

EDITORIAL

Two new BirdLife International publications launched: "Birds in Europe" and "Birds in the EU"

On 8 November 2004, BirdLife International launched two important new publications during a conference to celebrate the 25th anniversary of the Birds Directive, organised by the Netherlands Presidency and the European Commission in Bergen-op-Zoom. The publications

are: *Birds in Europe: population estimates, trends and conservation status* and *Birds in the European Union: a status assessment*. In the course of a side event at the above mentioned conference in the Netherlands, Mike Rands, Director & Chief Executive of BirdLife International, handed over the two copies to the Netherlands Minister of Agriculture, Nature and Food Quality, Mr Cees Veerman.

were: *Birds in Europe: population estimates, trends and conservation status* (BIRDLIFE INTERNATIONAL 2004; 50 p) represents the first review of the status of wild birds on the level of the enlarged European Union (EU25). Based on BirdLife's extensive data on bird populations, trends and conservation status the report gives special reference to the impact of the EU Birds Directive (including case studies). It is a concise report aiming to support policy and decision makers with clear conclusions and recommendations for the future. The report concludes that the Birds Directive contributes considerably to the conservation of Europe's birds. This can be seen from the positive population trends of certain species par-

ticularly targeted by the Directive ("Annex I species"), for which the classification of Special Protection Areas (as part of the Natura 2000 network) and the implementation of international Species Action Plans play an important role. Significant support for this was provided through the Commission's LIFE-Nature programme. However, the overall picture looks bleak: 48% of all wild bird

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Special points of interest:

- LIFE+
- 25th anniversary of the Birds Directive
- Environment Council Conclusions

For more information:
<http://birdsineurope.birdlife.org>



Staff changes

Edith Verhoestraete, CAP Campaign Coordinator stopped working for BirdLife in the end of October 2004.

Edith had been in post since 2002, and had contributed greatly to the start of the BirdLife CAP campaign and its

successes in the last two years. BirdLife wishes Edith every success in the future, and thanks her for her contribution.

Inquiries relating to agriculture and the CAP campaign should be sent to:

Campaign communication activities:
Sara.Sharpe@birdlife-europe.nl
Agriculture policy:
Giovanna.Pisano@rspb.org.uk

EU conference on the 25th anniversary of the Birds Directive



From 7-9 November 2004 the Netherlands Presidency of the European Union hosted a conference on the occasion of the 25th anniversary of the EU Birds Directive in Bergen-op-Zoom, organised together with the European Commission.

Around 150 high-level officials from relevant administrations of EU Member States and candidate countries, as well as representatives of the European Commission, scientific organisations, NGOs and other stakeholders discussed the successes and shortcomings of bird conservation in the EU and resulting challenges for the future.

Being a key stakeholder BirdLife International contributed considerably to the preparation of the conference and was present with a strong delegation, who actively participated in plenary and workshop discussion.

The conference conclusions, as endorsed by all participants and the EU Presidency, contain ten "priority objectives for safeguarding Europe's wild birds and their habitats" including a

list of concrete actions to achieve these goals. For each action it is suggested who should deliver it. The conclusions can be taken as setting the path for bird conservation in the EU for the years to come and in view of the 2010 target of halting biodiversity decline.

BirdLife International largely welcomed the conclusions of the conference and is committed to implement those actions that relate to it, while keeping a watchful eye on the overall implementation of this important Directive.

Further information: Konstantin.Kreiser@birdlifeeco.net

Environment Council Conclusions - 20 December 2004

The most interesting item on the December Environment Council agenda for BirdLife was the debate on the relevance and future budgetary needs of LIFE+.

Ministers reviewed the general approach proposed by the Commission as well as themes and actions that may be eligible for EU funding or co-financing.

The Council reached political agreement on:

- a draft Regulation on the applica-

tion of the provisions of the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention) to the European Community institutions and bodies and

- a draft Directive on batteries and accumulators and waste batteries and accumulators.

It also adopted conclusions on climate change, the revision of the European Sustainable Development Strategy and

Protection and conservation of the marine environment.

Finally, the Council also held a policy debate on the preparations of the Lisbon Mid-Term Review and on the draft Regulation and Directive on registration, evaluation, authorisation and restriction of chemicals (REACH) and establishing a European Chemicals Agency.



Luxembourg Presidency January to June 2005

The Luxembourg Presidency of the Union starts 1st January 2005 and will last until 30 June 2005.

