

To: Environment Ministers of EU Member States

Cc: Commission President, Executive Vice-President for the European Green Deal and Commissioners for Environment, Transport, Energy, Industry, Agriculture, Health and Food Safety and the Chair of the European Parliament Environment Committee

Re: Input to the EU Environment Council Meeting, Brussels, 5 March 2020

Brussels, 24 February 2020

Dear Minister,

On behalf of the European Environmental Bureau, I am writing to share with you our views on some of the issues on the agenda of the forthcoming EU Environment Council. I invite you to take our concerns into account during final official level preparations as well as at the meeting itself. We have structured the letter according to our understanding of the 5 March Council Agenda.

1. European Green Deal

Following the European Commission's 11 December 2019 Communication on the European Green Deal (EGD), a number of the promised initiatives have been launched (such as the Just Transition Mechanism and Sustainable Europe Investment Plan on 14 January), several are expected to be published in March (e.g. EU Industrial Strategy, Circular Economy Action Plan, EU Biodiversity Strategy for 2030, EU Climate Law), and many more are in the pipeline, as noted in the Commission's 2020 Work Programme. The EGD is the flagship of this Commission and it is essential that the Council contribute to its ambitions, as the range of proposed strategies and laws are tabled on the agenda of the Environment Council and other council formations.

We therefore call upon the Environment Council to:

- **Support the commitment in the European Green Deal to 'deeply transformative policies' as well as the specific ambitious elements in the Deal that will lead to that deep transformation;**
- **Commit to *scrutinising each and every separate instrument that will deliver on the Deal*, when they are released in the following months as foreseen in the Annex to the Deal, to ensure that they deliver the required level of ambition and address omissions or weaknesses in the EGD Communication itself;**
- **Insist that the *monitoring of the EGD is integrated into the European Semester* – both because the EGD is described as a growth strategy and hence politically directly relevant to the Semester, and because the ambitions and impacts have macro-economic scale (see further below);**
- **Promote the wide range of financial and economic instruments promised in the EGD to ensure that there is sufficient EU, Member State and private sector funding to rise to the financing challenge, and complement these by economic instruments to offer due incentives;**
- **Debate, consider and promote "outside-the-box" solutions on finance for environment and climate** – including making use of the flexibility mechanism under the Growth and Stability Pact to allow climate mitigation expenditure, where linked to the sustainable finance taxonomy, to be exempt from the Maastricht criteria of 3% budget deficit ceiling. While finance is outside the remit of the Environment Ministers, finding solutions to the environment and climate crises and helping implement the EGD are a legitimate role.

See additional elements on the EU Industrial Strategy in Annex 1.

2. Long-term strategy submission to the United Nations Framework Convention on Climate Change (UNFCCC) (Glasgow, November 2020)

We welcome the political commitment announced by the European Commission in the Green Deal and in the 2020 Work Programme to become the first climate-neutral continent by 2050 and therefore step up EU's climate target by 2030. Increasing short-term ambition will be key to maintaining leadership in international negotiations and driving ambition of major emitters ahead of the 2020 United Nations Climate Change Conference in Glasgow in November 2020 (COP26).

We regret that the COP25 in Madrid failed to deliver tangible results, despite the urgency to tackle climate change stressed by the **Intergovernmental Panel on Climate Change (IPCC)** and pressure from civil society fora across the world.

Policymakers need to follow suit to these calls and base their policy decisions on scientific findings. With the renewed commitment to strengthen efforts to combat climate change, Europe has a unique opportunity to relaunch a positive multilateral process leading to higher ambition of the Nationally Determined Contributions (NDCs), in line with the Paris Agreement target of keeping the average global temperature rise within 1.5°C or at most 2°C.

Evidence shows that with current commitments the Paris goal will fail. The international community needs to embrace a truly transformative escalation of climate ambition in proportion to the environmental challenge.

