



**EEB**

European  
Environmental  
Bureau

THE EEB'S

# MEMORANDUM

TO THE **GERMAN PRESIDENCY**  
OF THE EUROPEAN UNION



Including the Ten Green Tests

JULY - DECEMBER 2020

*Prepared in cooperation with Seas At Risk*



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



We are the largest and most inclusive network of environmental citizens' groups in Europe. Our 160 members from 36 countries cooperate across a uniquely broad range of issues. Together, we advocate for progressive policies to create a better environment in the European Union and beyond.

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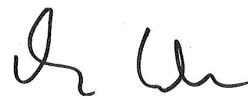


# INTRODUCTION

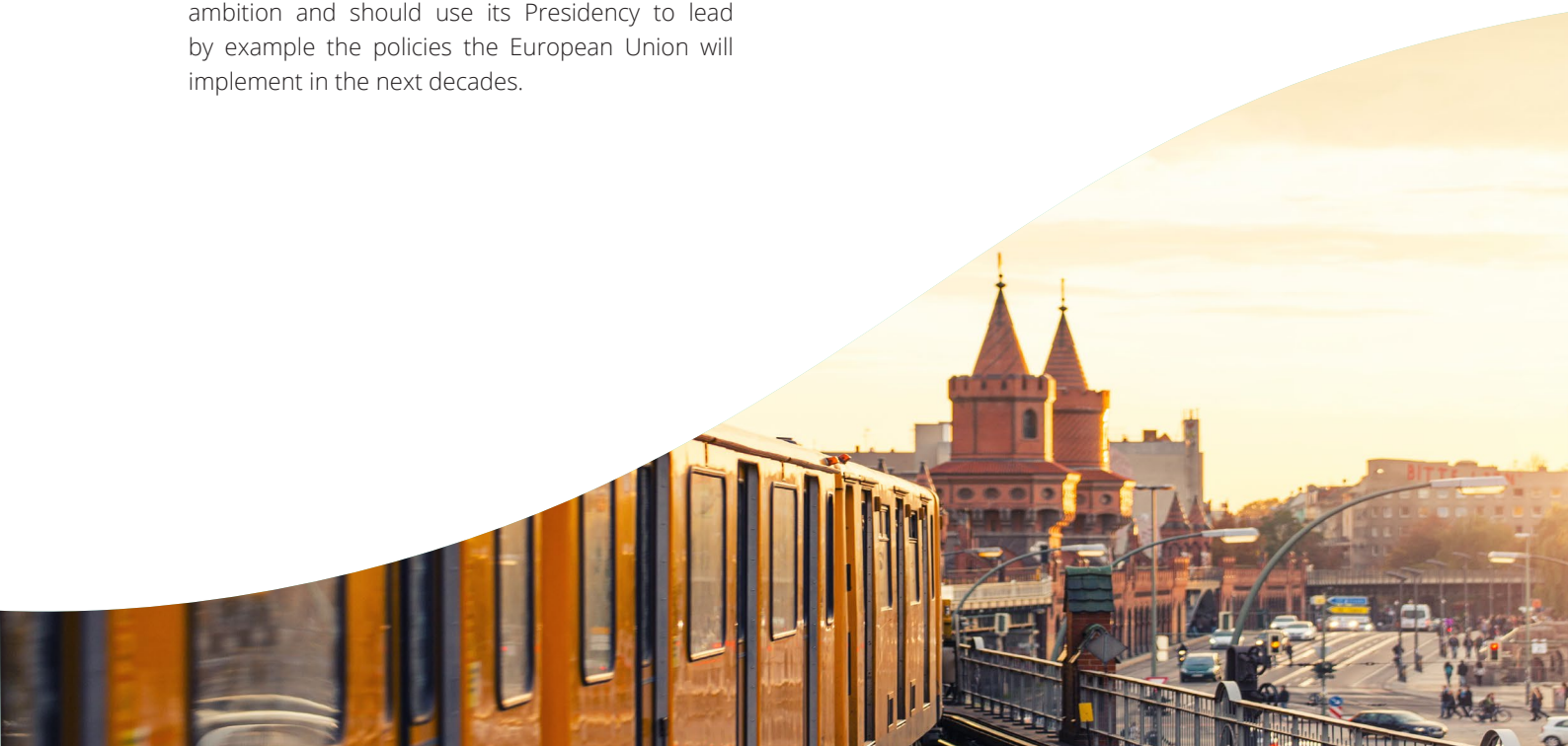
The German Presidency of the EU will arguably be the most important presidency in a long time given the need to drive the green transition through the European Green Deal measures while helping to steer the EU through the recovery to the Corona crisis. This crisis has shown the risks of our current economic model to human health and the environment and at the same time demonstrated the fundamental importance of investing in the resilience of ecosystems, of social systems, of the economy and of our governance structures to restore and repair humanity's existence within nature, rather than against it. The response to the Corona crisis will be a core defining element of the German Presidency and the associated Presidency Trio, comprising also Portugal and Slovenia.

We cannot simply go back to “business-as-usual” and continue a system that over-exploits the planet without regard for the consequences. The decisions taken by the EU over the next two years will need to catalyse a system change, step by step. A large part of the responsibility for this will fall on the German, Portuguese and Slovenian Presidency Trio, and within the Trio, particular responsibility will fall on Germany given the Corona crisis and the fundamental need to ensure a Recovery Package and Multiannual Financial Framework (MFF) that helps the EU exit the crisis by embracing a green transition. Germany needs to catalyse the move towards climate neutrality and zero-pollution ambition and should use its Presidency to lead by example the policies the European Union will implement in the next decades.

The EEB, building on consultation with its 160 members, with its wider civil society partnerships and stakeholder discussions, has developed a series of specific asks across environmental areas. From these we have extracted Ten Tests for the German Presidency, where the engagement, commitment and solidarity of this Presidency can make a lasting and fundamental difference.



**Jeremy Wates**  
**Secretary General**



# TEN GREEN TESTS FOR THE GERMAN PRESIDENCY



## 1. Drive a just transition to a sustainable and resilient Europe

- Ensure that the EU fully embraces and implements the European Green Deal (EGD) through ambitious strategies, laws and financing, and that these are at the heart of the Corona crisis response.
- Promote a complementary and transformative 8<sup>th</sup> Environmental Action Programme (8EAP) that gets Council and Parliament support for the Green Deal and ensures monitoring and implementation of the EGD, the wider set of EU policies and laws, and the state of the environment.
- Link the EGD and 8EAP also with the Sustainable Europe 2030 Strategy for SDG implementation and integrate social measures in each to effectively develop a new Social Contract for the future of Europe that builds on lessons from the Corona crisis and improves social and environmental resilience.
- Promote these transformative agendas through EU enlargement processes, relationships with European neighbours and agreements with trading partners. EU diplomacy needs to promote a Green Deal across the globe to support long term global resilience.
- Ensure that the agreement being negotiated on the future EU-UK relationship will not allow the UK to jeopardize existing or future EU environmental standards: both during and after the Brexit negotiations, the EU should take measures to secure a level playing field and ensure that future UK access to the EU market is strictly linked with the UK's adherence to the principles and standards of the EU's environmental *acquis* ('dynamic alignment').
- Put sustainability at the heart of trade agreements based on enforceable clauses and a clear non-regression policy with regards to existing agreements and standards, in particular regarding the future agreement with the UK and the Free Trade Agreement with the Mercosur.
- Commit to leave the Energy Charter Treaty (ECT) as a priority and encourages other Member States to do the same, and to exert their influence to avoid MS being sued or threatened by claims under the ECT.



## 2. Catalyse the green transition through the MFF and the Recovery Package

- Ensure that the Next Generation EU Recovery package and EU budget (MFF) drive a green transition that supports the recovery and embraces the European Green Deal – by ensuring that both the political messaging and the content focus on the win-win solutions.
- Target the spending on climate and environment as this will support job creation, save on national and household bills, invest in the resilience of our ecosystems and help address the climate and biodiversity crises. Allocate 40% to climate funding and ensure integration in Partnership Agreements, Operational Programmes and CAP Strategic Plans as well as the new national Recovery and Resilience Plans.
- Allocate a further 10% of EU funding to other aspects of the environment, 20 billion EUR/year for the management of the Natura 2000 network and 45 billion EUR for large scale nature restoration to invest in ecosystem resilience and to be coherent with the biodiversity strategy.
- Ensure prioritisation and governance rules such that EU funds are targeted, just, proportionate and fully transparent and further ensure conditionality on funding to obtain the greatest added value from taxpayers' money.
- Align the green taxonomy to the need of orienting Corona response funding towards climate and biodiversity-proof investments to ensure policy coherence and minimise risks of poor targeting of taxpayers' money.
- Facilitate national expenditure by Paris-compatible State Aid Guidelines and use the Growth and Stability Pact flexibility mechanism to exempt taxonomy-coherent climate expenditure from the Maastricht 3% debt rule.
- Facilitate private expenditure through the sustainable finance taxonomy and finance strategy. Only with EU, national and private funding will we be able to address the climate, environmental and biodiversity crises and recover from the Corona crisis by implementing a transformative European Green Deal that invests in our future and wellbeing.



### 3. Address the climate emergency

- Commit to ensuring a strong and ambitious European Climate Law aiming for a binding climate neutrality target at EU and Member State level by 2040 at the latest to be on a path towards the Paris objective of keeping global temperature rise below 1.5°C, as recommended by the latest scientific evidence.
- Revise the EU's Nationally Determined Contribution (NDC) submission for the 2021 UNFCCC COP26 in Scotland accordingly.
- Increase the 2030 greenhouse gas (GHG) emission reduction target to at least 65% by 2030, energy efficiency to at least 45%, with at least 50% of sustainably sourced renewable energy by 2030, each essential to achieve climate neutrality. The expansion of renewables and the associated infrastructure should be carried out in a way that is as compatible as possible with nature and local environmental integrity. This applies in particular to the negotiation of a strategy for renewables at sea.
- Insist on a 2025 review, both for the GHG emission reduction targets and the energy efficiency and renewable energy targets for 2030, so that progress, new scientific evidence on urgency and citizen calls can be translated into more ambitious targets.
- Promote major investments in a fossil fuel free energy production and consumption system, including industry, buildings, transport, agriculture and related energy infrastructure. Accelerated investment in climate neutrality will drive the creation of future-proof jobs, provide essential economic stimulus, save economies and citizens' money while driving innovation, re-skilling and a systemic transformation of the economy.
- Prevent anthropogenic GHG emissions at source and protect natural sinks by making consistent interlinkages between climate emissions and biodiversity loss, air, water and soil pollution and industrial emissions (IED).
- Reduce embedded emissions of European imports. Develop and apply a carbon footprint methodology to address embedded emissions in consumption. This could pave the way for an effective carbon border adjustment mechanism.
- 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, with specific focus to fill the gap in the Effort Sharing sectors such as transport, buildings and agriculture.
- In addition, investment in nature-based solutions, such as the restoration of key ecosystems serving as natural sinks crucial for climate change adaptation, needs to be a core part of the EU's climate adaptation strategy, together with measures needed to achieve a circular and zero-pollution economy. There should be a strengthened focus on ecosystem resilience to climate change, taking into account the latest science on feedback loops, tipping points and linkages of ecosystems and socio-economic systems.

### 4. Reverse the dramatic loss of biodiversity on land, in freshwater and in oceans

- Lead the adoption of ambitious Council Conclusions that endorse the commitments in the EU Biodiversity Strategy for 2030 and commit to provide the necessary political will, investments and full cooperation to ensure the timely and ambitious implementation of the actions, particularly to protect and restore the EU's nature and to address all drivers of biodiversity loss, including those given less attention to date, notably light and noise pollution. This will enhance the credibility of the EU's leadership role to agree the Global Deal for Nature and People.
- Secure the necessary funding of at least 20 billion EUR per year from EU, national and private funds for nature protection and additional 45.6 billion EUR for large scale nature restoration that can serve as a central plank of the EU's green recovery.
- Ensure that the commitments in the EU Biodiversity Strategy on bringing nature back to agricultural land, including the commitments on pesticide and fertiliser reduction, the 10% space for nature on farmland as well as the commitment to enhance agroecological practices, are integrated and enabled by the reformed Common Agricultural Policy.
- Endorse the commitments to protect and restore marine ecosystems in the 2030 Biodiversity Strategy, including by protecting 30% of EU seas in Marine Protected Areas, with 10% under strict protection, and ensure that marine ecosystems play a key role in the implementation of the protection and restoration targets of the strategy.
- Urge Member States to increase the ambition in the implementation of the Marine Strategy Framework Directive and the Common Fisheries Policy in line with the legal requirement to reach good environmental status and to end overfishing by 2020. Welcome the development of a new action plan for the protection of marine ecosystems to help deliver the commitments on the reduction of negative impacts of harmful fishing practices and extraction activities by inter alia agreeing to operate a full transition towards low-impact fisheries in EU waters and by all EU vessels by 2030 the latest.





