



THE EEB'S

TEN GREEN TESTS

FOR THE AUSTRIAN PRESIDENCY
OF THE EUROPEAN UNION



JULY - DECEMBER 2018

*Prepared in cooperation with
BirdLife Europe and Seas At Risk*



**EUROPE'S LARGEST NETWORK
OF ENVIRONMENTAL CITIZENS'
ORGANISATIONS**



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INTRODUCTION

The Austrian Presidency of the EU is the third EU Presidency covered by the trio programme that comprises five thematic areas: A Union for jobs, growth and competitiveness; A Union that empowers and protects all its citizens; Towards an energy Union with a forward-looking climate policy; A Union of freedom, security and justice; and The Union as a strong global actor.

As noted by the Austrian Presidency, points of the trio programme recognized as of particular importance include: further implementation of the United Nations "Agenda 2030" for sustainable development; investment in growth and jobs, including research and innovation; fight against poverty and social exclusion; continuation of the work on a sustainable, resilient and effective Energy Union; implementation of the Paris climate agreement and the EU's 2030 targets for the reduction of greenhouse gas emissions.

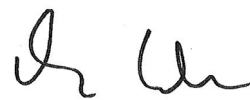
Furthermore, the Programme of the Austrian Presidency notes its commitments to address climate change and energy. A Union of sustainability and forward-looking climate policy, Point 9 of the programme, notes that active climate protection will constitute a priority in environmental policy. In addition to the Climate agreement and CO2 standards for vehicles, the programme covers single use plastics, biodiversity, the revision of the POP regulation, and the LIFE Regulation. Ensuring food security and vitality of rural areas, Point 8 of the programme, commits to the modernisation of the Common Agricultural Policy, actions on forestry and negotiations on catch limits under the Common Fisheries Policy.

In light of these, in light of agenda items on the EU Presidency work programme, and in light of environmental needs for human health, the planet, and wellbeing of societies, the EEB – the umbrella NGO that represents 140 NGOs from across Europe, including

all EU Member States, with a combined membership of 30 million citizens - has drafted the following Ten Green Tests for The Austrian Presidency.

Austrian leadership and engagement on the issues below will be invaluable to promote progress for a sustainable Europe, a Europe where citizens and companies can be confident in the respect for the rule of law, and where the law protects citizens – for example, from poor air quality in cities, from climate change, and from hazardous chemicals in products. Engagement in these areas will also ensure that the European Project delivers for citizens and helps support the objective of a Europe that protects.

We look forward to engaging with the Austrian Presidency to help realise the ambitions noted in the Ten Green Tests.



Jeremy Wates
Secretary General



TEN GREEN TESTS FOR THE AUSTRIAN PRESIDENCY



1. Drive ambitious climate commitments to 1.5 degrees

- Drive ambitious climate diplomacy at the Katowice Climate Change Conference (UNFCCC COP 24)
- Bring the requirements for passenger and heavy goods vehicles and the Electricity Market legislation and Gas Directive in line with the Paris Agreement
- Contribute to an update of the 2050 long-term strategy in line with the latest available science



2. Halt biodiversity loss: Protect our land and oceans

- Ensure an ambitious EU contribution to the discussions at the Convention on Biological Diversity (CBD) COP 14, Sharm El-Sheikh Conference, in particular on the post 2020 biodiversity framework
- Scale up implementation of the EU's Nature Directives and follow-up on the Pollinators Initiative
- Negotiate for sufficient, efficient and effective financing for biodiversity in the post 2020 EU budget
- Drive commitments to Healthy Seas and Oceans and ensure sustainable fisheries



3. Transform food & farming systems through the Common Agricultural Policy

- Drive CAP negotiations to strengthen the provisions for environment and climate measures and ensure Member States' accountability
- Provide platforms for an inclusive debate on the future of the CAP by involving environmental authorities and NGOs
- Ensure that no subsidies harmful to the environment and climate are part of the CAP post 2020



4. Make the EU Budget work for people and planet

- Promote an EU budget for sustainability, EU added-value and catalysing change: ring-fence at least 50% of the CAP budget for climate, environment and nature conservation, ensure at least 1% of the budget on LIFE+ and EUR 15bn per year for biodiversity
- Improve the design of the proposed financial measure for non-recycled plastic packaging waste
- Encourage green finance, environmental fiscal reform and carbon pricing