BirdLife published its own priorities for the Luxembourg Presidency, called *Greening Europe*, in collaboration with the BirdLife Partner in Luxembourg **Lëtzebuenger Natur - a Vulleschutzliga LNVL**, in December, and those include among others,

the issue of Financing Natura 2000, the LIFE+ regulation, the adoption of the Rural Development Regulation, the adoption of the Regional Policy regulations and the Financial Perspectives.

The priorities of the Presidency include the completion of the mid-term review of the Lisbon Strategy, possibly political agreement on the Rural

Development Regulation and advancing negotiations on the LIFE+ regulation.



Regional policy

November and December have been productive months for regional policy advocacy. BirdLife International has played a leading role in the EU coalition of environmental NGOs preparing and finalising amendments to the draft General Regulation and the implementing regulations (ERDF, ESF and the Cohesion Fund).

We also took the lead in the preparation of one-page briefings (together with proposed amendments) on key issues, including: Natura 2000, Strategic Environmental Assessment and the EU Sustainable Development Strategy.

This is in addition to a more detailed BirdLife briefing on delivering Natura 2000 through the Structural Fund and Cohesion Fund regulations.

At the end of November, Rachel Lee, Vikki Phillips and Ariel Brunner from BirdLife International together with representatives from the coalition met with key MEPs, in order to present them with our folder of briefings, highlighting our top four priorities:

- Payments must be suspended where projects damage the environment or break EU environmental law

- Member States' plans and operational programmes must not be approved until they show that there is sufficient financing for Natura 2000

- Environmental NGOs must be considered equal partners (alongside economic and social partners) and should receive training, capacity building and financial support for direct costs of involvement.

- The Performance Reserve (funds awarded to best performing programmes) should also reward the contribution of the Structural Funds to sustainable development.

Feedback from these meetings was generally good, we pressed the importance of Natura 2000 alongside other coalition interests such as climate change and the Water Framework Directive.

The coalition briefings have since been sent to more than 145 MEPs on the Regional and Environment Committees (and to shadow representatives) and to all the Permanent Repre-

sentations.

Although primarily aimed at MEPs, the briefings are also available on the web at www.coalition-on-eufunds.org, to be used as a resource for lobbying at a national level. Further action is planned for 26 January when the coalition will hold a lunchtime briefing for MEPs; SEO/BirdLife will be presenting a positive case study of Natura 2000 financing.

Alongside work on the draft regulations, another area BirdLife is watching closely is the current preparation of the draft Community Strategic Guidelines. These will be legally binding and we want them to direct Member States' attention towards their requirement to finance the Natura 2000 network.

For more information please contact: rachel.lee@rspb.org.uk



BIRDLIFE'S FARMING FOR LIFE CAMPAIGN- ACT NOW!

Save Europe's Farmland Birds at www.birdlifecampaign.org/cybercampaign/main.htm

Send an electronic postcard asking the European Commissioner for Agriculture for a better future for farming and nature in Europe. Thank you !



Disappointing direction for LIFE+

The current reform of the EU's environment budget, renamed LIFE+, is heading in a dangerous direction for European wildlife.

The Commission has proposed to transform the EU's environment budget into an instrument for supporting the implementation of other EU policies. As part of this they propose to terminate the successful LIFE Nature programme which helps to directly implement EU biodiversity policy by financing practical nature conservation activities, such as revitalising wetlands and funding species action plans.

It is disappointing that at the December Council many EU Environment Ministers failed to rally around this successful policy and call for the reinstatement of a dedicated biodiversity policy within LIFE+.

LIFE Nature has been a success – see box. We urge decision-makers to call for a 'LIFE+ Nature' programme within DG Environment's budget. NGOs believe the best way to finance EU biodiversity conservation is to integrate funding into the Rural Development, Structural and European Fisheries Funds while maintaining a

dedicated LIFE+ Nature programme under DG Environment. This would fund those species and habitats that would be ineligible for funding under these larger instruments. BirdLife calculates that a 'LIFE+ Nature' will need a relatively modest Euro 250-500 million per year to plug these funding gaps.

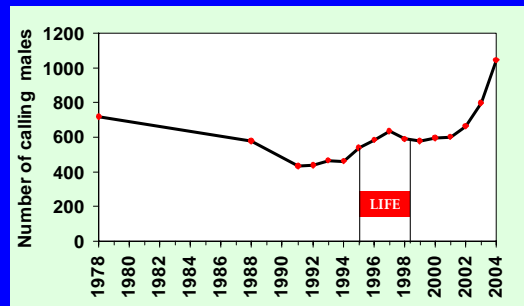
The implications of axing LIFE Nature have not been fully thought through

by the Commission. The loss of this fund will leave some of Europe's most endangered wildlife, such as the Iberian Lynx and wetlands, without necessary EU co-funding opportunities.