## 5. Initiate a transition towards sustainable food and agriculture

- Ensure that environmental and climate authorities and stakeholders are closely involved in the CAP reform and Farm to Fork discussions as well as in the programming and implementation of the new CAP.
- Mobilise political support for a bold reform of the CAP, aligned with the EU Green Deal objectives, which sets ambitious ringfencing of funds for environmental and climate measures and a strict baseline of basic good agronomic practice (conditionality) by, inter alia, introducing binding 10% non-productive “space for nature at farm-level, ends subsidies harmful to the environment and climate, and strengthens the performance framework and Member States’ accountability in the new CAP.



## 6. Promote a zero-pollution ambition - clean water and clean air

- Work with the European Commission to develop an ambitious Zero-Pollution Action Plan on air, water and soil proposed in the European Green Deal that inter alia advances action to tackle pollution at source (e.g. agriculture and domestic heating) and from substances of emerging concern (e.g. pharmaceuticals, PFAS, micropollutants), including through the review of the Urban Wastewater Treatment Directive. Support the inclusion of noise and light pollution in the Action Plan.
- Improve transboundary cooperation, policy coherence and integration of the objectives to protect and enhance the health of freshwater ecosystems into other sectoral policies, notably in relation to agriculture, energy and transport policies to reduce pressures from those sectors on freshwater ecosystems (e.g. pesticides, nitrates, thermal pollution, hydromorphological alterations and over-abstraction).
- Promote the need for better water management as an important strategy to adapt to climate change. Successful adaptation to the impacts of climate change on water depends both on the ambitious implementation of the Water Framework Directive as well as on the extent to which sustainable water management has been integrated into other sectoral policies.
- Revise the Ambient Air Quality Directives to align EU air quality standards with the latest WHO guidelines (expected by early 2021) while pressuring Member States to achieve full implementation and enforcement of existing legislation (e.g. Ambient Air Quality Directives, National Emission Ceilings Directive, Industrial Emissions Directive).
- Push for the adoption of ambitious source legislation (e.g. on domestic heating, transport, including shipping, industry and agriculture – making the CAP a driver for reducing air pollution from agriculture).
- Commit to the revision of the Gothenburg Protocol (UNECE Air Convention) which will also have to establish reduction targets for methane, black carbon and mercury emissions.



## 7. Drive a new industrial revolution

- Promote an industrial strategy that transforms EU industry towards being fully resource-efficient, zero carbon, zero waste and non-toxic by 2050, supported by a fully decarbonised energy system.
- Ensure that the Industrial Emissions Directive (IED) review and Best Available Techniques (BAT)/BREF revisions fully integrate circular economy, climate mitigation and zero pollution ambitions, implying a re-design of the BAT determination scoping and methodology.
- Explore and debate the risks and opportunity of Digitalisation and Artificial Intelligence (AI), develop operational ethical principles for their use, promote the use of digitisation and AI for People and Planet above all else to help address a wide range of environmental challenges across the policy cycle. Understand and target measures to avoid the planetary risks of unsustainable digitalisation regarding both existing and new technologies.
- Catalyse an industrial transformation through economic incentives, including through a reformed Energy Tax Directive that embraces carbon pricing above 100EUR/tCO<sub>2</sub>; an EU-ETS with full auctioning, faster allocation withdrawal rates, and floor price; a combined approach with performance based standards (e.g. BAT) and the removal of kerosene tax exemptions for shipping and aviation that are incompatible with climate ambitions. Digitalisation and improved databases for benchmarking and compliance promotion do not only play a part in achieving this, but need to provide greater transparency of all industrial related decision making and enforcement.
- Secure the swift implementation of the Sustainable Product Policy to make sustainable products the norm as promised under the Circular Economy Action Plan, including through an EU product information system that brings together the environmental, consumer and digital agendas to ensure full transparency and traceability of the performance and contents of products and materials by 2025. Further push for a resource use/consumption footprint reduction target, binding waste prevention objectives and the drastic restriction of (hazardous) waste shipments. Support ambitious measures under the Aarhus Convention to ensure that sufficient product information is publicly available to enable consumers to make informed environmental choices, thereby also extending the EU's impact in this area to a broader range of countries.
- Empower consumers by setting up a system to verify and enforce green claims and anchor as fundamental the right to repair, the right to know and the right to sustainable circular consumption.
- Create strong precedent for circular economy provisions in the battery and construction products sectors, inter alia by using the opportunity of the revision of the Batteries Directive and Construction Product Regulation.



## 8. Call for a toxic-free environment and an ambitious Chemicals Strategy for sustainability

- Call on the Commission to develop an ambitious overarching regulatory framework for chemicals to effectively reduce pollution at source. The Chemicals Strategy for Sustainability must ensure a high level of protection for people and the environment, implement the precautionary principle and expand generic risk assessment approaches to protect vulnerable groups and biodiversity.
- Ensure that the Chemicals Strategy for Sustainability prioritises the rapid and complete enforcement and implementation of REACH and other chemical laws - including on mercury.
- Demand for the Chemicals Strategy for Sustainability to guarantee transparency on substances in products and materials along the life-cycle.
- Call on the Commission to clean the circular economy and put an end to "toxic recycling".
- Accelerate EU plans for substitution, innovation for safe alternatives and Green Chemistry.
- Apply the polluter pays principle to plug funding gaps when calling for the development of the Chemicals Strategy for Sustainability as well as on a horizontal level.
- Ensure EU global leadership for a toxic-free environment.
- Show leadership towards phasing out dental amalgam and mercury from lamps under the Restrictions of Hazardous Substances Directive.
- Furthermore, in preparation of and at the ICCM5 meeting (now planned for 2021), promote an ambitious global regulatory framework on chemicals and waste with SAICM post 2020 and strengthen related legally binding chemicals conventions such as Minamata and Stockholm.





## 9. Promote democratic accountability and rule of law through better access to justice

- Maintain pressure and constructively engage with the Commission to ensure that an ambitious legislative proposal for revision of the Aarhus Regulation, ensuring that the EU is in full compliance with the Convention, is published by the September deadline and thereafter move swiftly to coordinate the position of the Member States in the co-decision process. The German Presidency should also convey its support for ensuring adequate access to justice in Member States through an ambitious and expansive new Commission proposal for a Directive on Access to Justice.
- Ensure that harmful business conduct is accounted for, by seeing to that the EGD Green Oath to “do no harm” is not undermined by the Better Regulation process and one-in-one-out principle or innovation approaches, as well as by supporting efforts to strengthen human rights and environmental due diligence in supply chains, both at EU level as well as within the context of the open-ended working group of the UN.
- Sustainable development must become the overarching objective for all EU policies and programmes. The «do no harm» approach, based on clear criteria, should be introduced in all sectors as an overriding test requirement in order to support the precautionary principle, which is bindingly enshrined in the Treaties.
- Guarantee meaningful public participation and a safe space for civil society engagement that is increasingly under threat, also as a result of emergency responses to the Corona crisis. The Presidency should support, whenever possible, the Commission with the Rule of Law Framework and support any effort to introduce measures which could protect NGOs, journalists and activists from SLAPPs (strategic litigation against public participation).

## 10. Promote European Solidarity, wellbeing, and social and environmental justice

- Cooperate with deep solidarity across the EU on the Corona crisis and the post Corona reform. This should take into account: social justice between social groups, including women, and minorities, such as Roma and wider BAME communities and refugees, often more strongly affected, economically and health-wise, by the Corona crisis and environmental pollution, and ensure equal access to clean water, sanitation and nature.
- Encourage a reform of the EU's Economic Governance Framework so that it puts wellbeing and sustainability at its core. This includes deep level changes such as turning the Stability and Growth Pact into a Sustainability and Wellbeing Pact and critical reflections on the impact of the historic growth model that too often relies on over-extraction and the destruction of nature, creating unacceptable risks for human health and society.
- Monitor progress on the European Green Deal and Sustainable Development Goals through a reformed European Semester that truly integrates wellbeing and sustainability indicators as headline indicators.
- Urgently increase the consultation with and participation of all segments of society, in particular youth, women and those groups that have shown to be particularly vulnerable during the pandemic, so as to ensure better representation of the next generation's concerns and identify solutions to improve inter-generational justice.

**In these challenging times, Germany has both a unique opportunity and responsibility to work with all EU Member States to promote a recovery from the Corona crisis that embraces the green transition and leaves no one behind.** Returning back to business-as-usual is not an option and progressive policies, identified by our Ten Tests above (and further details below), need to be embraced to catalyse a transition towards sustainability that invests in the EU's ecological, social and economic resilience, and has a future-orientated policy that strengthens our ability to face future crises and give the youth of today the future they deserve. The German presidency, the EU and its Member States will be judged by citizens and by history on what they commit to, promote and achieve in these Corona crisis times.



# 1



## Drive a just transition to a sustainable and resilient Europe

### COUNCIL RELEVANCE

European Council; General Affairs; Foreign Affairs; Economic and Financial Affairs; Transport, Telecommunications and Energy; and Environment. Given the need for a whole-of-government approach for the European Green Deal, this should be a regular item for the European Council, with specific initiatives tabled across relevant councils.

The multiple environmental crises facing the EU in a highly interconnected world need to be addressed both by specific thematic policies and through horizontal policies – the European Green Deal (EGD), the 8th Environmental Action Programme (8EAP) and the Sustainable Development Goals (SDGs), the Multiannual Financial Framework (MFF) and Recovery Package as well as integrated in trade. This first Test, addresses the EGD, 8EAP, SDGs and Trade. Given the importance of the Recovery Package and MFF, this is addressed in the second of the Ten Tests.

commitments exist in the areas of carbon neutrality, circular economy, biodiversity and aspects of the Farm to Fork Strategy. However, the content remains more conservative in a number of other areas such as aspects of Farm to Fork, the approach to agriculture, aspects of the industrial strategy and energy. It is therefore important for the German presidency to listen to the science and people and to push for ambition, both in the high-level discourse and commitments and in the contents of subsequent steps of the EGD as well as to ensure a strong 8EAP and integrate and implement the SDGs, all while taking into account the social dimension.

### 1.1 Implement a transformative European Green Deal at the heart of the Corona crisis response

The European Green Deal (EGD) remains a major opportunity and priority to respond to the existential threats of climate breakdown, biodiversity loss and pollution, including risks from chemicals, and the current and future pandemics. It should also be the centre piece in the response to the Corona crisis, helping to drive a transition towards a more resilient world. The EGD is being launched through a range of concrete measures throughout 2020 and 2021, many falling under the German presidency.

So far, there is a positive high-level commitment to the green transition in the political discourse and in the high-level texts – as seen by the central role given to the European Green Deal and green transition in the Recovery Package text. However, when looking at the content, there are many still conservative approaches that will not be sufficient to reach the ambitions (see recovery package discussion under next test). As regards the European Green Deal, progressive

#### We therefore call on the German Presidency to:

- Ensure that the European Green Deal (EGD) is at the heart of all Corona crisis response measures. The EGD must remain a major priority and opportunity to respond to the existential threats of climate breakdown, biodiversity loss and pollution, including risks from chemicals, and the current and future pandemics, helping to drive a transition towards a more resilient world and Europe within the global context;
- Uphold high levels of ambition in each of the actions committed to in the European Green Deal Communication and in the 2020 Commission Work Programme as the EGD depends on whether the various elements are in themselves transformative and mutually coherent and reflect wider needs for system change;
- Ensure that all three agendas – the European Green Deal, the 8th Environment Action Programme, and an overarching Europe 2030 Strategy and Implementation Plan - are coherent, complementary, mutually supportive and ambitious;
- Encourage Council debate on a mechanism for deeper integration of ethical considerations, social cohesion, solidarity and commitments to a fully just



transition. Integrate social measures in each of the three transformative agendas via the Just Transition Initiative, the MFF and other measures to help make the set a foundation for a new Social Contract for Europe that can also support the European Project;

- Highlight in the Council Conclusions the importance of an ambitious and transformative 8th Environment Action Programme that provides a framework for a just systematic change needed to protect people and planet. The 8EAP needs not only to be a bedrock for the EGD, but also include commitments to SMART targets and a monitoring mechanism for EGD ambitions. In addition, special attention is needed for the implementation and enforcement of the EU environmental acquis. There need to be specific commitments that will enhance the coherence of EU policies and funding with the EGD, integrate environmental policies with digitalisation and increase inclusion and open cooperation across governments and stakeholders. A whole-of-government and whole-of-society approach should be embraced.

