EEB
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THE EEB'S ASSESSMENT OF THE ENVIRONMENTAL PERFORMANCE OF THE ROMANIAN PRESIDENCY OF THE EU

JANUARY - JUNE 2019

Prepared in cooperation with Seas At Risk

EUROPE'S LARGEST NETWORK OF ENVIRONMENTAL CITIZENS' ORGANISATIONS

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SEAS AT RISK

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January - June 2019

Based on the EEB's Ten Green Tests for the Romanian Presidency released in December 2018

'Good on chemicals and water, poor on agriculture and circular economy'

Summary of the EEB's verdict on the ten green tests

	Effort	Outcome
1 - Drive ambitious **climate** commitments to 1.5 degrees	—	—
2 - Halt **biodiversity** loss: Protect our land and oceans	—	—
3 - Transform **food & farming** systems through the Common Agricultural Policy	⌒	⌒
4 - Make the **EU Budget** work for people and planet	—	⌒
5 - Reduce **air** pollution to protect human health and the environment	—	—
6 - Ensure clean and sufficient **water** for Europeans	⌣	—
7 - Protect the public from hazardous **chemicals**	⌣	⌣
8 - Transition to an innovative, resource efficient, **circular economy**	⌒	⌒
9 - Strengthen democratic **governance**, the rule of **law**, and **environmental justice**	—	—
10 - Make **Sustainable Development Goals** drive the Future of Europe	⌣	—

INTRODUCTION

This is an assessment of the Romanian Presidency of the European Union by the European Environmental Bureau (EEB), the largest federation of environmental citizens' organisations in Europe, prepared in cooperation with Seas At Risk.

Our mandate encompasses all environment-related issues, a broad agenda comprising 'traditional' environmental issues as well as sectoral and horizontal policies with a direct or potential environmental impact, sustainable development and participatory democracy.

We view the six-month EU Presidencies as convenient periods over which progress on the EU's environment-related policies and legislation can be measured. We appreciate that a Presidency cannot make decisions on its own; it needs the cooperation of the European Commission, European Parliament and other Member States. But the Presidency can still have considerable impact and influence, for example through the way in which it chairs discussions, prioritises practical work and gives a profile to specific issues.

The assessment is not an overall political assessment of the Presidency's performance. We are not assessing its role on foreign affairs issues, internal security matters or migration policies, for example, except insofar as such issues have a bearing on the environment. On the other hand, nor is the assessment limited to the activities and outcomes of the Environment Council; it covers all Council configurations to the extent that they deal with topics that affect the environment. Our assessment is based on the Ten Green Tests we presented in December 2018 to the Romanian Government in advance of the start of its Presidency on 1 January 2019.

At the outset, we would like to acknowledge and express our appreciation for the very open and cooperative approach adopted by the Romanian Presidency.

OVERVIEW

The Romanian Presidency was their first presidency of the EU. It has been recognised for its effective organisation of a wide range of important policy files, and for adopting a neutral approach. During the presidency, it achieved important progress on **chemicals** and **water** files in particular.

On **chemicals**, the Romanian Presidency was committed to drive progress on the chemicals files. The Presidency drafted ambitious and comprehensive Council conclusions on the future of chemicals policy for the 26 June Council tackling important processes such as the overdue non-toxic environment strategy, REACH implementation gaps, nanomaterials, endocrine disruptors, substitution, cocktail effects and protection of vulnerable groups.

On **water**, the Romanian Presidency made substantial efforts in getting the Council to agree its position on both the recast of the Drinking Water Directive as well as proposal for the Water Reuse Regulation. Unfortunately, in order to get the agreement, several compromises were made and some legal provisions have been significantly weakened making the Council position the least ambitious in terms of protection of the environment and health of the Europeans, when compared to the positions of other EU institutions.

As regards **agriculture**, the performance of the Romanian Presidency has been weak. The CAP proposals were met with strong criticism for the likely environmental and governance impacts, and the negotiations have led to further weaknesses. While the Romanian Presidency was effective in ensuring progress on the MFF dossiers, the weaknesses around agriculture make this a missed opportunity for a transformative agenda catalysing a transition to a sustainable Europe that faces up to the climate and biodiversity emergencies.

On **circular economy**, the Romanian Presidency did little to advance this agenda and missed an opportunity to put pressure on the next Commission to step up efforts in the transition to the circular economy.

The high expectations for the **Sibiu** conference on the **Future of Europe** were not realised as no strong constructive common vision for a sustainable future for Europe emerged, nor was the needed **unanimous commitment to net zero carbon by 2050** agreed in the June **European Council** meeting. However, the **Strategic Agenda 2019-2024** agreed at the Council contained important elements on climate and environment, with one of the four priorities explicitly committing to address climate and environmental challenges facing Europe and the world, though with an important weakness being that the strong social and environmental elements are not mainstreamed across the other three priority areas, leading the document to read rather like four agendas, and that the document lacks reference to the 2030 Agenda or the SDGs which could have been the overarching theme providing coherence. The reaching of an 'in principle' agreement on the EU-Mercosur trade deal in the final days of the Presidency has raised concerns that the EU is failing to use its status as the world's largest single market to leverage sufficient improvements in environment and human rights policies in its trading partners.

On the Romanian Presidency's performance against the Ten Green Tests, item-by-item, we reached the following conclusions:

TEST BY TEST

On the Romanian Presidency's performance against the Ten Green Tests, item-by-item, we reached the following conclusions:

1. DRIVE AMBITIOUS CLIMATE COMMITMENTS TO LIMITING WARMING TO 1.5°C

The test

- ***Support ambitious conclusions in the Spring Council on the*** *follow-up to the* ***Katowice Climate Change Conference*** *(UNFCCC COP 24) that deliver the commitments of the* ***High Ambition Coalition*** *on increasing EU's Nationally Determined Contributions (NDCs);*
- ***Secure support for a vision for net-zero GHG emissions in the EU before 2050****, building on the EU Commission's work for an EU Long-Term Climate Strategy;*
- ***Bring the CO2 requirements for heavy duty vehicles in line with the Paris Agreement*** *ensuring significant cuts of CO2 emissions from transport;*
- *Complete the negotiations on the* ***Directive on the internal market in natural gas*** *considering the need to phase out fossil fuels, avoid fossil fuel lock-ins, and the public scrutiny applied to the geopolitical impact.*

The verdict

Neutral on effort

Neutral on outcome

The youth street marches shone the spotlight of the young's discontent with policy makers' progress on tackling climate change, calling for a recognition that we live in the times of a climate emergency, a climate breakdown, and that a major step forward is needed as regards ambition and action.

EU Long-Term Climate Strategy and follow-up to the Katowice Climate Change Conference

The meetings of the EU Energy Ministers on 4 March and EU Environment Ministers on 5 March ensured a positive discussion of the European Commission's draft long-term strategy "A clean planet for all" and added momentum, building on the work done in the Council Working Groups organised by the Romanian Presidency. At this first step in 2019 Ministers from nine EU Member States, including Denmark, Finland, France, Luxembourg, the Netherlands, Portugal, Slovenia, Spain and Sweden, supported building a climate neutral economy in Europe by 2050 at the latest, complemented by calls of the energy ministers from Austria, Ireland, Lithuania, Luxembourg and Spain to the Commission to include a 100% renewable energy system in the future scenarios.