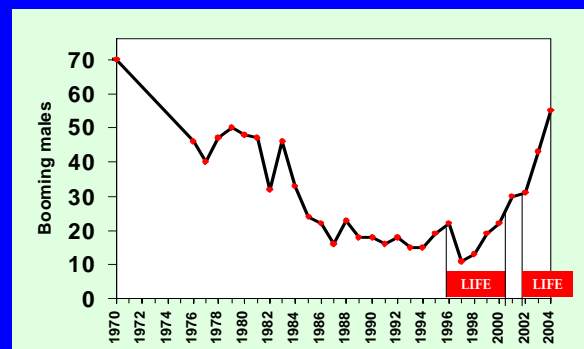
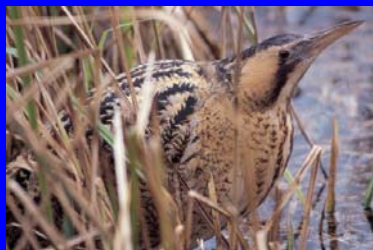
If we fail to implement adequate financing policies for biodiversity now, the EU will fail to achieve the target set by Heads of State of halting biodiversity loss by 2010.

Did it work then?

UK Corncrakes



UK Bitterns



LIFE Nature has been instrumental in helping the recovery of a number of threatened birds in the UK.

BIRDLIFE "EUROPE'S COUNTRYSIDE ALIVE"

PHOTOGRAPHIC COMPETITION

As part of BirdLife International's 'Farming for Life' Campaign, the organisation's new photographic competition "Europe's Countryside Alive" challenges amateur photographers all over the EU to capture the wonderful diversity of our rural countryside and the wildlife it shelters on camera. It is a superb opportunity for photographers from all over the World to show the world how necessary it is to keep our countryside alive.

Entrants to Europe's Countryside Alive, can win an expenses-paid weekend for two, to a beautiful retreat in Europe's countryside and winning photographs will be displayed in a special exhibition in Brussels, in June 2005.

Closing date 1st May 2005

For full information on how to take part in the BirdLife online photocompetition, please visit:
www.birdlifecapcampaign.org



ECOS

ECOS, the European Environmental Citizens Organisation for Standardisation, held its annual General Assembly on 26 November 2004 in Brussels. BirdLife participated in order to support the work of this NGO. At this meeting the work programme of ECOS for 2005 was adopted.

ECOS is a Brussels-based ENGO founded in the end of 2002 by national and European Environmental NGOs among which BirdLife.

ECOS aims to enhance the voice of the environment within the European standardisation system by sending ENGO experts to standardisation committees set up by CEN (European Committee for Standardisation) and

CENELEC (European Committee for Electrotechnical Standardisation).

Like this ECOS hopes "to green" the content of the European standards adopted by the above committees, which can have a big impact on the environment. BirdLife offers a number of experts who participate in ECOS Task Forces that support the ECOS standardisation experts participating in the Committees:

-Oliver Watts (RSPB/BirdLife UK) for Soil improvers and growing media [CEN/TC 223]

-Ruth Davis (RSPB/BirdLife UK) for the Water Analysis [CEN/TC 230]

-Harry Huyton (RSPB/BirdLife UK) for Genetically modified organisms

[CEN/TC 275]

-Susanne Hempen (NABU/BirdLife Germany) for Solid recovered fuels [CEN/TC 343].

If you want to participate in any ECOS Task Forces or Standardisation Committees as an expert please contact:

Clairie.Papazoglou@birdlifeeco.net

If you want to know more about ECOS please visit:

<http://www.ecostandard.org/>



Greening the new European Fisheries Fund (EFF)

In July 2004, the Commission proposed a regulation for the new European Fisheries Fund (EFF) as the financial instrument for the period 2007-13. The proposal is now before Council and Parliament and should be adopted later in 2005.

With its welcome focus on sustainable development, environmental integration, and small-scale fishing, the EFF has the potential (much more so than the "FIFG" which it replaces) to help deliver the ecosystem-based approach to fisheries management required by the reformed CFP.

However, the biggest weakness of the proposal is its lack of compulsion. As

a result, the proposal may only be partially reflected in national programmes and eventual funding decisions. There are also gaps: BirdLife International wants the EFF to contribute much more to funding the fisheries elements of managing the marine Natura 2000 network. We would also like to see explicit cross-compliance between access to EFF funding and implementing the EU Birds and Habitats Directives, and the Water Framework Directive.