## 1.2 Make the Sustainable Development Goals drive the Future of Europe

The adoption of the Global 2030 Agenda for Sustainable Development (2030 Agenda) with its 17 Sustainable Development Goals (SDGs) in September 2015 was a major milestone on the path to international recognition of the need for a more sustainable economic system and lifestyles. While the Commission's 'Reflection paper' was published in January 2019, the SDGs are mentioned in all Mission Letters and the Commission President has promised that the SDGs will be integrated into the European Semester, a stronger role is needed for the SDGs in the EU. The UN has declared 2020-2030 the Decade of Action and Delivery – but the EU is still missing a Sustainable Europe 2030 strategy with clear targets for all SDGs, timelines and an implementation plan for the SDGs five years after the adoption of the 2030 Agenda. The governance structure of the new Commission does not foresee any leadership and coordination role that would be able to monitor how each and every Commissioner delivers on the SDGs. The Multi-Stakeholder Platform on the Implementation of the SDGs, the previous Commissioner's advisory body, was closed in late 2019 and the new Commission seems to leave participatory stakeholder engagement on the side. The EU's monitoring process to measure progress towards the SDGs remain weak, ignoring the clearly voiced interest of civil society, local authorities, businesses and researchers to be included in the process. It is business and research to be included in the process.

### **We therefore call on the German Presidency to:**

- Ensure the Commission makes sustainable development the overarching objective and guarantees coherence between all European

policies, strategies and sustainable development objectives, inter alia, by strengthening governance for sustainable development relating to the "better regulation" process and the true integration of the SDGs into the European Semester;

- Request the Commission to quickly develop a Sustainable Europe 2030 Strategy and set out an implementation plan with clear European targets for all SDGs, timelines, objectives and concrete measures to implement the 2030 Agenda in all EU policies as demanded by the Council in June 2017, October 2018 and December 2019;
- Encourage the new Commission to develop a robust, transparent and participatory monitoring and review system in close consultation with civil society including a full SDG monitoring report similar to a Voluntary National Review (VNR) in form of a Voluntary Regional Review (VRR) to be presented at the 2021 HLPF covering all policies, internal and external, as well as spill-over effects of European domestic policies. This should include a review of the EU's SDG indicators and identify the weaknesses of the existing data set in line with the Council Conclusions of December 2019;
- Ensure that the Multi-Stakeholder Platform (MSP) on sustainable development will be reconvened by the new Commission with a clearer, stronger and more political mandate to allow for meaningful multi-sectoral civil society participation in the development of a Sustainable Europe 2030 strategy and the EU's SDG monitoring and review. Moreover, the Presidency should ensure an active process for civil society participation at EU level to prepare the implementation and review mechanisms in consultation with the Commission, with capacity building actions and funding possibilities for civil society, and support and seek exchange with the MSP on the implementation of the SDGs.

## 1.3 Promote coherence with the EGD in EU Accession and Neighbourhood countries, including the Balkans

The countries in Eastern and South-Eastern Europe that aspire to one day join the European Union need to bring their environmental policies close to those of the EU. North Macedonia, Montenegro, Albania, Serbia and Turkey, the official candidate countries, Bosnia and Herzegovina and Kosovo as potential candidates as well as the countries covered by the European Neighbourhood and Partnership Instrument (ENPI) still need to overcome a wide range of environmental challenges such as air and water pollution, land degradation, waste management and the loss of biodiversity before joining the EU. As part of the European Green Deal, the Commission has announced to launch the Green Agenda for the Balkans which,



according to its initial plans, is meant to be agreed upon by the partner governments during the German Presidency.

#### We therefore call on the German Presidency to:

- Ensure that EU environmental rules and standards are fully integrated in discussions and funding linked to the Balkans, the accession process and cooperation between the EU and the European Neighbourhood and Partnership Instrument (ENPI) countries;
- Ensure a strong strategy behind the Balkan Green Agenda as part of the Green Deal that includes meaningful consultation with civil society in the region;
- Encourage, through the MFF discussion and elsewhere, new funding lines for civil society to step up capacity building, awareness raising and advocacy work in the region to make the Balkans Green Agenda a success;
- Recognise the negative impacts of hydropower on biodiversity and discourage the construction of new dams using diplomacy, policies and funding, and protect and restore free flowing rivers – with a particular focus on the EU six Eastern partnership countries where the risks are particularly significant;
- Demand that the Commission and Member States encourage Associate Countries (Ukraine, Moldova and Georgia) to align their policies with European Green Deal objectives, including by supporting relevant bilateral policies and civil society groups. The EGD priorities need to be integrated into EU external aid programs vis-a-vis Associate Countries and the EU should take a proactive role when Association Agreements are updated to ensure that environment and climate change pillars reflect comprehensive approximation to the EU policies.

## 1.4 Trade

Trade policy needs a thorough realignment to ensure that it is fully compatible with the EGD objectives and able to contribute to addressing the climate and biodiversity crises, rather than adding to them. During the German presidency, negotiations are underway between EU-Mercosur, with the US and UK post Brexit. An EU-China summit was originally planned during the German EU Presidency. Each of these are windows of opportunity to leverage EU trade power to promote sustainability, but also represent risks of weakening of EU regulatory rules supporting sustainability. Furthermore, existing trade and investment agreements need to be fully aligned with and contribute to the Paris Agreement and EGD ambitions, and where not possible, be withdrawn.

This rising wave of investor-state dispute settlement (ISDS) cases arising from actions taken to tackle the COVID-19 pandemic and ensuing economic crisis should be a cause for alarm. This wave is threatening to undermine the economic recovery, a just transition, the

European Green Deal and the EU's efforts to address the climate emergency. The fate of all these goals now depends on bold action from the German Presidency to reverse course on trade policy. As the EU just started a review of its trade policies, the time to change course has never been better. A massive coalition of 600 organisations, including the EEB, is urging governments to permanently restrict the use of ISDS, suspend all ISDS cases on any issue against any government while it is fighting the COVID-19 crisis, ensure that no public money is spent paying corporations for ISDS awards during the pandemic, stop negotiating, signing and ratifying any new agreements that include ISDS and terminate existing agreements with ISDS, ensuring that 'survival clauses' do not allow cases to be brought subsequently. The pre-COVID-19 plans of the Trio Presidency to pursue ambitious EU-Mercosur, EU-US and other bilateral trade agreements need to take this and the growing pushback from the scientific community that the greatly increased trade volumes criss-crossing the globe are doing more harm than good to people and planet into account.

#### We therefore call on the German Presidency to:

- Ensure that trade agreements include enforceable clauses on commitment to the Paris Agreement, non-regression on environment and environmental democracy, and 'do no harm' principles in Trade and Sustainable Development chapters, with a real enforcement mechanism accessible to civil society and citizens. Furthermore, trade agreements need to ensure that products sold in the EU do not lead to deforestation, land grabbing of native lands or human rights violations;
- The latter in particular applies to the Free Trade Agreement with the Mercosur: after the FTA was voted down by the Dutch Parliament in early June with early criticism from the French Government, we ask the German Presidency to make sure the EU does not finalise the FTA without enforceable clauses on the Paris Agreement and non-regression on exiting environmental agreements;
- Ensure that trade and investment agreements negotiated or adopted during the Presidency do not include investment arbitration procedures that create risks of deregulation or "regulatory chill", notwithstanding the Court of Justice's opinion in case A-1/17;
- Ensure that the UK will not jeopardize existing or future EU environmental standards: both during and after the Brexit negotiations, the EU should take measures to ensure that future UK access to the EU market is linked with the UK's adherence to the principles and standards of the EU's environmental *acquis* ('dynamic alignment');
- Increased transparency is needed on the adequacy and nature of the UK's replacement regime when the UK withdraws from the EURATOM Treaty to safeguard the interests of the Union, particularly given the proximity of the UK to EU Member States;





- Similarly, the Meeting of the Parties for the UNECE Convention on Environmental Impact Assessment in a Transboundary Context, the Espoo Convention, will be increasingly important in the context of Brexit and other activities of a transboundary nature to protect the EU and its citizens;
- Commit to leave the Energy Charter Treaty (ECT) as a priority and encourage other MSs to do the same. And encourage MS to exert their influence to ensure that other MS are not sued or threatened with claims under the ECT. The ECT leads to a chilling effect on the necessary energy transition. Two decades after coming into force, and with the climate emergency, the basis of this Treaty is outdated and countries should leave the Treaty, as Italy has already done; Ensure that Member States comply with the judgement of the ECJ on Case C-284/16 Achmea regarding intra-EU trade and that intra-EU bilateral investment treaties are disapplied to guarantee coherence with the European Green Deal and future Climate law;
- Promote human rights using the leverage of EU trade, for example by requiring the commitment of all Mercosur countries to ratify the Escazú Agreement within 3 years of the signing of any FTA with the EU, to ensure some equivalence with environmental rights protected under the Aarhus Convention;
- Advocate for an active and constructive role by the EU in the negotiations for a new UN Human Rights Treaty on Transnational Corporations and Other Business Enterprises, and to ensure the EU addresses its obligations under Article 3(7) of the Aarhus Convention to ensure the principles of the Aarhus Convention are reflected in the substantive text of the new convention. This is particularly in respect of eNGO locus standi, the ability to act to prevent environmental damage, and its principles in respect of environmental democracy;
- Initiate an alternative trade mandate based on extensive civil society consultations to help increase transparency of the negotiations.

# 2



## Catalyse the green transition through the MFF and the Recovery Package

### COUNCIL RELEVANCE

European Council; General Affairs; Economic and Financial Affairs; Transport, Telecommunications and Energy; and Environment Given the horizontal nature of the MFF and Recovery Package and the need for a whole-of-government approach, this should be a regular item for the European Council, with specific initiatives tabled across relevant councils.

### 2.1 An EU Budget (MFF) and Recovery Package for transformative change

On 27 May 2020, to respond to the Corona crisis, the European Commission has proposed a recovery package for Europe that entails 750 billion EUR for 2021-24 on "Next Generation EU" and a reinforced long-term EU budget - with the Multiannual Financial Framework (MFF) envelope of 1,100 billion EUR.

The MFF and the Recovery Package will be crucial in shaping the direction of this decade. These instruments can either lock-in unsustainable, polluting and damaging practices, increasing even further the burden upon all generations, but particularly young Europeans and the next generations, or be a clear change of direction, after a clear wake-up call now also came through the COVID-19 crisis. Furthermore, money spent now will constrain what can be spent on the future.

Therefore, at this crucial moment in time, at the start of the decisive decade to turn the biodiversity and climate crises around, it is for the Council to ensure that the 'Next Generation EU' Recovery package does all within its powers to address these interlinked crises. All funding must be future-proof to actually serve the next generation. Thus, all spending must truly do no harm to biodiversity, climate and humanity's existential basis and must be based upon clear environmental conditions. The Corona crisis has demonstrated a clear need and occasion to re-start the economy, taking our health and the planetary basis upon which we depend seriously, rather than going back to business as usual to an economy that does not serve people and the planet.

While there are positive elements in the Recovery Package proposal and the updated MFF, it will not drive down GHG emissions sufficiently, do enough to halt biodiversity loss and address the root causes of the Corona crisis, or prevent water quality degradation and air pollution. The EU budget and reform package, while committing to a green transition, risk being a missed opportunity for EU added value. MFF and Recovery package funding of sustainable policies is thereby not only a question of its size, but also of the spending quality.

Concretely, this means that various aspects of the Recovery Package must be strengthened and significant efforts to ensure the MFF is equipped to deliver on the commitments of the Green Deal are needed. It is for the German Presidency to kickstart this process and to pave the way in the right direction, recognising the importance of its six months for the following ten years.

