



THE EEB'S

# PRIORITIES FOR THE EUROPEAN UNION

FOR THE 2019-2020 TRIO PRESIDENCY  
OF ROMANIA, FINLAND  
AND CROATIA

Addressed to the Governments of  
Romania, Finland and Croatia in  
anticipation of their forthcoming  
presidencies of the European Union, as  
well as the European Commission.

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*Prepared in cooperation with Seas At Risk*



**EEB**

European  
Environmental  
Bureau



EUROPE'S LARGEST NETWORK  
OF ENVIRONMENTAL CITIZENS  
ORGANISATIONS



Prepared in cooperation with Seas At Risk



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# INTRODUCTION

**O**n 30 November 2018, the Council published its [18-month Programme](#) under the Triple Presidency of Romania, Finland and Croatia running from 1 January 2019 - 30 June 2020. The Council Programme contains a number of elements that, if followed up appropriately, could provide the basis for progressive environmental policies:

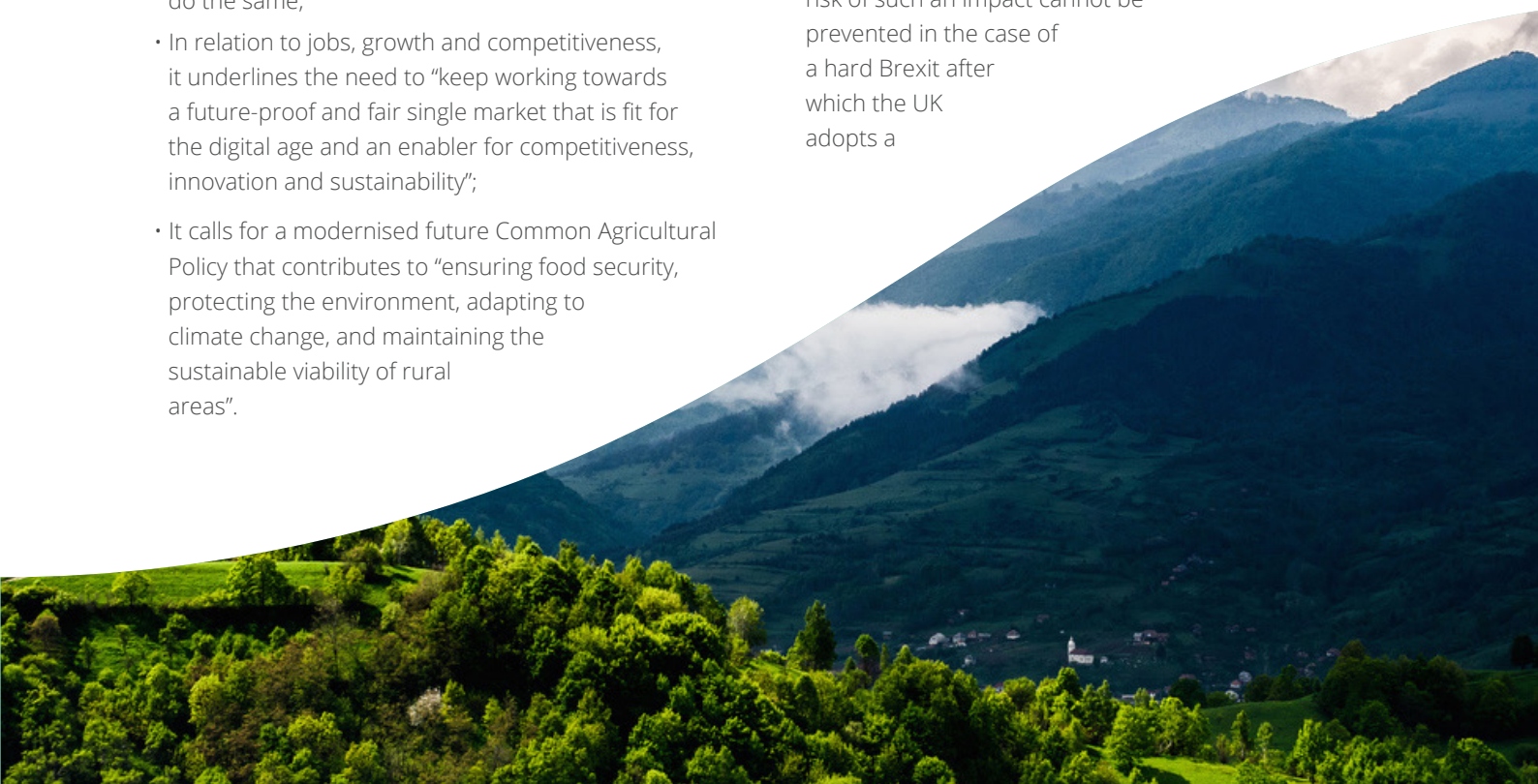
- It recognises the need to promote the 2030 Agenda on Sustainable Development, including the Sustainable Development Goals, within and beyond the EU;
- It commits to ensuring “that the European Union operates close to the citizens, transparently and according to the principles of good governance and better regulation, thus promoting citizen-oriented policies”;
- It underlines “the importance of common values of the Union: respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities”;
- It calls for reviewing environmental policy to contribute to “green growth, circular and bio economy, biodiversity and sustainable water management, in particular the protection and sustainable use of oceans and seas”;
- It also gives strong emphasis to tackling climate change and the need to meet its obligations under the Paris Climate Accord while ensuring that others do the same;
- In relation to jobs, growth and competitiveness, it underlines the need to “keep working towards a future-proof and fair single market that is fit for the digital age and an enabler for competitiveness, innovation and sustainability”;
- It calls for a modernised future Common Agricultural Policy that contributes to “ensuring food security, protecting the environment, adapting to climate change, and maintaining the sustainable viability of rural areas”.

In the present paper, the European Environmental Bureau presents its views, developed in cooperation with Seas At Risk, on those issues that are likely to be of critical importance to the EU environmental policy agendas during the Triple Presidency and argues how the priorities and positive aspirations set for the period should best be implemented in order to meet the objective of sustainable development.

The European Parliamentary elections in May 2019 and the subsequent appointment of a new Commission will arguably be the most important events affecting EU policy during the Trio Presidency. A new Parliament will be active from July 2019 and not only have a core role in co-decision processes, but also have a critical role in the appointment of the new European Commission president, expected 21 June 2019, and confirmation of the new Commission that will start work on 1 November 2019.

National elections will also be important moments of change given the power of Member States in Council Positions, co-decisions and trialogue negotiations. Elections will be held in Belgium, Denmark, Estonia, Finland, Lithuania under the Romanian presidency period, and in Greece, Poland, Portugal and Romania under the Finnish presidency.

If Brexit goes ahead as planned in March 2019, this will clearly continue to have an important effect on EU policy. While the Withdrawal Agreement and Political Declaration have sought to mitigate the potential deregulatory impact arising from Brexit, the risk of such an impact cannot be prevented in the case of a hard Brexit after which the UK adopts a







deregulatory agenda. Similarly, at the EU level, concern about short term economic costs to business and administrations risks influencing the conclusions of a range of legislative reviews, to the cost of mid and long term environmental, social and economic benefits.

A range of EU and international events and processes will also influence the agenda, at EU level in particular the Sibiu conference in May 2019 on the Future of Europe, at international level the EU response to the climate and biodiversity convention conferences of the parties (COPs) in Katowice and Sharm El Sheikh respectively, the 4th UN Environment Assembly (March 2019), the High-Level Political Forum (July 2019) where the EU is expected to report on its performance on the Sustainable Development Goals (SDGs) as well as the “SDG Summit” during the UN General Assembly meeting in September 2019. The EU’s implementation of the Paris Agreement and the 2030 Agenda for Sustainable Development should be priorities.

At a practical level, a major challenge is the implementation of EU law as a whole, which would strengthen the credibility of EU rule of law, as well as confidence in EU and national institutions. Negotiations need to be completed on the Common Agricultural Policy (CAP) and the EU Budget (Multi Annual Financial Framework: MFF) – which could be seized or missed opportunities for sustainability and long-term transitions to sustainability. And the development of a new 8th Environmental Action Programme and the long-awaited non-toxic environment strategy will be

important for confidence in policy making and help catalyse needed transformative change.

Evidence of environmental problems and impacts on human health, society and the economy will also drive policy change. We have seen rising concern about plastic in the oceans, harmful chemicals in our products, polluted air impacts on health, and climate change accelerated fires and storms. The growing evidence base, new scientific forecasts, and catastrophes will cement understanding, influence ambition and hopefully strengthen conviction for action. The EEA’s 2020 State of the Environment Report (SOER), will, like the IPPC and IPBES reports, raise the alarm and argue for accelerated action. The practice of small steps poorly implemented is clearly now insufficient and inappropriate. There is an increasing understanding that the EU and the international community needs to have a fundamental change in policy making to trigger the needed system changes to have a just transition to a one planet of economy. Progress during the RO-PT-SL Trio presidency will be essential if the EU is to be a leading driver in this needed transition.

Jeremy Wates  
Secretary General





# BETTER REGULATION, BETTER IMPLEMENTATION, BETTER GOVERNANCE AND BETTER JUSTICE

## Better implementation and enforcement of EU law

Despite the high number of laws in the EU, the environmental benefits often remain unseen given disparate and poor levels of implementation in the Member States. Poor implementation links both to lack of political prioritisation and in turn to the weak enforcement of laws, which in part reflects the lack of resources allocated to environmental monitoring and enforcement by national authorities.