At the same time, the EU institutions are negotiating the new LIFE+ environment instrument, which is set to offer little support to marine Natura 2000 management, so BirdLife Inter-

national needs to link its lobbying on the EFF to these wider budget discussions to ensure that funding from EFF and LIFE+ is together sufficient for the task ahead.

The RSPB, BirdLife in the UK, has commissioned from IEEP a report (due out in February or March 2005) which shows decision-makers and managers how the new EFF can be harnessed to support sustainable development of inshore waters which support so much of our coastal birdlife.

For further information, please contact:

euan.dunn@rspb.org.uk



European Parliamentary Questions & Answers

The Questions & Answers are set out as follows:

Subject, Question nr., Name & Party asking, date of question, Summary of Question, Commissioner answering, date of answer, Summary of answer.

Please contact us for more information on any of these questions & answers.

The continuation of LIFE Nature after 2006 - P-1590/04
by **Caroline Jackson (PPE-DE)** - 20/07/2004

What are the Commission's plans for continuing LIFE Nature, or a directly comparable instrument, after 2006? How does the Commission intend to provide adequate funding for habitats and species, whose protection is required under the EU Birds and Habitats Directives, in its proposals for the next financial perspectives 2007-2013? In particular, how does the Commission intend to ensure adequate funding for those habitats and geographical areas not eligible for agricultural or regional funding, and how does it intend to finance actions under the Species Action Plans for species that are prioritised for funding under LIFE Nature?

Answer by Mrs Wallström
24/08/2004

The Financial Instrument for the Environment (LIFE) programme, LIFE Nature, was very effective in supporting the designation of Natura 2000 sites and demonstrating, on a pilot basis, how some of these sites could be managed. It provided an excellent example of how LIFE, through its very limited means can have an important catalytic effect, exploring avenues that, once proven, can be mainstreamed into other instruments. The next step in the realisation of the Natura 2000 network, active management of the sites, requires increased funding(1) and funding of a different, longer term and structural nature. It requires investment support for the sites and

for owners of the sites that the structural and rural development funds are best placed to provide.

On 15 July 2004 the Commission adopted a Communication from the Commission to the Council and European Parliament on Financing Natura 2000 (SEC/2004/770) (SEC/2004/771)(2). The Commission has so far integrated the Natura 2000 network and its needs into all its major proposals for the future Community Financing. These include the Commission's proposal for the future Financial Perspectives, set out in the Communication from the Commission to the Council and European Parliament. Financial Perspectives 2007 - 2013(3) and the Commission Communication, Third Report on Economic and Social Cohesion(4).

A dedicated environment instrument, LIFE+, is foreseen to cover activities having a uniquely European dimension, which are essential complements to the investment funding which will be provided under the other programmes. Bio-diversity and nature, as a priority under the 6th Environment Action Programme, will be a priority under the new instrument. The new LIFE+ instrument will not therefore exclude funding for Natura 2000. Its provisions will be applicable to actions related to Natura 2000 – for example, innovative ways to approach and demonstrate site management; communication and networking activities; support for the establishment of local partnerships that promote specific governance approaches to the protection of Natura 2000 areas; development of the implementation of Natura 2000 relative to the marine environment; innovative breeding and species protection schemes etc. are expected to be eligible for consideration for funding under the new programme.

Use of Community funds to the detriment of Sites of Community Importance (SCI) and Special Protec-

tion Areas (SPA) in Basilicata (Italy) - E-1646/04
by **Monica Frassoni (Verts/ALE)** - 21/07/2004

A number of Sites of Community Importance (SCI) - IT9220090 Foce Bradano, IT9220085 Costa Jonica Foce Basento, IT9220095 Costa Jonica Foce Cavone, IT9220080 Costa Jonica Foce Agri - and the Special Protection Area (SPA) IT9220065 Bosco Pantano di Policoro e Costa Jonica Foce Sinni are seriously threatened by the planned or actual building of coastal tourist facilities near to or inside the sites. The protection of these areas is vital to biodiversity, and in particular to the species listed in Annex II to Directive 92/43/EEC(1) and various species of migratory birds included in Annex I to Directive 79/409/EEC(2).

In 2002, following complaints to the Commission from the LIPU (Italian bird protection organisation) and the Ionian Coast Defence Committee (No 2002/4799, SG (2002) A/7425 and No 2002/4800, SG (2002) A/6930/2), the Environment Ministry asked the Basilicata regional authorities to carry out the necessary formalities to prevent the opening of infringement proceedings for violation of the above directives.