No visible progress was achieved at the summit of Heads of State in May in Sibiu where climate action and the preservation of our environment was put at the bottom of the list of priorities, despite renewed efforts by a number of member states.

The dynamic built up again towards the European Council of Heads of State by end of June where an overwhelming majority of Member States supported setting the objective of climate neutrality by 2050, but were blocked by Poland, with the backing of Czech Republic, Estonia and Hungary, casting doubts on Europe's role as a leader in the upcoming UN climate talks. The final agreement is now pushed back further into the Finnish Presidency, leaving the Romanian Presidency without progress on this essential objective.

The same concerns the EU's contribution to the UN Secretary General Climate Summit in September 2019, where countries are expected to put forward new commitments for more climate action but Europe is currently stuck with its outdated and insufficient NDC of 40%.

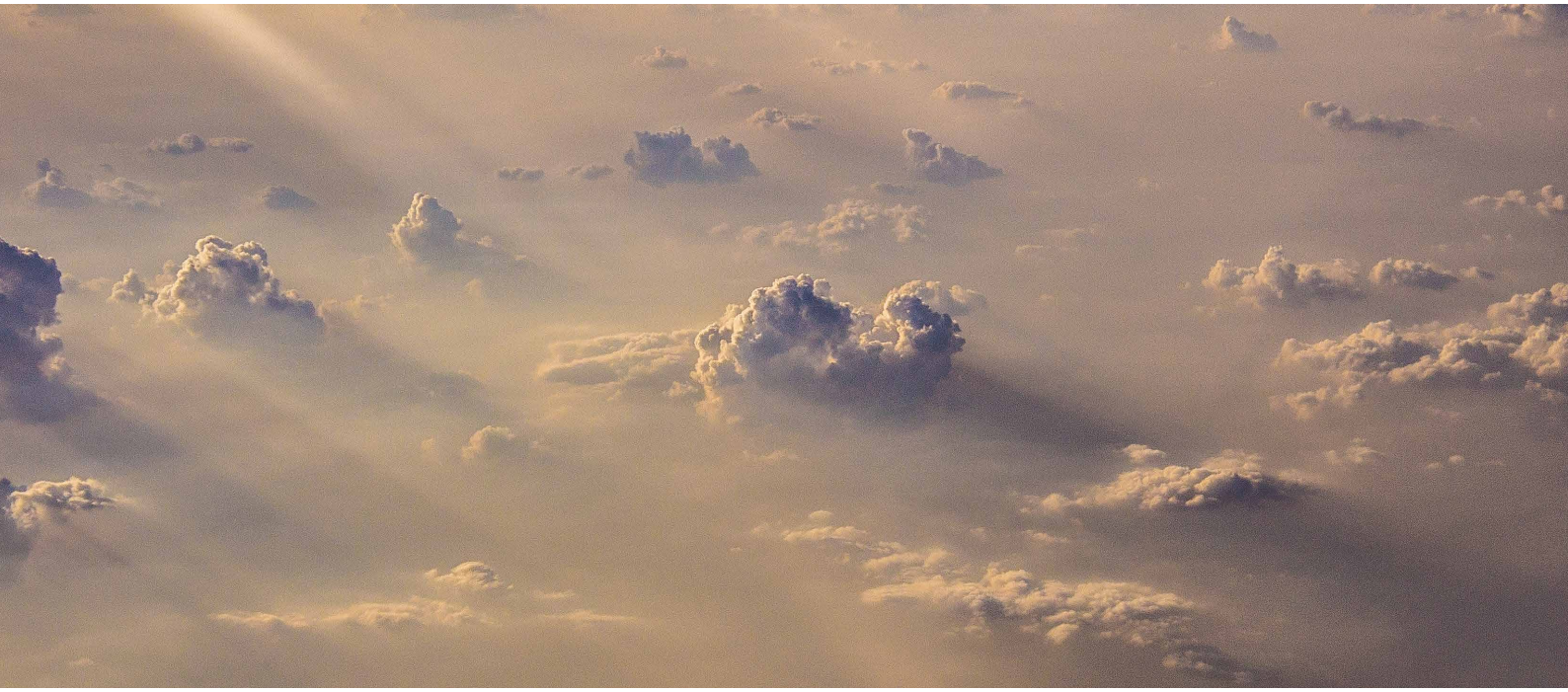
The European Council adopted in June a new strategic agenda that sets out the overarching priorities guiding the work of the EU for 2019–2024. "Building a climate-neutral, green, fair and social Europe" is one of the four priorities. Having climate and environment as one of the four priorities is a high-level recognition of the importance of tackling the climate emergency declared by both scientists and youth street marches. There had been a hope and expectations that the EU unanimously commit to becoming carbon neutral by 2050 (or even earlier) in the European Council declarations and in the Strategic Agenda, but as mentioned above, four Member States blocked this, and there is only a footnote that a majority of Member States supported this commitment. This is clearly a major missed opportunity. However, the positive aspect is that all Member States recognised the need to tackle climate change and nearly all Member States agreed that the EU needs to go carbon neutral by 2050, with some, such as Finland, committing to even earlier dates. The Finnish Presidency should not let this issue languish. The European Council is not chaired by the Romania EU Presidency so it is difficult to judge Romania's role here, with the exception of course of noting that Romania was one of the countries ready to commit the EU to carbon neutrality by 2050.

CO2 requirements for heavy duty vehicles

On the issue of CO2 standards for heavy duty vehicles the Romanian Presidency managed to agree with the European Parliament on Europe's first-ever CO2 emission reduction targets for trucks on 18 February and after approval by Coreper and the plenary of the European Parliament the final act was signed on 20 June 2019. The agreement was seen as a positive step but the legislation will need to be made more ambitious when it is reviewed in 2022 to continue to drive down emissions in line with the Paris climate goals.

Directive on the internal market in natural gas

Also on the negotiations on the gas directive the Romanian Presidency managed to find a final agreement and approval in Coreper to extend EU rules to pipelines to and from third countries on 15 April. The rules governing the EU's internal gas market will in future also apply to pipelines to and from third countries but were criticised for a loophole concerning the applicability to the Nordstream II pipeline project and failure to phase out fossil fuels, avoid fossil fuel lock-ins, and assure full public scrutiny applied to the geopolitical impact of those projects.



2. HALT BIODIVERSITY LOSS: PROTECT OUR LAND AND OCEANS

The test

- *Step up **implementation of the EU's Nature Directives;***
- ***Show global leadership in driving global agreement on New Deal for Nature** similar to Paris Climate Agreement to be adopted under the UN Convention on Biological Diversity in 2020, and ensure ambitious measures taken by the EU to address deforestation and forest degradation;*
- *Take the necessary measures to fully **implement the regulation on Invasive Alien Species;***
- ***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.*

The verdict

Mixed on effort
Mixed on outcome

Implementation of the EU's Nature Directives

As the Presidency whose logo features a wolf, it is probably not surprising that coexistence with large carnivores was one of the topics that Romania brought into the spotlight by organising a conference where challenges and successful examples were discussed. The Presidency, however, missed an opportunity to get EU governments to fast-track measures across the EU to trigger a step change in the quality of implementation of the Nature Directives, ranging from swift completion of the Natura 2000 designation to making sure that all sites have specific conservation objectives and management plans in place including secured financing for the required measures.

