

To: Environment Ministers of EU Member States

Cc: Commissioners for Environment, Climate, Transport, Industry, Agriculture and Health, and the Chair of the European Parliament Environment Committee

Concerning: Input to the EU Environment Council Meeting, Brussels, 5 March 2019

Brussels, 22 February 2019

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.

1. EU's Long-Term Climate Strategy on reducing greenhouse gas emissions

The Paris Agreement requires countries to put forward long-term low-greenhouse gas (GHG) emission development strategies. In time for the UNFCCC COP 24 in Katowice the European Commission presented its vision for a net-zero-greenhouse gas emissions economy in line with the need to limit global temperature increase to 1.5°C.

The Commission's work confirms the findings and urgency of the IPCC special report on 1.5°C and shows that as most fossil fuel reserves need to stay underground, we need to create a circular, renewable and energy efficient economy, with healthy and sustainable food policies, that protects existing natural carbon stocks and enhances natural sinks, such as forests and other ecosystems through ecological restoration. It is clear that climate change cannot be tackled without tackling biodiversity loss and similarly that biodiversity loss, the second existential threat facing humanity, cannot be halted without tackling climate change. There is therefore a double urgency of increasing ambition on addressing climate change, echoed by the marches in the streets of Brussels and many dozens of cities across the EU and beyond.

For the debate of the Ministers two critical questions have been put forward by the Presidency.

- 1. Based on your evaluation/analysis at national level of the efforts needed to achieve the objectives of the Paris Agreement, which elements of the long-term vision are the most important with regard to the challenges and / or opportunities of the transition to a climate-neutral economy in a socially fair and cost-efficient manner? What kind of policies or tools at EU level could help to address the specific challenges?*

On this first question, we want to stress the following points:

- The Commission's long-term vision put forward findings consistent with previous academic work that the transformation towards a net-zero economy creates opportunities

for improved societal welfare and is necessary to protect its citizens from catastrophic climate breakdown;

- To ensure the protection of EU citizens, a legal proposal towards net-zero GHG emissions in the EU by 2040 followed by negative emissions thereafter needs to be put forward;
- To achieve net-zero GHG emissions, significant carbon sinks need to be activated to compensate for non-carbon GHG emissions of activities including the agricultural sector. To deliver this it is essential to establish a target in the net-zero strategy to restore EU forests so that they benefit the climate, biodiversity and communities and ensure that forest management respects EU biodiversity legislation, including the Birds and Habitats Directive;
- To ensure a consistent framework, establish a Multiannual Financial Framework that excludes investments in fossil fuels or infrastructure that would lock-in Paris incompatible activities and ensure full implementation of this on national level and at European level through for example InvestEU and the European Investment Bank.

2. *The investments required to achieve the transition will mostly need to come from the private sector. What kind of enabling framework is needed to stimulate the necessary investments, among others in new technologies through research, innovation and development, as well as in education and training, including reskilling and upskilling of the workforce?*

On the second question, we want to stress the following points:

- Significantly increased investments in energy efficiency together with circular economy are identified as prerequisites for this transformation to an economy based on renewable energies and essential to follow cost-efficient pathways. These investments need an economic framework that fully reflects the costs and benefits of direct and indirect costs.
- Harmonised instruments to internalise external costs, environmental taxation and carbon pricing systems are essential in steering this transition, with due consideration for social justice.
- A common approach between the EU and the Member States will be crucial to avoid relocation risks and loss of competitiveness. Enhancing the use of qualified majority voting on the issue of environmental taxation can accelerate the establishment of the necessary framework.

Long-term strategies create a link between the pillars of a net-zero-greenhouse gas emissions economy to the short-to-medium-term. The long-term perspective provides an opportunity to maximize socio-economic benefits, such as cleaner air and water, improved security for jobs and energy access, and better health, create an open space for democratic consultation and secure a just transition for workers and communities which depend today on a fossil-based economy.

In conclusion, the EEB calls on the Environment Council to:

- **Fully recognise the IPCC report and support its conclusions that it is necessary to achieve net zero GHG emissions in the EU followed by negative emissions thereafter and achieve emission reductions in all sectors to limit climate change to 1.5°C;**
- **Decide that the EU will increase the climate ambition of its NDC before 2020, to continue to demonstrate leadership and to create a positive momentum amongst all Parties to enhance global climate ambition.**

With the outcome of the Environment Council meeting, Europe will give a clear signal as to whether it is still able to proactively contribute to making real progress in the domestic and international climate negotiations.

