

META MORPHOSIS



TIME TO BE BRAVE, NOT DULL AND STUPID

Jeremy Wates
EEB Secretary General



Editorial

"Alice had got so much into the way of expecting nothing but out-of-the-way things to happen, that it seemed quite dull and stupid for life to go on in the common way." Thus writes Lewis Carroll in the famous children's book *Alice in Wonderland*. When Alice follows the White Rabbit down the rabbit hole, the world as she knows it ceases to exist and she is introduced to a whole new reality. Our world, looked at from an outsider's perspective, doubtless appears rather "dull and stupid". Science is screaming at us to change our way of living, yet many of us persist in sticking rigidly to business-as-usual. With the Sustainable Development Goals recently adopted in New York and world leaders preparing to meet in Paris to agree a new global climate deal, the time has come for us too to embrace a new reality – one that allows everyone to live a decent life within the limits of the planet.

As the EEB's Global Policies and Sustainability Director Leida Rijnhout explains on page 2, the SDGs adopted in September are 17 goals for the world based around

poverty eradication and environmental targets. They raise fundamental questions about the sustainability of economic growth in its current form and will require all countries, rich and poor, to look more closely at how to achieve sustainable lifestyles within planetary boundaries. This is an agenda for change and one that should now be taken up by everybody as a guiding action plan for a better future, both for humanity and the environment, the basic support system for life on Earth.

Then, in December, leaders will come together once more, this time in Paris (see page 4 for more details), to agree a global climate deal that should keep warming below the politically agreed danger threshold of 2°C above pre-industrial levels. It is clear given the pledges made so far, the so-called Intended Nationally Determined Contributions (INDCs) that governments had to submit before the conference, that any agreement made in Paris will not be sufficient to contain climate change below this level.

> Continued on page 2

The content of the Sustainable Development Goals (SDGs) is quite promising, in particular given the number of political and industry leaders pushing for a business-as-usual agenda. They are not perfect, but in theory they should be able to give much needed impetus for a paradigm shift to a system based on global sustainability, human rights and equality.

Of course, the SDGs are still a piece of paper and countries only have to agree to start implementing the 17 goals and 169 targets on a voluntary basis.

But "optimism is a moral duty" and civil society has no other sensible option than to push strongly for this agenda, which promises a much better world for everyone by 2030. We should do this by encouraging governments to use the political and moral power of this global agenda - which calls on all countries to deliver on all goals - to ensure implementation at the national level. Another strong message included in this agenda is the need for the active participation of all stakeholders in national strategies for sustainable development.

Despite the euphoria around the new agenda, press articles criticising it are starting to appear. This is not bad as it keeps our attention focussed on the pitfalls that nonetheless appear in the agenda. One elephant in the room is the continuing obsession with economic growth as expressed in goal 8, which is aimed at "promoting sustained, inclusive and sustainable economic growth". It is clear that the Earth's carrying capacity is not increasing and it must be equally clear that in its current form economic growth is therefore incompatible with sustainable development. NGOs are also concerned about the role "public-private-partnerships" will play in the implementation of this agenda. The private sector doubtless has a role to play, but it is certainly incorrect to suggest that it will lead the transformation to a fairer and greener economy.

To ensure that the SDGs are applied as intended, strong policies, good governance and the rule of law are crucial. Making sure that corporations are held accountable for the social and environmental damage they cause and that they pay their taxes in full would be a big step in the right direction. As long as international and national policies and the global financial system are not reformed no fundamental change will ever be achieved. Sustainable development is not only about technical innovations or tax shifts, but is also a highly political task. •

Leida Rijnhout
Director Global Policies
and Sustainability



MEPs KEEP PRESSURE ON COMMISSION OVER CIRCULAR ECONOMY

Since last year's controversial withdrawal of the waste component of the Circular Economy Package by the new Commission, Brussels has been awash with attempts to define what more ambition in this area means. When First Vice-President Frans Timmermans axed the proposal, he promised to come back with a new one by the end of 2015 that was "more ambitious", but gave no indication as to what this means in practice, raising concerns that the withdrawal was simply an excuse to dilute the original proposal.

But the European Parliament seems keen to keep Timmermans to his word. In early July, it adopted a report which backed the original proposal's 70% recycling target for municipal waste and 80% for packaging waste. The report also called for national waste reduction targets, an end to landfilling and a ban on the incineration of recyclable and compostable waste. Crucially, it also called for better use of EU product policies, including the Ecodesign Directive, to reduce waste and improve the life-time, repairability and recyclability of everyday consumer products.