New Deal for Nature and People

Romania was at the helm of the EU when the International Panel on Biodiversity (IPBES) published the global assessment painting a dire picture of our impact on the natural world and the scale and urgency of transformational change needed to ensure our own survival. The Presidency organised a debate on the IPBES findings and recommendations at the Ministerial level, which is certainly welcome, but stopped short of providing global leadership in pushing for a Global Deal for Nature and People to be adopted in Kun Ming in 2020.

Implement the regulation on Invasive Alien Species (IAS)

During the Romanian Presidency, the European Commission published a proposal to add 18 species to the list of Union concern; however, it failed to include key species such as American mink to the list despite conclusive risk assessment. The Member States supported this decision. It is important that the list of IAS species is updated, and we acknowledge the efforts of the European Commission and Member States on this. However, the fact that species such as American mink are excluded despite solid evidence undermines the IAS regulation.

Financing for biodiversity

The Romanian Presidency has successfully concluded the detailed negotiations on the LIFE Programme Regulation in the post 2020 budget, where partial general agreement had been reached during the Austrian Presidency. The decision to increase funding allocation to LIFE Programme has been deferred to the Heads of Government discussions on the MFF and is expected later in 2019 as this will be part of the wider negotiations on the EU budget.

EU commitment to healthy seas and oceans

The adoption of the Directive on Single Use Plastics, negotiated under the Austrian Presidency and formally adopted under the Romanian Presidency, has been a major success of the EU representing a step towards cleaner oceans. Beyond this, no specific action has been taken by the Romanian Presidency to bring us closer to achieving Good Environmental Status of EU seas by 2020.

Ensuring sustainable fisheries

The review of the outcomes of the Romanian Presidency paints a mixed picture when it comes to fisheries. On the one hand, negotiations successfully concluded on the contentious Technical Measures Conservation regulation bringing together more than 30 pieces of legislation. Although opportunities have been missed to significantly improve the protection of marine species and their habitats, it brings a number of advances that make the final text acceptable. On the other hand, disastrous negotiations in Parliament and Council point to a very likely reintroduction of harmful fisheries subsidies in the next European Maritime and Fisheries Fund, undermining any efforts made over the past decade to end overfishing (see section 4). The Romanian Presidency also led the negotiations on the adoption of the Western Mediterranean Multiannual Plan, which represented a first but much too small step to tackle the challenge of overfishing in the Mediterranean Sea, the most overexploited sea basin in the world.

3. TRANSFORM FOOD & FARMING SYSTEMS THROUGH THE COMMON AGRICULTURAL POLICY

The test

- ***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;*
- ***Drive CAP negotiations to strengthen Member States' accountability*** *and hence confidence that the CAP will deliver on the environment and the climate;*
- *Mobilise political support for ensuring that* ***no subsidies harmful to environment and climate are part of the CAP post 2020.***

The verdict

Poor on effort

Poor on outcome

Strengthen the provisions for environment and climate in the CAP

Although the Romanian Presidency held several meetings on the new green architecture proposed in the future CAP, the questions guiding the discussion were already oriented towards a weakening of the environmental and climate provisions. As a result, the Romanian progress report led to a weakening of environmental standards' requirements to receive public money (conditionality) and eco-schemes are left to the "goodwill" of Member States.

CAP negotiations to strengthen Member States' accountability

The European Commission's proposal was already heavily criticized by the European Court of Auditors (ECA) and the scientific community regarding the newly introduced performance framework of the CAP. Instead of addressing those issues, the progress report of the Romanian Presidency leaves more freedom to Member States to design their national CAP plan without proper checks on how they spend the money they receive.

Ensuring that no subsidies harmful to environment and climate in the CAP

Unfortunately, the Romanian Presidency did not support the proposal by several Member States to phase out coupled payments supports – payments known to be harmful for the environment and the climate. Instead, the Romanian Presidency increased the maximum amount of money allowed to be allocated to them compared to the Commission's proposal and included some exemption regarding this maximum ceiling.

4. MAKE THE EU BUDGET WORK FOR PEOPLE AND PLANET

The test

- ***Drive MFF negotiations to promote an EU budget for sustainability, EU added-value, that implements our Paris, SDGs and biodiversity commitments, and catalyses change towards a one-planet economy.*** *Aim for minimum 1% budget for LIFE, ring-fence 15bn EUR for nature protection, 40% climate mainstreaming, and no funding for projects that run counter the Paris Accord or other harmful subsidies;*
- *Ensure that budget cuts in the future CAP is* ***rebalanced towards cuts in the first Pillar of the CAP*** *and make all spending dependent on the* ***respect for environmental legislation;***
- ***Transform the European Maritime and Fisheries Fund*** *into a true ocean conservation fund by excluding any subsidies that aggravate overfishing. Instead, ring-fence funds for the ecological restoration of our seas;*
- ***Encourage green finance and environmental fiscal reform,*** *including carbon pricing, and* ***ensure transparency*** *on subsidies in the EU and* ***encourage the removal of harmful subsidies;***
- ***Ensure that the EU budget avoids fossil fuel lock-ins*** *in key instruments like the Connecting Europe Facility.*

The verdict

Mixed on effort

Poor on outcome

MFF negotiations to promote an EU budget for sustainability

The negotiations on the MFF have been an important responsibility of the Romanian Presidency agenda. They inherited some partial general agreements made during the Austrian Presidency (e.g. LIFE Regulation), achieved a range of new partial general agreements during their presidency (e.g. Horizon Funding, and European Maritime and Fisheries Fund, EMFF), made progress at COREPER level on some instruments (e.g. Cohesion Funds), while others remained under negotiation, notably the Common Agricultural Policy (CAP) related funding and the MFF overall – i.e. the total budget envelope and the allocations across funding lines – and the linked Rule of Law for the EU Budget regulation proposal.

Negotiations are taking place on the MFF overall, which requires unanimity, and in parallel with the fund- and sector-specific negotiations on LIFE, CAP, Cohesion funds (CPR, ERDF, ESF+ and Interreg), H2020, CEF/TEN, and InvestEU face qualified majority voting (QMV) rules to achieve partial general agreements.

The Romanians effectively organised progress on getting partial general agreements on a range of the legislative acts, taking an "honest broker" role in the process.

There is a mixed performance as regards negotiations on the sector-specific funding, but overall, the MFF, at this stage of negotiations, looks far weaker than is needed to respond to climate commitments and environmental and sustainable development needs. As it currently stands, the MFF looks more like a tweaked "business as usual" budget than a "transformative modern motor" for change. The status of the negotiations are presented sector by sector below:

- **MFF and Climate**: Despite the public push for more ambitious climate action, progress in the MFF negotiations proved difficult. The Romanian Presidency did not succeed in getting agreement on the overall climate mainstreaming target and mechanisms to ensure the integrity of climate mainstreaming. At the March GAC (General Affairs Council) debate on climate mainstreaming in the MFF there was a broad commitment to move from 20% (past MFF) to 25% climate allocation. France supported a 40% target, and Poland argued for maintaining the current target. Negotiations will continue, and conclusions are envisaged during the Finnish Presidency, assuming that the CAP negotiations can be completed. A mix of climate proofing tools, ring-fencing of funding, exclusion of harmful subsidies, and measurement protocols across the areas is being negotiated across the sector funds, with risks of lack of coherence and areas of weakness. There is particular concern that the 40% climate contribution by CAP funding will be too easy to allocate and hence facilitate climate greenwashing, reducing the real-world climate

contribution of the MFF (see below).