2. Regulation on water reuse

The EEB recognizes the potential of water reuse to provide environmental, social and economic benefits and assist transition to the circular economy. Water reuse can contribute to improving the status of water bodies by alleviating pressure from abstraction of water for irrigation. Moreover, when compared to alternative sources of water supply such as desalination, water reuse often turns out to have lower environmental impact, require lower investment costs and has lower energy demands.

Thus, the EU level regulation setting harmonised minimum quality requirements for the safe reuse of urban waste water for agricultural irrigation can create a level playing field for the operators producing and supplying reclaimed water, as well as for farmers. However, the regulation needs to include appropriate safeguards for public health and the environment. In particular, water reuse should be integrated in the river basin management plans and must not increase over-abstraction pressures on the water bodies.

The EEB therefore calls on the Environment Council to:

- *Support the **adoption of the EU harmonized rules** promoting water reuse for irrigated agriculture while supporting the achievement of good status objectives of EU's waters and protecting human health;*
- *Maintain the **level of ambition on the minimum requirements** for quality of reclaimed water and monitoring set in the European 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 as well as making sure that using wastewater for irrigation does not add over-abstraction pressures.*

3. European Semester and the Environmental Implementation Review

The EEB recognises the potential importance of Greening the European Semester and the parallel but linked Environmental Implementation Review (EIR) processes. The Semester process can and should encourage sustainable development (SD) and support good governance principles through improved policy coherence. The Semester's contribution to SD has, however, been severely weakened in recent years.

The EIR is critical in the drive to address the implementation deficit in the EU environmental acquis - significant implementation gaps exist in the areas of air quality, biodiversity, chemicals, water quality and management, waste management, and noise. Improving implementation will bring important environmental, economic and social benefits, and increase the credibility of national and EU authorities with citizens. Strong political support is needed to formulate and communicate country-specific recommendations within these processes, as well as to engage in the national dialogues, peer-to-peer support activities and with the recent initiatives on environmental compliance and governance

(COM/2018/10, and EC Decision C(2018)10). A Communication on the EIR is expected this Spring together with country-specific reports and recommendations.

The European Semester aims at macro-economic stability across the EU. Therefore, subsidy reform, green finance and tax reform are important elements to take into account. In this context, the European Commission Communication of 15 January 2019, proposing a gradual shift from unanimity to qualified majority voting (QMV) in the field of taxation, is particularly important.

The EEB therefore calls upon the Environment Council to:

- *Reiterate and increase the political commitment to the Greening of the European Semester process, and encourage measures to improve economic signals to enable the transition to a resource efficient, inclusive, circular economy that supports the sustainable development goals (SDGs);*
- *Recognise that the implementation deficit needs to be treated with continued urgency and high-level political commitment to ensure a Europe where the rule of law is respected and reap the benefits of action. This is also important for the confidence of citizens in national and EU institutions;*
- *Encourage that both the Greening the Semester and EIR processes build in public interests and engage with civil society organisations to ensure that citizens' voices are heard, benefit from their perspectives and engagement, and strengthen the effectiveness and legitimacy of the processes.*
- *Support the Commission's initiative on QMV insofar as it concerns environment-related taxation. We encourage debate by the Council with the Commission and European Parliament to realise the needed move towards QMV on environmental taxation at an EU-level. This will be an important opportunity to meet our international pledges, including those related to the Paris Agreement and the implementation of the UN Sustainable Development Goals.*

See Annex 1 for more detailed comments.

4. European Union framework on endocrine disruptors

In 2017, the Commission committed to update the Community Strategy for Endocrine Disrupting Chemicals (EDCs) which had last been revised in 2007. The new Strategy should include specific proposals for how the EU can systematically reduce human and environmental exposures to EDCs. However, instead of publishing this strategy, on 7 November 2018 the Commission published the Communication entitled "Towards a comprehensive European Union framework on endocrine disruptors" which lacks any specific measure to reduce the exposure to these toxic chemicals. It also launched a new fitness check to review the few pieces of legislation that tackle EDCs, despite the fact that a review of all chemicals legislation is already ongoing. The new EU EDC strategy must be an effective tool to deliver the objectives of the 7th Environment Action Programme (7EAP) as adopted by the European Parliament and the Council, and which commits the EU to develop "by 2018 a Union strategy for a non-toxic environment [...] to ensure: [...] the minimisation of exposure to endocrine disruptors".

On endocrine disruptors, the EEB calls upon the Environment Council to:

- *Require that the European Commission finishes without delay the fitness check of relevant laws addressing EDCs;*
- *Update the Community Strategy for Endocrine Disruptors, including specific proposals to reduce exposure to EDCs;*
- *Develop a Union strategy for a non-toxic environment.*

See Annex 2 for details on the elements that the updated Strategy on Endocrine Disruptors should include.