We therefore call upon the Environment Council to:

- **Request the Commission to submit to COP26 an ambitious NDC embedded in a Long-Term Strategy to achieve climate neutrality by 2050, with *greenhouse gas emission reductions of at least 65% by 2030*, an increase of the *energy efficiency target of at least 40%* and at *least 45% of energy sourced from sustainable renewable energy* by 2030;**
- **Ensure a fast inter-institutional political agreement providing a mandate to the Commission to propose binding legislation under the Climate Law as soon as possible and no later than Q1 2021, covering - inter alia - the reform of the ETS Directive, the Renewable Energy Directive, the Energy Efficiency Directive and the Regulation on CO2 standards for cars;**
- **Press for a greater level of climate ambition in the MFF to “walk the talk” of its commitments: There is a need for a significantly higher climate share of the EU budget - 40% rather than 25% - ringfencing of sustainable Paris-compatible funding and exclusion of funding for Paris-incompatible measures that lock in future fossil fuel use and GHG emissions; in addition, the accounting for climate contributions needs to be strengthened, and real climate contributions monitored and assessed so that the budget is truly a climate budget and not just one on paper;**

- *Implement the EU's and its Member States' commitment to scale up the **mobilisation of international climate finance**, as part of the collective developed countries' goal to jointly mobilise USD 100 billion per year by 2020 through to 2025 for mitigation and adaptation purposes in developing countries;*
- ***Ensure policy synergies between climate and circular economy** (and integrated into a new industrial strategy), **climate and biodiversity** via nature management and restoration agendas (peatlands, wetlands, forests, coastal sea grasslands), **climate and agriculture** by strengthening the CAP to drive higher investment in measures that increase soil carbon content and hence storage, with added benefits for soil fertility and productivity, and **climate and air pollution policies**, given the evidence of a wide range of health impacts from exposure to polluted air; **enhanced coherence** is essential if EU policies are to be a compelling driver to help address the climate emergency;*
- *Establish a working group to **create synergies** with and maximise the climate contribution from the **other Rio Conventions (UNCBD and UNCCD)**, the **UN Forum on Forests**, the **Sendai Framework on Disaster Risk Reduction** and the **UN Sustainable Development Goals**.*

3. European Semester

In 2010, the European Commission launched the European Semester process to help coordinate economic policies across the EU, providing Country-Specific Recommendations (CSRs) each year. 'Greening the European Semester' has become part of this process, aiming to ensure that macro-economic policies are environmentally sustainable. Past CSRs have referred to, for example, improving economic signals through environmental tax reform and reforming environmentally harmful subsidies, as well as recommendations to encourage resource efficiency and a transition to a circular economy. **The process has received new political attention in the European Green Deal, with a promise to integrate the SDGs into the Semester.**

The EEB therefore calls upon the Environment Council to:

- ***Reform the European Semester to help it drive a long-term social, environmental and economic transformation, and integrate the 2030 Agenda and the European Green Deal at all levels** (from indicators to priorities). It should take on board the Council Conclusions in the "Economy of Wellbeing"¹, to horizontally embrace an economy of wellbeing that puts people and their wellbeing at the centre of policy design.*
- ***Push for the European Green Deal promises to be reflected in the European Semester reform** – firstly by fully integrating the SDGs into the European Semester process and documents and secondly by embracing the shift in narrative where environmental protection and growth are not presented as being in opposition. Progress on SDGs and the state of the environment should underlie the European Semester. This will make the Semester more fit for purpose as a major guiding tool for the Commission and Member States in their joint efforts to implement the European Green Deal.*

¹ <https://data.consilium.europa.eu/doc/document/ST-13171-2019-INIT/en/pdf>

- **Increase the political commitment to Greening the European Semester and encourage measures that improve economic signals for the transition to a resource-efficient, inclusive, circular economy.** Positive practices that reform environmentally harmful subsidies should be encouraged. Similarly, continued efforts should be made for wider environmental fiscal reform, supporting a move away from labour taxation towards taxation on natural resources, pollution and polluting products. Good practice in green public procurement should be rolled out across the EU. CSRs, peer-to-peer collaboration and capacity building to help support the institutional and stakeholder engagement are necessary for this change.
- **Recognise the importance of the interactions of the environment with national economic and sectoral policies,** that will support good governance and facilitate implementation. Targeted country-specific recommendations should be made – for example to stress the importance of nature-based solutions for national socio-economic priorities, such as rural viability through agri-ecology, local products and sustainable tourism; employment and ecosystem-based approaches to fisheries management; and health benefits from access to Natura 2000 sites and green infrastructure.

4. Evaluation of Water Legislation

After a three-year-long fitness check evaluation of the Water Framework Directive, the European Commission concluded that it is broadly fit for purpose and “the fact that the WFD’s objectives have not been reached fully yet is largely due to insufficient funding, slow implementation and insufficient integration of environmental objectives in sectoral policies, and not due to a deficiency in the legislation.” The conclusions further highlight that “the Water Framework Directive is sufficiently prescriptive with regard to the pressures to be addressed, and yet flexible enough to reinforce its implementation as necessary with regard to emerging challenges not mentioned in the Directive such as climate change, water scarcity and pollutants of emerging concern”.