To help Member States implement EU laws, the European Commission put in place the Environmental Implementation Review (EIR) in 2016. The EIR is intended to foster better implementation through discussion aimed at solving systemic problems across the EU Member States as well as offering a Peer-to-Peer tool to support capacity building and good practice dissemination. Following the country reports of the first cycle in the EIR in 2017, the Commission will publish the second cycle country reports in April 2019. The EIR also aims to reduce the number of infringement procedures against Member States, yet it should not be perceived as an alternative to effective action which the Commission can take.

## Better regulation

In 2015 Juncker's administration decided to make the Better Regulation agenda a priority, with the aim of increasing transparency and stakeholder engagement and reducing regulatory burdens on business and administrations. There has been a serious concern that the Better Regulation agenda may be used to de-regulate hard fought for environmental protections and lead to a possible regulatory chill.

One mechanism for this threat is via the REFIT process where there has arguably been a tendency to focus more on the short-term economic costs than on the intended long-term gains to the well-being of EU citizens that environmental legislation provides. In addition, in the context of Brexit, the eventual trade deal with the UK will be critically important to pay attention to as there are risks of competitive regulatory roll-back in the UK if certain forces win the ongoing power-struggle. The level playing field provisions linked to the so-called Irish backstop in the Withdrawal Agreement and the Political Declaration are helpful in this regard, though given the current volatility and risk of a hard Brexit, it remains to be seen what guarantees these will provide. Trade deals should also not induce a regulatory chill because of the fear that investors may contest



regulation intended to protect citizens and claim damages from States. Furthermore, trade agreements should not incorporate extra-judicial dispute settlement mechanisms as these hold interests of investors and the public to different standards.

## Better justice

Strengthening the democratic accountability of the EU institutions, including its judicial component, is a crucial element in maintaining public confidence in the EU. A wide opportunity for public participation in the decision-making process ensures that there is a broad engagement and hence acceptance of legislation, as well as increased transparency.

A functioning justice system relies on individuals being able to effectively claim their rights before independent courts. Article 47 of the Charter of Fundamental Rights of the European Union enshrines the overarching right to an effective remedy and a fair trial, which requires Member States and the EU itself to guarantee access to justice to individuals. Better access to justice leads to better implementation, empowering the public to challenge poor implementation through the courts. The varied factual situations in the Member States - standing before courts, the time it takes for adjudication, the financial costs of litigation, the limited resources of the judiciary which impact on the handling of environmental claims, the lack of safeguards for interest groups against corporate intimidations - mean that the right to access to justice for environmental matters is disparately applied across the EU. Ultimately, this affects the confidence that interest groups and citizens have in the rule of law. Unfortunately, the possibilities for NGOs and the wider public to have access to justice at the level of the EU institutions are so limited that in March 2017 this led to the EU being found in non-compliance with the Aarhus Convention.

Moreover, since then the Commission has been reluctant to address the problem in a timely manner and will only publish options for addressing the problem in May 2019, leaving it to the new Commission to come forward with a proposal to restore compliance in 2020. Apart from putting the EU in violation of international law, the effective denial of access to justice at the EU level is clearly politically unacceptable and reveals a significant democratic deficit at the heart of the EU decision-making processes.

## Better information and citizens' "Right to Know"

A horizontal issue affecting each of the above is information and the "right to know". EU instruments aim to enhance citizens' "right to know" in a number of domains, for example to track pollution levels by certain industries. Yet those frameworks (e.g. EU PRTR) do not enable user-friendly access to information in real time, and data reporting does not enable benchmarking nor compliance promotion at EU level which could be carried out by all actors involved. As the EEB study ["Burning: the evidence"](#) suggests, wide disparities exist at Member State level, meaning EU citizens are treated differently in exercising their right to know.





# We therefore call on the Romanian, Finnish and Croatian Presidencies to:

## Better implement and enforce EU law

- Remind the Council, Commission and Parliament of their joint commitment<sup>1</sup> to give top priority to **improving implementation of the EU environment acquis** at Member State level and call on the Commission to launch due infringement procedures where Member States fail on their commitments;
- **Fully engage with the Environmental Implementation Review (EIR) process** and contribute actively to solve systemic problems as well as Member State level implementation problems in cooperation with the Commission and stakeholders;
- **Emphasize the need for engaging appropriate bodies and structures at EU level** to improve the application of EU environmental law, through networks such as IMPEL, EJTN, ENPE, and identify needs and explore ways forward to address gaps in implementation and enforcement;
- **Encourage a review of Member State fees, fines and criminal sanctions to determine effective dissuasive measures**, as well as recommendation for improving liability regimes (such as through the implementation of the Environmental Liability Directive) and the application of the polluter pays principle.

## Review and improve Better Regulation

- Review of the Better Regulation agenda and toolkit, with a view to **ensuring a balanced process that takes into account the long-term goal of sustainable development**, and ensure the process leads to regulation focusing on protecting the well-being of citizens, their rights and the environment;

- Take measures to **ensure that sustainability considerations are integrated into trade negotiations** (internationally and with the UK), as well as ensure that extra-judicial dispute settlements are excluded, to avoid risks of deregulation and regulatory chill.

## Support better justice

- **Give high priority to improving access to justice in Member States**, facilitate the exchange of experiences and capacity building to improve the confidence in the rule of law across the EU;
- **Encourage politically the support of public participation and civic society space**, as this strengthens democracy and increases transparency of the legislative processes;
- **Ensure that the EU maintains its international commitments** and therefore **amends the Aarhus Regulation 1367/2006** to restore compliance with the Aarhus Convention.

## Encourage better information provision and citizens' "right to know"

- **Promote improved environmental reporting** - e.g. through user friendly and integrated databases that promote benchmarking and compliance promotion of economic actors vis-à-vis achievement of the EU environmental protection acquis and SDG goals with a strong positioning by the EU;
- The international framework (Kiev Protocol on PRTR) is outdated and does not take full advantage of 21st century IT systems, an improved interlinking with various data bases for tracking progress towards SDG goals is needed. The **provisions on lists of pollutants, thresholds set as well as overall system design for PRTR need to be amended.**

<sup>1</sup> *Seventh Environment Action Programme*, para. 57.





# FIGHTING CLIMATE CHANGE AND IMPROVING ENERGY SECURITY

**T**he effects and impacts of climate change take visible shape across the globe. The World Meteorological Organisation reports that global mean temperature for the period January to October 2018 was  $0.98 \pm 0.12^\circ\text{C}$  above the pre-industrial baseline. 2018 is on course to be the fourth warmest year on record, the past four years are the four warmest years, with the 20 warmest years having all occurred in the past 22 years.

This change fuels deadly consequences. At least 1 600 deaths were associated with heat waves and more than 100 with the wildfires in Greece and California. Hot and dry conditions in Europe led to heavy agricultural losses in many countries, with dramatic crop losses in Germany for maize and for potatoes, dry conditions in Argentina resulted in heavy losses to summer crops, especially soybeans and maize.

These impacts of climate change that hit people and economy in 2018 are in line with the findings of the IPCC's special report on  $1.5^\circ\text{C}$ , warning of the prohibitive damages to ecosystems and economies cause by uncontrolled climate change. The findings of the IPCC show that increasing ambition for 2030 is essential to maintain the chance to stay within  $1.5^\circ\text{C}$ , and will require a combination of energy efficiency, renewable energy, circular economy and behaviour change to achieve a net-zero economy with net-negative emissions thereafter. The global findings of the IPCC report stress the need for Europe to achieve this transition faster, reflecting the capacity and historical responsibility.

In line with the steps of the Paris Agreement the European Union has set out to agree its Long Term climate Strategy. On November 28 the European

Commission presented the vision of a net-zero Europe by 2050 laying the foundation for a formal submission to the UNFCCC in the next two years. The vision confirmed previous findings that Europe has the means and technologies to go net-zero and this endeavour is socially and economically desirable, potentially increasing GDP by 2%.

The EU Commission's vision and support for a net-zero economy was an essential impulse for the negotiations at the UNFCCC climate conference COP24 in Katowice, Poland. Despite progress on operationalising the Paris Agreement more hard work will be needed to create truly solid rules for setting and tracking ambition, financing and ensuring transparency among the international community. The work will need to be continued at the following COP as, while central elements have been agreed on, many details demand further clarification, roadmaps and deadlines to ensure an effective implementation.

The European Union and its Member States are in the process of transposing and implementing the new 2030 Clean Energy For all European Package, but already today we see insufficient implementation of the 2020 climate and energy targets. A failure to ensure that our targets and policies trigger the necessary investments in renewable energy, energy efficiency and circular economy and are on par with our role as leader in global climate action and sustainable development is detrimental to building the necessary trust among the global community and fails to protect citizens at home.

Also the Clean Mobility Package has seen significant progress under the previous triple presidency and will need to be finished as soon as possible.



