSTAINABLE ENERGY POLICY

- *Substantive steps to accelerate implementation of the EU Energy Efficiency Action Plan, particularly with standards and market instruments*
- *Agreement at the Spring Summit on targets for primary energy production from renewable energy sources of 25% in 2020, with legally-binding sector-specific targets: 35% in electricity production, 25% in heat and cooling*
- *No forced policy in promoting biofuels. Strict environmental criteria to be enforced through, inter alia, a comprehensive and mandatory certification system*
- *No role for nuclear energy*

Verdict: *Mixed*

Overall, the German Presidency has had mixed success in moving Europe towards a more sustainable energy future. Energy decisions were adopted in the form of a "European Council Action Plan (2007-9): Energy Policy for Europe (EPE)" which looked at a range of areas, but the Council conclusions themselves made the connection with climate change. The linkage of climate and energy policies, although initiated by the Commission, was an important outcome of the Spring Council, and

helps add some coherence to EU energy and climate policy to 2020. Since global greenhouse gas emissions will need to start decreasing from that date, and since energy is the EU's largest source of greenhouse gas emissions, joined-up policy-making and implementation are essential if the EU is to achieve its share of emissions reductions as part of the global campaign to win the battle against climate change.

The European Council in March was a mixed success regarding renewable energy. It reached agreement on a binding 20% renewables target by 2020, but did not break that target down into sectoral targets for electricity or heating and cooling. While the agreed overall target is not as ambitious as it might have been, resistance to it from some quarters indicates political success, for the German Presidency at least.

The Spring Council gave biofuels an expanded role over the period 2010-20, with a provisional binding target of 10% target for all Member States to achieve on overall EU transport fuels and diesel. The provisions include that the fuels used are sustainably produced and that second generation biofuels should become available commercially. While putting conditions on sustainability is a positive move, the definition of this has yet to be agreed, which will be an important issue for a subsequent Presidency. Disappointingly, the structures needed to support sustainable production and trade in biofuels, including a comprehensive and mandatory certification system, were not included in the European Council's Conclusions.

EEB considers that having a binding target for biofuels is wrong. It can seriously frustrate attempts to ensure that only biofuels which have real substantial environmental benefits, do not threaten biodiversity, and have the same or better overall environmental results than using the biomass for other forms of energy production.

On nuclear energy, the German Presidency achieved only equivocal language, which was disappointing in the light of its domestic commitment to phase out this energy source. Nuclear safety and security can only be guaranteed by not using nuclear power. The agreement by EU heads to support the Seventh Framework Research Programme's R&D on waste management misses the point that this substantial budget could be better spent in advancing energy efficiency and renewable energy technologies.

At the March Summit, the conclusions adopted by heads of government included references to the energy efficiency improvement target mentioned in the Energy Efficiency Action Plan and urged prompt implementation of existing measures, and some additional ones being prepared by the Commission. The German Presidency otherwise achieved little substantial progress on the issue. The Presidency's last day coincided with the deadline for submission of National Energy Efficiency Action Plans by all Member States, a primary requirement for implementing the Energy Services Directive, but the Presidency had no direct influence on the implementation in other countries.

2. CLIMATE CHANGE

- *Agreement at the Spring Summit on an unconditional EU greenhouse gas reduction target for 2020 of at least 30% of domestic emissions reductions over 1990 levels*
- *Ensure the legislative proposal to include emissions from aviation in the EU Emissions Trading System includes mandatory participation, widest possible*

coverage and centralised mechanism for setting ambitious caps and allocation

- *Broadened and deepened discussions with key developing and developed countries for solid progress at UN negotiation sessions in Bonn, in preparation for additional sessions later in the year*

Verdict: Positive

Climate change was a declared priority for the German EU Presidency, which successfully oversaw progress at EU, and to a lesser extent, international level. Chancellor Merkel's personal engagement gave a strong signal on Germany's seriousness in making progress on the issue. In delivering the Spring Council Conclusions, Germany was helped by the high level of media attention on the outcomes, and the resulting public pressure on the European Council to deliver. The publication of the Intergovernmental Panel on Climate Change's Summaries for Policymakers, gave fresh inputs and impetus to the discussions.