The report was supported by a broad spectrum of MEPs across all political groupings in the Parliament, and the negative reaction from some industry groups, who complained about the Parliament's extensive rules approach, was to be expected.

The EEB made it clear in its response to the Commission's public consultation on the Circular Economy Package that there is no trade-off between strict, uniform and ambitious recycling targets and tailor-made measures to facilitate the repair, reuse and remanufacturing of products in Europe. Indeed, they complement each other: better design today reduces waste tomorrow and pushes a product's end-of-life stage further into the future, reducing pressure on the Earth's limited resources.

The Commission is expected to come forward with its new proposal in December. •

Carsten Wachholz
Policy Officer: Resource
Use and Product Policy



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EUROPE ON THE PATH THROUGH PARIS



The chances that the international community will come to a legally binding agreement on climate change are better than ever before. This is great news and offers much optimism for the future. However, as always, the devil is in the detail, and unfortunately, the content and quality of this agreement is still completely open, and the negotiation texts much too long. An agreement will only be achieved in Paris if the EU, US, China, India and other large emitters finally live up to their claims to be global leaders.

To stay within the objective of keeping warming below 2 degrees Celsius, we need to cap greenhouse gas emissions within the framework of a global climate budget, with strict enforcement, green investments and adequate financial aid. However, the Climate Summit in Paris is likely to fall short in meeting these goals. While people across the globe have understood the need to live within planetary boundaries and the impacts of not doing so, this enlightenment has not been turned into political actions by our governments.

Indeed, in the Netherlands, frustration at the inability of governments to take the necessary action to tackle climate change has triggered a court case ruling that

states have a legal obligation to protect their citizens against climate change. The court ordered the Dutch government to cut its emissions by at least 25% within five years to be in line with the recommendations from the United Nations Framework on Climate Change (UNFCCC), whose founding aim was to "stabilise atmospheric greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference with the climate system".

More court cases like this are likely to follow unless governments do more to cut their emissions. European countries have for a long time led by example, but the EU as a whole now needs to up its game if it is to claim a leadership role in the future. This means showing a clear commitment in Paris that we are willing and able to step up our domestic ambition. We need to show we are ready and able to increase our GHG emissions reductions and clean energy targets for 2030, and help the most impacted countries to leapfrog into a green and renewable energy future backed by public and private money and political support.

The time is ripe for this to happen as other countries and regions of the world increase their appetite for climate action.

The small island states and independent countries in Latin America have understood the global threat posed by climate change firsthand and want to do more but need support. The US that once stood in opposition to united climate action, withdrawing its support for the Kyoto Protocol, has finally moved towards becoming an ally, and change is taking place in countries such as China and India, whose support is vital for a successful agreement in Paris.

To be worth the paper on which it is written, a deal in Paris must include obligations for effective climate policies on a domestic and global level. These obligations should include decisions to: end deforestation; globally phase out hydrofluorocarbons (HFCs); terminate environmentally harmful subsidies; quit coal; and double the energy efficiency of our economies.

In short, Paris is merely the starting point of a new effort to genuinely tackle climate change in which the EU must lead by example. •

Roland Joebstl
Climate and energy
Policy officer.



EUROPEAN PARLIAMENT TO VOTE ON NEW AIR POLLUTION LIMITS



At the end of October, the European Parliament will vote on the revised National Emission Ceilings (NEC) Directive, a major piece of EU legislation which looks to cap emissions of the most dangerous pollutants for human health and the environment.

The revision of the NEC Directive is long overdue - civil society groups and local governments have been waiting for it since 2005. It was eventually proposed by the Barroso II Commission in December 2013, but since then the road has been anything but smooth. New Commission President Jean-Claude Juncker initially targeted it for withdrawal in his bid to show EU member states that the Commission was serious about reducing regulation from Brussels, whether it was in the public's interest or not. Only a wave of opposition from across the political spectrum and civil society seemed to change his mind.

The Commission proposal sets new emission limits for six pollutants in every Member State covering the period up to 2030. Although welcome, it is insufficient. More and earlier action is needed. In June, the EEB produced an online tool, the Air-o-Meter, which shows that more ambitious and earlier targets are both possible and cost-effective. The data in the tool comes from the Commission's own impact assessment and some extra data compiled by the consultancy that produced the impact assessment. The Air-o-Meter shows, for example, that 42,865 additional lives across Europe could be saved every year under a more ambitious scenario.