#### **We therefore call on the German Presidency to:**

- Ensure that the European Budget and Next Generation EU recovery package is EGD-compatible and a true climate and sustainability budget that invests in green transition driving a way forward out of the Corona crisis and improving resilience of ecosystems, social systems and the economy;
- Support the positive elements of the Recovery Package, including: the scale of funding, the focus on the EGD, the 'do no harm' green oath commitment and the increased Just Transition Mechanism;
- Obtain Council Conclusions demanding increased conditionality and transparency to improve the Recovery Package: allocation of EU funding should be subject to transparency and compatible with the EGD, Paris Agreement and the 'do no harm' oath



as well as good governance principles. Further, no money should be allocated to companies that do not pay taxes or a fair level of taxes in the EU;

- Improve the targeting of European funds to focus on green and sustainable jobs, ecological resilience and cost-effectiveness of addressing the crises now, rather than later. Use all financial means to drive the green transition of the EU economy – through a climate budget (MFF) with 40% climate funding and associated integration in Partnership Agreements, Operational Programmes and CAP Strategic Plans. Allocate a further 10% of EU funding to other aspects of environment, at least 20 billion EUR/year for the management of the Natura 2000 network and 45.6 billion EUR for large scale nature restoration. On thematic areas:

### Nature

Just one week before the Commission's MFF and recovery fund proposals were unveiled, the EU Biodiversity Strategy for 2030 promised to allocate 20 billion EUR/year from EU, national and private funds for nature protection and restoration and which was touted to serve as a central plank in the EU recovery plan. Regrettably, the Commission budget proposal failed to explicitly earmark EU funding for direct investment in nature with the exception of a commitment to mobilise 10 billion EUR for 10 years under the InvestEU programme. This must be corrected as a matter of urgency. Furthermore, the amount proposed for the EU's only dedicated fund for protecting climate and nature, LIFE, has been reduced by 20 million EUR in comparison with the Commission's 2018 MFF proposal. This is completely out of line with the European Green Deal; the LIFE budget needs to be increased to 1% of the MFF. In addition, the European Maritime and Fisheries Fund must be transformed into a true ocean conservation fund by excluding any subsidies that aggravate overfishing and by, instead, ring-fencing funds for the ecological restoration of our seas.

### Agriculture

Ensure that the CAP budget is convincingly compatible with climate, biodiversity and other environmental objectives and make all spending conditional to the respect for environmental legislation, including the need to provide for effective Access to Justice at Member State level so that compliance can be addressed at national level. The CAP budget should also help implement the Farm to Fork commitments. The Recovery Package proposal to increase the funding to the CAP (including Pillar 1) is not coherent with the European Green Deal. The proposal to provide an extra 15 billion EUR to fund the most effective policy instruments under Pillar 2 of the CAP, the European Agricultural Fund for Rural Development, would have been a good signal, but the Commission did not tie it explicitly to current environmental ringfencing nor to the new objectives stated in the Farm to Fork and Biodiversity Strategies. Payments for intensive

farming that harms the environment have been left untouched and might even increase in the future.

### Building Restoration

The commitment on building restoration is welcome, but more specific targeting of energy efficiency should be included.

### Energy

The recognition of the importance of renewable energies is welcome, however, there are risks that commitments to "clean hydrogen" rather than "green hydrogen" will create loopholes for funds to be directed towards expensive CCS and provide a lifeline for gas, that risks locking-in future GHG emissions and be incompatible with the 1.5°C target. These loopholes need to be closed.

### Transport

The funds promised for clean transport will make a significant difference, but money is also needed to rebuild urban space for people, reduce car numbers and systematically encourage cycling, walking and public transport. Funds should be duly targeted.

### Circular Economy and sustainable industrial production

We welcome the commitment to recycling, but we must go beyond recycling and ensure a full circular economy transition and move towards business and consumption models which support the right of consumers to repair and use everyday products for longer.

- No investments should be made that undermine the EGD, or international environmental agreements, such as the Paris Agreement, the CBD or the SDG commitments - no investment in fossil fuels, intensive agriculture or aviation: strict conditionality and measures to reduce flight travel, especially short-distance flights, are needed to make such investments EGD compatible;
- Encourage transparent reporting on subsidies and prioritise the removal of harmful subsidies (e.g. in the fisheries, agriculture or industry sector and cohesion funding on transport) – so that funds can be allocated to more added value activities that do not undermine the EGD. Launch an open method of coordination process to reduce national harmful subsidies, complemented by "harmful subsidies" reform at EU level - e.g. within the MFF, remove excise tax exemptions for aviation, fisheries and agriculture. In addition, promote the reform of the State Aid guidelines such that they rule out environmentally harmful subsidies, accelerate industry decarbonization and depollution and facilitate climate finance;
- Ensure an effective and measurable methodology for monitoring climate-spending, including reporting and relevant measures in case of insufficient progress. Ensure that the MFF as a whole contributes to the implementation of the Paris Agreement;



- Within the Recovery Package, give greater recognition to the causes of the crisis and target funds and policies to address the drivers with a view to avoiding future crises. Particular attention is needed to tackle biodiversity loss (see next point on biodiversity) and illegal wildlife trade. The relationship between how pollution and chemicals exposure affect immune system resilience to corona-type pressures needs urgent research and policy attention – with appropriate mention in the upcoming chemicals strategy. There also needs to be a recognition that the current economic system leads to the destruction of nature and often puts profit over nature and health, to then explore how to reset this model. There is an essential need to invest in the resilience of ecosystems, as well as in governance, social and economic systems to avert future crises and to be able to deal with them more effectively when they do occur;
- Much of the money is allocated with very high levels of flexibility to Member States and with insufficient provisions regarding State Aid conditionality. For an effective recovery it is essential that financial support targets true opportunities for a green transition and that it does not work against the environmental and climate ambitions of the EGD. Ambitious and specific national strategies, plans and programmes will be essential to ensure this;
- Align the green taxonomy to the need of orienting Corona response funding towards climate and biodiversity-proof investments to ensure policy coherence and to minimise risks of poor targeting of taxpayers' money;
- Facilitate national expenditure by Paris-compatible State Aid Guidelines and use the Growth and Stability Pact flexibility mechanism to exempt taxonomy-coherent climate expenditure from the Maastricht 3% debt rule;
- Private expenditure should be facilitated through the sustainable finance taxonomy and finance strategy. Only with EU, national and private funding will we be able to address the climate, environmental and biodiversity crises and recover from the Corona crisis by implementing a transformative European Green Deal that invests in our future and wellbeing.

## 2.2 Taxation and environmental fiscal reform

There are increasing calls for a system of fair and efficient taxation in the EU – within the European Green Deal, at national level, and by the research community – underlining the need for ecological tax reform to put more burdens on resources and pollution and less on labour. There is a growing recognition that without addressing pricing and subsidies, the economy will not support sustainability needs.

A fair and efficient taxation system is one where, *inter alia*, there are no harmful subsidies and where pricing reflects, *inter alia*, environmental externalities (such as climate change, air pollution, marine litter polluting the oceans) as well as resource costs (such as water, materials) and service provision (e.g. waste management costs), while also taking into account affordability and distributional issues.

### We therefore call on the German Presidency to:

- Catalyse the industrial transformation by economic incentives, including through a reformed Energy Tax Directive and EU Emission Trading Scheme (ETS), combined with the removal of harmful subsidies such as kerosene tax exemptions for shipping and aviation that are incompatible with climate ambitions. Further launch a suitable border tax adjustment mechanism and state aids;
- Prioritise progress on the excise tax reform discussions so that it includes carbon taxes across the EU and border tax adjustments: aim for an EU carbon tax (via the Energy Tax Directive reform), aim to move to Qualified Majority Voting for this carbon tax (using the “passerelle” clause), or use enhanced cooperation mechanism for a coalition of the willing nations. Promote a target rate of 100 EUR per tonne of CO<sub>2</sub> by 2030 to incentivise transformative change, with ramping up of rates (€50/tC by 2025), revenue recycling, and measures for a just transition;
- Internalise external costs (e.g. health or environmental issues caused by pollutants), work towards the harmonisation of methods in the EU for internalisation of damage costs (e.g. plastic pollution, PFAS, resource use) and for air pollution adapt the value of statistical life of EU citizens to US price levels, as suggested by the OECD recommendations. Moreover, polluters should remain liable for restoring habitats impacted by their activities (e.g. mining or dealing with legacy chemicals, setting aside a minimal turnover share for recovering future costs to society due to pollution) or other financial guarantees;
- Remove the Excise Tax exemptions for kerosene for shipping and aviation: remove the tax loopholes to ensure these sectors pay a fair price for fuel;
- Continue the reform of the EU-ETS: reduce the share of free CO<sub>2</sub> allowances to zero over time. Pursue greater auctioning (committing to 100% auctioning and encourage targeting revenue uses for Paris compatible funding). Tighten the free CO<sub>2</sub> allowances to be in line with the higher ambition, by withdrawing CO<sub>2</sub> allowances for future periods (i.e. faster than the planned withdrawal rate of 2.2% per year from 2021) and develop a floor pricing system to protect the price incentives from too much variation and raise that price over time, with compatibility to ambitious carbon taxes being applied on non-ETS sectors.



# 3



## Address the climate emergency

### COUNCIL RELEVANCE

European Council; General Affairs Council; Transport, Telecommunications and Energy Council; and the Environment Council.

### 3.1 Towards a strong long-term climate policy

At the end of the Finnish Presidency, the European Parliament voted on a Climate Emergency, the European Council Conclusions led to an agreement on climate neutrality for the whole of Europe by 2050 and the UNFCCC COP25 in Madrid reiterated the importance of the 1.5°C global warming limit and recognised the importance of oceans. The EU commitments were constructive steps forward, while the COP25 only provided “de minimus” conclusions that did not rise to the scale of the climate crisis or calls from youth protests and evidence from science. At both EU and global level, the broad scale declarations need to be followed by concrete actions and further diplomacy. The 2021 UNFCCC COP26 in Scotland is an important window of opportunity to show a strengthened EU ambition and to drive increased global commitment.

Presidency Trio diplomacy to help realise progress on strengthening EU commitments, strategies, targets, regulations, climate finance and fiscal instruments will be essential. This will help the EU to lead by example in global processes (UNFCCC) and help to set the scene for success at UNFCCC COP26 in Glasgow in 2021.

On 4th March 2020, the European Commission proposed the first EU Climate Law. The proposed Regulation enshrines a binding objective of climate neutrality (net-zero emissions) in the Union by 2050. It also announced the consideration of options for a new EU 2030 target of 50 to 55% of GHG emission reduction compared to 1990 levels and a proposal to amend the target if deemed necessary. It also announced that an assessment of national measures against the climate neutrality objective under the NECPs will take place only in 2023.

While a positive step forward, the proposed Climate Law is not addressing the climate emergency and the need to respond through urgent action as demanded by science and civil society. Delaying action will drastically reduce the possibility to meet the 1.5°C global warming target that the EU signed up to in Paris. Moreover, to meet this target, a reduction of GHG of at least 65% by 2030 is needed, with climate neutrality to be reached by 2040 and strengthened global action. The German Presidency should accelerate the Council discussions on the Climate Law to ensure a General Approach agreement already at the October Environment Council. The European Council should endorse the submission of a revised EU 2030 NDC to the COP26.

#### We therefore call on the German Presidency to:

##### Climate Law

- Ensure a General Approach to be reached on the Climate Law Regulation at the October Environment Council and an inter-institutional agreement by the end of 2020 as a mandate to the European Commission to revise all relevant legislation as soon as possible;

##### Target ambition

- Set binding targets both at EU and Member State level in the Climate Law Regulation to reach climate-neutrality at the latest by 2040, with a minimum GHG reduction target of 65% by 2030 for the EU as a whole (relative to 1990 levels), aligned with scientific evidence;
- Revise the EU's NDC submission for the 2021 UNFCCC COP26 in Scotland accordingly;
- Revise the EU's 2030 renewable energy target to at least 50% and the energy efficiency target to at least 45%;



- Reduce embedded emissions of both European production and imports;
- Insist on a 2025 review, both for the GHG emission reduction target for 2030 and for the energy efficiency and renewable energy targets so that progress, new scientific evidence on urgency and citizen calls can be translated into more ambitious targets;

### Policy coherence

- Prevent anthropogenic GHG emissions at source and protect natural sinks by making consistent interlinkages between climate emissions and biodiversity loss, air, water and soil pollution, and industrial emissions (IED);
- Create a stronger link between Circular Economy policies and Climate policies, namely for Carbon-Intensive materials;
- Address the existential threats of climate change, biodiversity loss and other negative environmental impacts such those related to agriculture emissions, including methane;
- Prioritise nature-based solutions that bring mutual benefits for biodiversity in adaptation strategies;
- Address adaptation in the agriculture sector with a focus on solutions which provide synergies for climate mitigation, biodiversity restoration, and soil and water protection;