On emissions reduction targets, the Spring Council agreed on an unconditional unilateral emissions reduction target of 20% by 2020, with the stated willingness to take on a -30% target "provided that other developed countries commit themselves to comparable emissions reductions and economically more advanced developing countries to contributing adequately according to their responsibilities and respective capabilities". The -20% target is not consistent with the EU's own long-standing goal of keeping average temperatures below 2°C, so it was unfortunate that the Presidency allowed itself to be swayed by the Commission from a pure -30% target. But it did well to win Member States' agreement to the conditional -30% target, despite strong opposition from some countries. Unfortunately, the European Council was not prepared to ensure that the reductions would be achieved domestically (ie without importing emissions rights from elsewhere in the world), which would help move the EU towards a more sustainable energy-consuming future. This means that the EU is not secure in delivering its fair share of the objective of not exceeding global warming with 2°C.

The Commission proposal to include aviation emissions in the EU Emission Trading System was released on the eve of the German Presidency. Initial discussions took place in the Council Working Group, but the dossier was put to the October Environment Council, which will be handled by the Portuguese Presidency.

The German Presidency actively engaging with key countries as part of the EU's bilateral summits with countries and multi-nation groups including Russia, India, Africa, ASEM and ASEAN. Its bilaterals with the USA, Canada and Japan were useful stepping stones to getting a stronger-than-expected result on climate change from the G8 Summit, which also chaired by Germany. Germany led the EU delegation at the UN Climate Conference in Bonn in May, and while progress there was slow, the working group on post-2012 actions for developed countries incorporated many of the EU's positive contributions in its conclusions. This should help contribute to a positive session from that group at its August Vienna meeting, gaining momentum towards a positive outcome for the Bali conference at the end of the year.

3. MID-TERM REVIEW OF THE SIXTH ENVIRONMENTAL ACTION PROGRAMME

- *An honest and robust review of the first years' implementation of 6EAP*
- *Reconfirmation of the EU's essential role in leading and coordinating environmental policies*

- *Recognition of the essential role of laws with clear and enforceable environmental objectives, and of financial instruments to change consumption and production patterns*
- *Reinforcing integration of environmental objectives in sectoral policies*

Verdict: *On balance positive*

The Commission finally presented its mid-term review of the Sixth Environmental Action Programme (6EAP) on 4 May. To our surprise, the German Presidency was in a hurry to complete discussions in the Council of Ministers in June. This meant that there was no opportunity for civil society to discuss the weaknesses of the EU's environmental policy development and enforcement practises over the past five years, directly with ministers. The June Council's conclusions meet some of EEB's demands. They begin by reconfirming the guiding principles for environmental policies, precaution, prevention, polluter pays, and rectification of pollution at source. The conclusions also underline the role of legislation, combined with market instruments. The Council also calls for renewed efforts to integrate environmental objectives into other policies, and asks the European Council to reassume its responsibility for this.

The Council does not explicitly criticise the Thematic Strategy approach (it agreed with this five years ago), but does call for them to be "complemented by appropriate implementing measures". For example, in diplomatic terms it repeats its demand for biowaste legislation, which the Commission has so far refused to provide.

4. *BETTER REGULATION*

Better regulation to function for better protection of the environment

- *Prevent any political commitment which reduces environmental protection or EU's ability to monitor performance of authorities and society at all levels*
- *Impact Assessment to include better the environmental and health impacts, positive and negative, and the costs of inaction*
- *Improvement of the Commission's performance on enforcement control, and better involvement of complainants*

Verdict: *Mixed*

The March European Council adopted and launched an Action Plan to reduce administrative burdens. It focuses on reducing them by 25% by 2012. The Commission has calculated that 4% of the burdens comes from environmental legislation. So the exercise in the environmental field aims to reduce 1% of the administrative burden for enterprise. EEB believes this is a questionable undertaking. Better regulation should focus on increasing the effectiveness of regulation, the better to achieve agreed environmental objectives. This primarily means better enforcement. Initial experiences of rewriting laws under the aegis of better regulation, in the air quality and waste sectors, has not been a success in EEB's view.

But it is good to see that the Environment Council is putting up some resistance to this pressure. In its February meeting, it clearly called for health and environment to be considered in the better regulation initiative. It also stresses the importance of the environmental dimension of impact assessments.