The good news is that the European Parliament's Environment Committee voted in July 2015 to push for this scenario in the forthcoming negotiations. It also included binding targets for 2025 and limits for the toxic pollutant mercury, which is not considered in the Commission's proposal.

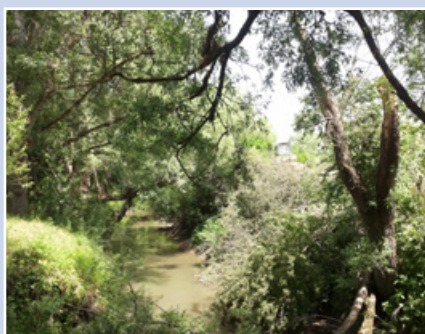
However, it seems that opposition to this more ambitious scenario is gathering steam. It includes the lead MEP on the file, Julie Girling, as well as the centre-right European People's Party, and much of the Agriculture Committee in the Parliament. Their main issue seems to be the limits that would affect agriculture. Some of the MEPs who oppose these targets have strong connections with the farming sector – or are in fact farmers themselves. The vote will take place on 26-29 October. National ministers will then discuss their position at the December Environment Council before the final text is adopted in 2016. •

Louise Duprez
Senior Policy Officer
for Air Pollution



EEB MEMBER FOCUS

News from EEB members and working groups



CONCERNS OVER ROMANIAN RIVER MANAGEMENT

EEB members are raising concerns that poor river management in Romania, in particular in the Niraj river, could cause significant ecological damage.

The Niraj River catchment basin is in the Mures region of Romania. Rich in nutrients, the soil of this floodplain is ideally suited for the production of vegetables, meaning that this part of the Niraj River valley is often known as "Carrot Country". This is more than just an interesting fact, the valley's water management was traditionally linked with the production structure of vegetables. However, with the increasing production of cereal, the former agricultural and water management practices were discontinued. And, between 1950 and 1970, meanders were cut and the river straightened to transform the wetland into arable land for crop production.

In the last 30 years though, many of these actions were reversed, the river went through a renaturalisation process and the river was repopulated with many different protected species including fresh water crayfish, otters and various species of fish. Indeed, sections of the river became part of the Natura 2000 network and the river as a whole was classified as a water body with a good ecological

potential in the River Basin Management Plans. Further, the local community, with support from environmental NGOs, implemented several wetland restoration and sustainable water management projects.

However, all this is now at risk as the water authorities have decided to carry out regulation works with EU funds that would destroy the river's ecosystem in violation of the Water Framework Directive. The decision was taken after a very superficial consultation that failed to take into consideration the arguments and opinions of the people who were against the project.

Barbara Goby, from the Austrian organisation Umweltdachverband, a member of the EEB's water working group, warned Romania against "making the same mistakes that Western European countries are now trying to undo by investing huge amounts of money on river restoration projects".

Goby added: "Experience has shown that in most cases flood protection can be best achieved by giving the rivers more room rather than by building costly dams".

She drew attention to the recent ruling by the European Court of Justice on the German Weser river, where the Court made it clear that member states must refuse authorisation for any project that might cause the status of a water body to deteriorate.

"All in all the current project [concerning the Niraj river] has to be reviewed again in the light of this new jurisprudence from the European Court of Justice," concluded Goby.

Zoltan Hajdu,
Focus Eco Center, Romania

RADIOACTIVE WORK IN SWEDEN

More than half a century after the commercial development of civil nuclear power stations got under way, the question of how to manage radioactive waste remains unresolved. The crux of the matter is the significant amount of high-level long-lived waste and the fact that it has to be sealed away for hundreds of thousands, if not millions, of years. Work is taking place on this issue in Sweden, Finland and France, but the Swedish repository for nuclear waste, where a licence application is under review, is facing big problems.

The Swedish NGO Office for Nuclear Waste Review MKG, an EEB member, is involved in the legal review of the Swedish nuclear industry's application for a licence to build a final repository for spent nuclear fuel close to the Forsmark nuclear power plant. MKG has existed for 10 years and is working on radioactive waste issues for the largest Swedish environmental NGO, the Swedish Society for Nature Conservation (SSNC). The nuclear waste company SKB submitted a licence application in March 2011 to the Swedish regulator and the Swedish Environmental Court. But after four-and-a-half years, the authorities are still weighing up what additional work SKB needs to do in order for the application to be complete enough to be reviewed on its merits.