- **Cohesion Policy: European Regional Development Fund (ERDF), Cohesion Fund (CF)** Progress was expected to be made at the 25 June General Affairs Council (GAC), where it had been hoped that partially adopted mandates could be agreed for the Cohesion package concerning the Regulations supporting the future allocated European funds: CPR, ERDF, ESF+ and Interreg. However, the Romanian Presidency failed to facilitate Member State commitment to focus Cohesion Policy on the 'green and just transition to the low-carbon economy (known as "thematic concentration"). Furthermore, the aim of reaching partial general agreement in this area was skipped at the GAC as there was a perception that the Romanian Presidency had given in too much as this stage of the negotiations, in particular on the Common Provisions Regulation. The Council froze negotiations and the Council will enter trialogues with the mandates given by COREPER, apart from those which are in the MFF negotiating box, e.g. Thematic Concentration on 'green objectives'.
- **Agriculture and rural development** - European Agricultural Guarantee Fund, EAGF; European Fund for Rural Development (EAFRD) – see point below
- **LIFE Programme for Environment & Climate Action**: Partial General Agreement was reached under the Austrian Presidency and voted on at the Plenary on 4 April. The partial agreement in the Council reached on the LIFE Regulation is a positive result in some respects. The text includes strengthening the modalities and introducing co-financing requirements into this successful funding instrument dedicated to the environment and climate action. Unfortunately, the Council failed to agree an increase in the budget allocated to LIFE to 1% of the EU budget, this issue having been deferred to Heads of Government as mentioned above, and thus differs in its position compared to the European Parliament which proposed an increase to 0.6% of the EU budget. Furthermore, the positive gains for biodiversity under the LIFE funding are expected to be more than offset by negative impacts on biodiversity expected from the current formulation of the CAP legislative proposal. The overall final outcome will now be in the hands of the Finnish Presidency and negotiations are ongoing between the Commission, European Parliament and Member States.
- **European Maritime & Fisheries Fund (ESIF)** The plenary of the European Parliament voted on 3 April on the post 2020 European Maritime, Fisheries and Aquaculture Fund (EMFAF) – *see point below*.
- **Horizon Europe (HEU)** was adopted by the EP in April 2019. It contains a climate mainstreaming commitment of at least 35% and 'climate impact pathway monitoring'. 'Paris Agreement' is in the Programme's objectives and specific missions focused on carbon neutral and smart cities, industrial decarbonization and on climate adaptation can be developed. However, the HEU included the "innovation principle", which is widely seen as a tool that can undermine the "precautionary principle" and regulation.
- **InvestEU Fund**: Member States and the European Parliament concluded their negotiations on InvestEU. It includes a sustainability proofing mechanism, leaving it now up to the Commission to provide robust guidelines on the screening and proofing. It contains a 55% target of the sustainable infrastructure window investments to be Paris-aligned. No finance is allowed for projects inconsistent with EU climate objectives.
- **Connecting Europe Facility (CEF)**: All negotiations on the CEF have been finalised. It includes the "Energy Efficiency 1st" principle. Among the energy objectives is "Facilitating decarbonisation of the economy, promoting energy efficiency and ensuring security of supply" while keeping consistency with NECPs. 60% of the CEF should serve climate objectives; gas infrastructure, however, has not been excluded. The upcoming review of the TEN-E guidelines though has the potential to bring the CEF completely in compliance with the Paris Agreement.

CAP and the MFF

Under the negotiating box of heading 3, it was assumed that the CAP will ensure the transition towards a sustainable sector and will contribute to EU climate action. However, none of the options put forward regarding capping, flexibility between pillar 1 and 2 or the absence of options regarding environmental and climate ringfencing will ensure the transition towards a sustainable agricultural sector.

European Maritime and Fisheries Fund

Under the Romanian Presidency, the European Parliament and European Council voted on how to spend EUR 6 billion of European taxpayers' money on ocean-linked activities under the European Maritime and Fisheries Fund (EMFF) 2021-2027. Both bodies took the disastrous decision to reintroduce harmful subsidies, including for vessel construction, despite warnings that such a move will enhance fishing overcapacity and lead to overfishing in European waters. Construction subsidies were withdrawn in 2004 because of their highly damaging impacts on European fish stocks. This latest decision goes against the United Nations Sustainable Development Goals target 14.6, which calls for a prohibition on harmful fisheries subsidies by 2020, as they 'contribute to overcapacity and overfishing, and eliminate subsidies that contribute to illegal, unreported and unregulated fishing'.

Encourage green finance and environmental fiscal reform

On 15 January 2019, the European Commission tabled a proposal, for consultation, on moving away from unanimity voting for taxation to a qualified majority voting (QMV) approach for certain types of decision, proposing to move swiftly to QMV/OLP for, inter alia, measures in which taxation supports other policy goals (climate change, public health,...). This was discussed at the 5 March Environment Council Meeting, which noted that: 'The European Council is not legally bound to act on the basis of the Commission's communication, as the Commission does not have the right of initiative to propose activating the passerelle clause.' In other words, it requires unanimity in the European Council for the passerelle clause to be activated that in turn would allow a move to QMV.

The March Environment Council, however, recognised the need for the EU to provide the necessary incentives for the transformation needed for the long-term strategy for greenhouse gas emission reductions for the EU. Belgium tabled a point requesting debate on tackling greenhouse gas emissions by aviation pricing, following on the Netherlands initiative discussion at the 12 February ECOFIN Council. Debate continued externally, at the 20-21 carbon pricing and aviation tax conference organised by the Netherlands, who argued for an EU-wide tax on aviation fuel and recommended that the European Commission look into European aviation tax, tax on kerosene and carbon pricing.

Ensure that the EU budget avoids fossil fuel lock-ins

There is growing widespread understanding that investments and funding that lock-in fossil fuel use run counter to the Paris Agreement and will compromise progress towards a 1.5 degrees warming target. As noted in the summary across the funds, there has been some progress on reducing the funding available that could lead to further fossil fuel lock-ins (e.g. using InvestEU fund), but progress in other areas has proved weaker than necessary (e.g. Cohesion funding), and problematic in other funds such as the EMFF.

5. REDUCE AIR POLLUTION TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT

The test

- ***Ensure an ambitious contribution to the Ambient Air Quality Directive fitness check***;
- ***Ensure that the Commission undertakes a balanced fitness check of the Industrial Emissions Directive***, *delivering improved pollution prevention at source and a re-defined scope to promote the ecological transition of industrial activities;*
- *Engage in review/revision of the* ***Gothenburg Protocol****;*
- *Encourage an* ***ambitious position on agricultural air pollutants in the CAP proposal*** *which effectively contributes to achieve WHO air quality standards.*

The verdict

Mixed on effort —

Mixed on outcome —

The poor levels of air quality across many parts of the EU have led to public outcry, have featured in the European Parliament elections campaigns, and a range of cities have taken measures to limit diesel vehicles in cities. There have been few legislative dossiers on the Romanian Presidency's 6 month agenda and little effort by the Romanian Presidency to raise the profile of air pollution during its presidency period, though some benefits to air pollution can be expected via discussions on reducing CO2 emissions from transport and wider decarbonisation policies and commitments. In addition, more than half of the Member States have failed to deliver their national air pollution control programmes under the National Emission Ceilings (NEC) Directive, setting out the detailed commitment of cutting air emissions in all relevant areas e.g. transport, industry and agriculture.