## We therefore call on the Romanian, Finnish and Croatian Presidencies to:

- Ensure an **update of the EU contribution to the Paris Agreement (NDC) for 2030** that reflects the findings of the IPCC special report on 1.5 degrees and **agree on an EU Long Term climate strategy (LTS) to a net-zero greenhouse gas economy in Europe by 2040**. To that end, the Council will have to organise a comprehensive but swift discussion in all relevant Council formations and give full support to the European Commission in the submission of the NDC and the LTS;
- **Ensure that the LTS also sets new sustainability policy** on all bioenergy and includes a policy framework that addresses the net GHG emissions resulting from biomass burning and other environmental impacts of bioenergy, while proposing the relevant measures that limits the overall amount of biomass resources for energy that is counted towards a new renewables target and related support schemes to what can be sustainably supplied;
- Ensure that the Council discussions reflect the need to **set greenhouse gas emission reductions of at least 60% by 2030** and the need to **go to net-zero by 2040**, enabling net-negative emissions thereafter. An increase of the energy efficiency target to at least 40% and a target of at least 45% of energy sourced from sustainable renewable energy by 2030 are essential elements of this and should be done way before the foreseen revision in 2023;
- Support the European Commission in its effort to **move towards enhanced qualified majority voting** and prepare for a reform of the Euratom Treaty as the current rules for resource use, energy and carbon taxation do not reflect the full environmental impact of our energy and resource use and fail to give the correct economic incentives;
- Ensure that the **new rules for CO2 emission standards for passenger cars and light commercial vehicles** (vans) for the period after 2020 can be agreed before the upcoming EU elections; and handle the rules concerning the CO2 emission performance standards for new heavy-duty vehicles with the highest priority as the interinstitutional negotiations need to be moved forward as soon as possible;
- Urge again the EU Commission to **deliver more effectively on the implementation of Ecodesign and Energy Labelling policies** which have contributed so far to 50% of our energy efficiency goal by 2020. A first strong pressure by the Council was made during the Netherlands Presidency in 2016, but this has been left without reaction by the EU Commission. Not only are Ecodesign and Energy Labelling policies essential to reach our energy saving goals by 2020 and 2030, but they have also a unique contribution to save on resources use, and thus bring additional CO2 savings as recognised in the EU long term strategy released in November 2018.  
Improvement potentials ignored so far by the Commission have been identified by the European Parliament in their own initiative report on Ecodesign implementation. The recommendations go in the direction of dropping the package approach if this creates delays in decision taking, set calendar deadlines to finalise measures and make sure reference data used to set the measure are not becoming obsolete due to procrastination and obstruction by the EU commission.  
The EU Parliament also asks to set more systematic requirements on resources use in addition to energy performances and enhance market surveillance activities. The package approach and more complicated decision-making process adopted by the Juncker Commission not only missed their objective of creating more ownership by citizens, as the EC services continue to not communicate enough on the policy, but the delays cost public money and created a situation of non-compliance with regard to the release of energy labelling measures on priority products compared to what was required by law in the revised Energy Labelling regulation;
- We also recommend the Trio Presidency to invite all Member States to **develop fundamental consultation and better communication at national level to increase the ownership by citizens** and promote the benefits of a policy voted by national governments.



# PROTECTING AND RESTORING BIODIVERSITY AND ECOSYSTEMS

**T**he overall aim of the EU biodiversity policy is to halt loss of biodiversity and degradation of ecosystem services in the EU by 2020. Biodiversity is not only important in its own right, but also provides society with a wide range of ecosystem services upon which we all depend, such as pollination for food production, provision of clean air and water, regulation of climate, as well as nature's contribution to human health and recreation. However, the EU is not on track to meet this important target and biodiversity loss and the degradation of ecosystem services have continued in the EU and globally, driven by habitat loss, pollution, over-exploitation, invasive alien species and climate change.

The 2018 IPBES Regional assessment of biodiversity and ecosystem services for Europe and Central Asia confirmed the continuing decline of biodiversity and nature's contributions to people, warning that the achievement of the Sustainable Development Goals by 2030 would not be possible unless this trend is reversed. Much of the failure to halt biodiversity loss to-date stems from inadequate implementation of the existing EU nature, water and marine legislation and lack of proper integration of environmental objectives into the EU sectoral policies and budgets on agriculture, energy or transport. The EU needs to redouble efforts to deliver against previously agreed targets and commitments by 2020 in order to maintain and enhance the natural life support systems on which our livelihood and economy all depend.

The European Commission is currently undertaking the evaluation of the EU Biodiversity Strategy to 2020 and the recent Conference of the Parties under the UN Convention on Biological Diversity has created a momentum to establish a new post 2020 biodiversity framework in the EU and globally and adopt a New Deal for Nature in 2020 that would put society and economy on a pathway to restoring nature and "bending the curve" of the biodiversity loss.

The Presidencies should make ecosystem protection and restoration a top priority in 2019-2020 and drive agreement on the strong post 2020 biodiversity framework in the EU and globally. The post 2020

framework can help place biodiversity and ecosystem services higher on the political agenda and should include ambitious targets that drive action and allowing progress to be tracked effectively. Such framework needs to be ambitious and comprehensive yet credible and achievable. It should focus on ways to avoid further degradation and loss of biodiversity and restore ecosystems, building on improved integration of biodiversity in policies primarily responsible for biodiversity loss and improved implementation and stringent enforcement of existing EU legislation.

In 2019, the Presidencies will also continue negotiations on how the Common Agricultural Policy (CAP) needs to be reformed and what priorities the EU budget 2021-2027 should fund. It is of the utmost importance that harmful incentives and subsidies are removed or reformed and budgetary resources are substantially increased and made available for biodiversity and sustainable management of natural resources. There is a positive signal that the LIFE fund – the only direct source of EU environmental and climate funding – be increased. But if the EU is serious about halting biodiversity loss, the funding allocated to nature must further increase significantly and funding that undermines biodiversity must be ruled out. The longer the detrimental impacts of such harmful incentives and subsidies on biodiversity and ecosystems remain unaddressed, the more resources will be needed to halt the loss of biodiversity and ecosystem services and restore our life-support system.





## We therefore call on the Romanian, Finnish and Croatian Presidencies to:

- Work with the European Commission to **increase action** and make every effort in the next 2 years under the EU Biodiversity Strategy to 2020 to **tackle drivers of biodiversity loss and achieve 2020 EU targets to a maximum possible extent**;
- Ensure that the Action Plan for Nature and People established as a result of the fitness check of the Nature Directives results in a **step change in the quality of implementation** of the 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 measures;
- **Put the onus on the need to avoid harm to biodiversity** through ensuring that the necessary measures to **fill the enforcement gap** revealed by the Fitness Check are taken, in particular through calls on the Commission to propose legally binding **frameworks on Access to Justice and environmental inspections** and promote and facilitate the use of remote sensing tools in this context;
- Work with the European Commission to ensure that evaluation of the EU Biodiversity Strategy to 2020 paves the way for **establishing post 2020 biodiversity framework that is ambitious and comprehensive yet credible and achievable**;
- **Show global leadership in driving EU and global agreement** on a strong legal framework on biodiversity similar to Paris Climate Agreement to be adopted under the UN Convention on Biological Diversity in 2020;
- **Ensure strong EU commitment to ecosystem restoration agenda** recognising lack of progress to reach current 2020 target with a view to achieving much needed progress in promoting green infrastructure as a way to redirect investments from expensive 'grey infrastructure' such as dams and dykes to 'green infrastructure' and nature-based solutions such as floodplains and interconnected natural areas;
- Seize the opportunity to **tackle drivers of biodiversity loss** by taking the necessary measures to fully implement the regulation on Invasive Alien Species on the basis of the priority list drawn up at European level;
- **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, as well as a significant increase in the LIFE fund to at least 1% of the EU budget.





# TOWARDS A SUSTAINABLE FOOD AND FARMING POLICY

Scientific evidence is mounting, establishing the link between environmental degradation in the EU and agricultural intensification. A recent French study showed a decline of common farmland bird by a third in just 15 years and much of this decline has been caused by agricultural intensification<sup>2</sup>. Not only agricultural intensification has put our biodiversity at risk, but it has also polluted our air and water. For instance, nitrogen pollution into our water alone costs the EU up to €320 billion every year<sup>3</sup>. Additionally, 94% of ammonia emissions stem from agriculture, the vast majority coming from intensive animal farming activities. Intensive farming is creating a rural and ecological crisis in Europe, and we are running out of time to turn the situation around before the impacts become irreversible.

Challenges that Europe is facing in the agricultural sector go way beyond the environment. Some of the most important indicators of the state of the food and farming system in Europe include, a constant crisis on agricultural markets, a continuous decline in the state of natural resources, failures in delivering on animal welfare, negative public health outcomes, and severe negative impacts beyond Europe's borders. While focus is now on an EU budget that is targeted at results, the CAP which still accounts for roughly 30% of the EU budget, has not only failed to address those until now but has also exacerbated them. We need a new Common Agricultural Policy to help farmers transition out of this lock in systems and be part of the solution rather than fuelling the problem. Since its creation, the CAP has been the main policy shaping European agricultural production methods and farmers have followed the CAP's signals: it is the policy that can and must make the difference.

Unfortunately, the proposed new CAP delivery model, which provides flexibility to Member States to design their own CAP strategic plans, would not

require from Member States to report their actual environmental nor socio-economic performances. This has been highlighted by the ECA<sup>4</sup> that despite claiming higher environmental and climate ambitions, as it stands the new CAP will fail to address the scale of the challenges. In other words, EU governments would have no incentive to make their farm payments linked to environmental protection as doing so could put farmers in their country at a competitive disadvantage.