The most problematic issue for the nuclear waste company is the insufficient scientific evidence that the proposed artificial barriers of copper and bentonite clay will secure long-term safety. Unless the company can show this is the case, the application could be rejected by the court.

MKG also works on radioactive waste management issues at the European level, with the organisation's director Johan Swahn leading the work of Nuclear Transparency Watch on this topic. This involves interacting with the European Commission's energy department (DG ENER) and leading on getting access to resources for independent nuclear experts.

Johan Swahn,
Office for Nuclear Waste Review (MKG),
Sweden

ACCESS TO ENVIRONMENTAL INFORMATION THREATENED BY THE DRAFT EU TRADE SECRETS DIRECTIVE

Access to environmental information threatened by the draft EU Trade Secrets Directive

The European Commission is proposing a Trade Secrets Directive that will help businesses guard their secrets at the expense of the environment and public health. The names and quantities of hazardous chemicals in everyday

products, the results of clinical trials, polluting industry practices - these are just a few examples of the information set to benefit from an extra layer of legal protection.

ClientEarth is working to raise awareness of the dangers the draft law poses to the public's right to access information before it is formally adopted by the EU. Read more about what you can do to help: <http://chn.ge/1LiyfYA>

Anne Friel, European Aarhus Centre,
ClientEarth, UK

FRANCE LEADS SNUB OF EU BIOFUELS CAP



The science speaks for itself: increasing the use of conventional biofuels in the EU is putting ever more pressure on land and driving the destruction of vital ecosystems and carbon stores such as forests and peatlands worldwide. Not only can biofuels have a devastating effect on global hunger and malnutrition levels, their use may also result in more emissions of greenhouse gases than the fossil fuels they were supposed to replace.

Despite scientifically sound evidence and growing concerns about the sustainability of land-based biofuels, back in 2008 the EU introduced a 10% renewables target for transport fuel for EU Member States, which stimulated the biofuels market. Projections based on the resulting National Renewable Energy Action Plans showed that when indirect land use changes are

taken into account, such a widespread expansion of biofuels would result in an increase in greenhouse gas emissions equivalent to between 14 and 29 million additional cars on the road across Europe in 2020.¹

Seven years of political wrangling were needed before the EU officially recognised the damaging impact of land-based biofuels and limited their share within renewable energy targets to 7% (out of the overall 10%). Even if not ambitious enough, this political decision taken earlier this year sent an important signal: first generation biofuels have no place in future transport policies.

Yet, some member states are still planning to further increase production of biofuels at national level.

This is the case in France where a law passed over the summer sets a 15% target for biofuels in the transport sector by 2030. As the share of advanced biofuels (non land-based biofuels from waste) will not reach 7% in 2030, in practice this means that France is planning to exceed the 7% cap on land-based biofuels post-2020.

In the run up to the COP21 in Paris, when all eyes will be on solutions to climate change, it is astonishing to see that the summit's host country is not only ignoring an important political decision that it took part in, it is also ignoring sound scientific evidence on the negative impacts of some biofuels on climate, people and the environment.

And France is not the only one; Italy and Finland also seem intent on going way beyond 7% post-2020. This is both a denial of past mistakes and a slap in the face to those investing in true solutions to climate change. •

Faustine Defossez,
Senior Policy Officer for
Agriculture and Bioenergy



¹ <http://bit.ly/1QnNtyV>

SUCCESS STORY: NATURE ALERT CAMPAIGN GRABS COMMISSION'S ATTENTION



Over half a million people joined the fight to maintain and better enforce crucial EU nature laws, namely the Birds and Habitats Directives, by taking part in the European Commission's public consultation on the issue through a record-breaking NGO campaign this summer.

In May, the EEB, BirdLife, Friends of the Earth and the WWF launched the 'Nature Alert' campaign in response to the Commission's suggestion to look into 'modernising' EU nature laws, widely regarded as a euphemism for making them weaker and more business-friendly. Through its Nature Alert website the NGO coalition provided information to the wider public about the Commission's public consultation on the Directives and encouraged concerned citizens to voice their support for the existing nature laws.

EEB members across Europe campaigned throughout the 12-week consultation period to get as many people as possible to tell the EU not to open the directives up for revision and instead better implement and enforce the existing laws.