### Economic and financial tools

- Eliminate subsidies to fossil fuels under all forms currently allowed, including by revising the Energy Taxation Directive and the State Aid provisions (ETS, EEAG);
- 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, with specific focus on filling the gap in the Effort Sharing sectors such as transport, buildings and agriculture;
- Ensure that all financial support (EU, national and private finance) is aligned with the climate-neutrality objective and with phasing out investments in fossil fuel infrastructure;
- Prioritise efforts to close the gap between the EU’s 2030 climate and energy targets (energy efficiency and renewable energy) in the National Energy and Climate Plans (NECPs) by including, among others, industrial GHG emissions and Circular Economy provisions;

- Promote a zero-carbon construction sector, notably by calling for an accelerated 3% renovation rate in the Renovation Wave, full decarbonization of heating and uptake of carbon neutral construction products;
- Encourage due ambition for the Energy Tax Directive reform and associated carbon border adjustment mechanism to facilitate progress with GHG mitigating incentives, complemented by urgent promotion of harmful subsidy reform (and clear timetable for their phase out in the National Energy and Climate Plans as requested by the Commission), Paris-compatible State Aid Guidelines and the Action Plan on Green Financing;
- Promote a truly Paris Agreement compatible energy infrastructure that supports a fully renewable energy system and prevent the hazardous technology lock-in into fossil fuels. End public support for fossil fuels and fossil fuel infrastructure. Carefully assess all projects benefiting from EU funding and Projects of Common Interest (PCI) in light of their sustainability and compatibility with our commitments under the Paris Agreement and a fully-renewable energy system by 2040;
- Develop a robust EU climate adaptation strategy that helps the EU prepare for the growing climate crisis by investing in ecological resilience. This needs to have a strengthened focus on ecosystem resilience to climate change, taking into account the latest science on emerging trends, feedback loops, tipping points and linkages of ecosystems and socio-economic systems. Growing concerns about water stress and scarcity in Europe need to be fully factored in, as do wildfires, storms and coastal erosion. Investment in nature-based solutions, such as the restoration of key ecosystems serving both as natural carbon sink and supporting climate change adaptation, needs to be a core part of the EU’s climate adaptation strategy and should be favoured over CCS/CCU,
- Encourage an industrialisation strategy that integrates circular economy measures to support the transition to a net-zero greenhouse gas economy by 2050 and use performance-based standards to its fullest extent i.e. the EU BREFs to address GHG as well as the overhaul of the Industrial Emissions Directive (broaden coverage to include: cattle given their role in methane and ammonia productions; data centres given energy demand).



## 3.2 Towards energy policies that drive climate action

The role of energy in climate action is essential and the German Presidency needs to speed up the transition to renewable energy production. There is a need to move towards a renewable energy system supported by resilient electricity and gas grids to decarbonize heating and cooling, sharply decrease energy imports and to improve energy efficiency in products and processes.

Achieving the EU's climate commitments requires an all-hands-on-deck-approach fully combining the efforts on energy efficiency, renewable energy, agriculture, nature-based solutions, industrial pollution and circular economy by fully recognizing the CO<sub>2</sub> savings potential linked to saving on material resources and the embedded CO<sub>2</sub>.

The issue of energy infrastructure and the financial and regulatory framework is essential. The Connecting Europe Facility (CEF), as part of the Multiannual Financial Framework 2021-2027, is a key instrument. The partial provisional agreement still allows public money to be spent on fossil fuel projects which are one of the main reasons for the risk of catastrophic climate change, import dependence and long-term rising costs.

Respecting the climate commitments requires avoiding any continued lock-in into fossil fuel infrastructure and technologies and ensuring that no more EU public money is wasted in unsustainable projects that lock us in fossil fuel dependence. The upcoming Ten Years Network Development Plan (TYNDP) for 2022 should be Paris-Agreement Compatible and reflect a sustainable and fully renewable energy system with net-zero GHG emissions by 2040.

The Ecodesign and Energy Labelling frameworks are essential elements of the EU's climate and energy policy, already delivering considerable savings in energy consumption (roughly 500 EUR annually per household by 2020). However, energy performance requirements should be made more stringent and the governance of the measures must be improved so that they can deliver their full potential. The Methodology for Ecodesign of Energy-related products (MEErP), which underpins these policies, so far fails to comprehensively consider the benefits from circular economy provisions, such as on reparability and recyclability, even though these can deliver significant emissions savings due to the embedded energy in products.

### We therefore call on the German Presidency to:

- Ensure the shift to renewable energy is compatible with the preservation of biodiversity, the limitation of air, water and soil pollution and with the sustainable supply of resources, including in the marine environment, where a significant expansion in wind power is envisaged and potentially developed by a range of Member States;
- Embrace the “energy efficiency first” principle in the implementation to ensure cost effective solutions, which, *inter alia*, should also support the added value from the utilisation of EU funding;
- Investigate the decision-making process with regards to Ecodesign and Energy Labelling measures so as to reinforce its effectiveness and help make the policy deliver on its full potential in a timely manner. Support the recommendations of the European Parliament in their own initiative report on Ecodesign implementation (May 2018);
- Assess and improve the Ten Years Network Development Plan (TYNDP) for electricity and gas grids and ensure that it is Paris Agreement compatible, based on assumptions that deliver emission reductions, and reflect net-zero emissions by 2040 to meet the 1.5°C commitment. Build and promote a truly Paris Agreement compatible scenario to support a net-zero and fully-renewable energy system and prevent hazardous technology lock-in into fossil fuels. Key areas of concern are energy efficiency, overall emissions, assumptions on biomass use (land take questions, risks of biodiversity loss), on renewable/fossil hydrogen (lack of sufficient capacity to generate renewable gas), carbon capture and storage (CCS) and carbon capture and use (CCU) assumptions (leakage risks, geographic availability, costs);
- Broaden the debate on the EU Hydrogen Strategy beyond the promotion of a specific energy carrier, as one of the many potential solutions to the decarbonization of our energy supply and flexibilization of our energy demand (including storage, demand response, grids, flexible generation, etc.);
- Use the Strategy for smart sector integration as an opportunity to work on system-wide solutions to reach a fully renewable energy system through e.g. a strategy promoting electric vehicles, decentralised storage (including power-to-heat storage) and other smart technologies.

# 4



## Reverse the dramatic loss of biodiversity on land and in oceans and invest in the resilience of our ecosystems

### COUNCIL RELEVANCE

The Environment Council and the Agriculture and Fisheries Council.

#### 4.1 Putting biodiversity on a path to recovery

Our dependency upon healthy and resilient ecosystems has become strikingly evident. Not only do we depend upon nature for food security, to tackle the climate crisis and for our overall well-being, it has also become clear that we need healthy and resilient ecosystems to protect ourselves from future pandemics. Turning the tide against biodiversity loss is not a nice-to-have but is essential for our own survival. The German Presidency must therefore put biodiversity at the heart of the EU's recovery plan from the COVID-19 crisis and mainstream biodiversity it into all policy areas and funding instruments.

The EU Biodiversity Strategy for 2030 is the opportunity to bring about the drastic change that is needed to address the biodiversity crisis in this decisive decade. We welcome the Biodiversity Strategy as it entails many promising commitments that are necessary to address this crisis. The strategy includes much needed cross-sectoral commitments to protect and restore the EU's nature, entails potential for synergies to address the interlinked climate crisis and contains measures to address key drivers of biodiversity loss such as intensive agriculture. Furthermore, it provides a significant opportunity for the recovery from the COVID-19 crisis by creating sustainable and long-term job opportunities and by enhancing the resilience of our ecosystems to future pandemics.

Nonetheless, given the urgency of the matter, some commitments of the strategy do not reflect the necessary level of ambition that is needed to address the multiple crises we are facing today, including tackling the drivers that have been given less attention

to date, notably light and noise pollution. In line with the requirements of inter- and intra-generational equity, it is for the Council to ensure that the next ten years are used to their maximum potential in turning the tide against biodiversity loss. The Council Conclusions adopted under the German Presidency should endorse the commitments in the EU Biodiversity Strategy for 2030 and commit to provide the necessary political will, investments and full cooperation to ensure the timely and ambitious implementation of the actions.

#### We therefore call on the German Presidency to:

- Lead the adoption of ambitious Council Conclusions that endorse the commitments in the EU Biodiversity Strategy for 2030 and commit to provide the necessary political will, investments and full cooperation to ensure the timely and ambitious implementation of the actions, particularly to protect and restore EU's nature and address all drivers of biodiversity loss, including those given less attention to date, notably light and noise pollution.
- Cooperate with the European Commission in setting up a new governance framework for the EU Biodiversity Strategy for 2030 that includes frequent monitoring and review processes in recognition of the urgency and speed necessary to halt the continued biodiversity loss. This should include being open to legislative tools to ensure the coherent delivery of the commitments of the strategy and with that equal protection of human health across the entire EU by protecting and enhancing the resilience of nature;
- Commit to the full implementation of the Birds and Habitats Directives, and increase the ambition of the Biodiversity Strategy in line with the requirements of the Directives to stop deterioration in conservation trends and status of all protected habitats and





species, already effective now (and not only by 2030) and reach 100% favourable conservation status of all habitats and species, rather than a mere 30% improvement thereof, reflecting the real urgency of biodiversity loss and the significant potential of the Natura 2000 network;

- Work with the European Commission to develop an ambitious EU Forest Strategy with a focus on the protection of natural and old-growth forest and their restoration, contributing to climate mitigation and adaptation and improving biodiversity and ecosystem resilience;
- Ensure that the commitments in the EU Biodiversity Strategy on bringing nature back to agricultural land, including the commitments on pesticide and fertiliser reduction, the 10% space for nature on farmland as well as the commitment to enhance agroecological practices are integrated and enabled by the reformed Common Agricultural Policy;
- Secure the necessary funding of at least 20 billion EUR per year from EU, national and private funds for nature protection and additional 45.6 billion EUR for large scale nature restoration that can serve as a central plank of the EU's green recovery;
- Remain committed to the EU taking a leadership role at the Convention for Biological Diversity COP15 and prepare for the agreement of an ambitious Global Deal for Nature and People. Enhance the credibility of this role by taking timely and ambitious action at home to address the biodiversity crisis within and beyond the EU, by also recognising the significant global footprint of the EU's consumption patterns and by taking active steps to significantly reduce it.

## 4.2 Towards thriving marine and coastal ecosystems that support a climate-resilient future

Our oceans are crucial to support life on earth. We need marine and coastal ecosystems to be rich in fauna, flora, and genetic biodiversity so that they can perform their natural functions and support life on earth by, *inter alia*, acting as vital carbon sinks, regulating weather patterns and providing oxygen. Major commitments to safeguard the oceans have not been implemented. The Biodiversity Strategy for 2030 must now break this line of missed opportunities to truly address the drivers of the degradation of marine ecosystems.

### We therefore call on the German Presidency to:

- Endorse the commitments to protect and restore marine ecosystems in the 2030 Biodiversity Strategy, including by protecting 30% of EU seas in Marine Protected Areas, including 10% under strict protection, and ensure that marine ecosystems play a key role in the implementation of the protection and restoration targets of the strategy;

- Urge Member States to increase the ambition in the implementation of the Marine Strategy Framework Directive and the Common Fisheries Policy in line with the legal requirement to reach good environmental status and to end overfishing by 2020 and welcome the development of a new action plan for the protection of marine ecosystems to help deliver the commitments on the reduction of negative impacts of harmful fishing practices and extraction activities by, *inter alia*, agreeing to operate a full transition towards low-impact fisheries in EU waters and by all EU vessels at the latest by 2030;
- Cooperate with the Commission in preparing an ambitious action plan for the protection of marine ecosystems with a focus on harmful fishing practices, such as active bottom-contact fishing and bycatch of sensitive species, including through concrete actions to stop them entirely in marine protected areas, by 2022 the latest, as a first step to phase out such practices in EU waters and by EU vessels globally;
- Ensure that harmful fisheries subsidies, banned by the EU in 2004, are not reintroduced in the next European Maritime and Fisheries Fund during the ongoing trilogue negotiations;
- Revise the Control Regulation to ensure full compliance of the fishing sector with fisheries and nature laws, requiring fully documented and transparent fisheries and to ensure that no products from illegal, unreported and unregulated (IUU) fisheries reach the EU market;
- Ensure that the EU's upcoming Offshore Wind Strategy fully takes into account the impacts on marine ecosystems and biodiversity of the development of offshore wind energy production plants;
- Ensure that the EU's upcoming Climate Adaptation Strategy fully recognises the role of healthy seas and ocean and restored marine ecosystems in our planet's ability to withstand the worst impacts from the climate breakdown;
- Embrace EU leadership on Oceans and:
  - o Push for the adoption of an ambitious Global Ocean Treaty to protect marine biodiversity in areas beyond national jurisdiction at the 4th session of the Intergovernmental Conference on Biodiversity Beyond National Jurisdiction;
  - o Use the EU's diplomatic leverage to overcome barriers for the designation of the Weddell Sea Marine Protected Area;
  - o Support the call for a global moratorium on deep seabed mining;
  - o Support the adoption in the International Maritime Organisation of urgent short-term measures to ban Heavy Fuel Oils in the Arctic and reduce ship speed to decrease GHG emissions, noise levels and whale strikes.