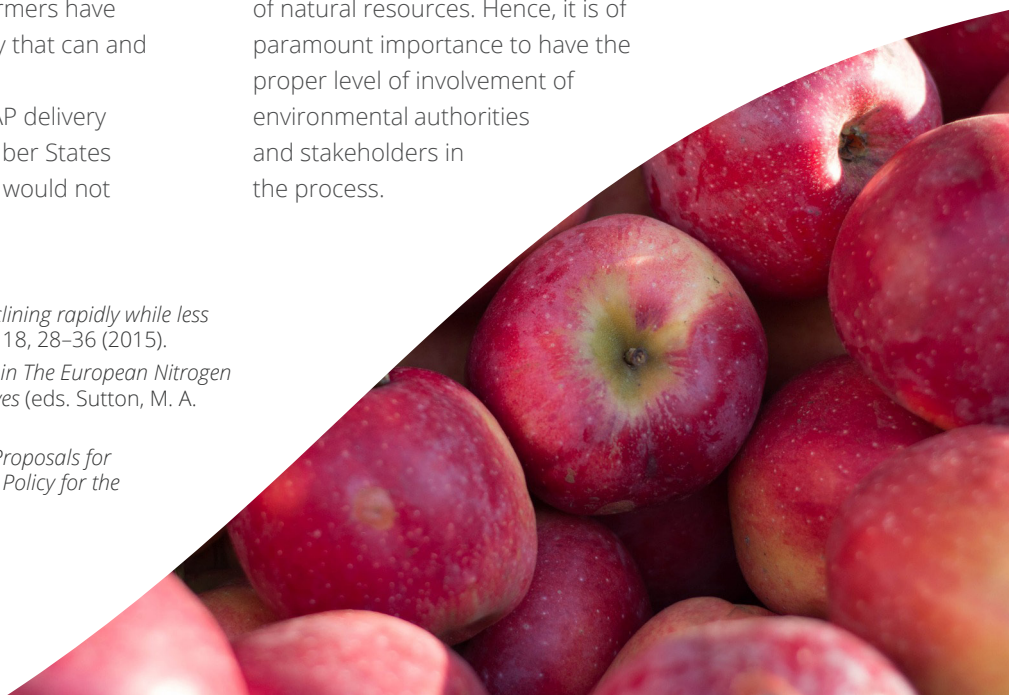
In order for the next policy to be worth the 30% share of the EU budget through its EU added value and truly deliver on sustainable farming, it needs to have the right budget ring-fencing of funds supporting the environmental and climate objectives, the right environmental safeguards (to avoid negative impacts on the environment from non-environmental policy instruments), the right consultation and partnership mechanism (consultation of the civil society in the design of the national Strategic Plans) and above all the right accountability and monitoring tools (ex-ante approval, monitoring of schemes during the programming period and financial penalties).

It is disappointing that until now environmental NGOs have not been invited to the table with agriculture ministers to express their views on the future of the Policy and sustainable farming. Equally, the environment ministers have not been asked to contribute sufficiently to the discussions on the CAP and the environment. The European Parliament formally recognized that both agricultural and environmental competences are needed to address increasing challenges linked with the decline of natural resources. Hence, it is of paramount importance to have the proper level of involvement of environmental authorities and stakeholders in the process.

<sup>2</sup> Inger, R. et al. *Common European birds are declining rapidly while less abundant species' numbers are rising*. Ecol. Lett. 18, 28–36 (2015).

<sup>3</sup> Sutton, M. A. et al. *Summary for policy makers in The European Nitrogen Assessment. Sources, Effects and Policy Perspectives* (eds. Sutton, M. A. et al.) xxiv–xxxiv (2011).

<sup>4</sup> ECA. *Opinion 7/2018 Concerning Commission Proposals for Regulations Relating to the Common Agricultural Policy for the Post-2020 Period* (2018).





## We therefore call on the Romanian, Finnish and Croatian Presidencies to:

- 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. Furthermore, in light of the fact that the new proposed CAP aims for higher environmental and climate ambition, at least 50% 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**: The aim should be to 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**: Improved coherence among all the objectives of the CAP and real safeguards against environmentally and/or climate harmful spending are needed. 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.





# TOWARDS SUSTAINABLE OCEANS

2020 will be a very important year for the world's seas and ocean, with the 15th CBD COP and the 2nd UN Ocean Conference giving an opportunity to the EU to demonstrate its leadership in protecting the marine environment and the rich ecosystems we depend on. Given its ambitious marine, fisheries and nature conservation laws and policies, the EU should be at the forefront of the global fight to save our seas. Unfortunately, massive delays in implementing these legally-binding commitments mean European seas and their wildlife continue to suffer from the cumulative impacts of overfishing, by-catch, seabed destruction and plastic, chemical, nutrient and noise pollution.

Delays in implementing the Marine Directive (Directive 2008/56/EC) and the lack of ambitious measures taken by Member States mean that it is unlikely that we achieve Good Environmental Status of all EU seas by 2020. While progress has been made in some areas, other threats to the health of our seas, such as nutrient and chemical pollution or overfishing, are still not properly addressed, despite the adequate legal instruments being in place at EU level for a long time. Member States need to dedicate a lot more political capital and human and financial resources to the objective of achieving Good Environmental Status of EU seas by 2020.

While the reformed Common Fisheries Policy (CFP, Regulation 1380/2013) set out ambitious objectives to ensure that fishing is not detrimental to European marine ecosystems, the implementation of the regulation through the adoption of regional Multi-Annual Plans (MAPs) has led to the weakening of the original level of ambition. MAPs fail to ensure that all stocks, whether the primary target of fishing activities or unwanted bycatch, will be managed in a sustainable manner. One year before the CFP deadline, Member States are still setting fishing rates above scientific advice for 41% of the assessed stocks in the north-east Atlantic and adopting weak MAPs for the Mediterranean where more than 90% of the stocks are overfished.

Both marine and freshwater aquaculture can have potential detrimental environmental impacts, especially to sensitive species and habitats, including pressure on fish stocks, eutrophication, litter pollution, and genetic pollution to wild population by escapees. The current discussions on the revision of the WFD have implications for the EU aquaculture sector as it relies on good water quality for its operations, while also

representing a factor in water quality degradation. However, the European Commission has yet to formally assess these impacts at EU level and set out binding guidance to ensure the sustainability of the sector.

Plastic pollution is a concrete threat to our ocean and to marine wildlife, on which we can act immediately. Civil society's outcry against plastic pollution has led to a swift and ambitious response from the EU. The recent adoption of the EU Plastics Strategy and the development of the Single-Use Plastic Directive are the result of this popular awakening. These laws should be implemented with a high level of ambition to reach their ultimate objective. Member States should ensure that quality monitoring systems are in place to collect reliable data on single-use plastics production, recycling and disposal. Specific regulation to ban microplastics from cosmetics, personal care items and detergents should be adopted to drastically reduce their environmental impact. The precautionary principle should be respected and resource-efficiency and waste prevention should prevail over short-term economic decisions.

Underwater noise pollution is only starting to emerge in the public discourse as a problem but it has been damaging the health of marine animals, in particular cetaceans, for many years. Despite the strong impetus given by the Marine Directive to prevent noise pollution, many Member States continue to link their absence of measures to the claim that not enough is known. The precautionary principle dictates that Member States adopt immediately the measures that are known to have a strong preventive effect on the emission of underwater noise, including the reducing the speed of ships and imposing the use of quieter technologies in shipping, seismic surveys and pile driving.

Finally, at the same time as impacts from human activities are prevented, marine wildlife needs safe havens where it can take a breath and recover from damage done to its natural environment. Despite political commitment and the strict legal regime of the Nature Directives, a coherent network of effectively managed marine protected areas is still not in place in European seas. Lack of management in 'paper parks' means that damage is on-going in what are supposed to be areas protected from us. In addition, lack of financial resources committed to the management of 'paper parks' impedes conservation progress.

# We therefore call on the Romanian, Finnish and Croatian Presidencies to:

## Call on all Member States to take responsibility to preserve our seas by:

- **Safeguarding and implementing the high standards of existing EU environmental law**, in particular the WFD, the Nature Directives, the CFP, the REACH regulation, the Plastics Strategy and the Single-Use Plastics Directive;
- **Adopting much higher environmental standards** during the upcoming reform of the CAP and the Packaging Directive;
- **Ensuring that the EMFF rebuilds and supports healthy ecosystems** by eliminating effort enhancing subsidies, promoting the implementation of the fisheries control system and collection of scientific data and dedicating at least 25% of the budget to the protection and restoration of marine biodiversity;
- Asking the European Commission to **review the financial allocation for aquaculture under the EMFF** as to determine the extent of EU aquaculture financial support delivery to public goods;
- Adopting legislation at EU level setting normative, action-forcing standards for **reducing the noise generated by ships** and requiring the use of Best Available Technologies for pile driving and seismic surveys.