Another positive counter-message came from the German Environment Minister, Sigmar Gabriel, in his discussion paper for the Informal Environment Council meeting on 1-2 June, in the context of promoting eco-innovation: "Efforts to harmonise regulation should not prevent individual countries from taking on leadership roles, for

example in creating lead markets for innovative technologies. Better learning and coordination between Member States is also desirable. However, the current debate on Better Regulation places emphasis on avoiding standards in the Member States that go beyond the European minimum requirements (so-called "gold plating"). The focus on leveling the playing-field runs the risk of dismissing opportunities for ambitious standard-setting and innovative policy approaches in the Member States." Unfortunately, this position did not make it into the 28 June Council conclusions on the issue of "Environment, Innovation, Employment."

In the field of impact assessment, the main development has been the establishment of an 'independent' Impact Assessment Board, comprising four Commission officials. Regarding environmental acquis enforcement, we are awaiting a Commission evaluation and proposals for improvements.

5. CLEANING UP TRANSPORT

- *Legally-binding requirements for fuel efficient cars: 120 g/km by 2012 and 80 g/km by 2016*
- *Convince Commission to come up with early and ambitious Euro VI proposal for trucks and buses*

Verdict: On Balance Negative

In the initial weeks of 2007 a rigorous debate took place inside the Commission on the question of what to recommend in response to the certainty that the voluntary agreement with motor manufacturers' federations on reducing CO₂ emissions would not lead to a 120 gr/km average limit for new cars by 2012. The German industry and politicians applied pressure, and Chancellor Merkel was quoted as refusing any obligatory target for the German car industry. The German Commissioner, Günter Verheugen, was reported as being in the same camp. After several weeks' delay, the Commission did present its intentions: for a 130g/km legally-binding arrangement for car-producers, combined with expectations that a further 10g/km would be achieved with a set of more or less manageable improvements, including better behaviour by drivers. In May, the Transport Council, gave the proposal a lukewarm response, asking for a thorough impact assessment, competition neutrality and social acceptance. But it also asked for a system that would promote continuous improvements. The Environment Council gave more clear support to the Commission's proposal, and also asked the Commission to present a further target for 2020.

EEB is content that the Commission's proposal has not been further weakened or made uncertain. But we consider the move from 120 to 130 to be unacceptable submission to the car industry. The Environmental Council explicitly asked the Commission to improve technical devices of cars, such as air-conditioning systems, tyres, gear shifts, etc. This ought to be the responsibility of car producers themselves.

The German Presidency put the issue of EURO VI on the agenda of the 28 June Environment Council. In March 2006 this Council had already urged the Commission to produce a proposal as soon as possible. Unfortunately the Commission has yet to propose EURO VI standards. More stringent air pollution limit values for heavy-duty vehicles are urgently needed, because heavy-duty vehicles contribute significantly to harmful particulates and nitrogen oxides in towns. Although we are unsure whether it was possible to convince the Commission to issue a timely and ambitious EURO VI proposal, we appreciate that the German Presidency highlighted the urgency of this

issue by discussing it again at the Environment Council meeting. The Council asked for the proposal to emerge before the end of 2007.

6. CLEAN AIR: REDUCE FINE PARTICLES

- *Reach a final agreement that does not water down the Council position any further and in particular strengthens it by:-*
- *using any opportunity further to strengthen proposed limit value for PM_{2.5} to correspond with WHO recommendations*
- *preventing further weakening, as requested by Parliament, of the proposed time-extensions and further exemptions of certain areas from limit values*
- *no changes to existing limit values for PM₁₀ and NO₂*
- *Reject specific exemptions for industry concerning their obligations under IPPC*

Verdict: No Verdict

The discussions on the Air Quality Directive were heavily delayed owing to hold-ups with the translation of the Council Common Position. The second reading of this Directive will not begin before September 2007. On 28 June, the Council will officially adopt it. But this is just an official adoption of the text agreed under the Finnish Presidency. In view of the delays we shall not pronounce a verdict on this point.

7. DRAMATIC IMPROVEMENT OF THE WASTE FRAMEWORK DIRECTIVE

- *Retain the waste hierarchy as a binding rule of waste policy-making*
- *Maintain binding national waste prevention programmes, but also insist on overall EU targets for prevention (stabilisation by 2012) and recycling (70% by 2020) and a Directive to ensure recycling of biowaste*
- *Require a phase-out of incineration or landfill of any waste that can be re-used, recycled or composted by 2020, pre-treatment of all waste to maximise removal of recyclables by 2015, and a long-term vision for minimising residual waste*
- *Support the deletion of the energy efficiency formula for reclassifying municipal waste incinerators, but ensure that there is further clarification of the 'principle objective' approach to distinguish between classification of incineration as recovery and disposal*

Verdict: Negative

In contrast to the European Parliament, which strongly enhanced the Commission's proposal, the Council's position unfortunately remained much closer to the Commission's.