The European Council adopted in June a new strategic agenda that sets out the overarching priorities guiding the work of the EU for 2019–2024. "Building a climate-neutral, green, fair and social Europe" is one of the four priorities, and recognises, inter alia, the urgency to tackle air pollution.

Ambient Air Quality Directive fitness check

The **Ambient Air Quality Directives (AAQD) Fitness Check** will in due course lead to a policy response, but to date the Commission evaluation is still on-going. Interim results should be available only in the second half of 2019.

Fitness check of the Industrial Emissions Directive (IED)

As regards the **Industrial Emissions Directive (IED)**, the Romanian Presidency did not have an active role in addressing shortcomings within the IED framework at EU level (e.g. Article 15.4 derogation procedure, Chapter III derogations). The Romanian government did not provide any input to the ongoing IED Evaluation process, so an assessment on the positions taken is not possible.

Gothenburg Protocol

The preparatory work is still ongoing. Despite a mixed positioning from Member States the European Commission has a relatively good standing position as regards the inclusion of methane and black carbon, however a proper assessment of the Romanian Presidency's contribution cannot be made at this stage.

Agricultural air pollutants in the CAP proposal

As noted in relation to Test 3, while the Romanian Presidency held several meetings on the new green architecture proposed in the future CAP, the questions guiding the discussion were already oriented towards a weakening of the environmental and climate provisions. As a result, the Romanian progress report led to a weakening of environmental standards' requirements to receive public money (conditionality) and eco-schemes are left to the "goodwill" of Member States.

6. ENSURE CLEAN AND SUFFICIENT WATER FOR EUROPEANS

The test

- *Work with the European Commission to **perform a balanced fitness check evaluation of the Water Framework Directive** and **focus on improving implementing the WFD** rather than amending this ground-breaking p-iece of legislation*
- ***Negotiate for sufficient, efficient and effective financing** for sustainable water management in the post 2020 EU budget;*
- ***Prepare ambitious Council positions** on the Drinking Water Directive and Water Reuse Regulation.*

The verdict

Positive on effort

Mixed on outcome

The implementation and evaluation of the Water Framework Directive

During last 6 months, the Romanian Presidency organised a series of discussions at various levels dedicated to the implementation of the water and marine directives and the ongoing fitness check evaluation of the EU water laws. These included important debates during the Informal Environment Council, at the meeting of the Water and Marine Directors as well as at the Ministerial Conference on the challenges in implementation of the water and marine directives. The EEB believes that the Water Framework Directive is fit for purpose and its implementation needs to be significantly stepped up. During the Informal Council meeting, the Romanian Presidency accepted the response of 375,000+ Europeans who asked for the EU water law to be kept unchanged. Even though there were no official decisions made on this during the 6 months that Romania was at the helm of the EU, the Presidency did provide a forum for these important debates, so that the incoming Finnish Presidency can finalise them with a set of formal conclusions.

Financing for sustainable water management in the post 2020 EU budget

The progress on mobilising resources for sustainable water management in the post 2020 EU budget has advanced under the Romanian Presidency as part of the MFF negotiations; however, important decisions on allocation of funding are expected later in 2019.

New legislation on Drinking Water and Water Reuse

The Romanian Presidency is to be congratulated on significant efforts made in getting the Council to agree its position on both the recast of the Drinking Water Directive as well as the proposal for the Water Reuse Regulation. Unfortunately, in order to get the agreement, several compromises were made and some proposed legal standards have been significantly weakened making the Council position the least ambitious in terms of protection of the environment and health of the Europeans, when compared to the positions of other EU institutions. However, the Romanian Presidency paved the way for the interinstitutional negotiations on these two files to start in earnest under the Finnish Presidency.

7. PROTECT THE PUBLIC FROM HAZARDOUS CHEMICALS

The test

- *REACH Evaluation:* ***Deliver Council conclusions on the REACH REFIT*** *that call on the Commission and commit to speed up and* ***improve REACH implementation;***
- *Non-REACH chemicals legislations fitness check:* ***Agree Council conclusions on concrete actions for improvement and timelines;***
- *Call on the EC to prepare an* ***ambitious Non-Toxic Environmental Strategy*** *and promote chemicals substitution;*
- ***Maintain leadership on the Minamata Convention on Mercury*** *and ensure implementation in the EU.*

The verdict

Positive on effort

Positive on outcome

REACH Evaluation

The Romanian Presidency adopted Council Conclusions on **a sustainable EU chemicals policy strategy** signalling member countries' disappointment with the European Commission's work on the issue. The Council Conclusions ask the Commission to improve authorization and restriction procedures under the EU's chemical legislation REACH by better analysing alternatives to dangerous substances.

The Conclusions call on the European Chemicals Agency to improve chemicals industry compliance with data requirements and to develop an action plan by the end of the year, following the EEB's recent criticism regarding the general lack on compliance on the registration dossiers. They also call on the Commission to develop by December 2019 an action plan on dossier compliance, in close cooperation with all stakeholders, and to accelerate and streamline the REACH evaluation procedures as requested by the EEB in the Evaluation report.

The Council Conclusions recall that by 2020, all relevant SVHC, including substances with endocrine-disrupting properties of equivalent concern, should be placed on the REACH candidate list and asked the Commission to address the issue of 'cocktail effects' from combinations of chemicals.

Non-REACH chemicals legislations fitness check

The Romanian Presidency stressed the need to use the findings of the Fitness Check of the most relevant chemicals legislation (excluding REACH). However, these findings were only published a day before the Council adopted its conclusions on 26 June.

Non-Toxic Environmental Strategy and promote chemicals substitution

The Council Conclusions adopted by the Romanian Presidency under the heading 'Towards a Sustainable Chemicals Policy Strategy of the Union' signalled member countries' disappointment with the lack of European Commission's work on the issue.

The aim of the strategy should be to prevent or substantially reduce environmental and human health impacts of potentially harmful chemicals placed on the market or released into the environment, according to the Conclusions.

The Conclusions note that the Commission has "not fully delivered" on chemical policy commitment on a non-toxic environment strategy made in the Seventh Environment Action Programme, in particular "with regard to endocrine disruptors, nanomaterials, combination effects of chemicals and risks related to the use of and exposure to hazardous substances and chemicals in products."

Environment Ministers called on the Commission to accelerate work on a sustainable chemicals policy strategy and demand the delivery of an overdue 'strategy for a non-toxic environment' at the Environment Council meeting on 26 June.

The Conclusions also urge the Commission to develop "without further delay," an EU strategy for a non-toxic environment, as well as "a high level of protection of human health and the environment by minimising exposure to ... endocrine disruptors."

The document also mentions a need to develop a "relevant mechanism coordinating the protection of vulnerable groups such as children, pregnant and breastfeeding women. It calls for risk management requirements to be included in relevant pieces of EU legislation regarding substances of concern, including neurotoxins and endocrine disruptors".