## Ensure that fisheries regulations support the objectives of the CFP by:

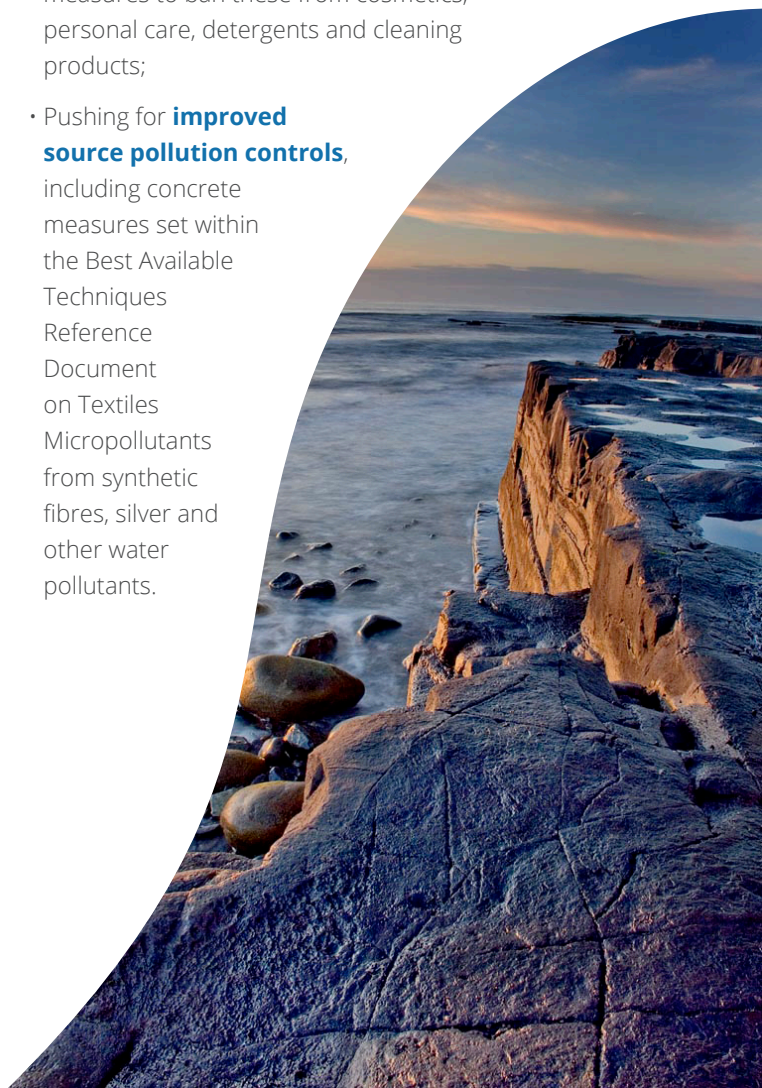
- **Setting fishing rates below Fmsy for stocks** with sufficient scientific data and below the precautionary approach reference point for stocks with limited data to provide a chance to restore and maintain fish stocks above levels capable of producing the maximum sustainable yield;
- **Minimising and where possible eliminating fishing impacts on the wider ecosystem**, such as accidental catches of seabirds and seabed destruction;
- Agreeing on a **Technical Measures Regulation which supports the effective management of**

**MPAs**; prohibits destructive fisheries and leads to the minimisation and avoidance of unwanted catches;

- Ensuring that the **revised Control Regulation establishes fully-documented fisheries in the EU and develops an effective, harmonised and transparent enforcement system** that will facilitate, amongst others, the correct implementation of the landing obligation.

## Ensure the implementation of the EU Plastics policy and legal framework by:

- Putting in place **national plans for the EU Plastics Strategy and Single-Use Plastics Directives**, including national targets to reduce single-use plastic consumption, and data collection systems on the placing on the market and consumption of single-use plastics;
- Calling on the European Commission to **develop a specific regulation on microplastics** with measures to ban these from cosmetics, personal care, detergents and cleaning products;
- Pushing for **improved source pollution controls**, including concrete measures set within the Best Available Techniques Reference Document on Textiles Micropollutants from synthetic fibres, silver and other water pollutants.







# SAFEGUARDING WATER FOR ALL

**W**ater is essential for human life and a fundamental resource on which our health and livelihoods, our economy as well as our wildlife all depend. Freshwater constitutes only about 2% of the water on the planet and competing demands may lead to an estimated 40% global water supply shortage by 2030. The World Economic Forum has consistently ranked water crises among the top global risks facing businesses and society in the next decade.

Aquatic ecosystems, such as rivers, lakes and aquifers, are the source of water, and are experiencing the most significant degradation and loss of biodiversity compared to other ecosystems. The causes for this are various pressures on freshwater ecosystems, including widespread pollution and over-abstraction of water for intensive agriculture, industry and households.

The EU Water Framework Directive (WFD) and its daughter directives are the EU's main legislation to protect and restore EU's rivers, lakes and wetlands and a main legal framework to address EU's growing water challenges. The WFD has led to important improvements in water status throughout the EU since it was adopted in 2000, but its goal to prevent deterioration and bring all water bodies in the EU to ecological health by 2015 has been missed. Currently, only 40 % of surface waters are in good ecological status, and 38 % of surface waters in good chemical status.

The European Commission is undertaking a fitness check evaluation of the WFD and other pieces of water law. The EEB considers that the WFD is fit for purpose,

its ambitious objectives are justified, and the main focus should be on improving its implementation and achieving full integration and coherence with other EU policies such as on industrial emissions, agriculture, or energy, as well as mobilising resources for sustainable water management from national and EU budgets. The shortcomings in the WFD implementation that had been identified by the Member State officials for the fitness check evaluation would be better addressed through increased focus on implementation and enforcement rather than on amending this ground-breaking piece of legislation, which could undermine and delay sustainable water management efforts and create a significant level of uncertainty for businesses.

In addition, the Presidencies will lead the ongoing negotiations on how the Common Agricultural Policy (CAP) needs to be reformed and what priorities the EU budget 2021-2027 should fund. It is of the utmost importance that harmful incentives and subsidies are removed, and budgetary resources are substantially increased and made available for sustainable water management, including funding for targeted measures through the CAP, and nature-based and green infrastructure solutions through regional and cohesions funds. There is a positive signal that the LIFE fund – the only direct source of EU environmental and climate funding – has been increased, but if the EU is serious about halting biodiversity loss and bringing all its waters back to ecological health, the funding allocated to nature and sustainable water management



must further increase significantly and funding that undermines biodiversity and ecosystems must be ruled out.

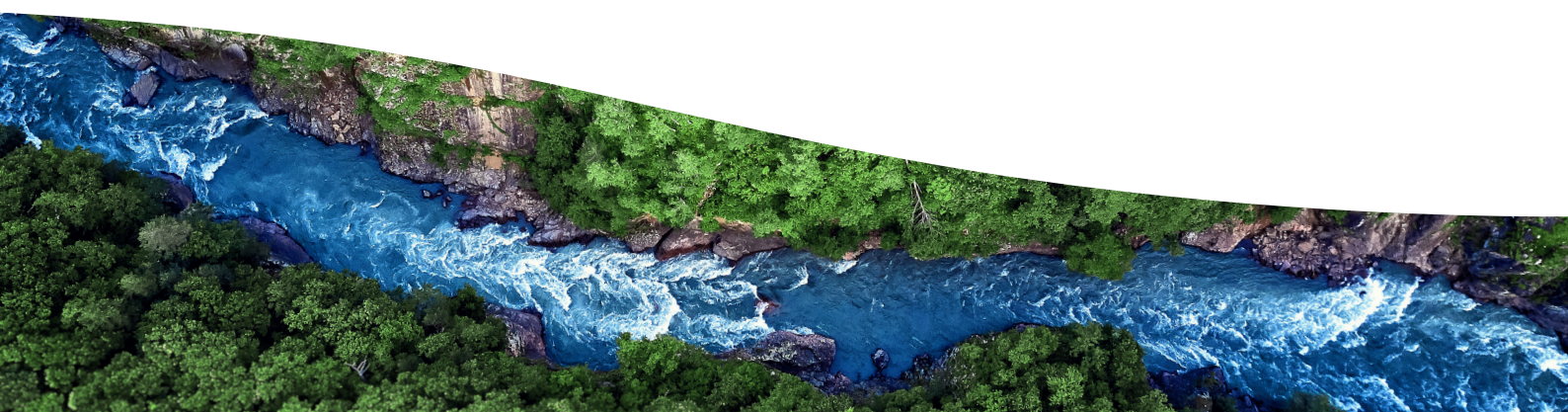
The Presidencies are also expected to lead negotiations on the recast of the Drinking Water Directive which is a direct follow up to the European citizens' initiative 'Right2Water', the REFIT evaluation, and circular economy considerations that underline the importance of improving people's confidence in tap water and hence reduce the number of plastic bottles used. Thus, it is crucial that the Council position maintains at least the level of ambition set in the European Commission proposal by safeguarding the minimum requirements (including for endocrine disruptors and per- and poly-fluoroalkyl substances (PFAS)), in line with the precautionary principle. It should also enshrine human rights obligations regarding access to safe drinking water, which must be available, physically accessible, affordable and acceptable and ensures that this remains at the heart of EU and Member State policies and their implementation. Moreover, it should improve the provisions for transparency as regards the communication to the general public of adequate and up-to-date information on water intended for human consumption, including

assessing and transparently communicating on the impacts of microplastics and chemicals in drinking water.

The Environmental Council is also expected to deliberate on the European Commission proposal for new rules to stimulate and facilitate water reuse in the EU for agricultural irrigation (Regulation on Water Reuse). The potential role of treated wastewater reuse or reclaimed water as an alternative source of water supply is now well acknowledged and embedded within international, European and national strategies. The Sustainable Development Goal on Water (SDG 6) specifically targets a substantial increase in recycling and safe reuse globally by 2030. We urge the Environmental Council to maintain the level of ambition on the minimum requirements for quality of reclaimed water and monitoring set in the Commission proposal as well as add an additional layer of protection on top of the minimum requirements, i.e. the identification of any additional hazard that needs to be addressed for water reuse to be safe. It will also be important to support new transparency rules so that the public gets information online, in a user-friendly way, about water reuse practice in their Member States.