See also the Seas at Risk's "[Blue Manifesto](#)".



# 5

## Initiate a transition towards sustainable food and agriculture

### COUNCIL RELEVANCE

Environment Council; Agriculture and Fisheries Council.

In June 2018, the Commission published legal proposals for a new CAP which is based around a “new delivery model” and a partial move from a compliance- to a performance-based approach. These proposals have been criticised by the European Court of Auditors, civil society, and the scientific community alike for increasing the flexibility given to Member States without the necessary safeguards to maintain a level-playing field and to deliver on the promised higher environmental and climate ambition. Meanwhile, the COVID-19 crisis significantly highlighted the urgent need to profoundly reform the CAP and, along the proposal for a revised EU Budget, the Commission has amended its own CAP proposal in May 2020.

In the meantime, in May 2020, the Commission released its Farm to Fork and Biodiversity Strategies and issued an analysis of links between the CAP Reform and the European Green Deal. While the EEB has welcomed the newly proposed targets in the Farm to Fork and Biodiversity Strategies, promises fell short and were not reflected in the amendments of the CAP proposal from the Commission, nor in the Staff Working Document analysis of links between CAP reform and Green Deal, nor in the revised EU Budget.

Given the slow progress in negotiations to date, the German Presidency will play a key role in shaping the Council position on the CAP in the Agriculture Council and possibly in trilogues with the Parliament. The reform of the CAP must reflect the promises of the Farm to Fork Strategy, notably by integrating the Farm to Fork targets.

In times of environmental and health crisis, the CAP must urgently start a transition towards a more resilient and sustainable agriculture. This is essential in order to prevent the CAP from derailing the ambition laid out in the Farm to Fork and Biodiversity Strategies. A robust performance framework with adequate accountability mechanisms is key and the strong involvement of environmental and climate authorities and stakeholders is also crucial to ensure effective and coherent policy measures in the CAP. In 2019, the Finnish Presidency invited environmental NGOs to the informal meeting of Agricultural Ministers. We urge the German Presidency to continue this constructive engagement all along the CAP reform and also to involve Environment and Climate Ministers in the discussions on, and planning of, the environmental and climate aspects of the CAP.

A comprehensive and successful Farm to Fork Strategy will have to fully consider the negative impacts of our current food production and consumption. As regards seafood production, , although often presented as a low-carbon food source whether through fisheries or aquaculture, it can have dramatic negative impacts on ocean life and impede the ocean’s resilience to withstand the dramatic changes brought by the climate crisis.

#### **We therefore call on the German Presidency to:**

- Ensure that environmental and climate authorities and stakeholders are closely involved in the CAP reform and Farm to Fork discussions as well as in the programming and implementation of the new CAP;



- Mobilise political support for a bold reform of the CAP, aligned with the EU Green Deal objectives, which sets ambitious ringfencing of funds for environmental and climate measures and a strict baseline of basic good agronomic practice (conditionality), by, inter alia, introducing binding 10% non-productive “space for nature” at farm-level and further ends subsidies harmful to the environment and climate and strengthens the performance framework and Member States’ accountability in the new CAP;
- Provide leadership for environmental and climate action through CAP Strategic Plans by leading by example with inclusive and evidence-based processes in Germany, and organising opportunities for exchange and learning between Member States;
- Lead the discussion so that measures addressing the recovery of the agricultural sector help farmers to become more resilient to shocks and help them to transition toward a more sustainable food production system;
- Debate with civil society about the future of the EU’s food system and of food and agricultural policy;
- Initiate extensive discussions on how to address soil degradation in a legally binding framework at EU level and urge the Commission to propose such a framework as soon as possible;
- Adopt Council Conclusions that endorses the Farm to Fork Strategy and its targets and propose solutions to address unsustainable livestock farming, fisheries and aquaculture, responsible consumption and sustainably sourced and traceable seafood;
- Ensure that harmful fisheries subsidies, banned by the EU in 2004, are not reintroduced in the next European Maritime and Fisheries Fund in the ongoing trilogue negotiations.

See also our reaction to [the Farm to Fork strategy](#).



# Promote a zero-pollution ambition – clean water and clean air for all

## COUNCIL RELEVANCE

Environment Council.

The European Commission announced the publication of a Zero Pollution Action Plan covering water, air and soil for 2021. Its preparation starts in the second half of 2020. Germany has the possibility to already contribute to paving the way for raising the profile of the political discussion on key issues such as air and water quality, soil protection and also noise and light pollution. The German Presidency has the responsibility to make the EU zero-pollution ambition a very concrete goal. The Zero Pollution Action Plan is expected to include the follow-up actions to address implementation gaps identified by the recently concluded fitness check evaluations of the Ambient Air Quality Directives and the Water Framework Directive.

The Plan should be seen as a tool to both promote implementation of existing legislation, also improving monitoring, and to launch new legislative and policy initiatives to cut pollution at source while ensuring policy coherence. It is also fundamental that the other European Green Deal's instruments contribute to the zero-pollution ambition.

## 6.1 Safeguard freshwater ecosystems and clean water for all

With 60% of European rivers, lakes and coasts not meeting the standards of the EU Water Framework Directive (WFD) and freshwater biodiversity worldwide having declined by staggering 83% between 1970 and 2014 (according to the WWF Living Planet Index), freshwater ecosystems need to be a key priority for protection and restoration in the European Green Deal initiatives. The EU Biodiversity Strategy for 2030 has put forward several commitments to protect and restore freshwater ecosystems which need to be achieved as part of a wider EU agenda on nature restoration, including by setting legally binding restoration targets as well as through the ambitious implementation of the third generation River Basin Management Plans under the WFD.

The European Commission has recently finalised the 2-year evaluation of the WFD and related Directives, concluding that the WFD is fit for purpose but its implementation needs to be improved without changing the WFD. The fitness check also highlighted the need to improve transboundary water cooperation as well as policy coherence with other sectoral policies and the urgent need to increase funding available from EU and national sources for the WFD implementation.

### We therefore call on the German Presidency to:

- Support the conclusions of the fitness check evaluation that the Water Framework Directive (WFD) is fit for purpose and does not need to be changed and commit to the full implementation of the WFD so that its ambitious objectives are met by 2027, including by increasing funding available for the WFD implementation;
- Work with the European Commission to develop an ambitious Zero Pollution Action Plan on air, water and soil proposed in the European Green Deal that, inter alia, advances action to tackle pollution from substances of emerging concern (e.g. pharmaceuticals, PFAS, micropollutants), including through the review of the Urban Wastewater Treatment Directive;
- Improve transboundary cooperation, policy coherence and integration of the objectives to protect and enhance the health of freshwater ecosystems in other sectoral policies, notably in relation to agriculture, energy, and transport, to reduce pressures from those sectors on freshwater ecosystems (e.g. pesticides, nitrates, thermal pollution, hydromorphological alterations and over-abstraction);
- Recognize the negative impacts of hydropower on biodiversity and actively discourage the construction of new dams and phase out subsidies in line with the commitment for the EU green recovery to do no harm;





- Promote the need for better water management as an important strategy to adapt to climate change. Successful adaptation to the impacts of climate change on water depends both on ambitious implementation of the WFD, as well as on the extent to which sustainable water management is integrated into other sectoral policies such as agriculture, energy, and transport;
- Ensure a joined-up restoration agenda and legally binding restoration targets as part of the implementation of the commitments under the EU Biodiversity Strategy for 2030 to protect and restore free-flowing rivers. Remove barriers and integrate nature-based solutions in the implementation of the Water Framework and Floods Directives to specifically address the collapse in freshwater biodiversity and build resilience.

## 6.2 Clean air towards zero environmental and health impact

Air pollution causes around 400,000 premature deaths each year in the EU and contributes to cardio-vascular disease, impaired prenatal and early childhood development, mental health problems, obesity and childhood leukaemia. Air pollution also impacts Europe's nature and biodiversity through eutrophication and acidification, and agricultural yields and natural vegetation are damaged through ozone formation. The EEA estimates that more than half of Europeans are exposed to concentrations exceeding the 2005 WHO air quality guidelines in 2015-2017. 74-81% of the population was exposed to concentrations exceeding the 2005 WHO guidelines for PM<sub>2.5</sub>, particles which are most harmful to health. Cleaner air will also improve resilience to future health crises: links have also been made between air pollution and COVID-19, with those exposed to air pollution often being less able to fight back the pandemic, leading to higher levels of mortality.

As shown by the results of a Eurobarometer survey presented in November 2019, *'over two thirds of Europeans think that the European Union should propose additional measures to improve air quality. Of the more than 27,000 citizens interviewed in all EU Member States, more than half of respondents think that households, car manufacturers, energy producers, farmers and public authorities are not doing enough to promote good air quality'*.

Scientific evidence, EU citizens and the need for improving the capacity of people to resist and face possible health crises demand strong and immediate action to reduce air pollution.

### **We therefore call on the German Presidency to:**

- Support the rapid implementation of existing EU Ambient Air Quality Directives, while improving transparency and information provision on the level of action taken by Member States;

- Ensure an ambitious follow up to the Ambient Air Quality Directives fitness check by supporting the alignment of the EU air quality standards with the upcoming WHO guidelines (expected by early 2021);
- Support the European Commission's commitment 'to strengthen provisions on monitoring, modelling and air quality plans, to help local authorities achieve cleaner air';
- Support the rapid implementation of the National Emission Ceilings (NEC) Directive - 4 Member States did not finalise their National Air Pollution Control Programmes yet (deadline was 1 April 2019) – while supporting also the adoption and implementation of ambitious policy measures to reduce national emissions to go beyond the minimum requirements established by the NEC Directive;
- Support and promote the revision of the Gothenburg Protocol in the framework of the UNECE Convention on Long-Range Transboundary Air Pollution so that reduction targets for black carbon, methane and mercury can be included;
- Raise the political profile on the need to address harmful sources of air pollution such, inter alia, domestic heating, agriculture and transport, including shipping (also through the implementation of other EGD tools, including the 'Renovation wave', the 'Farm to Fork', the 'EU Industry' and the 'Sustainable and Smart Mobility' Strategies);
- Support the European Commission's commitment to deliver, by early 2021, a Zero Pollution Action Plan which will also contribute to ensure coherence among different policy instruments and new actions;
- Ensure an ambitious post 2020 CAP which includes coherent, clear and measurable air quality objectives that effectively contributes to achieve WHO guidelines, so to reduce the sector's impact on air quality (ammonia and methane emissions in particular, but also primary PM through agricultural waste burning);
- Encourage the European Commission to tackle methane emissions from all sources by delivering a Strategic Plan on methane which proposes to adopt regulatory measures in each of the key sectors, including agriculture;
- Work closely with the European Commission and the European Parliament to stop harmful subsidies (e.g. to fossil fuels – including gas – and polluting industrial farming);
- Take into account the needs of vulnerable population in policy formulation to redress the inequalities present to date;
- Ensure effective public participation in decision-making processes, also during this post-lockdown phase and in the months to come, so to overcome today's impossibility to organise physical meetings;
- Work closely with the Commission and Member States to promote cleaner air in cities, supporting local authorities committed to build the city of the future.



# 7

## Drive a new industrial revolution

### COUNCIL RELEVANCE

Environment Council; Telecommunications and Energy.

### 7.1 Clean up industrial production: Towards a circular, decarbonised and zero pollution industry

The Industrial Emissions Directive (IED) regulates the highest environmental impacting point sources in the EU through an integrated approach (addressing all environmental media). However, the focus so far has been based on an end-of-pipe emissions control approach for a limited set of pollutants, but not on the basis of best technically achievable environmental performance levels that address all relevant impacts of a given industrial activity. The IED should be transformed to become the new carbon-neutral, zero-pollution industrial production regulation. The emphasis should be on preventing pollution, in coherence with policies on the circular economy and the decarbonization agenda. The EU Best Available Technique (BAT) concept will have to be redesigned to provide the best ratio of environmental impact of an industrial activity for the provision of a given product or service.