In total, a record-breaking 520,325 people took part through the Nature Alert website - an impressive level of participation which made up a massive 94% of total participation in the Commission's questionnaire. This unprecedented level of participation in a Commission public consultation has been difficult to ignore. Indeed Commission Vice-President Frans Timmermans and Environment Commissioner Karmenu Vella acknowledged the huge levels of public concern in a joint statement in which they affirmed, somewhat defensively, that "this exercise is about making sure that legislation that was introduced a generation ago remains fit for purpose for the next generation".

They continued: "This includes looking at issues of implementation and enforcement. This is about finding the best way to keep our standards to protect birds and other wildlife high, and making sure they are effectively applied, not about weakening them."

The public consultation is just one aspect of a broader Fitness Check into EU nature laws, and the fight to safeguard these laws is far from over. Hard work will be needed over the next few months to make sure the Commission proposes solutions that effectively deliver on its promise not to lower Europe's nature conservation standards.

Unless the outcome of the Fitness Check is renewed ambition in the laws' implementation supported by sufficient investment, Europe's response to the dire state of its nature will fail to prevent further deterioration and to ensure that degraded ecosystems are restored. Beyond a package of measures for better implementation and enforcement, the outcome of the Fitness Check will also need to address the blatant lack of proper and effective integration of biodiversity considerations in relevant EU policies. Most prominently this means the current Common Agricultural Policy (CAP) which keeps pushing farming intensification and fails sustainable farmers and therefore offsets many of the benefits of the Nature Directives.

The official analysis of the consultation will be published this autumn and the preliminary results of the Fitness Check as a whole will be discussed on 20 November at the European Commission's Fitness Check conference. A final decision from the Commission on the outcome of the Fitness Check is expected in spring 2016. •

Leonardo Mazza,
Senior Policy Officer
for Biodiversity



SUCCESS CORNER

News from EEB
members and working
groups



SPOTLIGHT LIGHT BULBS SWITCHED OFF

A phase-out of the most energy-guzzling directional (spotlight) light bulbs will go ahead across Europe next year, despite pressure from industry groups. The ban was agreed years ago, but was conditional on a positive assessment from the European Commission that replacement bulbs - primarily super-efficient LEDs knocking out wasteful halogen bulbs - would be ready to take over. Despite clear evidence that this is the case, the Commission came under a lot of pressure from industry and big member states, including Germany and Italy to delay the introduction of the ban. However, it stuck to its guns and declared in September the phase-out would go ahead.

Lighting is a big area of energy consumption, with Europe's bulbs burning through about the same amount of electricity as the entire residential consumption of France, the UK and Italy combined.

The EEB's Coolproducts campaign calculated that a negative decision would have cost the average home €101.35 in lost energy savings, as people continued to buy halogen bulbs that use as much as 10 times more electricity to run. •

More info:
www.coolproducts.eu/product/lightbulbs
www.coolproducts.eu/blog/ozram

GOOD NEWS FOR CHEMICALS CONTROLS

It often seems like REACH was the pinnacle of success in efforts to control chemicals in Europe and that since 2007 good news has been in short supply. However, this month we have two pieces of positive news to share!

First, in response to the EEB's letter calling on the Commission to lift the moratorium on the inclusion of substances of very high concern (SVHCs) in the REACH Authorisation List, the European Commission announced that it will resume its work soon, probably in October.

Under REACH, substances that were banned unless a specific use permission was granted, were to be listed on a so-called Authorisation List. Since August 2014, no new substances have been included in this list as a result of a moratorium unilaterally imposed by the European Commission. This was due, according to its department for economic growth, to complaints from some industry stakeholders that authorisation is expensive, burdensome, unpredictable and complex. The moratorium, said DG GROW, would "reduce the burdens for industry".

We hope now that the Commission will keep its commitment and finally lift this de facto "freeze" of the REACH authorisation process. In the meantime, European citizens and the environment remain unnecessarily exposed to a host of very dangerous substances.

The second piece of good news is a landmark ruling by the European Court of Justice (ECJ) clarifying exactly what should be the trigger threshold for

notifying the public about the presence of SVHCs in articles or consumer items.

Contradicting the view adopted by the European Commission and the European Chemicals Agency (ECHA), the ECJ concluded that the 0.1% threshold for notifying SVHCs in articles applies to "each of the articles incorporated as a component of a complex product" rather than to the entire article.