5. Reduce air pollution to protect human health and the environment

- Ensure an ambitious contribution to the Ambient Air Quality Directive fitness check
- Address shortcomings in implementation of the Industrial Emissions Directive and set criteria on the determination of best available techniques (BAT) benchmarks with improved links to compliance promotion



6. Ensure clean and sufficient water for Europeans

- Ensure that the EC undertakes a balanced fitness check of the Water Framework Directive
- Negotiate for sufficient, efficient and effective financing for sustainable water management
- Prepare an ambitious Council position on the Drinking Water Directive and Water Reuse Regulation



7. Protect the public from hazardous chemicals

- REACH review: Agree council conclusions on concrete actions for improvement and timelines.
- Maintain leadership on the Minamata Convention on Mercury and ensure implementation in the EU.
- Call on the EC to prepare an ambitious Non-Toxic Environmental Strategy and promote chemicals substitution
- Classification Labelling and Packaging (CLP) Regulation: Call on the EC to follow ECHA's opinion on titanium dioxide as a suspected carcinogen



8. Transition to an innovative, resource efficient, circular economy

- Progress EU Plastics Strategy measures to reduce plastic pollution and achieve a Plastics Free Ocean
- Ensure the adoption of an ambitious Ecodesign and Energy Labelling Package of measures
- Promote a more coherent EU Product Policy Framework



9. Strengthen democratic governance, the rule of law, and environmental justice

- Maintain pressure on the Commission to take steps to end EU non-compliance with Aarhus - promote access to justice, access to information and public participation
- Support better implementation and build confidence in the rule of law
- Ensure that trade agreements and Brexit do not jeopardize existing or future EU environmental standards
- Encourage measures supporting equity and environmental justice, and corporate accountability



10. Make Sustainable Development Goals drive the Future of Europe

- Have Sustainable Development Goals (SDGs) drive EU policies for the future of Europe
- Launch the debate on the need for an ambitious 8th Environmental Action Programme

See the Annex for details on each of these Ten Green Tests

ANNEX

Ten Green Tests for the Austrian Presidency

The Specific Asks

1. Drive ambitious climate commitments to limiting warming to 1.5°C

In view of the potentially catastrophic impacts of climate change, it is important to ensure ambitious climate action through international diplomacy as well as domestic policy negotiations.

Climate diplomacy at the Katowice Climate Change Conference (UNFCCC COP 24): Ensure that the conclusions in relation to COP24 coming out of the Environment Council in October drive European leadership on international climate diplomacy.

Facilitate progress on the Talanoa dialogue: support the European Commission to ensure that an increase in action can be achieved at in the political phase of the Talanoa Dialogue which will take place at COP24 in Poland.

Contribute to the update of the 2050 long-term strategy: enable a well-informed debate during the AT Austrian Presidency corresponding to the conclusions of the March European Council.

Bring the requirements for passenger and heavy goods vehicles in line with the requirements of the Paris Agreement: to avoid any further delay contribute to a comprehensive discussion and general approach for the remaining elements of the 2017 clean mobility package and the 2018 third mobility package.

Ensure the negotiations on the Electricity Market legislation and the Gas Directive consider take full account of the requirements of the Paris Agreement: the future market design constitutes an essential piece of the Clean Energy for Europe package and any final outcomes must be fully aligned with the international climate requirements.

2. Halt biodiversity loss: Protect our land and oceans

Ensure that the October Council conclusions on the COP14 of the Convention on Biological Diversity (CBD) in November demonstrate and drive European leadership on international

biodiversity diplomacy, and contribute to discussions on strategic directions to the 2050 Vision for Biodiversity and preparation of the post-2020 global biodiversity framework.

Negotiate for sufficient, efficient and effective financing for biodiversity in the post 2020 EU budget. This must include a reformed **Common Agricultural Policy** which should ring-fence at least **15 billion EUR per annum for the implementation of the Nature Directives, a Sustainable Ocean Fund of at least 7 billion EUR for nature protection, as well as a significant increase in the LIFE fund to 1% of the EU budget.**

Increase the level of ambition in the EU's Pollinators Initiative: Introduce additional measures such as restoring and connecting essential pollinators' habitats and address problems of derogations and lack of transparency on the pesticide use as well as the need to reform the Common Agricultural Policy so that the dramatic decline of pollinators can be reversed.