With a view to meeting the UN Sustainable Development Goals, the draft conclusions call for a new framework for the sound management of chemicals and waste beyond 2020, in synergy with international and regional conventions.

Moreover, the Environment Council held a public debate on a proposed EU framework on endocrine disruptors on 5 March 2019. It was a very positive debate and the goal of a non-toxic environment was raised by several countries.

The outcome of these Council conclusions is very positive and tackles all the demands in the EEB's letter to the Environmental Council.

Finally, in our letter of 20 June to the Council, the EEB stressed the need for the EU to advance in other aspects such as the application of environmental principles (e.g. the precautionary principle) and the development of independent studies. All our proposals were included in the Council conclusions.

Minamata Convention on Mercury

On **mercury**, the revised EU regulation on mercury entered into force in January 2018 and the partial ban on dental amalgam on 1 July 2018. In 2019, no additional Member states ratified the Minamata Convention, therefore the total stays at 22. The Presidency, as member of the Implementation and Compliance Committee of the Minamata Convention, chaired in a fair manner the work of the committee, to which the EEB/ZMWG participation was welcome and appreciated, ensuring a civil society voice. However, the Romanian Presidency did not lead to a significant new impetus for ratifications or wider debate on the transition beyond mercury.

8. TRANSITION TO AN INNOVATIVE, RESOURCE-EFFICIENT, CIRCULAR ECONOMY

The test

- ***Advance EU Plastics Strategy measures to reduce plastic pollution and achieve a Plastics Free Ocean:*** *proactively prepare sound revision of essential requirements for packaging and criteria to modulate EPR fees and drive new focus on textiles and micro-fibres;*
- ***Actively support the EU-level work on product policy****, notably working towards a future swift implementation of an EU information system to track substances of concern and material contents of products, of the repair scoring system and targeting new sectors beyond energy related products to apply similar push and pull mechanisms as Ecodesign and Energy Labelling schemes;*
- ***Push the EU to design a new ecolabel strategy*** *to ensure a more effective roll out across products and effective communication plan.*

The verdict

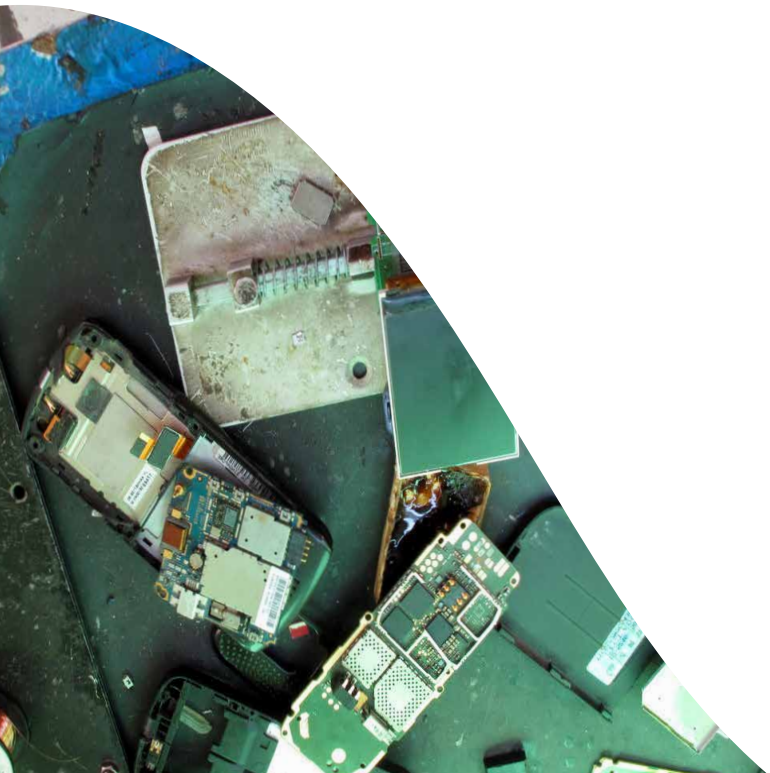
Poor on effort

Poor on outcome

In fact, Circular Economy and resources conservation was not a priority for Romania and it is a topic for which Romania is not considered among the most active supporters. The assessment is a simple recognition of this situation.

EU Plastics Strategy and Plastics Free Ocean

The Romanian Presidency finalised the procedural steps for the adoption of the Single Use Plastics file, but did not perform pro-actively towards additional measures with regards essential requirements of packaging, EPR fees modulation and initiatives to address the release of micro-fibres release by the textiles sector.



Product policy

The Romanian Presidency did not actively support product policy. They were absent or silent with regard to Ecodesign policy and did not discuss the repair scoring system publicly; they could not manage clear progress on the interface between chemicals, products and waste policies; and they did not prevent the delays on the setting of the ECHA database to inform on hazardous contents of waste materials. They also remained totally silent on seizing the potential of push and pull instruments, as illustrated by Ecodesign and Energy Label, towards additional product groups.

Ecolabel

Three months after the official consultation on a renewed EU strategy for Ecolabel, we have not noticed supporting comments to roll out the Ecolabel across new product groups. The Romanian Presidency has not engaged in reinforcing the communication of the scheme as a tool to make our consumption patterns more sustainable.

9. STRENGTHEN DEMOCRATIC GOVERNANCE AND THE RULE OF LAW TO SUPPORT ENVIRONMENTAL JUSTICE

The test

- ***Support better implementation and build confidence in the rule of law:*** *debate the Environmental Implementation Review (EIR) communication and ensure Council Conclusions to promote better implementation;*
- ***Ensure that trade agreements and Brexit do not jeopardize existing or future EU environmental standards;***
- *Maintain pressure on the Commission to take steps to* ***end EU non-compliance with the Aarhus Convention*** *and* ***reopen discussion on a Directive on Access to Justice;***
- ***Engage in revision of the European pollutant release and transfer register (E-PRTR)*** *to deliver compliance promotion and benchmarking towards SDG goals;*
- ***Ensure that the EU takes a strong position at the upcoming Espoo Convention and Strategic Environmental Assessment Protocol*** *Meetings of the Parties in February, to fully honour its international environmental commitments*

The verdict

Mixed on effort —

Mixed on outcome —

Better implementation and the rule of law

While the Environmental Implementation Review (EIR) is largely in the hands of the European Commission and the Member States themselves, and less for the Council Presidency, the Romanian Presidency facilitated a discussion with the Commission in reaction to the Commission's second cycle EIR country reports that were published in April 2019. This engagement will be necessary to define the future of the EIR and how to further enhance the process to make it more effective to address implementation gaps.

With regards to work to strengthen the rule of law in the EU, the Romanian Presidency has not taken the lead in addressing this increasingly disconcerting issue. The Commission and the Parliament have invited more engagement on the rule of law within the institutions and with stakeholders, whereas there has not been any significant action by the Presidency to take this further.

Trade and Brexit

On **trade agreements** and **Brexit** and ensuring that EU environmental standards are not jeopardised, the verdict is mixed – with a positive role for Brexit and a less positive role in the context of trade and the trade agreement with Mercosur.