This ruling backs the approach taken by NGOs, five EU member states and Norway and is a good step forward to achieving the 'right to know' citizens were promised under the REACH regulation.

However, unfortunately, this may not be the end of the story. A week later the retail sector called for a moratorium on the enforcement of the SVHCs ruling, suggesting to the competent authorities that they should not have to comply with the law just yet. •



HALTING INTENTIONAL CLIMATE INACTION



Governments state constantly that they agree on the urgent need to take climate action, but they continue to refuse to act accordingly and give scant attention to the science they have paid for. This is the climate paradox we face today.

Unfortunately, the climate paradox has been on full display at many, if not all, of the recent international climate gatherings. At the 2009 Conference of Parties (COP) in Copenhagen, negotiators stopped talking about a binding commitment to reduce emissions, slashed ambition on climate finance and deferred the implementation of new targets until 2020. The COP in Lima in December 2014 was another example of inadequate action, with negotiators only demanding that countries submit so-called Intended Nationally Determined Contributions (INDCs) rather than agreeing binding emission cuts as science indicates is necessary. This means that in the lead up to the COP21 in Paris, nations have only had to suggest what they intend to do, not what they will do.

By the time of the climate summit in December, 90% of all nations will probably have submitted their INDCs. But it is clear that these submissions will not keep global warming below the 2 degrees Celsius

danger threshold, the level at which much of Africa and other parts of the world would already be suffering from lethal heat extremes and drought.

And it is not only in the multilateral climate negotiations where this paradox is worryingly present. The World Bank, the International Energy Agency (IEA) and the Intergovernmental Panel on Climate Change (IPCC) have all acknowledged that most fossil fuels reserves must be left in the ground if catastrophic temperature increases are to be avoided. Oilwatch has been saying this for over 15 years. But rather than making the urgent transition from fossil fuels to renewable energy, nations and corporations are embarking on more reckless modes of exploration and extraction of fossil fuels, including fracking and deep sea drilling. However, it would be nice to think that the tide is perhaps starting to turn as investors and shareholders start to wake up to the growing issue of stranded assets.

Finance is another area where the accepted reality and actual action are far apart. Leaders agreed that by 2020 there would be \$100 billion a year for climate finance, but the Green Climate Fund (GCF) only has \$10 billion in its kitty and countries

have started counting development aid as climate finance. The financial needs of nations that neither contributed significantly to climate change nor are in a position to fund adaptation measures are huge. Just 10% of the amount of money wasted on wars and other acts of aggression would exceed the financial target for the GCF.

What we need are real solutions based on real emissions reductions. If we follow the logic that countries that leave fossil fuels underground can offset their emissions through carbon credits, this means that since 1993 the Ogoni people should have been paid for keeping millions of tonnes of carbon underground by expelling Shell from their territory. The truth is that when you count all the costs and benefits, leaving fossils underground is more valuable than pumping them up.

We cannot allow politicians to intentionally refuse to act now and shift responsibility. This is why we reject all false solutions that lock in pollution and snuff out lives, such as agro-fuels and the Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD) scheme. Geo-engineering experiments have also failed spectacularly, and scientific analysis shows that Africa would suffer severe negative impacts from such technology. All these schemes simply permit polluters to keep polluting.

Instead, we need to respect the natural cycles of Mother Earth and halt activities that have known negative impacts, including dependence on industrial agriculture and its toxic chemicals. We have to say yes to life and no to mining. It may be inconvenient, but the other option is a lot less pleasant. We all need to push this message at local and national levels and then join together at a global level to demand the immediate end to intentional climate crimes and inaction. •

Nnimmo Bassey
Nigerian environmentalist
and former Chair of Friends
of the Earth International



WASTE PACKAGE WITHDRAWAL REMAINS SHROUDED IN SECRECY



At the beginning of this year, the Commission's withdrawal of legislative proposals on waste, an integral part of a circular economy package which had only just been launched by the Barroso II Commission in July 2014, had many Member States, MEPs and European civil society - including the EEB - up in arms. Particularly disturbing was the absence of cogent reasons, which went beyond a change of political direction to the last Commission. In order to understand the decision-making process leading to the withdrawal, the EEB together with other NGOs filed in February an "access to documents" request to the Commission concerning all documents pertaining to the withdrawal of the waste package.

Every EU citizen and organisation has the right to file such a request concerning all documents of the EU institutions. In principle, all requested documents must be disclosed, refusal being allowed only on narrowly defined grounds. However, as the treatment of the request at hand shows, the Commission acts in practice often very differently and does not respect the time-limits for responding to such requests for access to documents.