Scale up implementation of the EU's Nature Directives: Use the EU Action Plan for Nature, People and the Economy to fast track measures to achieve significant progress towards halting and reversing biodiversity loss including preparation of the EU Action Plan on Sturgeons.

Drive commitment to Healthy Seas and Oceans: Adopt conclusions at the December Environmental Council on the Commission's assessment of Member States' measures under the Marine Strategy Framework Directive, highlighting the need for much more ambitious and urgent action to achieve Good Environmental Status of EU seas by **2020** by reducing pressures from human activities on marine biodiversity. These include overfishing and other fishing impacts, pollution (chemicals, plastics, nutrients, noise), energy infrastructure development (offshore wind, grid connections and interconnectors, oil and gas), seabed destruction and spatial obstruction. Marine biodiversity should be safeguarded through an ecologically coherent network of well-managed Marine Protected Areas contributing to the implementation of the Nature Directives at sea. Furthermore, the Austrian Presidency should ensure that Council recommendations adopted to manage fishing activities in marine Natura 2000 sites support the achievement of the conservation objectives of those sites.

Scale up implementation of the Common Fisheries Policy: In order to reach the objectives of the CFP, Member States with sea areas should be encouraged to sustainably manage all harvested species and minimize the fishing impacts on the marine environment. This includes ensuring that Total Allowable Catches (TACs) and quotas for 2019-2020 are set below scientifically-defined sustainable limits (Fmsy) for all fish stocks at the Fisheries Councils; and unwanted catches of fish are minimized, data on discards recorded and bycatch of protected seabirds, marine mammals and reptiles minimized through the Multi-Annual Plans and Technical Measures Regulation. The revision of the EU Fisheries Control System needs to ensure that all fishing rules are controlled and sanctioned and that a sustainable ocean fund supports the achievement of the CFP instead of re-introducing harmful subsidies.

3. Transform food & farming systems through the Common Agricultural Policy (CAP)

Ensure that there is a comprehensive discussion of the CAP in both the Environment and Agriculture Council formations that takes account of the need to **strengthen the provisions for environment and climate** measures in the CAP negotiations. At least 50% of the total CAP budget should be ring-fenced for dedicated financing of actions related to climate, environment and nature conservation, including EUR 15bn per annum for Natura 2000 and other measures primarily supporting implementation of the nature directives. Furthermore, in light of the fact that the new proposed CAP aims for higher environmental and climate ambition, at least 40% of the first pillar should be ring-fenced for the eco-scheme.

Drive CAP negotiations to strengthen Member States' accountability and hence confidence that the CAP will deliver on the environment and the climate. Complement the progressive results-based philosophy with improved monitoring, accountability and sanction mechanisms to ensure a level-playing field among Member States and encourage higher environmental and climate ambition across the EU, taking into account the various recommendations made by the European Court of Auditors.

Mobilise political support for ensuring that no harmful subsidies to the environment and climate are part of the CAP post 2020: Improve coherence among all the objectives of the CAP and real safeguards against environmentally and/or

climate harmful spending. Past experience shows that the misuse of certain tools, like investment support or coupled payments, has reinforced environmentally harmful farming practices. The new regulation must include clear safeguards to prevent CAP money being used for perverse subsidies that will cause environmental, climate and economic damage over the short and long run.

Provide platforms (both formal and informal) **for an inclusive debate on the future of the CAP** (food policy), in particular by involving environmental authorities and environmental NGOs to reflect better the outcome of the public consultation showing the increasing societal interest in the CAP.

Initiate extensive discussion on how to address soil degradation issues in a legally binding framework at the EU level and urge the Commission to propose such a framework as soon as possible.

4. Make the EU Budget work for people and planet

Drive MFF negotiations to promote an EU budget for sustainability, EU added-value and catalysing change: contribute to negotiations on the MFF to ensure it is coherent with the Treaty Objectives and wider EU commitments - on the Paris Agreement, on the SDGs, on halting biodiversity loss and protecting the Ocean; and more specifically, ensure that it allocates sufficient funds to climate and environment and make the budget sustainability and climate proofed by due integration and targets. The CAP budget must be convincingly compatible with climate, biodiversity and other environmental objectives. At least 1% of the budget should be allocated to LIFE+ and EUR 15bn per year should go for the implementation of Natura 2000 and other measures that primarily support the implementation of the nature directives on land.