Although it re-stated the hierarchy as a five-step structure, it remains a guiding principle and not a general rule which would give it a clearer legal position in implementation through plans and programmes and the infrastructure and financial mechanisms to support it. The clause allowing deviation from the hierarchy also refers to the need for Member States to consider the principles of precaution and sustainability, protection of resources and overall environment, human health and social impacts, alongside economic viability. This list of all the factors, some of them conflicting, does not reflect the difficulty in finding a balance between them. We are disappointed that the Council text does not embrace Parliament's positive inclusion of legitimate lifecycle tools needed in assessing deviation from the hierarchy,

particularly issues of scientific independence, stakeholder consultation, and public involvement.

National prevention plans have been retained, but without any requirement to develop prevention targets. Parliament introduced a waste stabilisation target, an eventual waste reduction target and recycling targets for both municipal and non-municipal waste. None of these features in the Council text. While we know that Germany actually wants a Biowaste Directive developed, the Council goes no further than asking for an impact assessment to consider whether such a Directive is required. On the positive side, the Council does include an Article on biowaste, requiring separate collection.

Minimising residual waste, maximising re-use, recycling and composting, and requiring the separation of any recyclables, are not addressed at all by the Council. Sadder still, a long-term vision of waste policy is absent from the Council position.

On incineration, the Presidency clearly pushed forward the Commission's agenda of reclassifying municipal waste incineration as recovery, using an energy efficiency formula as the deciding factor on reclassification. The efficiency formula has even been weakened for countries with hotter climate, without a concrete efficiency level proposed.

Overall, the Council Common Position reflects a demand by Member States to have more scope for autonomy, including on whether waste is allowed inside their borders, and on how to implement the waste hierarchy. This decentralisation of decision-making threatens to fragment further an already fragmented policy area, working against the concept of an EU waste management policy approach. For EEB, this Council Common Position represents a dangerous development in a unified EU-level approach.

8. SOIL PROTECTION AND AGRICULTURE .

- *Put Soil Thematic Strategy high on political agenda and ensure that there will be wide Council support for a strong Soil Framework Directive which includes long-term generation targets for specific soil problems as well as legally-enforceable medium-term targets to be set or agreed at EU level*
- *Oppose any weakening of cross-compliance requirements laid down in Common Agriculture Policy*
- *Oppose inclusion, in the new regulation concerning support for organic farming, of any genetic contamination threshold to prevent GM contamination from becoming a fait accompli and harming organic farming's promising future*

Verdict: On balance, negative

Little or no progress was made on the Commission's proposal for a Soil Framework Directive. This was partly due to the lack of progress by Parliament, which meant it was impossible to reach a Council Common Position under the German Presidency. But little effort was made to steer the discussion away from whether a Soil Directive is needed, to what kind of Soil Directive is needed.

The review of the cross-compliance regime by the Commission, which received support from the Council, came up with several proposals to simplify the system's working. These changes mostly deal with managing the system and do little to address its substance. A possible problem is the concept of advance notice of on-the-spot checks which has been mooted to control amongst others environmental

rules. However, while steps have been taken to make life easier for farmers and the control authorities, nothing has been done to ensure cross-compliance actually delivers its environmental objectives, despite widespread evidence that the current rules are inadequate and that most Member States are failing to implement even them. But on balance, although weakening of cross-compliance requirements has not occurred, little has been done actually to improve the system's effectiveness for the environment.

Regarding GMOs and organic products, the Presidency has since the outset worked to include the 0.9% threshold, discouraging the formation of a blocking minority and without taking into account Parliament's call for the detection threshold of 0.1%.