## We therefore call on the Romanian, Finnish and Croatian Presidencies to:

- Support the European Commission in carrying out a **balanced fitness check evaluation of the Water Framework Directive** taking full account of the benefits of ambitious implementation of the legislation;
- **Develop effective and ambitious river basin management plans (2021-2027)** to finally bring all EU waters into good status by 2027;
- Ensure that **WFD objectives are integrated into other EU policies** such as on industrial emissions, energy and agriculture;
- Negotiate for **sufficient, efficient and effective financing for sustainable water management in the post 2020 EU budget**, including 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;
- **Negotiate an ambitious Council position on the Drinking Water Directive and Water Reuse Regulation** which support maintain stringent quality standards in the legislation as well as strengthen the provisions for transparency.





# CLEAN AIR FOR EUROPE

**A**ir pollution causes around 400,000 premature deaths in the European Union each year, as well as responsible for increased cases of early onset dementia, having cognitive development impacts, and proven to permanently impact lung capacity of children. Air pollution also harms biodiversity, for instance through eutrophication and acidification of ecosystems. Air pollution is transboundary, therefore efforts by cities, countries and the EU to tackle it.

The National Emission Ceilings (NEC) Directive establishes reduction targets for 2020 and 2030 (based on 2005 levels) for some key pollutants: particulate matter (PM<sub>2.5</sub>), nitrogen oxide (NO<sub>x</sub>), sulphur dioxide (SO<sub>2</sub>), volatile organic compounds (NMVOCs) and ammonia (NH<sub>3</sub>). The agreed reductions are expected to half premature deaths in the EU by 2030 (compared to 2005 levels). However, thousands of EU citizens are still expected to die prematurely because of air pollution in 2030 even if the NEC Directive is fully implemented. The way in which these reductions will be achieved has to be detailed in National Air Pollution Control Programmes (NAPCPs), to be delivered by 1 April 2019 to the European Commission and that will have to be revised at least every 4 years. NAPCPs. The European Commission will evaluate them, including the effectiveness of the mandatory public consultation that has to be conducted at national level on the draft Programmes.

Together with the NECD, Member States must implement the Ambient Air Quality Directives too: those instruments define air quality standards and the obligations for the competent authorities in case they are not achieved; including the establishment of air quality plans which will ensure compliance with the standards in the shortest time possible and that citizens' right to clean air is respected. Despite being less strict than the WHO Guidelines on air quality (from 2005), the Directives are unfortunately breached by most Member States. The European Commission is now conducting an assessment of the Ambient Air Quality Directives, which should be finalised by the end of 2019. The assessment could also lead to a revision of the Directives. WHO is revising the 2005 Guidelines and the updated document could be finalised by the first half of 2021.

To effectively reduce air pollution, ambitious source policies must also be in place. Key sectors are: transport, agriculture, domestic heating, industry and

energy production.

Specific source control legislation, such as the Industrial Emissions Directive (IED), aim to regulate large scale industrial activities and requires the operators to meet environmental performance benchmarks based on Best Available Techniques (BAT) reference documents – so called BREFs. The EEA 2014 study showed that whilst air pollution emission trends from point sources are reducing – thanks to stricter pollution limits - the EU's largest industrial facilities were still responsible for an aggregated damage cost up to €1053 billion (for the 2008-2012 period), meaning an annual average of €263,5 billion due to air pollution alone from the largest facilities (including iron and steel, cement plants, refineries, combustion plants etc).

The main responsible for the air pollution damage costs is the energy generation sector, in particular coal power plants (a joint NGO study finds that the 257 EU coal plants were responsible of 22.000 premature deaths and an associated health cost bill of € 63 billion). This external cost price has been reduced to € 35.5 billion (2016 emissions data) due to stricter IED limits. The revised BREF limits for Large Combustion Plants would, depending on stringency of implementation, allow to cut the external cost burden from coal combustion to € 24 Billion (lax compliance scenario) or to € 7 billion (strict BAT compliance scenario) but is still clearly too high because cleaner alternatives to combustion generation exist already. Refineries can benefit from a derogatory approach to set BAT based pollution limits, meaning a cost transfer to EU citizens.

A review of the IED policy framework is foreseen as from 2019. This provides a chance to improve the multi-stakeholder review process suffering significant delays. The lack of ambition in the Best Available Techniques performance levels in the absence of agreed criteria and a common understanding of what is economically acceptable compared to the benefits will be addressed.

The EU presidencies have a role to play in order to make air quality a national, an EU and an International priority as well as helping to ensure that the public can contribute to key decisions. Collaborative actions by different governance levels and stakeholders are needed to prevent pollution and, where these actions are not enough to ensure cleaner air, citizens right to access to justice has to be respected and indeed facilitated.

## We therefore call on the Romanian, Finnish and Croatian Presidencies to:

- Provide the necessary support during the **Fitness Check process of the Ambient Air Quality Directives (AAQD) to encourage a robust evidence-based assessment**, with an ambitious policy response at the end of the process that is in line with WHO recommendations and citizen's rights to clean air;
- **Encourage the adoption of the 2012 Gothenburg Protocol** (under the UNECE Air Convention) and its immediate review/revision to include additional pollutants (such as black carbon and methane);
- **Include ambitious air quality objectives in the Common Agricultural Policy (post 2020)** to ensure coherence and cross-compliance and improve the added-value of the EU budget;
- **Encourage greater implementation** of EU laws affecting air quality.
- **Set criteria on the determination of BAT benchmarks with improved links to compliance promotion** and on the basis of technical achievability of various BAT candidates. And in addition, improve the implementation of BAT benchmarks such as through the removal of the BAT derogation clause, a binding nature of BATAE(P) Ls, stronger conditionalities with compliance with environmental quality standards (EQS), binding nature of energy efficiency benchmarks;
- **Improve public governance on the Seville Process - via improved public participation;**
- **Extend the scope of the IED so to prevent pollution from cattle and aquaculture as well as dedicated pollutants such as methane (CH<sub>4</sub>).** And tighten the EU safety net for existing sectors (in particular Large Combustion plants with introduction of GHG performance standards) and/or extend to other sectors which contribute to environmental pollution;
- Promote innovation beyond established BAT and redefinition of scope to **promote the ecological transition of industrial activities** (not merely pollution reduction from main sources).

Specifically on the upcoming IED evaluation, the EU presidencies should steer the ambition level of best available techniques standards setting, tighter air pollution EU safety net levels and engage in wider debates so as to enable the ecological transition of industrial activities. In particular:





# TOWARDS SAFE CHEMICALS AND A NON-TOXIC ENVIRONMENT

**B**y 2019-2020, two major sets of chemicals regulations should have been reviewed, enabling the EU to draw conclusions and identify actions forward for better implementation and enforcement of chemicals regulation. The objective is to ensure a high level of protection of health and the environment in addressing the conclusions of both the REACH and the non-REACH chemical legislations evaluations.

More than 10 years after its entry into force, REACH Regulation of industrial chemicals was subject to a REFIT evaluation. REACH was found worthwhile in terms of benefits to health and the environment, improvement of chemicals management and their risks at workplaces, improvement of information on chemicals and stimulating the most hazardous chemicals. However, the evaluation also highlighted the urgency to improve REACH's implementation, enforcement and compliance, including its most basic principles.

One of the pillars of REACH is the registration procedure consisting into generating information on the chemicals to be placed on the EU market, its hazards, uses and exposure by the companies aiming to market them. Although the registration procedure is associated with the "no data, no market" principle, the REACH REFIT evaluation concluded that the very high levels of non-compliance of the information submitted by companies is actually one of REACH's biggest shortcomings of the Regulation, hampering the authorities' capacity to sufficiently protect health and the environment.

REACH set as its core objective to phase out and replace substances of very high concern (SVHCs) with safer alternatives through the authorisation regime. The inclusion of a SVHC into the "authorisation list" (REACH Annex XIV) means that prioritisation for substitution requirements apply. However, the number of substances identified on the "authorisation list" is only 43, and the candidate list of SVHC to be prioritised into the authorisation list only contains 191 substances. Nevertheless, the Commission's White Paper of 2001 foresaw that about 1.400 substances would qualify as such. So far, the Commission has granted all authorisations for use of SVHCs. Instead of incentivising companies using SVHCs as is current

practice, policy makers should reward companies that have already invested in safer alternatives in line with the REACH principles.

The REACH REFIT evaluation has recognised that the 2030 UN's Agenda for Sustainable Development will not be met in relation to chemicals, this conclusion must be followed by actions by the EU in order to fulfil its commitments.

A Fitness Check of all chemicals-related legislations (excluding REACH, except its annex XIII) should be published by the end of 2018. This may have significant consequences on a wide number of chemicals regulations being evaluated.

In the 2013 Inter-Institutional 7th Environment Action Programme to 2020, the Council, the Commission and the Parliament had committed to have a new Strategy to deliver a non-toxic environment by 2018 as one priority objective. Although this commitment will not be met in time, it must become a first concern in order to set an overarching horizontal framework that sets priorities supporting innovation to safer substitutes, including non-chemical solutions; minimising exposure to hazardous chemicals in the environment and in products; addressing combination effects of chemicals and promoting non-toxic material cycles.

Mercury and its compounds are highly toxic, can damage the central nervous system



and are particularly harmful to foetal development. Mercury ‘travels’ globally, bioaccumulates up through the food chain, especially in certain predatory fish, and presents a human exposure risk.