Ensure discussion of the design of the new financial measure for non-recycled plastic packaging waste proposed for the MFF: The MFF proposal is for **a fee levied on non-recycled plastic packaging** - i.e. a down-stream tax focusing on end-of-life plastic. Negotiations should push for an **upstream tax on all virgin plastic** (ideally modulated on grounds of hazardous or chemicals content) as it is likely to have greater transformative effects on encouraging a circular economy. The downstream tax will mainly make laggard countries pay, only focuses on packaging waste (not the only source of plastic pollution), and miss the opportunity to go beyond simply encouraging plastic recycling which, while helpful, is not enough to address marine litter.

Encourage green finance and environmental fiscal reform: ensure transparency on subsidies in the EU subsidy reform and **encourage the removal of harmful subsidies** (e.g. in the fisheries sector, agriculture and cohesion funding on transport). Pricing that reflects the user pays and polluter pays principles should be encouraged. There should be systematic use of green public procurement (GPP) in the use of EU funding and wider uptake of GPP more generally. Progress on green finance to support and integrate sustainability concerns and help meet sustainability objectives should be encouraged.

5. Reduce air pollution to protect human health and the environment

Urgently improve air quality and avoid unacceptable harm to human health and the environment by ensuring an ambitious **contribution to the Ambient Air Quality Directives fitness check** and improving transparency and information provision on the level of actions taken by Member States, when implementing the Ambient Air Quality Directives and the National Emission Ceilings Directive.

Setting criteria on the determination of BAT benchmarks, with improved links to promotion of compliance with Environmental Quality Standards and with an outcome-oriented focus (BAT Conclusions set to achieve best environmental and human health protection goals, based on integrated approach).

Address shortcomings in IED implementation e.g. BAT derogation procedure, extension and update of EU safety net, policy coherence (implementation of EU-ETS/BAT standards), improved databases on industrial activities allowing transparent benchmarking and effective involvement of the public in decision-making.

6. Ensure clean and sufficient water for Europeans

Encourage the European Commission to undertake a balanced fitness check evaluation of the Water Framework Directive: The WFD fitness check must take full account of the benefits of full implementation of the legislation, and the European Water Conference should put forward ways how WFD implementation can be made more efficient and effective.

Negotiate for sufficient, efficient and effective financing for sustainable water

management in the post 2020 EU budget. This must include a reformed Common Agricultural Policy that can fund targeted measures in the River Basin Management Plans as well as a significant increase in the LIFE fund to at least 1% of the EU budget.

Prepare ambitious Council position on the Drinking Water Directive and Water Reuse Regulation. The Council position should maintain stringent quality standards in the legislation as well as strengthen the provisions for transparency.

7. Protect the public from hazardous chemicals

REACH review: Agree Council conclusions on concrete actions for improvement and timelines.

Maintain EU leadership in relation to the Minamata Convention on Mercury and implement the EU Mercury Regulation, including the enforcement of the ban on dental mercury for children under 15 and pregnant and breast-feeding woman, entering into force on 1st July 2018.

Nano-technologies: promote **transparency, traceability, labelling and provision of consumer information, and research** into health and environmental impacts - improving the evidence base for better policy and risk management.

Classification Labelling and Packaging (CLP) Regulation: Call on the European Commission not to disregard science but rather to follow **ECHA's opinion on the classification and labelling of all forms of titanium dioxide as suspected carcinogen.**

Non-Toxic Environmental Strategy and Substitution: Seek to ensure that the strategy, as promised in the 7EAP, comes out and is ambitious enough, and that substitution is better promoted, in particular non chemical alternatives.

8. Transition to an innovative, resource efficient, circular economy

Progress EU Plastics Strategy measures to reduce plastic pollution and achieve a Plastics Free Ocean: Limit both macro- and micro-plastic by working towards a final ambitious position of the Council on the proposal on the reduction of the impact of certain plastic products on the environment (including banning single-use plastic products; setting reduction targets as well as labelling and Extended Producer Responsibility (EPR) obligations for products that remain on the

market; collecting data for other plastic products most commonly found on European beaches; and developing standards for the prevention at source of all forms of microplastics for relevant sectors).