#### We therefore call on the German Presidency to:

- Ensure an ambitious overhaul of the EU Industrial Emissions Directive, following the currently on-going evaluation:
  - o Extend the scope to capture new major sources and issues e.g. intensive aquaculture, greenhouse gases, data centres, other impacting activities whilst not losing focus on intended outputs of the activity;
  - o Extend and update the EU 'safety net' requirements for preventing impacts from the most polluting industrial sectors (e.g. energy intensive industries in particular coal/lignite combustion);
  - o Redefine and strengthen the uptake of BAT standards.
- Lead the transition to a truly sustainable industry framework at EU level (via a reformed IED):
  - o Change the approach of how industrial activities are regulated by setting BAT for best ratio 'environmental impact of industrial activity' versus 'public good/service provided', in order to promote the industrial activity with the least environmental impact for the provision of a given product/service - e.g. for energy production, water quality and supply, protein production, resource management;
  - o Make sure energy and material efficiency first principle are applied when promoting R&D project and financing plants refurbishment/update;
  - o Ensure full uptake of the needed renewable energy production to cover for major electrification of most industrial processes;
  - o Phase out fossil fuels from both SMEs and Energy Intensive Industries and ensure a 100% renewable energy supply;
  - o Define and focus the use of both renewable hydrogen and sustainable biomethane to hard-to-abate industrial emissions and create a coherent infrastructure framework. Keep fossil hydrogen out of the EU's plans and public investments;
  - o Support resilience and material efficiency throughout the value chain, namely by improving closed-loop recycling of carbon-intensive products;
  - o Develop the necessary drivers so that the IED delivers on the wider circular economy and decarbonisation objectives by 2040, such as demand-side measures for low carbon and zero-pollution products.



- o Lead by example and advance the national coal phase out date to 2039-2040;
- o Make sure preventive measures, such as energy and material efficiency and zero emissions feedstock, have a priority over compensating measures such as CCS-CCU;
- Support an ambitious industrial transformation strategy towards carbon neutrality by 2040 with legal drivers for the industry towards full decarbonisation, the development of product standards with regards to carbon footprint and the activation of financial and fiscal instruments such as a carbon border tax and contracts for differences;
- Strengthen the provisions on public access to information and participation in the permitting procedure as well as access to justice;
- Overhaul reporting requirements and strengthen enforcement (IED Registry / PRTR):
  - o Harmonise reporting formats for key IED documents e.g. IED Electronic Permit Template (EPT) allowing centralised reporting on relevant permit conditions;
  - o Centralise a powerful database allowing for better benchmarking of real-time environmental performance and better use of information for other purposes, such as BREF reviews.

More information: [An EU Industrial Strategy for achieving the 'zero pollution' ambition set in the European Green Deal](#), [An Industrial Transformation for a more resilient future](#) and [The Industrial Emissions Directive \(EIPED\)](#).

## 7.2 Realise the circular economy promise for the environment, jobs and the economy

The Circular Economy (CE) is an acknowledged strategic agenda for Europe. It drives new job creation with carbon and environmental savings and reduces the dependency on material and fuel imports. It is all the more relevant to recover from the COVID-19 crisis, and numerous reports call for making it a fundamental direction to orient the stimulus packages. Derailing from the CE agenda and postponing its implementation will only exacerbate the structural problems of resources dependency, lack of local industrial assets and weak resilience of the EU economy as revealed by the crisis. Furthermore, it also helps frame sustainable bio-economy strategies at European and national levels by incorporating the key vision of resource productivity in the development of bio-based materials and products. The German Presidency comes at a time where it will

be crucial to ensure that the EU institutions support a swift and ambitious EU work programme to progress further the CE and the CE action plan, and to anchor CE as a key recovery lever to be reflected in the stimulus packages designed at EU and national level.

At the core of the CE action plan stands the commitment to make sustainable products the norm, notably in a set of priority sectors – electronics, construction, textiles, packaging, furniture, batteries and vehicles, as well as intermediary products, steel, cement and chemicals. Further, the CE action plan also highlights potential for large-scale industrial activities (e.g. within the BREFs). This means engaging, without delay, in a fundamental reform of our current product policy that cannot be the mere continuation of the lengthy and incremental changes that have happened so far through the slow development of different instruments considered in isolation and without consistency. To accelerate CE in all these sectors, it would be extremely useful to set objectives to reduce virgin resource use and related environmental impacts. This could take the form of a target on material footprint and consumption footprint and could act as a legal driver to secure investments and actions, as proven by the legal targets set for energy and climate at EU and national level.

It is essential that the sustainability of products is ultimately reflected through transparent and accessible information along with their chemical, material and critical contents, their durability, reparability and recycling potentials, as well as their life cycle environmental and social profile (footprinting). Such footprinting profile could start with systematic carbon footprinting to better inform our climate policy and to grasp the potentials of CE practices to decarbonise our economy. However, carbon footprinting should not be the exclusive dimension and should absolutely not lead to shifting the burden to other dimensions.

Furthermore, CE is about designing waste and pollution out of our system. Plastic pollution and overuse of plastic materials, associated with toxic substances or other additives, are the clear symbols and legacy of a linear, unsustainable economy. In this regard, addressing the production of microplastics shall remain a priority, as well as reducing hazardous, non-reusable and non-recyclable materials. Prevention of waste is to be given a clear priority, including with specific targets to prevent all types of waste generation and by drastically restricting the export of hazardous and non-hazardous waste outside the EU.

It is imperative that the development of our economy, notably of major renewable energy solutions, takes full account of circular economy principles in the marine environment to further reduce dumping in the marine environment and that it mitigates the risks of the overexploitation of resources in the marine environment.



### We therefore call on the German Presidency to:

- Contribute to the swift development of a consistent and comprehensive product policy framework making sustainable products the norm in all key sectors identified in the Circular Economy Action Plan (CEAP);
- Support the definition and setting of a material/consumption footprint reduction target and commercial/industrial and municipal waste reduction target at EU level;
- Actively support the EU level work on sustainable product policy: notably by working towards a swift implementation of an EU information system to track substances of concern and material contents of products, their circularity performances (durability, reparability) and environmental footprint, starting with carbon footprinting;
- Seek to extend the impact of the EU's work on product information to a broader range of countries through promoting ambitious measures under the Aarhus Convention (Art. 5(8)) to ensure that sufficient product information is publicly available to enable consumers to make informed environmental choices;
- Make sure existing Ecodesign and Energy labelling policies are effectively implemented and not derailed by the coming overhaul of the sustainable product policy, particularly by dismissing the package approach to adopt measures, regulating ICT products and by rejecting weak voluntary agreements that do not deliver better and faster than regulations;
- Push the EU to design a new Green Public Procurement (GPP) and Ecolabel strategy: set GPP as the default approach for public authorities and Corporate Social Responsibility and ensure a more effective rollout of the Ecolabel across products and services with effective communication plans;
- Set up a system to verify and enforce green claims, potentially building on the Product Environmental Footprinting (PEF) methodology;
- Create a strong precedent for circular economy provisions in the battery and construction products sectors using the opportunity of the revision of the Batteries Directive and Construction Product Regulation:
  - o Anchor the importance of the right to repair, the right to know and the right to sustainable circular consumption;
  - o Support through financial, fiscal and economic incentives, which are a unique competency of national authorities, the uptake of Ecolabel and circular products and the adoption of circular production and consumption patterns;

- o Inject sustainable circular economy provisions in the EU and national trade policy and notably ensure that the Waste Shipment Regulation is revised towards further restricting the export of hazardous and non-hazardous waste outside the EU, in alignment with the Basel provisions on plastic waste, fully reflecting the waste treatment hierarchy and improving enforcement;
- o Require the incorporation of circular economy principles into any EU supported investments in renewable energy.

## 7.3 Digitalisation for People and Planet

Digitalisation and Artificial Intelligence (AI) have both the potential to create environmental harm and to be tools to drive sustainability. All digital tools have a material basis and are highly dependent on rare materials. Furthermore, digital tools are currently predominantly powered by fossil fuel and the digital economy is quickly becoming the largest emitter of CO<sub>2</sub>. However, the applications of digitalisation offer many potential advances – from identifying and understanding problems to finding solutions, from consultation, monitoring and implementation to supporting inspections and enforcement.

Given the ever-growing powers of digitalisation and AI, it is essential to advance on the environmental and ethical dimensions of these technologies that will change what is possible and, if used well, will enable the transformative change we need for the benefit of people and planet. It is also essential to use digitalisation to support the public interest, in line with fundamental principles such as net neutrality, inclusiveness and accessibility and to take responsibility for our EU consumption of digital services and products.

There is an opportunity for greater investment in European flagships. Airbus, ESA/Ariadne, Galileo/Copernicus, and CERN have advanced the EU scientifically, technologically and economically – and *AI for People and Planet* can achieve a similar success.

### We therefore call on the German Presidency to:

- Explore and debate the risks and opportunity of Digitalisation and AI, develop operational ethical principles for their use and promote the use of digitisation and AI for People and Planet above all else to help address a wide range of environmental challenges across the policy cycle. Understand and target measures to avoid the planetary risks of unsustainable digitalisation regarding both existing and new technologies. To minimise risks:



- o Promote the use of renewable energy and heat recovery as a default choice for data centres;
  - o Ensure that hardware ICT is designed with minimum lifetime and reparability requirements, exclude hazardous substances and refer to supply chain due diligence certificates;
  - o Make sure software is kept compatible and accessible to repairers over the lifetime of the ICT products to prevent premature obsolescence and wastage of resources;
- While embracing the benefits of innovation, the Presidency should prevent the industry-driven so-called “innovation principle”, which is not a legal principle, from undermining the precautionary principle and legal requirements to protect people and the environment. A sustainability-first principle through the proposed “do no harm” approach should be applied in all EU policy fields;
- Bring together the environmental, consumer and digital agendas through developing legislative and policy frameworks at EU and UNECE (Aarhus) level promoting digital technologies that provide consumers with sufficient product information to enable them to make informed environmental choices and enhance market surveillance (e.g. ‘product passports’ with information on material and chemical contents, circularity performances such as durability and reparability and environmental and carbon footprinting);
- Apply and optimise existing technologies, platforms and databases for sharing environmental information which can be used for alert systems and by authorities to address non-compliance, to facilitate information-exchange and to improve access to information by the public. Make use of new imaging technologies to monitor the implementation of the EU’s environmental *acquis*, in order to improve monitoring. Establish an improved IED registry – a revisited PRTR covering also diffuse emissions from products and enable progress tracking towards SDG achievement, with proper consultation of end-users. This review shall also include a revision of the Global UNECE Kiev Protocol where the EU Presidency has an active steering;
- Implement a system of public-service information technology (IT), which entails a public-service section of the internet, including social platforms that make sources of data, information, knowledge, education and citizen services accessible to the public;
- Digitalized goods in the fields of data, information and knowledge should be publicly accessible for the common interest. They should be provided via public-service ICT and must therefore be protected from exclusion, privatization and under-use. Obligations to provide information are necessary to develop a public-welfare orientation via digital commons.





# 8

## Call for a **toxic-free environment** and an ambitious Chemicals Strategy for sustainability

### COUNCIL RELEVANCE

The Environment Council.

### 8.1 Protect the public and the environment from hazardous chemicals

Under the European Green Deal, the Commission has to deliver a Chemicals Strategy for Sustainability in 2020. The Chemicals Strategy for Sustainability, aiming for a toxic-free environment, has the potential to become a truly transformative agenda, driving the detoxification and decarbonisation of our economies while creating millions of secure jobs and shifting from toxic and linear resource-intensive production models to safer and more sustainable circular ones that seek zero pollution and zero waste.

The development of the strategy is a great opportunity for the German Presidency to support a “reset” of the chemicals policy. This is an opportunity for the EU to deliver a systemic and future-proof chemicals strategy for sustainability that effectively protects people and habitats and drastically reduce chemical pollution.

#### **We therefore call on the German Presidency to:**

- Deliver Council Conclusions to call on the Commission to make a regulatory proposal for a long-term, overarching and ambitious sustainable chemicals strategy based on urgent actions to prevent pollution across sectors, legislations and strategies, in particular circular economy, biodiversity and farm to fork.

- Particularly, the German Presidency must call for the Chemicals Strategy for sustainability to:
  - o Develop an ambitious overarching regulatory framework for chemicals to effectively reduce pollution at source. The Chemicals Strategy for Sustainability must ensure a high level of protection for people and the environment, implement the precautionary principle and expand generic risk assessment approaches to protect vulnerable groups and biodiversity;
  - o Prioritise the rapid and complete implementation and enforcement of REACH and other chemical laws - including on mercury;
  - o Guarantee transparency on substances in products and materials along the lifecycle;
  - o Clean the circular economy and put an end to “toxic recycling”;
  - o Accelerate EU plans for substitution, innovation for safe alternatives and Green Chemistry;
  - o Plug funding gaps by applying the polluter pays principle for chemicals-related policies as well as on a horizontal level;
  - o Ensure EU global leadership for a toxic-free environment.