The Minamata Convention entered into force on 16 August 2017. It has 128 signatories and 101 ratifications including the EU and 22 Member states (Nov 2018). The EU has been a frontrunner in terms of mercury legislation, yet in some areas it was falling short. The revised EU mercury regulation, adopted in May 2017, put in place, and in some areas went beyond, requirements of the Treaty that were not already covered by existing EU law.

Following the entering into force of the Convention,

two Conferences of the Parties (COP) took place in Geneva, in September 2017 and November 2018. These meetings took decisions on structural issues, which are important in determining the future impact of the Convention, resulting in measurable and substantial reductions in global mercury use, trade and emissions.

A key priority is to ensure that countries ratify and implement the Convention as fast as possible. At the same time, enabling mercury reduction activities are needed, e.g. targeting mercury trade and supply, phasing out mercury use from products and processes, emissions’ reduction, and the development and implementation of Artisanal and Small Scale Gold-Mining (ASGM) Action Plans.

## We therefore call on the Romanian, Finnish and Croatian Presidencies to:

- **Deliver Council conclusions of the REACH REFIT that calls on the Commission and commit to speed up and improve REACH implementation** to achieve its main goals; for that purpose, follow the recommendations of the REACH REFIT evaluation and further address implementation of core principles of the such as:

**The “no data, no market” principle:** support measures effectively impeding the access to the market of those substances that do not comply with the registration procedure’s requirements;

**The substitution to safer alternatives principle:** speed-up identification of substances of very high concern (SVHCs) and truly stimulate their substitution by rejecting the applications for authorisation that do not meet the authorisation’s requirements established by REACH;

**Increased transparency and independent evaluation** regarding data provided by industry and agencies;

**The citizen’s “right to know”:** urge enforcement measures by Member States

**Guaranteeing implementation of the precautionary principle**, which explicitly underpins the REACH Regulation.

- **Deliver Council conclusions on the non-REACH fitness check** by the Commission, ensuring that the chemicals legislations are protective and coherent;
- **Deliver on the 7th Environment Action Programme to 2020 commitment to adopt a**

**non-toxic environment strategy** setting priorities to support innovation to safer substitutes, including non-chemical solutions; minimising exposure to hazardous chemicals in the environment and in products; addressing combination effects of chemicals and detoxifying the material cycles.

### In relation to mercury:

At the EU level:

- **Ensure rapid ratification of the Minamata Convention** from remaining Member States;
- **Implement, enforce and go beyond the requirements of the EU mercury regulation and other relevant legislation** e.g. on trade and manufacturing restriction requirements, restricting the use of dental amalgam use and controlling relevant waste, and ensuring publicly available reporting and traceability on large mercury sources and waste;
- **Adopt ambitious measures** on relevant ongoing discussions (e.g. mercury use in lamps, via RoHS).

At the global/Minamata Convention level:

- **Continue the EU leadership role**, also collaboratively with the NGOs, on activities related to ratification, implementation and strengthening of relevant Treaty provisions (e.g. review of Annex A), and for COP 3;
- **Ensure that the EU supports both financially and technically** the existing international work on areas such as ASGM and phasing mercury added products.



# REALISING THE CIRCULAR ECONOMY PROMISE FOR THE ENVIRONMENT, JOBS AND THE ECONOMY

**T**he circular economy has been embraced by Europe as the way forward to develop our economy while being lean on resources use. This pathway presents possibilities to reduce our import dependency, to create jobs, to contribute to climate change mitigation and adaptation as well as triggering technical, social and business model innovations. It echoes one of the goals of the 7th Environmental Action Programme, agreed by the Council in 2013, to become a resource-efficient, green and competitive low-carbon economy with specific emphasis on product and waste policy.

It is highlighted as a necessary lever to reach carbon neutrality in the European long-term strategy released in November 2018. It also paves the route to a non-toxic environment by requiring a detoxification of our material streams as a key condition to cycle them safely.

A circular economy action plan (CEAP) for Europe was released in December 2015, listing 54 actions to be undertaken until the end of the current Commission mandate. While reports by the European Commission on this action plan show good progress, and waste legislation has now been updated, many of the listed actions require continuous implementation or have resulted in investigations and consultation, and not yet turn into concrete measures. Notably, the EU product policy framework remains poorly integrated and attune to reducing material consumption,

representing a significant missed opportunity.

It will be the task of the next trio Presidency and the new Commission to develop further the Circular Economy plans into actions and unleash its potential. The overall impact of the package has been associated with a 7% GDP increase and a €600 billion savings.<sup>5</sup>

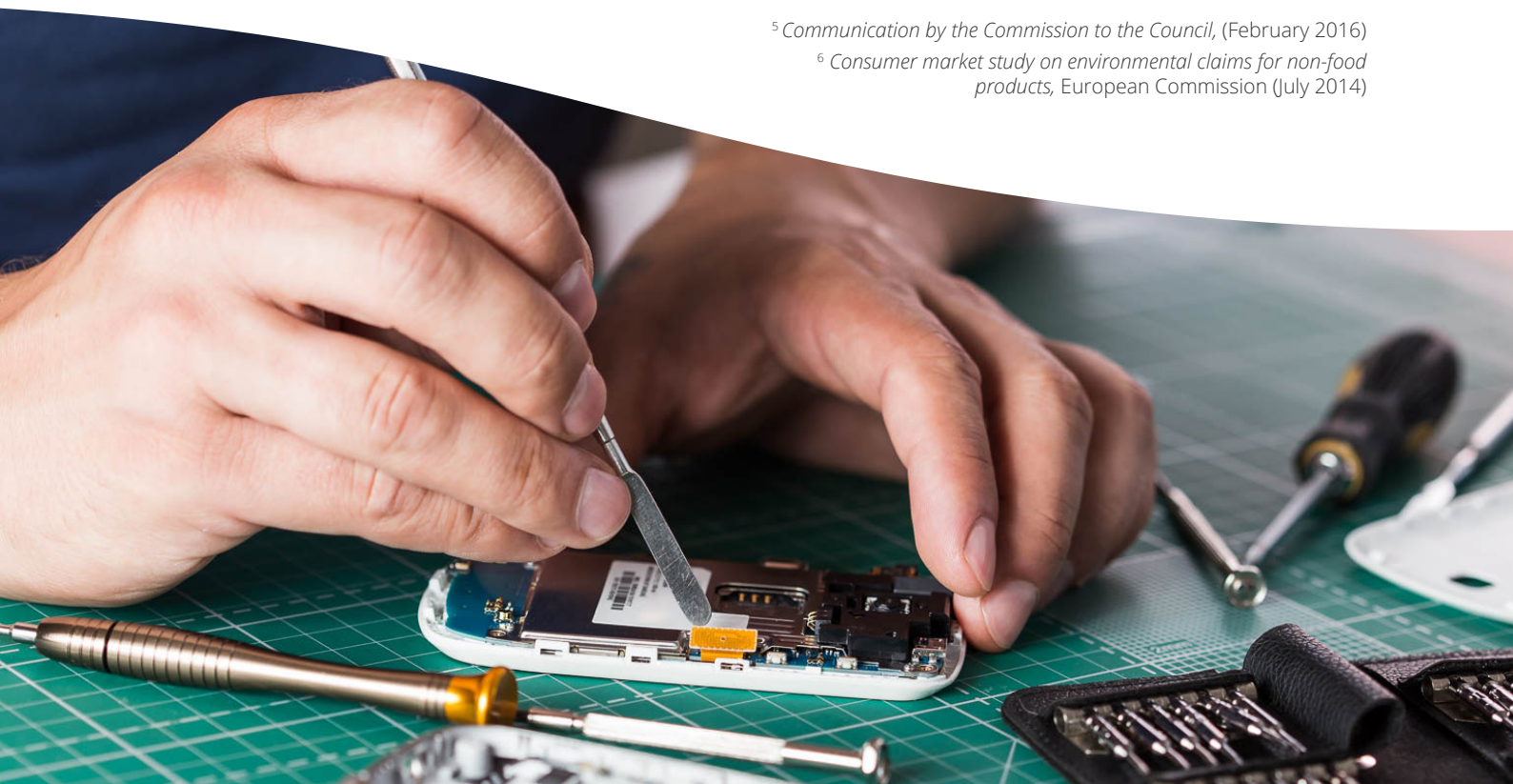
Circular economy principles could be usefully linked to the bio-economy strategy, accelerating a shift from our fossil fuel dependency, but making sure that making use of alternative feedstocks (from the circular or bio-economy) is not at the expense of the biodiversity protection and respect the carrying capacity of the planet.

With three out of four products containing environmental claims or labels<sup>6</sup>, clear guidance for sustainable consumption and production is needed to empower consumers and procurers in making sustainable choices and reward companies engaging into the circular economy.

The Circular Economy has also been identified as lever to achieve Sustainable development goals (SDG), notably but not exclusively SDG 12. A European leadership on circular economy would not only help fulfil our SDG commitments, but also increase our influence at global level, foster possible new international partnerships and trigger spill over effects at global level.