Ensure the adoption of an ambitious Ecodesign and Energy Labelling Package of measures: Make sure that Member States vote on Ecodesign measures and agree on Energy Label schemes to further save on energy and help transform the market towards more durable and repairable products. Also encourage progress on transparent verification of green claims to improve consumer confidence in product labelling.

Promote a more coherent EU Product Policy Framework, Digitisation and International Collaboration: Urge the Commission to continue delivering on the Circular Economy Action Plan (CEAP) implementation with clear policy options to make products placed on the EU market more circular and to set the (scoring) repair information system in the context of Ecodesign. Reinforce the EU Ecolabel as a trustworthy information tool for consumers and procurers by increasing awareness and public recognition through Green Public Procurement (GPP) and other national support schemes, including financial incentives. Investigate the use of the product environmental footprint methodology to substantiate green claims.

9. Strengthen democratic governance and the rule of law to support environmental justice

Maintain pressure on the Commission to take steps to end the EU's non-compliance with Aarhus - promote access to justice, access to information and public participation:

Increase pressure on the European Commission to initiate the preparation of a legislative proposal for revision of the Aarhus Regulation to improve access to justice at the level of the EU institutions and bring the EU back into compliance with the Convention. In addition, push for measures to apply the interpretative guidance on access to justice in environmental matters adopted in April 2017, with a view to eventual preparation of a new legislative proposal on access to justice.

Support better implementation and build confidence in the rule of law: Ensure that the Environment Council reiterates the call for better implementation in support of the environmental implementation review (EIR) process and supports development of effective measures to improve implementation - e.g. strengthening inspection and enforcement capacities at EU and Member State level.

Avert deregulatory threats to EU environmental legislation and policy: Ensure that the health and environmental benefits of regulation are included in discussions on better regulation at the General Affairs, Competitiveness and Environmental Councils, so as to **accelerate and implement regulation to protect citizens.**

Ensure that trade agreements and Brexit do not jeopardize existing or future EU environmental standards: Check that the investment arbitration procedure does not create risks of deregulation or "regulatory chill", and push for national parliaments to have a vote on the final deal – there are considerable worries that the EU Japan trade agreement will undermine EU environmental rules and citizens' concerns. On **Brexit**, ensure that access to the EU market is linked with the UK's adherence to the principles and standards of the EU's environmental acquis.

Ensure that EU environmental rules and standards are fully integrated in discussions and funding linked to the Balkans, the accession process and cooperation between the EU and the European Neighbourhood and Partnership Instrument (ENPI) countries.

Support strategic reflections on just and sustainable economic transitions: encourage EU-wide debate on what type of economy is coherent with planetary boundaries and social needs and where growth and degrowth strategies could be constructively targeted, and promote progressive economic metrics for decision-making.

Call for corporate accountability: call on the Commission to support binding regulation on harmful cross-border business practices, including sanctions. Due diligence rules for negative environmental and human rights impacts should come through a new UN Treaty on Business and Human Rights.

Assess and promote measures to support equity and environmental justice: call on the Commission and agencies to identify and address cases of social injustice from inequitable access to nature, natural resources or from exposure to pollutants – e.g. Roma sites on contaminated land.

10. Make Sustainable Development Goals drive the Future of Europe

Take opportunities to promote a people-centred agenda of transformational change in the EU, based on the global 2030 Agenda for Sustainable Development.

Call on the European Commission to commit in its Work Programme for 2019 to report about the EU's progress towards achieving the SDGs at the 2019 UN High-Level Political Forum; by influencing the outcomes of the Future of Europe debate to make sure that the 2030 Agenda and the SDGs become the overarching framework for the vision of the Future of Europe.

Provide forward-looking input to the Commission's Reflection Paper «Towards a sustainable Europe by 2030», which will be adopted later this year, to ensure a paper which clearly identifies the gaps where the EU needs to do more by 2030 in the areas of policy, legislation, governance structures for horizontal coherence and implementation as demanded by the Council already in June 2017.

Request the European Commission to set out an implementation strategy with timelines, objectives and concrete measures to implement the 2030 Agenda in all EU policies as demanded by the Council in June 2017.

Launch the debate on the need for an ambitious 8th Environmental Action Programme: Ensure early preparation of a comprehensive programme with concrete measures and targets to deliver on the environmental dimension of the 2030 Agenda.



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