Under the relevant rules, the building such facilities, some of which is already under way, must be preceded by an assessment of the impact on SCIs and SPAs. However, to date only one EIA has been submitted.

On 14 January 2003, the Council of State suspended the application of judgment No 801/2002 issued by the Basilicata regional administrative court approving the LIPU's complaint against one of the building projects, and authorised building work to resume despite the fact that no environmental or other impact assessment, which are compulsory in relation to SCIs and SPAs which form part of the Natura 2000 network, has been conducted.

The approval procedure for a general adjustment of the regional development plan for a large area of the Metapontino, seeking authorisation for the building of sailing harbours not included in the plan itself, is in progress and this adjustment has not involved any impact assessment within the meaning of Article 6 of the Habitats Directive (92/43/EEC), despite the fact that such assessment are compulsory in relation to projects with a potential impact on Natura 2000 sites. There is no reference in the adjustment plan to any management rules applying to the SCIs and the SPA affected by the building work, apart from a vague reference to private management arrangements, which would offer no guarantees as to the project's integrity.

The tourist structures and facilities in question are being built with funds from the CIPE (Inter-Ministerial Committee for Economic Planning), a large proportion of which have been taken from structural funds intended for Objective I areas. Will the Commission state what action it intends to take to prevent Community directives from being violated and to ensure that Community funds are not used, in contravention of Community law, to support projects which cause irreparable damage to Natura 2000 sites?

Answer given by Mrs Wallström - 14/10/2004

According to Council Directive 85/337/EEC of 27 June 1985,(1) as amended by Council Directive 97/11/EC of 3 March 1997 on the assessment of the effects of certain public and private projects on the environment,(2) Member States are obliged to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects.



Projects listed in Annex I are made subject to an environmental impact assessment procedure. Under Article 4(2), for projects listed in Annex II, Member States are obliged to determine on a case-by-case basis or through the setting of criteria or thresholds whether a project is to be made subject to an environmental impact assessment procedure. Based on the information given by the Honourable Member, the Commission considers that the work to which the written question refers could come under Annex II of Directive 85/337/EEC as amended and that, therefore, it should be made subject to the determination under Article 4 (2), of Directive 85/337/EEC as amended.

Under Article 6(3), of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna, "any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives." All authorities of the Member States, at national, regional or local level, have an obligation to apply the above-mentioned provision to Sites of Community Importance (SCI) under Directive 92/43/EEC and Special Protection Areas (SPA) under Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, as amended by Commission Directive 91/244/EEC of 6 March 1991.(3) In addition, as from 10 June 1998, even in the absence of a list of SCIs, Member States are also obliged to apply these provisions to all sites which, on the basis of the scientific criteria set out in Directive 92/43/EEC for their selection, deserve to be included on the list of SCIs, and especially as regards sites which contain priority habitat or species.

The Commission has already registered a complaint on the issues raised by the Honourable Member. The complaint is under assessment by the Commis-

sion. The information given by the Honourable Member has been added to the complaint file.

Should the Commission conclude that Community law is being breached in the case in question, it will not hesitate, as the Guardian of the EC Treaty, to take all necessary measures, including infringement procedures under Article 226 of the Treaty, to ensure compliance with the relevant Community law.

If an infringement procedure is launched in respect of projects part-financed by the Structural Funds, co-funding of the measures concerned will be suspended for the duration of the procedure. If a penalty is imposed, any payments made under the Structural Funds for the projects concerned must, in principle, be reimbursed.

Torbiera del Sebino Nature Reserve (Brescia) - by Monica Frassoni (Verts/ALE) to the Commission - 21/07/2004

- The Torbiera del Sebino Nature Reserve (Brescia) was set up by Regional Law No 86 of 30 November 1983, Decision GR No 1846 of 19 December 1984. The Nature Reserve's first management plan was approved by Decision No 35 842 of 13 September 1988.

- The EU has declared the Torbiera (peat bogs) a site of Community interest (SCI), a special protection area (SPA) and an important bird area (IBA), as well as an integral part of the network of European protected areas known as Natura 2000; the National Research Council designated the area a "biotope of exceptional importance" in 1970 and the Torbiera were declared a "site of international interest for migratory birds" under the Ramsar Convention.

- The area has received funding from the European Community through the LIFE Natura programme and other Community funding through Agenda 21 initiatives.