<sup>5</sup> Communication by the Commission to the Council, (February 2016)

<sup>6</sup> Consumer market study on environmental claims for non-food products, European Commission (July 2014)



# We therefore call on the Romanian, Finnish and Croatian Presidencies to:

## Integrate the EU Product Policy Framework so that it enables the Circular Economy:

- **Develop further product policy to create push and pull mechanisms** for various economic sectors on the model of the Ecodesign and Energy Label applied to existing for electric and electronic equipment. Not only should **the implementation of Ecodesign policy be accelerated** to grasp more energy and resources saving potentials, but strategic sectors as building, automotive, textiles, furniture and consumer goods should be equipped with the same type of instruments as energy related products. This could take place in the continuity of the ongoing initiatives by the European Commission on a more coherent product policy framework and the repair scoring system;
- **Provide EU wide circular economy criteria which can be applied through multiple product policy instruments, including Green Public Procurement (GPP), EPR, and nationally legislated fiscal incentives.** Criteria could be inspired by requirements set under the EU Ecolabel, for which a new strategy is needed so it can cover more services and products while being reinforced as a signpost for circular and sustainable products and a key reference for GPP. Public recognition and increased resources for communication are needed to help a higher uptake of ecolabelled products and services on the market. In parallel it is crucial to fight greenwashing and unsubstantiated environmental claims. GPP should gradually become the default procurement mode, and where appropriate EPR could also be modulated according to the same standards.

## Develop innovative instruments to overcome barriers to the circular economy:

- **Push for a taxation shift from labour to resources use and design carefully to integrate social realities.** Provide fiscal incentives which favour the uptake of reused and recycled materials over the depletion of virgin stocks. The market for recycled material should also be boosted through clear definition of quality standards and legal requirements for their integration in products

placed on the market;

- **Engage Europe towards an harmonized product information system that would bridge information asymmetries between economic actors in supply chains.** Building on product and material passport initiatives, the example of the energy label database and the ECHA database for substances of concern, the Trio Presidencies should push for a disclosure of information on chemicals, material contents and circular performances of products placed on the European market;
- **Set EU targets for the circular economy**, using the existing circular economy monitoring framework, and reinforcing it through a headline target on resources productivity based on raw material consumption. Subsequent targets could include those specific indicators listed in the monitoring framework and additional indicators such as land use and water footprint.

## Support ambitious implementation of existing measures on resources:

- **Pursue the plastic strategy implementation, beyond single use plastics**, notably by targeting plastics in packaging, building, automotive and electronic sectors, as well as synthetic fibres in textiles. Plastics should be made free of hazardous substances as far as possible, designed for reuse and if not possible for recycling. In any case, the Trio Presidency should keep in track with the vision of having only reusable and recyclable plastics placed on the market by 2030;
- Decide on **coordinated actions and rules to improve the enforcement of circular economy policy**, notably the market surveillance of products placed on the EU market and the proper implementation of waste legislation;
- Organise a **platform for sharing best practices on the transposition of the Waste legislations adopted in 2018**, and making sure national authorities remove uncertainties and align on best formulations;
- **Progress the revision of the Batteries and End of Life Vehicles Directives** to align them with circular economy principles, waste prevention and reduced dependency to critical materials.



# STRATEGIES TO CATALYSE THE JUST TRANSITION TO A ONE PLANET ECONOMY

The Global The Global 2030 Sustainable Development Agenda with its 17 Sustainable Development Goals (SDGs) provides an opportunity and an obligation for Europe to steer its policies and development in a sustainable direction. This should lead to a new approach focusing on achieving well-being, social and environmental justice and respect for human rights, within our planetary boundaries. However, integration and implementation are far short of needs and the EU lacks a strong political vision and global leadership on sustainable development. There is no sense of urgency or ambition on the actual implementation of the 2030 Agenda. The Trio Presidency's priorities remain vague by only wanting to "pay attention to promote Agenda 2030 for sustainable development" rather than promising concrete steps towards its implementation.

Several existing strategies that the Commission is executing will support part of the whole 2030 Agenda, but what is urgently needed is policy coherence amongst them all, filling in the gaps where EU is lagging behind and making all action in line with the SDG ambitions.

This implies the institutionalisation of the treaty-based objective of sustainable development in the governance structures at EU and member state level. At European level an overarching Sustainable Development Strategy (SDS), with concrete planning of the implementation of all goals, targets and timelines till 2030 has to be adopted urgently. A full three years after the adoption of the SDGs, the EU has not yet developed an overarching SDS to implement the goals. A central focus should go to multi-sectoral policymaking and guarantee policy coherence. Both the European Parliament as well as the Council have called on the Commission to present a Sustainable Development Strategy for the implementation of the 2030 Agenda, a demand that has been repeated by the EC's Multi-Stakeholder Platform on the Implementation of the SDGs.

The EU and the member states have to be conscious that these goals are also reaching further than the responsibility of Ministers of development and environment. Ministers for finance, agriculture,

fisheries and maritime affairs, social affairs, and employment also need to take responsibility for making a success of the implementation. Governments at large should be held accountable. That is why it is so important that all governments create inter-ministerial structures to support synergies and avoid overlap and incoherence. For the EU, the same challenge exists to coordinate existing policies and strategies in all EU institutions and their different formations and departments and put more emphasis on overall Policy Coherence for Sustainable Development.

On the national level the revival of National Strategies for Sustainable Development, together with national councils for sustainable development or equivalent bodies (with active civil society participation) is an important tool to achieve national results and review mechanisms for the implementation of the SDGs.

A second major policy opportunity for driving a transition to a one-planet economy, are the EU's Environmental Action Programmes (EAPs). The 7EAP, adopted by the European Parliament and the Council of the European Union in November 2013<sup>7</sup> is approaching completion (2020), evaluations of the 7EAP are ongoing, and debate has started on a potential 8EAP.

The 7th EAP has proven to be both valuable and yet insufficient to address environmental challenges facing the EU. The action programme's existence has allowed many environmental issues to remain on the agenda that could otherwise have been lost to short term responses to immediate concerns. Furthermore, the 7EAP has given a strategic vision, helped predictability and encouraged coherence and has proven to be a useful framework for CSOs to remind policy makers of promises. However, its implementation has not been given sufficient priority as can be seen from the very limited reflection of environmental issues other than climate change in the ten priorities of the Juncker Commission. Furthermore, a wide range of priority objectives were not met. At the Graz Informal Council meeting at the end of October 2018, the 28 ministers of environment unanimously agreed that an 8EAP will be needed. Development of this 8th Environmental Action Programme will be carried out during the Trio presidency.

<sup>7</sup> DECISION No 1386/2013/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 November 2013 on a General Union Environment Action Programme to 2020 "Living well, within the limits of our planet"

## We therefore call on the Romanian, Finnish and Croatian Presidencies to:

Encourage the EU to fully Implement the Global 2030 Sustainable Development Agenda with its 17 Sustainable Development Goals (SDGs):

- Call on the Commission to **develop an overarching EU SDS 2030** which fully delivers on the all SDGs, takes account of the latest scientific information on the state of the environment worldwide, ensures policy coherence internally and externally and serves as the overarching framework for all EU policies;
- **Establish innovative governance structures for the implementation of the 2030 Sustainable Development Agenda** including intersectoral working groups between the DGs, joint Council 'Jumbo' meetings, a fundamentally reformed European Semester as part of a new EU governance cycle to coordinate sustainable development efforts, and participatory and meaningful civil society engagement policies and structures;
- **Guarantee coherence between all European policies and strategies and sustainable development objectives**, *inter alia* by putting in place a robust sustainability check in the Commission's internal impact assessment process, introducing a general 'environmental improvement obligation' that requires that all new policy initiatives should lead to improved environmental protection and justice, and ensuring a sustainability-proof Multiannual Financial Framework post-2020;
- Seek to ensure that the Council's input to the **Commission's 2020 work programme prioritises the strengthening of environmental policies** under the overarching goal of implementing the 2030 Agenda for Sustainable Development;
- Create a strong link between **the 2030 Agenda and the wider concept of Sustainable Development and the debate on the Future of Europe** to show people that the European project serves present and future generations in areas that matter;

- **Ensure a robust monitoring and review process** on the EU's performance on sustainable development, in particular, call on the Commission to report within Europe and at the 2019 High Level Political Forum (HLPF) on its 2030 Agenda implementation in both its internal and external policies with an honest stock-taking concerning all SDGs and targets and addressing their comprehensive, transformative and universal nature based on a participatory and inclusive process with civil society;
- Take the lead in a process on the concrete **transition of our current economic system towards sustainability**, including promoting a transformation of consumption and production patterns in the EU to an economy that respects planetary limits and is not at the expense of livelihoods in the Global South, and shifting the political priorities away from the current growth paradigm to ensure well-being for all with the limited resources of the planet.

Ensure that the Council supports the call for an 8EAP Catalysing a Just Transition to a One-Planet Economy, and encourage the Commission to develop a duly ambitious and practical transformative programme:

- **Encourage that the 8EAP runs from 2021 to 2030 so as to link to the SDGs**, with a mid-term review completed by 2025 to encourage European Commission's and European Parliament's acceptance and commitments for action and guide future priorities. The Trio presidency should also:
- Promote commitment to an **ambitious 8EAP catalysing a just transition to a one-planet economy** – i.e. that fully respects the resources and ecological limits of our planet and integrates equity and social issues;
- Ensure a strong focus within the 8EAP on the **implementation of EU law** to reduce the implementation deficit and bolster citizens' confidence in public institutions and the rule of law;
- Cover not only specific priorities and commitments, but also **develop strategies to address systemic lock-ins and need for system change** – i.e. to move beyond fossil-fuels, towards sustainable food systems, a toxic free environment, sustainable urban mobility, and shift in mind sets and policy prioritisation towards sufficiency and wellbeing.





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