Unfortunately, despite its own evaluation, the European Commission has yet to confirm that it will not propose to amend the WFD, nor has it clarified the follow-up from the fitness check conclusions. While the river basin authorities are preparing the 3rd River Basin Management Plans, due by the end of 2021, they need legal certainty to be able to plan and finance the measures that will truly help achieve good status in all surface and ground waters, a goal that we all share. The EU Biodiversity Strategy for 2030, the Farm to Fork Strategy and the Zero Pollution Action Plan offer tremendous opportunities to address hydromorphological pressures as well as diffuse and point source pollution on European rivers and lakes. The European Green Deal can and should be harnessed to the objective of reaching a good water status in 2027, not hampered by an unresolved debate about whether to revise the Water Framework Directive or not.

We therefore call upon the Environment Council to:

- **Come together with 375000+ citizens, nearly 6000 scientists, and 130+ civil society organisations and take a strong stand during the Council debate in support of maintaining the Water Framework Directive in its current form and the need to focus on stepping up its implementation and addressing the gaps identified in the evaluation through the European Green Deal initiatives.**

See Annex 2 for more information.

5. Air quality

The Ambient Air Quality Directives (AAQD) fitness check Commission's Staff Working Document (SWD), published on 28 November 2019, concluded that the AAQDs are fit for purpose and are an essential tool to protect people's health and the environment, with binding limit values playing a fundamental role. The SWD also acknowledges that the AAQDs have not met all their objectives in full (infringement procedures are ongoing, and many exceedances are still reported), in particular due to the lack of implementation by Member States. The SWD also refers to the upcoming update of WHO guidelines, noting that 'EU air quality standards are not fully aligned with existing scientific advice'. During the different phases of the Fitness Check process, the Common Agricultural Policy was deemed to hamper implementation of the AAQDs: it confirms that policy coherence is essential to achieve air quality objectives.

The growing scientific evidence on health impacts from air pollution on human health and on the environment demand urgent action.

The EEB therefore calls on the Environment Council to:

- *Ensure that the Council Conclusions stress the **importance of implementing legislation within the framework of the Ambient Air Quality Directives**. These acts will serve the urgent purpose of providing responsible authorities with clearer guidance on how to prepare an air quality plan and on how to set up their monitoring network;*
- *Largely support, in its Conclusions, the European Commission's commitment to **revise the Ambient Air Quality Directives** once the result of the ongoing revision of the **World Health Organisation's guidelines** is known, so as to align EU air quality standards with the new WHO guidelines. Any further invitation by the Council to revise existing or elaborate new air quality standards for pollutants not covered by the current WHO revision will be important to drive the action against air pollution;*
- *Ensure that **Limit Values' primary role**, as concluded by the Fitness Check exercise, is reflected in the Council Conclusions and that **Exposure Reduction Targets** (or any instrument based on a similar approach) are referred to as complementary;*
- *Make sure that the Council Conclusions adequately highlight the need to **reduce pollution at source**, in particular from sources where action is lagging behind such as transport, including shipping, domestic heating and agriculture; it is fundamental that the post 2020 Common Agricultural Policy delivers on air quality objectives too;*
- *Address in its Conclusions the need to **fully implement existing legislation** (e.g. National Emission Ceilings Directive, Industrial Emissions Directive, Euro standards);*
- *Commits towards a **revised Gothenburg Protocol** which includes reduction targets for emissions of methane, mercury and black carbon.*

6. European Climate Law

By March 2020 the European Commission is expected to adopt a **Climate Law** which will enshrine the objective of climate neutrality by 2050. We highly welcome the climate neutrality objective, but the proposed level of ambition by 2030 (50-55% GHG reduction) is not enough to meet the Paris 1.5°C target and climate-neutrality must be achieved before 2050 to avoid the worst consequences of climate change. A strengthening of the overall climate and environmental ambition, together with additional targeted policy measures in a coherent framework, are needed to accelerate the transition of the way in which we produce and consume in Europe. The overarching legislative framework will have to put the European economy on a path towards a systematic and deeply transformative change to address the existential threats of climate change, biodiversity loss and other negative environmental impacts. Most policy, financial and social instruments are already in place and need to be mainstreamed across all relevant areas and effectively enforced by the Member States.