Thank you in advance for your consideration of these points.

Yours sincerely,



Jeremy Wates
Secretary General

ANNEX 1

EEB comments to the Environment Council of 5 March 2019 on: Greening the European Semester and the Environmental Implementation Review

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' is part of this process, aiming to ensure that macro-economic policies are environmentally sustainable. Past CSRs have focused on, 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 less political attention in recent years, and this should be rectified.

The European Semester aims at macro-economic stability across the EU. Therefore, subsidy reform, green finance and tax reform are important elements to take into account. In this context, the European Commission Communication of 15 January 2019, proposing a gradual shift from unanimity to qualified majority voting (QMV) in the field of taxation, is particularly important. The so-called "passerelle clause" as referred to in Article 48(7) of the Treaty on European Union (TEU), could be activated, subject to unanimous voting under Article 192(2) of the Treaty on the Functioning of the European Union (TFEU).

The Greening of the European Semester and the EIR processes support the European Commission's role as Guardian of the Treaties, support the better regulation objectives of policy coherence and respond to public interest. In the November 2017 Eurobarometer survey, 94% of respondents said that protecting the environment is important to them personally, and there was a significant support for better enforcement of legislation (31%), the introduction of heavier fines for breaches of environmental legislation (34%) and introducing stricter environmental legislation (30%).

The EEB therefore calls upon the Environment Council to:

- *Reiterate and increase the political commitment to the Greening of the European Semester process and encourage measures to improve economic signals to enable the transition to a resource-efficient, inclusive, circular economy that supports the sustainable development goals. Positive practice in transparently documenting and reforming environmental harmful subsidies should be encouraged. Similarly, continued efforts should be made to encourage wider environmental fiscal reform, supporting a move away from labour taxation towards taxation on natural resources, pollution and polluting products – launched together, with due consideration for equity and affordability. Good practice in green public procurement should also be rolled out across the EU. CSRs, peer-to-peer collaboration and capacity building to help support the institutional and stakeholder engagement necessary to achieve change are each needed.*
- *Support the Commission's initiative on QMV insofar as it concerns environment-related taxation. We encourage debate by the Council with the Commission and European Parliament to realise the needed move towards QMV on environmental taxation at an EU level. This will be an important*

opportunity to meet our international pledges, including those related to the Paris Agreement and the implementation of the UN Sustainable Development Goals.

- *Recognise that the implementation deficit needs to be treated with continued urgency and high-level political commitment to ensure a Europe where the rule of law is respected. Clarification as to institutional roles and responsibilities is important, their capacity to act should be supported, and the sanctions and fines for non-compliance and wider environmental crimes need significant strengthening.*
- *Acknowledge the importance of the interactions of the environment with national economic and sectoral policies and priorities. This supports good governance and facilitates implementation. Targeted country-specific recommendations should be made – for example to underline the importance of nature-based solutions for national socio-economic priorities, such as rural viability through agro-ecology, local products and sustainable tourism, employment and ecosystem-based approaches to fisheries management, health benefits from access to Natura 2000 sites and green infrastructure.*
- *Encourage that the Greening the Semester and EIR processes build in public interests and engage with civil society organisations to ensure that citizens' voices are heard. This is important both for the legitimacy of the process, for identifying priority areas of focus and for developing the buy-in for implementation. Civil society engagement in country dialogues should be encouraged, and CSOs should be consulted as regards priorities for action so that the citizen perspective is duly integrated.*

ANNEX 2

EDC Free coalition: Essential elements of an EU Endocrine Disrupting Chemicals Strategy

1. Consider public health and precaution as the cornerstones of a new EU EDC Strategy

Protect those who are most vulnerable. Reduce exposures to children to prevent suffering from EDC-related diseases and the spiralling costs associated with treating them. Build on and expand the short-medium- and long-term actions from the 1999 EU EDC strategy and augment their effectiveness.

2. Enhance public awareness of EDCs – connect it with the EU's work on protecting citizen's health

A recent Eurobarometer survey found that two out of three European citizens are concerned about exposure to chemicals in their daily lives through food, air, drinking water and consumer products or other items, as well as in the workplace. Less than half of the same group felt well informed about the potential dangers of chemicals¹. A Europe-wide campaign to raise awareness on EDCs is needed. Specific focuses of such a campaign should include:

- Informing parents before and during pregnancy, and families in general, about ways to minimise exposures in everyday life.
- The dissemination of good practice for exposure reductions and health advice connected to grassroots and local agendas and the creation of a bank of success stories showing how the EU is making a difference.
- Information and training materials for medical, health and educational professionals and multiplier groups so that they can advise the public on reducing their exposures.
- A response to consumers' concerns and the provision of tools for traceability and the right to know for chemicals in products.