- The municipal authorities of the town of Corte Franca, through Decision No 59 of 29 October 2003, have proposed a variant allowing the possibility

of building a huge car park with 1 300 – 1 500 spaces for cars and 3 000 m³ of new reception/tourist facilities in the middle of the protected area and a few metres from the edge of the Nature Reserve.

- The municipal authorities of the town of Provaglio d'Iseo, through Decision C.C. No 6 of 18 February 2004, have proposed a variant, after having put right an abuse, in the middle of zone B (Zumbo area) and therefore within the area of the Torbiera, providing for meeting rooms, restaurants, tourist offices, shops, premises for associations, a picnic area and lodgings for the park keeper.

- The municipal authorities of the town of Iseo, through Decision No 5 of 26 February 2004, have adopted a lotting plan for the area of Supersolaio allowing the possibility of creating 11 000 m³ of reception/accommodation facilities. This area is adjacent to zone A, the most protected area of the Nature Reserve - with some parts of it being actually inside the zone - and runs along the shore of the lake. Until a few years ago, it was well protected.

- All these local authority decisions are subject to approval by the Lombardy regional authorities.

- What urgent initiatives does the Commission intend to take to ensure respect for Community rules in the Torbiera del Sebino?

- Does the Commission intend to approach the Lombardy regional authorities with a view to ensuring that they reject the variants adopted by the municipal councils of Provaglio d'Iseo and Corte Franca and block the Iseo municipal authorities' lotting plan?

Answer given by Mrs Wallström - 21/09/2004

The site "Torbiera d'Iseo", IT2070020, was proposed as a Site of Community Interest by Italy under Article 4 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora(1) and designated as a Special Protection Area under Article 4 of Council Directive 79/409/EEC of 2 April

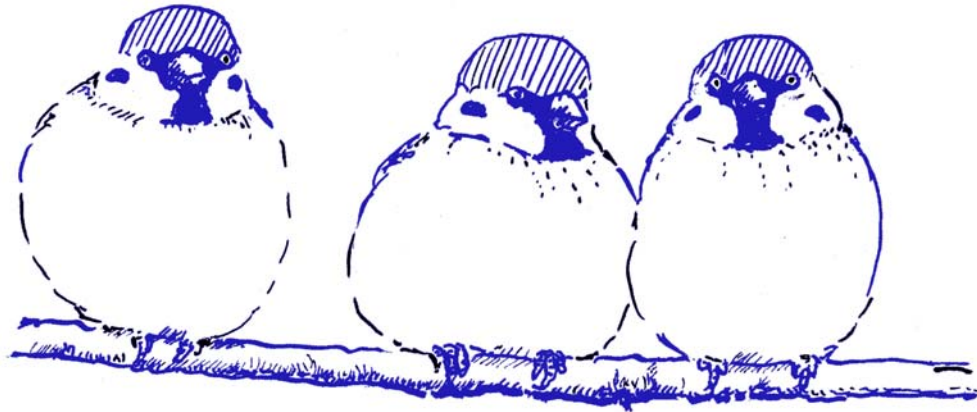
1979 on the conservation of wild birds(2). The site in question is therefore subject to the provisions of Article 6 of Directive 92/43/EEC.

In particular, under Article 6(3), of Directive 92/43/EEC: "Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public".

According to Article 6(4): "If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected".

The projects described by the Honourable Member have not been approved yet, and it is not clear whether they have made the object of appropriate assessments of their implications for the site. There is, therefore, no indication of any likely violation of Community legislation and, in particular, of Article 6 of Directive 92/43/EEC.

However, given the potential impact on the site of the projects described by the Honourable Member, the Commission has written to the Italian authorities to call their attention to the need to follow the procedure defined in Article 6 of the Directive before approving the projects.



**The staff of the BirdLife International
European Community Office
wish you a Happy New Year 2005!!**



European Community Office
81A, Rue de la Loi
B-1040 Brussels
Tel.: 0032 (0)2 280 08 30
Fax: 0032 (0)2 230 38 02
E-mail: bleco@birdlifeeco.net

The Brussels Briefing

The Brussels Briefing is compiled by the ECO staff. It is intended to give up-to-date information on the activities of BirdLife International and the European Union.

Editor: Claire Papazoglou

The Newsletter is supported by RSPB, NABU, SOF, Vogelbescherming Nederland and the European Commission.

Further information on specific topics

The Briefing is not large enough to contain the text of all the source materials used to compile it. If you would like further information on specific topics reported in the Brussels Briefing, please contact us - details above.