Renewable energy is a low hanging fruit, given its dramatic recent cost reduction and increasing grid parity. However, there is still a large untapped potential for higher penetration of renewable energy sources across the economy, while financial tools are already in place under different forms to make it possible for the power sector to become fully renewable at the latest by 2040. **A higher energy efficiency target is achievable by accelerating building renovation** and making sure that national legislation is enforced and all available financial tools are used to that purpose. Building codes and renovation should adopt the full decarbonisation perspective and systematically combine the potential savings on operational energy use and on embedded energy and emissions in the construction materials, so as to maximise the total carbon savings for each renovation undertaking.

Extension of the Emissions Trading Scheme or the introduction of a carbon tax for sectors such as transport (aviation, maritime) are measures urgently needed to tackle rising emissions in these sectors. Road transport should be addressed outside the ETS (CO₂ emissions performance standards, air quality legislation, alternative fuel infrastructure etc.) as the ETS would not provide due incentives to decarbonise the sector. The revision of the Energy Taxation Directive will be a key instrument to establish minimum taxation regimes based on the carbon content of motor and heating fuels and to eliminate environmentally harmful subsidies (such as tax deductions and exemptions), which are an obstacle to the promotion of fossil-free energy, industry decarbonisation and increased energy efficiency.

The EEB therefore calls on the Environment Council to:

- **Make sure that the Climate Law sets a target based on the latest scientific evidence (IPCC 5th Report on Global Warming of 1.5°C), which calls for urgent more ambitious action.**
- **Request the Commission to propose legislation to achieve the highest level of ambition on GHG emissions reduction, renewable energy and energy efficiency, namely an EU GHG reduction target of at least 65% by 2030 to reach **climate neutrality by 2040**, supported by a **2030 renewable energy target of at least 45% and an energy efficiency target of at least 40%**;**
- **Ensure mainstreaming of climate neutrality through ambitious fiscal measures, including effective “carbon pricing” to address the true cost of negative externalities on the environment in all economic sectors;**
- **Ensure that all financial support (EU, national and private finance) are aligned with the climate-neutrality objective and with phasing out investments in fossil fuel infrastructure;**

- **Ensure that climate targets will not compromise other environmental priority goals**, such as biodiversity protection - particular care is needed as regards biomass development and afforestation.

7. Just Transition Mechanism, including a Just Transition Fund

We welcome the creation of the Just Transition Mechanism (JTM). It will be useful only if used in the right way; this means that all three pillars constituting the JTM must exclude from their scope fossil fuel investments, including natural gas. Public spending must be consistent with supporting actions and efforts delivering on the EU's climate neutrality by 2040 and zero pollution ambition within a circular economy by 2050.

We therefore call upon the Environment Council to improve the provisions of the draft Regulation establishing the Just Transition Fund regarding the following:

- **Clarification of the eligibility criteria / pre-conditions for receiving funding**, including the following aspects: National Energy and Climate Plans (NECPs) must include a timeline with milestones aimed at phasing out coal/lignite and peat power plants by 2030 as well as all fossil fuel use by 2040, the efficiency first principle, which implies a 90% GHG emissions reduction by 2050 for industry and buildings;
- **Transition plans should demonstrate full consistency and coherence** with the implementation of other relevant EU environmental protection acquis objectives or performance against relevant Union standards;
- **A decision-tree regarding compatibility rating of draft projects** against those objectives should be established and funding level allocations made proportional to the ambition level / EU added value of the transition projects;
- **The allocation of funds** should be subject to an EU wide screening procedure that is transparent and subject to multi-stakeholder involvement as to final decisions made.

Thank you in advance for your consideration of these points which support the ambitions of the European Green Deal and will help catalyse progress in meeting the environmental challenges facing Europe and the planet. This will respond to scientific evidence and also support EU and national legitimacy in the eyes of the electorate and those engaged in the street marches who are as yet too young to vote.

Yours sincerely,



Jeremy Wates
Secretary General

ANNEX 1: EEB Inputs to the EU Industrial Strategy

The EU Industrial Strategy has been promised for March 2020. Following are EEB inputs on this transformative agenda.

The upcoming EU Industrial Strategy will have to mainstream the EGD's targets across all main policy areas impacting industry: climate, energy, environment, economic support mechanisms, research and development. If the EU wants to be a frontrunner and innovation leader, the EU Industrial Strategy needs to be ambitious in substance.

We welcome the intention to review the legal framework on industrial production, such as the Industrial Emissions Directive (IED). The IED is unique in its ambition of an “integrated approach” meaning to address all environmental media impacts so as to set the best possible standards to prevent that negative impact occurring from a given industrial activity. It should be transformed to become the new zero-pollution industrial production regulation. Emphasis should be on delivering on preventing pollution, in coherence with policies on the circular economy and decarbonization agenda.