9. MAKE THE MARKET WORK FOR ECOLOGICAL INNOVATION REFORM

- *Elaboration of an Open Method of Coordination initiative that would set a target for all Member States of a 10% tax-base shift from labour to environmental pollution within ten years, accompanied by monitoring by the Commission, supporting initiatives and regular reporting*
- *A strong mandate for the Commission urgently to launch specific laws for Market-Based Instruments that prioritises the 'Polluter Pays Principle' and promotes internalisation of external costs*

Verdict: On balance positive

The Presidency launched a discussion on ecological innovation which at first glance seemed principally to be a public relations exercise for German environmental industries and German national policies which supported them. But just before the Informal Environmental Council, the German Environment Minister issued a discussion document which included a set of policy recommendations which were right on target. A breakthrough was that for the first time a Presidency publicly backed the use of the Open Method of Coordination for environmental tax reform. It was criticised by the 'usual suspects', the UK and Ireland, but EEB considers it an advance that a Presidency should regard this as being a viable route. The Presidency's proposals contained various other elements that can steer the market for accelerated eco-innovation, such as a European 'top-runner' system (dynamic standardisation), prioritising subsidy reform, and greening public procurement. It accepts the Commission's CO₂-cars proposal as a necessary element of eco-innovation. The official Council conclusions on this topic, from 28 June are phrased more carefully. But it does encourage "Member States and the Commission, within their respective competences, to explore possibilities to shift the tax burden from labour to resource and energy consumption and/or pollution". And it "looks forward to further developments [in the area of economic instruments' application in the EU]". The Council also calls for, inter alia, "top runner approaches". The Council would like the Lisbon Strategy to be given new impetus, particularly in making the EU "the most energy and resource efficient area in the world."

10. MERCURY

- *Strong promotion by EU at the coming UNEP Governing Council, of a global new, binding instrument to reduce global mercury use by 70% by 2017*
- *An EU export ban on metallic mercury, mercury compounds and mercury-containing products by 2008*

- *Phase out marketing and use of mercury in all measuring and control equipment for consumer and professional use, with only some time-limited exemptions where adequate alternatives are not yet available*

Verdict: Positive on UNEP, Negative on EC internal points

At the UNEP Governing Council, the German Presidency represented the EU. It was technically and politically well-prepared for the discussions and withstood pressure, mainly from the USA, China and India, defending EU demands and asking for a legally-binding instrument. Although the Presidency did not really push to include demand reduction targets that the NGOs suggested, it made a major contribution to shaping the final Governing Council (GC) decision on mercury. These were to set priorities on eventual actions, acknowledge the UNEP trade report, start finding solutions on safe long-term storage of mercury, develop a report on mercury emissions in the air and give financial aid to developing countries, as well as into establishing a process to explore enhanced voluntary options within a specific timeframe and legally-binding regulations for long-term international action to reduce mercury's threat to health and the environment.

On the Commission's proposed regulation on an export ban and safe storage of mercury, the Presidency did not follow the NGOs' recommendations. The Presidency failed to move towards expanding the export ban's scope to include mercury compounds, although many governments supported this. Nor was support given to including in the ban mercury-containing products whose sale in the EU is prohibited. Similarly, the Presidency did not recognise the danger of allowing immediate final disposal of metallic mercury, although disposal of liquid waste is banned under the EU Landfill Directive, and despite EU-funded research progressing towards finding safe final disposal solutions.

The Council ultimately realised the danger of allowing the final disposal of metallic mercury at this point, especially given that disposing of liquid waste is explicitly forbidden by the EU Landfill Directive. They decided that requirements for storage facilities and criteria for accepting storage of liquid metallic mercury must be adopted before any final disposal can occur. The Commission would have to submit a report reviewing research on safe disposal options including the 'solidification' of liquid mercury, one year before the export ban starts. The Commission may then present a proposal to revise the regulation as soon as possible and within two years of the ban's start. Depending on the outcome of the research, permanent underground storage of liquid mercury may still have to be seriously reconsidered. This development is to some extent an improvement on the Commission's proposal but is still some distance away from what NGOs would have wished, following the European Parliament's demands.

The Environment Council also insisted that the regulation has a legal basis that makes it harder, if not impossible, for individual EU countries to impose stricter national provisions on the export ban. The starting date following which information will be collected by Member States and industries on mercury movements, also remains unclear.

On Commission's proposed Directive to ban the use of mercury in some measuring and control devices, the Presidency helped arrange a compromise Common Position, and did not back a wide ban including measuring devices used in healthcare and other professional uses, although adequate alternatives are available and approved by European professional bodies. The NGOs regret this approach, since Parliament has already approved expanding the scope of the ban and hence

an agreement on this issue seems feasible. On the barometers debate, the Presidency coordinated a compromise position but in this case more on the positive side, giving two-year's grace for barometer makers to adapt to the ban, and did not consider the request by a few for this product to be entirely exempt, in view of the risks involved.