For one, the Commission played for time, exhausting first all legally permitted time-limits to respond and then even exceeding them by some months. At what should have been the final deadline of 23 March 2015, the Commission only

came up with a list of 10 documents (or categories of documents), providing access to some of these, denying access to others and mentioning that it needed extra time to process further potentially relevant documents. After the EEB started proceedings before the European General Court in early August, the Commission disclosed a further 49 documents on 16 September 2015.

Nevertheless, the Commission still withheld in whole or in part documents pertaining to the contributions of central actors involved in the decision to withdraw the waste package, in particular of former Commission Secretary General Catherine Day and First Vice-President Frans Timmermans. The Commission argued that disclosure of these documents would seriously undermine the ongoing decision-making on the new waste proposal expected to come out later this year. Furthermore, it appears that some documents seem to have been omitted in the list of documents falling under EEB's request for access to documents. The Commission could have 'overlooked' these documents or these could have been considered as not pertaining to EEB's request. However, these documents may indeed be of central importance to understand the decision-making process of the withdrawal of the waste package.

It is now a matter for the General Court to decide on both the partial non-disclosure

and on the delays caused by the Commission. In the meantime, some limited conclusions can be drawn from the documents already received. For one, many organisations ranging from civil society organisations to industry organisations and Member State ministers have opposed the withdrawal of the waste package. Furthermore, Environment Commissioner Vella advised Vice-President Timmermans against the withdrawal, who went nonetheless ahead – a decision for which the reasons remain unclear. Thus, the decision-making process leading to the withdrawal remains opaque till this day, which also warrants great attention to the details of the new proposal on the circular economy, which is currently being drafted.

If the Commission does indeed come forward with a new proposal that is truly "more ambitious," the levels of public interest in the so far opaque reasoning behind the withdrawal could diminish. However, if it fails to do so, then there will certainly be questions as to why a Commission that claims to believe in better regulation has lost more than a year in coming forward with this important legislation. •

Sebastian Bechtel
former intern with the EEB



UPCOMING EVENTS



EUROPEAN ENVIRONMENTAL BUREAU 2015 Annual Conference

Join us for a debate about a Real Reform Agenda for a Sustainable Europe.
Monday 19 October 2015 - Flagey, Brussels
www.eebconference.eu

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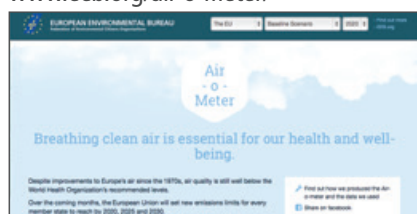
FEATURED PUBLICATION

Despite improvements to Europe's air since the 1970s, air quality is still well below the World Health Organization's recommended levels.

Over the coming months, the European Union will set new emissions limits for every member state to reach by 2020, 2025 and 2030.

But what are the likely impacts of these decisions? You have a right to know. That's why we created the Air-o-Meter. For each policy scenario, you can see what the impact will be on your health, your economy and your environment.

www.eeb.org/air-o-meter/



COMING AND GOING

FOLLOWING AARHUS

The Global Policies team got a little bigger this autumn with the recruitment of Richard Filcak. He will follow the Aarhus Convention for the EEB and develop projects targeting EU accession and Eastern Partnership countries. He studied environmental policy and sociology and has worked as an international project coordinator, researcher, university lecturer, and trainer/facilitator. He is Slovakian, speaks Slovak, English, Czech and Russian, and is particularly interested in the social, economic and environmental impacts of development in the transitional countries of the CEE region (within the framework of the EU policies and EU enlargement).

FINANCIAL HELP

Cristina Constandache joined the EEB's administration team in September as Finance Officer.

For the last five years she worked in a similar role for a multinational telecoms organisation managing project finance for Nordic countries.

INTERN NEWS

The communications team is very happy to welcome Wietse Frickel as its new intern. A Belgian national, he recently graduated from studying history of arts and economic policies in Ghent and Leuven, and is passionate about protecting the environment and building a sustainable society.

On the other side of the coin, it is with a heavy heart that we say goodbye to Charlotte Lepitre, Policy Assistant for Agriculture and Air, and Lucia Billeter, our Climate and Energy intern. Many thanks to you both for all your help and good luck for the future!