3. Improve regulation: Increase the control of the use of EDCs across all sectors

- Make a plan with timetables to implement suitable EDC criteria in all relevant EU laws to identify and reduce exposures to EDCs.
- Address missed deadlines first, like the 2015 one for cosmetics and obvious loopholes like toys, food packaging regulations. Commit to addressing other relevant EU legislation and sources of exposure, such as public procurement, worker's exposure, textiles, etc. and deliver on the 7th EAP commitment.

¹ <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2111>

- Support the implementation of the EU Plastics Strategy by banning the presence of EDCs in plastics in particular as the presence of EDCs can hinder recyclability and negatively affect the value of recyclates.
- EDCs should be regulated with the presumption that no safe threshold for exposure can be set with sufficient certainty.
- EDCs should be regulated by using group approaches based on similar structures and similar properties to avoid regrettable substitution.
- Implement and enforce, efficiently and ambitiously, the existing regulatory obligations controlling the use of EDCs. This includes speeding up the inclusion of EDCs in the REACH candidate list of substances of very high concern and the adoption of measures to limit exposure, such as REACH restrictions or REACH authorisation. Currently only 12 substances have been identified as EDCs under REACH.
- Accelerate the assessment of EDCs to implement restrictions on them in pesticides and biocides.
- Create new sectorial laws to ensure robust protection in priority for consumer products. For most consumer products, e.g. textiles, child care articles, plastics there is no specific provision addressing EDCs.

4. Reduce our EDC daily cocktail: Replace the substance-by-substance approach by including all possible sources of exposure to multiple chemicals

- Prioritise the identification and regulation of the most problematic groups of hormone disrupting chemicals and swiftly act on known co-exposures to harmful chemicals from various sources (e.g. indoor air pollution, dust, food contact materials).
- Move from a single substance risk assessment to cumulative assessments for chemicals acting on the same adverse outcome and similar chemicals. Sweden and Denmark are looking at this issue in the context of their national work.
- Respond more swiftly to early warning signals from new scientific findings about potential health or environmental damages in re-approvals and authorisations of substances. When concerns show up in one chemical use, a risk evaluation should automatically be triggered across legislative 'silos' to fully assess the impact of cumulative exposures and to ensure swift action in the absence of full scientific certainty.

5. Speed up testing, screening and identification of EDCs

- Update test requirements with new and updated screens and test methods in all relevant EU laws so that data gaps will be closed and EDCs can be identified. The EU should systematically make industry responsible for providing sufficient evidence to demonstrate safety.
- Prioritise data collection on potential EDCs and draw up lists to communicate to consumers and business alike.
- Improve the screening and testing guidelines used to identify EDCs and address data gaps.

6. Work towards a clean 'Circular economy' and a non-toxic environment: Avoid toxic substances such as EDCs in products from the start

- Need to have full traceability to avoid finding EDCs in recycled materials.
- Need to have producer responsibility. Each company should be obliged to inform consumers about the chemical content of their products, including the packaging.
- Need to have the same level of protection from EDCs for primary and secondary materials, which means that when an EDC is banned from a virgin material, it should be banned from recycled materials as well, contrary to current practice.

7. Enhance European market leadership for safer substitution with no regrets and promotion of innovative solutions

- Support initiatives that guide companies to move away from EDCs. Some examples can be found at chemsec.org – market place, the 'dating platform' for companies trying to meet a provider of safer alternatives.
- Limit and avoid the use of pesticides in agriculture and the management of green or urban areas and set specific targets for an overall reduction of pesticide use in line with the Sustainable Use of Pesticides Directive (2009/128/EC).
- Encourage communication campaigns at a national level in order for citizens to be 1) more mindful about chemical use in their daily lives, in particular during pregnancy and with children, 2) to have the right to know about EDCs in products.

8. Monitor the health and environmental effects of single, groups and mixtures of ED substances to capture all sources of EDC exposure 'across the board' and respond swiftly to minimise them

- Ensure sufficient focus on investigating chemicals of new and emerging concern which are used as replacements for banned chemicals in the context of the EU Human Biomonitoring Initiative.
- Develop sensitive test methods with new endpoints such as chemicals interfering with brain development and ensure they are appropriately considered within the regulatory evaluations.