Under the Romanian Presidency, the EU-27 maintained a tough principled stance on Brexit as the UK reached and passed the original 29 March 2019 deadline. The EU's unified and consistent approach contrasted with the chaotic developments in the UK. The EU-27's insistence that the Withdrawal Agreement, including the Irish backstop, is not up for negotiation, is generally a good thing for the environment, and although the future of the Brexit process remains highly unpredictable, up to now the position of the EU has minimised the potential threat to environmental standards arising from a future trade deal following the UK's departure.

The agreement on the EU-Mercosur trade agreement during the final days of the Romanian Presidency contains provisions which its proponents argue will protect the environment and labour conditions but major concerns remain over the impact on the environment coming from this deal, with the Brazilian government's position on environmental and human rights issues being a particular cause for concern.

The signing of such a deal in the circumstances was a missed opportunity for the EU to pause and revisit its approach to trade with a view to using its status as the largest single market in the world to leverage transformative and concrete commitments on human rights and the environment.

EU non-compliance with the Aarhus Convention on Access to Justice

In June 2018 the Council invoked Article 241 TFEU requesting the Commission to undertake further studies on the options to make the EU compliant with the Aarhus Convention. The study was planned to end in May 2019 so that it could be presented to the Council before September 2019. However, as the study is yet to be finalised, there has been no opportunity for the Romanian Presidency to coordinate a Council reaction to the proposed options to address the non-compliance of the EU with the Aarhus Convention. The Romanian Presidency did however invite the EEB to meet with EU Member States to discuss this and other Aarhus issues on the occasion of a meeting of the Council Working Party on International Environmental Issues in May and convened a similar discussion on the margins of a meeting of the Aarhus Convention Working Group of the Parties in Geneva in late June, both of which provided a useful opportunity for NGOs to put across their views. As for discussions on strengthening Access to Justice in the Member States, there has unfortunately not been any engagement or development on pushing for a Directive on Access to Justice on Environmental Matters.

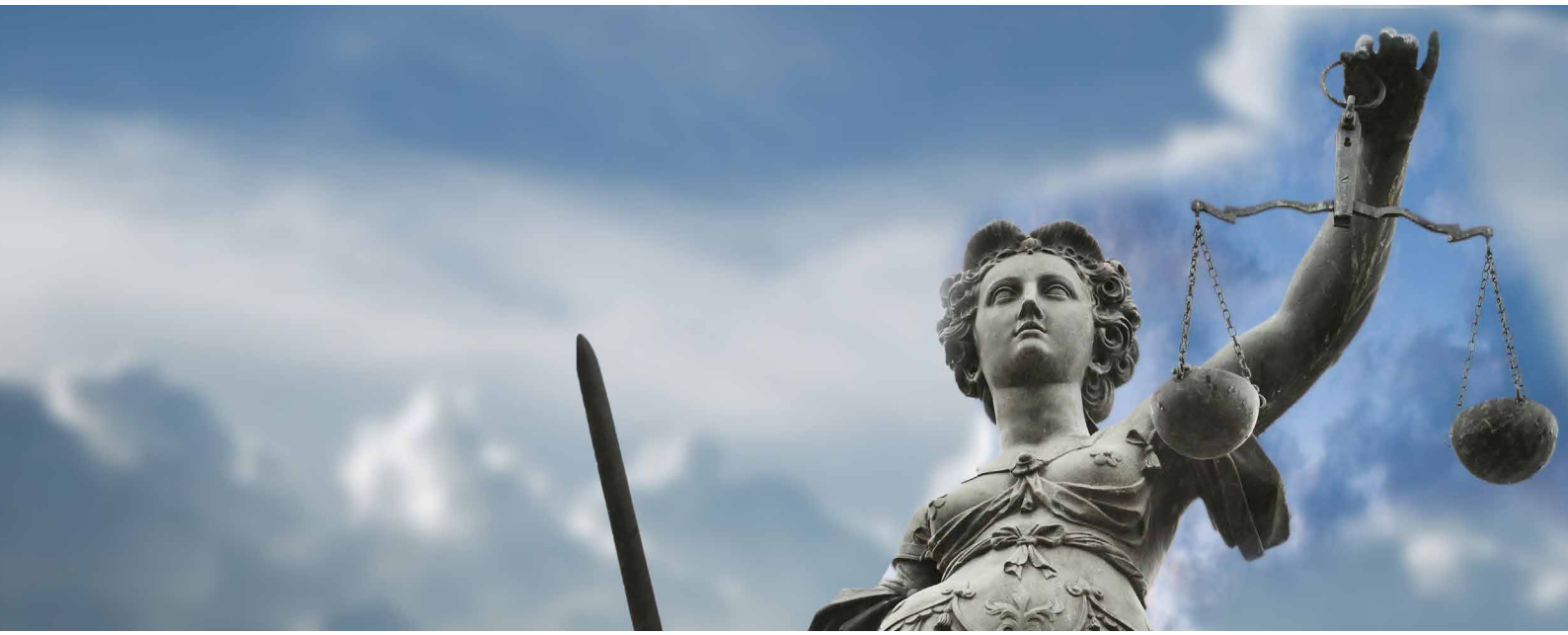
European pollutant release and transfer register (E-PRTR)

The Romanian Presidency did not play an active role regarding the follow up of the 6th meeting of the Working Group of the Parties to the UNECE Kiev Protocol on PRTRs, where the lack of a positive EU negotiation mandate is to be blamed on the Austrian presidency.

While the Romanian Presidency did formally finalise in mid-January 2019 the agreement between the institutions on the Proposal for a Regulation on the alignment of reporting obligations in the field of environment policy, the substantive aspects were negotiated under the Austrian Presidency. This file modestly improves the current reporting deadlines by Member States under the E-PRTR reporting by 4 months (11 months delay instead of 15).

Espoo Convention and Strategic Environmental Assessment Protocol

The EU's position during the Espoo Convention Intermediary Session of the Meeting of the Parties in February was deeply disappointing. The re-drafting of compliance decisions and pushing to take those decisions by majority, as opposed to through consensus, went against the spirit of cooperation which normally characterises UN processes and undermine the integrity of the compliance review process. The coordination of positions between the Member States, where the interests of just three EU members and the Commission prevailed over the others', was problematic, and led to the original draft findings being diluted.



10. MAKE SUSTAINABLE DEVELOPMENT GOALS DRIVE THE FUTURE OF EUROPE

The test

- ***Drive thorough and far-reaching strategic discussions on the Future of Europe in Sibiu that establish sustainable development as the overarching framework****: call on the incoming Commission to draw up a strategy for implementation of the 2030 Agenda and the SDGs with clear targets, timelines, objectives and concrete measures to implement the 2030 Agenda in all EU policies as demanded by the Council and the European Parliament in June 2017 and reiterated by the Council in October 2018;*
- ***Encourage the current Commission to report about its implementation*** *of the SDGs at the HLPF in New York in July 2019 in a full SDG monitoring report similar to a Voluntary National Review (VNR), that is, covering all policies, internal and external, as well as spill over effects of European domestic policies;*
- ***Request the incoming Commission to prepare without delay an 8th Environment Action Programme*** *in order to catalyse a just transition to a one-planet economy;*
- ***Encourage policy and governance reform so that wellbeing takes a more prominent role*** *– i.e. in Better Regulation processes and tools and having a Commissioner for Wellbeing and Future Generations.*

The verdict

Positive on effort

Mixed on outcome

Sibiu and the Future of Europe

For many months, the Sibiu Summit was expected to be a critical moment in the debate on the future of Europe, setting the direction for the EU for the upcoming legislative cycle. It had also been expected that it would be the first summit for a new EU of 27, with the UK expected to have left at the end of March. The Sibiu Declaration was particularly disappointing as regards environmental content. In a list of ten priorities, the environment only received a brief mention in the tenth priority as an example of an area where the EU could demonstrate global leadership. The disappointment was compounded by the fact that a Commission Communication on 30 April 2019 had identified sustainability, mainly focused on environment, as one of five priorities for a new Commission, raising hopes that the Sibiu Declaration would take up this theme. The 'green wave' that took place in the European elections later in May further reinforced the impression that the Sibiu Declaration was out of touch with the priorities of European citizens and a real missed opportunity.