The EU Industrial Strategy should therefore include the following main elements:

- Change the approach of how industrial activities are regulated by setting Best Available Techniques (BAT) requirements for lowest ratio of ‘environmental impact of industrial activity’ to ‘public good/service provided’, in order to promote the industrial activity with the least environmental impact for the provision of a given product/service.
- The Commission should prioritize the following items: energy production, water quality and supply, protein production, resource management and substitution of chemicals of concern. Other environmentally impacting activities should be covered as well (e.g. aquaculture, data centres, other forms of animal rearing) without losing focus on the desired public good / service to be provided.
- Direct GHG emissions need also to be addressed in this framework as a complementary approach to market based instruments. The prevention first principle must be rigorously implemented and take precedence over end-of pipe pollution reduction.
- The notion of BAT should be clarified to mean technically achievable performance levels that provide the best overall environmental protection outcomes. The EU ‘safety net’ requirements should be extended and revisited for preventing impacts from the most polluting industrial sectors (e.g. energy intensive industries in particular coal/lignite combustion).
- The EU should become the frontrunner in environmental performance standards that are fully coherent with the SDGs and the zero-pollution ambition. Frontrunner industry needs to be promoted and direction is needed to which transition path to take. This also implies that the “technology neutrality” dogma is to be abandoned; if breakthrough techniques are identified as being most effective to deliver on the above objectives, these should be clearly favoured and outdated techniques subject to “negative BAT”². More information: <http://eipie.eu/> , [EEB position for the IED review](#).

² E.g. as in the Chlor-Alkali BREF, the mercury cell / diaphragm containing asbestos techniques were declared as obsolete (negative BAT).

ANNEX 2: Evaluation water legislation

Prior to the exchange of views between Ministers on the evaluation of water legislation at the meeting of the Environment Council, we would like to call your attention to the importance of the follow-up of this evaluation for securing healthy freshwater resources in Europe. Currently, 60% of our rivers and lakes in Europe are not in good status.

In October 2017, the European Commission announced the fitness check of the Water Framework and Floods Directives. Three years later, after an extensive evaluation and search for evidence, the process has come to a crossroads. The [fitness check conclusions](#) stated clearly “The fact that the WFD’s objectives have not been reached fully yet is largely due to insufficient funding, slow implementation and insufficient integration of environmental objectives in sectoral policies, and **not due to a deficiency in the legislation.**”

A recent [analysis](#) on the WFD conducted by the Leibniz Institute of Freshwater Ecology reaches the same conclusions as to the fitness check: “Reasons for the poor performance are not down to the Water Framework Directive itself. In fact, this is a technically sound and expedient policy document.”

The [Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services](#) (IPBES) reported that aquatic ecosystems are among the most degraded in the world. The World Economic Forum’s [Global Risks Report 2020](#) has determined the water crisis to be one of the top five global risks seven years in a row. And according to a recent [publication](#) by the European Environmental Agency (EEA) the key impacts climate change will have on Europe are increased droughts and heavy rainfall and floods. We know the next decade will be crucial for combating climate change and environmental protection.

With the fitness check conclusions highlighting that “the Water Framework Directive is sufficiently prescriptive with regard to the pressures to be addressed, and yet flexible enough to reinforce its implementation as necessary with regard to emerging challenges not mentioned in the Directive such as climate change, water scarcity and pollutants of emerging concern”, the relevance of the Water Framework Directive cannot be questioned anymore.

Despite this evidence, the fact that the European Commission has yet to confirm that it will not amend the Directive nor clarified the follow-up from the fitness check conclusions is unacceptable. While we are heading towards the deadline for the 3rd River Basin Management Plans, due by the end of 2021, river basin authorities need legal certainty to be able to plan and finance the measures that will truly help achieve good status in all surface and ground waters, a goal that we all share. The EU Biodiversity Strategy for 2030, the Farm to Fork Strategy and the Zero Pollution Action Plan offer tremendous opportunities to address hydromorphological pressures as well as diffuse and point source pollution on European rivers and lakes. The European Green Deal can and should be harnessed to the objective of reaching a good water status in 2027, not hampered by an unresolved debate about revising the Water Framework Directive or not.

We kindly encourage you to come together with **375000+ citizens**, nearly **6000 scientists**, and **130+ civil society organisations** and take a strong stand in support of maintaining the Water Framework Directive in its current form during the Council debate on 5 March.