The European Council meeting in June, on the other hand, was more progress. The Council adopted a new strategic agenda that sets out the overarching priorities guiding the work of the EU for 2019–2024. "Building a climate-neutral, green, fair and social Europe" is one of the four priorities. "Protecting citizens and freedoms", "developing a strong and vibrant economic base" and "promoting European interests and values on the global stage" are the other three. Having climate and environment as one of the four priorities is a high level recognition of the importance of tackling the climate emergency declared by both scientists and youth street marches, the biodiversity crisis as recently documented by the IPBES report (International Panel for Biodiversity and Ecosystem Services), as well as recognition of the urgency to tackle air pollution, ensure clean water and protect our oceans. The priority also recognises the importance of the transition from a linear to a circular economy, that impacts from agriculture need to be tackled, as well as ensuring that the social dimension is integrated.

These commitments are welcome, even if these elements still do not sufficiently reflect the urgency that science demands, or that the young people marching in our streets ask for. What is highly problematic is that the strong social and environmental elements are not mainstreamed across the other three priority areas. The Strategic Agenda reads like four separate agendas, and this is linked to what is perhaps the most striking failure of the document: the lack of any reference to the 2030 Agenda or the SDGs. The EU worked hard to get international agreement for Agenda 2030 and the Sustainable Development Goals, but neither are explicitly mentioned. This should be an overarching framework for all priorities.

At a specific level, missing is a commitment for a toxic free environment and encouraging a rapid substitution strategy that enables a transition towards green chemicals that protects EU citizens' health and rights. This could fit both under the environmental priority and under the "protecting citizens and freedoms" priority, which underlines the second weakness – the aforementioned lack of integration and coherence across the four priorities. Addressing climate and environment is central to "protecting citizens and freedoms", to "developing a strong and vibrant economic base" and also to "promoting European interests and values on the global stage".

Sustainable Development Goals (SDGs)

The Romanian Presidency made various references to sustainable development in its Programme promising to follow up on the status of and outlook for the implementation of the 2030 Agenda for Sustainable Development at EU level. It was very much welcomed that the Romanian presidency stressed that sustainable development principles need to be implemented through a global and cross-sectoral approach meant to tackle economic, social and environmental challenges in an integrated manner. The Presidency Programme itself is reflective to some degree of that approach by referring to sustainable development principles across the different focus areas.

Already in June 2017, the Council in its conclusions as well as the European Parliament urged the Commission to elaborate, by mid-2018, an implementation strategy for the 2030 Agenda with a timeline, objectives and concrete measures in all relevant internal and external policies and to identify existing gaps to assess what more needs to be done on policy, legislation, governance structures for horizontal coherence and means of implementation. Only in January 2019, the Commission published its Reflection Paper on SDG implementation. Civil society, having strongly contributed to the Paper through the Multi-Stakeholder Platform on the SDGs, welcomed several elements of it. However, the on-going reflection process has postponed taking action on the 2030 Agenda. At the outset of the Romanian Presidency and almost three years after the adoption of the 2030 Agenda, the EU still lacked both a Sustainable Development Strategy and an implementation plan as demanded by the Council in 2017, a clear reflection of the low priority given to sustainability issues. We therefore welcomed the Council Conclusion of 9 April 2019, in which the Council reiterated its early demands towards the Commission and recognised the urge to accelerate the implementation of the 2030 Agenda.

On 16 April 2019, the Romanian Government hosted the international conference "2030 Agenda: Partnerships for Sustainable Development". The declaration coming out of the Conference remained weak and to some extent fell behind previous commitments, and the conference manifestly failed to influence the outcome of the Sibiu Summit in May with a message to make sustainable development the overarching objective of all European policies and programmes. Having said this, we strongly welcome the inclusion of civil society speakers in the main panels of the international conference as well as the fact that a civil society forum was organised as part of the programme.

Looking at its Programme, the Romanian Presidency promised to coordinate the validation process for the first Voluntary Review of the implementation of the 2030 Agenda at the EU level during the High-level Political Forum in July 2019 in New York. The EC is now scheduled to present during a side event in New York in cooperation with the new Finnish Presidency. While we are unsure in how far the Romanian Presidency was able to shape the format of the EU's first ever SDG reporting at HLPF-level, we are not satisfied with the process: the EU will not present a full SDG report that would be similar to member states' VNRs. Next to Eurostat's statistical report, it puts a strong focus on development cooperation (with the only civil society speaker coming from exactly that field), and there has been no open and participatory process to include civil society in the preparation of the EU's presentation (except for the consultation on the Joint Synthesis Report on the Development Consensus – again on the aspect of external affairs only).

Civil society was pleased with the Romanian Presidency taking the lead for the EU Member States during the 4th UN Environment Assembly held in Nairobi 11-15 March 2019. We welcome the friendly and open exchange with civil society representatives on various occasions during the meeting.

8th Environmental Action Programme (8EAP)

During the Romanian presidency the evaluation of the 7EAP was presented (May 2019), the Commission launched a debate on priorities for the 8th EAP at Green Week in May and the Austrian government

organised a cross Member State workshop on the 8EAP in June, building on the initiative during their presidency, and tabled at the 26 June Environment Council Meeting. At this meeting there was a strong support for an 8EAP by all Member States present. There is no obvious Romanian fingerprint on progress with 8EAP deliberations.

Policy and governance reform

During the Romanian Presidency there was a major conference on the "stocktaking" on Better Regulation that presented the key conclusions of the consultation on the better regulation approach. While this recognised a range of weaknesses in the Better Regulation practices, the overall conclusion drawn was that "better regulation" was a success. While in public debate it was stated that better regulation was not about deregulation and that the ambition for reducing regulatory burdens for industry and administration was less a primary driver than in earlier years, and the ambition was targeted at efficient, effective, coherent legislation, the documentation circulated included multiple references to burden reduction. This suggests that Better Regulation as deregulation is still business-as-usual, and a move towards regulation for EU citizens' health and environment still far away. The Romanian Presidency did not appear to contribute to trying to change the status quo towards a more progressive agenda.

The EEB and its members welcome continued engagement and cooperation with the Presidencies of the Council of the European Union.

We also develop a paper before each Trio Presidency. The 2019-2020 paper, addressed to the Romanian, Finnish and Croatian Presidencies, can be read here and a more detailed memorandum to the Romanian Presidency can be read here.

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