## 8.2 Global Mercury Treaty and EU strategy

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 121 ratifications, including the EU and 24 Member states (June 2020). 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. In 2020, developments are expected towards the long awaited phase outs of dental amalgams and of mercury from lamps under the Restriction on Hazardous Substances (RoHS) Directive.

Following the entry into force of the Convention, three Conferences of the Parties (COP) took place in Geneva, in September 2017, in November 2018 and November 2019. 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 German Presidency to:

- Ensure the rapid ratification of the Minamata Convention from remaining Member States;
- Implement the EU Mercury Regulation and other relevant legislation, by taking leadership towards phasing out the use of mercury in dentistry and removing the exemptions for mercury in lamps under the RoHS Directive. Lead by example and enforce the stricter EU standards on the largest EU mercury to air point sources (i.e. set the air pollution limits for coal/lignite power plants to  $1\mu\text{g}/\text{Nm}^3$ , in line with the Minamata BAT/BEP guidance and the 2017 LCP BREF);
- Maintain EU leadership in relation to the Minamata Convention on Mercury by working towards the strengthening of relevant Treaty provisions (e.g. a review of Annex A and B) and in preparation for COP4;
- Ensure that the EU supports, both financially and technically, the existing international work on areas such as ASGM and the phasing-out of mercury added products.

# 9



## Promote democratic accountability and rule of law through better access to justice

### COUNCIL RELEVANCE

Environment Council; Competitiveness Council

#### 9.1 Amendment to the Aarhus Regulation to increase access to the Court of Justice

The Aarhus Convention establishes international obligations that aim to ensure transparency and accountability of public authorities in relation to environmental matters. The conditions under which NGOs have access to justice under Regulation 1367/2006, which applies the provisions of the Aarhus Convention to the EU institutions (known as the Aarhus Regulation), was already the subject of a complaint to the Aarhus Convention Compliance Committee (ACCC) by the NGO ClientEarth in 2008. In 2015, a CJEU ruling confirming the extremely limited access to justice enabled the ACCC to bring its deliberations on the 2008 case to a conclusion: in March 2017, the Committee concluded that the EU was not in compliance with the Convention. In June 2018, EU Member States put pressure on the Commission to take measures to address the non-compliance through a Council Decision and to present a proposal to address the non-compliance by September 2020. In October 2019, the Commission published a report and a supporting study on the necessary measures to ensure that NGOs are guaranteed access to justice and that the EU complies with its international commitments under the Aarhus Convention.

In the meantime, NGOs at Member State level also face difficulties in accessing national courts, and there are still diverging practices for accessing justice in environmental matters across the EU. The European Green Deal has recognised the necessity to work with Member States to improve conditions to access national courts.

#### We therefore call on the German Presidency to:

- Maintain pressure and constructively engage with the Commission so as to guarantee that an ambitious amendment to the Aarhus Regulation that grants NGOs wider standing before the EU Court of Justice, in line with the requirements of the Aarhus Convention, is published by the September 2020 deadline set in the June 2018 Council Decision invoking Art. 241 of the Treaty on Functioning of the European Union;
- Thereafter, move swiftly to coordinate the position of the Member States in the co-decision process with a view to ensuring a progressive outcome, periodically engaging with civil society organisations during the process;
- Lead the Member States in the preparations for the 7th Aarhus MOP in 2021 and organise an informal exchange with NGOs in the margins of the WPIEI ahead of the Aarhus WGP in October 2020;
- Push for measures to apply and monitor the application of the Commission Notice on Access to Justice in Environmental Matters so as to help Member States to more fully implement their commitments under the Aarhus Convention;
- Constructively engage with the Commission to improve access to the courts for NGOs and citizens at Member State level, including by calling on the Commission to publish as soon as possible an ambitious and expansive new proposal for a Directive on Access to Justice, facilitating wide access to justice within the Member States. This should be based on the guidelines in the Commission Notice ensuring that it reflects and incorporates the case law of the Court of Justice of the European Union, thus increasing the homogeneity of market conditions across the Union, compliance with the EU Charter of Fundamental Rights, and promoting wider compliance with the Aarhus Convention.



## 9.2 Amendment to the Aarhus Regulation to increase access to the Court of Justice

The principle of “better regulation” has become one of the cornerstones of EU governance, but while the notion of finding better and more efficient ways to regulate can hardly be objected to, the concept has too often been hijacked by those with a deregulatory agenda, notably with the idea of the “one-in-one-out” approach. This principle has been driven by a more partisan goal of alleviating regulatory burdens borne by business, even if those regulatory burdens are a necessary part of protecting essential rights: e.g. rights to health, to a clean environment and to decent working conditions.

The Fit for Future Platform that is being set up to review EU legislation, with the aim to simplify and modernise it, should not be perceived as an opportunity for outsourcing the Commission’s and Member States’ responsibilities to safeguard the legacy of key areas of legislation that successfully protect the environment and our wellbeing. In the European Green Deal, the Commission has committed to a green oath to ‘do not harm’. This oath should be the guiding principle for regulatory reform and also guide new innovation approaches.

Increasingly, there is a need to regulate at the supra-national level, to ensure effective corporate accountability and to prevent irresponsible companies from simply moving to jurisdictions where the laws and their enforcement are weakest, thereby externalizing their costs. There is a recognised need, also from businesses, for horizontal cross-sectoral EU legislation on due diligence to complement and harmonise efforts of Member States and specific sectoral rules to ensure that all undertakings in a value chain are held accountable. Product policy needs to form part of the due diligence landscape and specific sectoral strategies should be developed or strengthened to address high-risk industries (textiles, construction, ICT, forestry etc.).

### **We therefore call on the German Presidency to:**

- Avert deregulatory threats to EU environmental legislation and policy: Ensure that the health and environmental benefits of regulation are discussed at the General Affairs, Competitiveness and Environmental Councils, so that the Communication on Better Regulation, expected to come out later this year, fully integrates these benefits in its design, which will prevent deregulatory pressures from undermining these benefits, such as pushes for innovation at all costs;
- Encourage a reform of the tools and process of Better Regulation: there needs to be a full integration of environmental and social considerations, including the long-term implications of choices, integration of the non-linear risks of climate change and biodiversity

loss, and greater emphasis on wellbeing rather than GDP growth. In this way, counter the “one-in-one-out” agenda which is completely contrary to any qualitative assessment of what should be “better” in regulation;

- Call for corporate accountability: support the introduction of new legislation on harmful business practices in value chains with horizontal due diligence for corporations and businesses, including the imposition of sanctions and possibility to get remedies. Ensure that the EU plays a proactive and supportive role internationally in the negotiations for a new UN Treaty on Transnational Corporations and other Business Enterprises with respect to Human Rights. This instrument is essential in light of the extensive damage caused to the environment by such corporations in pursuit of profit and to provide a meaningful and effective counterbalance to the extraordinary privileges and rights afforded to corporations, creating a level-playing field globally;
- Call for accountability of decision-makers (at EU and national level) to apply the “do no harm” oath and to provide for an improved framework ensuring that public interests override national or corporate interests e.g. in the EU expert groups.

## 9.3 Implementation and enforcement and the Rule of Law

Despite the high number of laws in the EU, as well as those stemming from international commitments, the environmental benefits from these often remain unseen given disparate and poor levels of implementation in the Member States, often decades after the laws entered into force. 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 European and national authorities.

When governments and authorities fail to implement laws, it creates distrust in institutions and undermines legal certainty. For their own credibility, Member States need to seriously tackle the gaps in implementation and engage with affected communities and NGOs to redress environmental problems. Increased transparency around the EU infringements processes would improve implementation by increasing the effectiveness of the enforcement processes and should be supported by both the Commission and Member States. The growing concern that NGOs and vocal groups are sidelined from the public debate, and even portrayed as opponents of the State, creates a hostile environment which in extreme cases undermines democratic values and the Rule of Law.

Indeed, an increase in attacks on NGOs and activists and limiting the space for civil society engagement seem to be on the rise, as well as the undermining of the independence of the judiciary. While the



Commission has been on the alert of such anti-democratic tendencies and has expressed concern over the erosion of the Rule of Law in some Member States, there is a risk that some emergency measures that have been adopted in response to the COVID-19 pandemic may make the situation worse for civil society and democratic processes as a whole.

**We therefore call on the German Presidency to:**

- Give top priority to improving implementation of the EU environmental *acquis* at Member State level, which is also reflected in the European Green Deal by fully engaging with the Environmental Implementation Review (EIR) to tackle implementation deficits effectively so that it serves as a preliminary measure to any possible enforcement action by the Commission;
- Support increased capacity within the Commission to work on implementation and enforcement, as well as within the Member States, to avoid the EIR becoming an additional bureaucratic process that has limited resources to practically improve environmental conditions;
- Support the effective operation of the UNECE Aarhus Secretariat & the Compliance Committee for the Aarhus Convention through a robust and constructive approach to increase and secure its funding.
- Ramp up the Article 7 TEU process against Member States that are in breach of the Rule of Law and support the Commission's work under the Rule of Law Framework;
- Support efforts to create and/or amend EU measures that can protect NGOs, journalists and activists from harassment and vexatious litigation brought against them to silence their voice (known as Strategic Litigation Against Public Participation – “SLAPP”);
- Remind all Member States and EU bodies of the paramount importance of respecting fundamental freedoms, the need for transparency in decision-making and enforcement procedures and of open dialogue within democracies to uphold the Rule of Law.





# 10

## Promote European Solidarity, wellbeing, and social and environmental justice

### COUNCIL RELEVANCE

Environment Council.

#### 10.1 Promoting Wellbeing and Social Justice

An economy that works for people can only work if it puts “wellbeing” at its core and recognises the evidence on market failures, social injustices, and the limits of green growth. That also applies to measurements taken to combat the COVID-19 crisis. We urge governments to show solidarity and to cooperate and coordinate their responses. Combatting social and environmental injustices need to be put at heart of emergency responses to make sure we leave no one behind.

The Austrian Presidency organised a Growth in Transition Initiative. During the Finnish Presidency there were Council Conclusions on the Economy of Wellbeing and a Beyond growth – Indicators and Politics for People and Planet event that brought together decision makers, statisticians, academia and civil society to develop Policy Recommendations for the EU: Wellbeing and sustainability at the centre of policy and decision-making, including:

*“The European Green Deal cannot be monitored and measured through a single simple indicator such as GDP, which is no longer fit for purpose. The EU should replace the Stability and Growth Pact with a Sustainability and Wellbeing Pact accompanied by a dashboard of key indicators measuring social and environmental sustainability and resilience.”*

The 10 December 2019 Council noted the recommendations of this stakeholder-led conference and invited the Commission and EU agencies to study and consider these as appropriate.

There is a need for tangible results that turn wellbeing into the main indicator of societal prosperity. The governments of Iceland, Scotland, New Zealand and Wales have united in a Wellbeing Governments Alliance to put this in practice. A recent UK poll found that eight out of 10 people would prefer the government to

prioritise health and wellbeing over economic growth during the Corona crisis, and six in 10 would still want to keep this after the pandemic too. Similar results can be assumed for the rest of Europe.

In addition, for there to be progress on social justice, the voices of the youth movement need to be heard so as to understand the concerns of the next generation who will inherit the Europe and planet that this generation leaves them. This inheritance does not have to become a negative legacy.

#### We therefore call on the German Presidency to:

- Encourage discussion on the role of wellbeing in the European Semester (see also next section) and explore replacing a GDP growth focus with a wellbeing focus, taking inspiration from developments in New Zealand, Scotland, Iceland and Wales. Furthermore, emergency action and recovery responses must be taken in the context of a wider plan for Europe's future, guided by environmental sustainability and wellbeing for everyone;
- Encourage discussion of the need to replace the Stability and Growth Pact (SGP) with a Wellbeing and Sustainability Pact; the arbitrary rules of the Stability and Growth Pact must not be maintained. There is a need to design and implement new flexibility rules and guidelines within a Sustainability and Wellbeing Pact as replacement of the SGP. The EEB and a wide range of civil society organisations are responding to the public consultation on the EU's economic governance, with a range of proposals for structural reforms;
- Increase the consultation of participation of the European youth network fighting for better and quicker climate and environmental actions so as to ensure better representation of the next generation's concerns and identify solutions to avoid inter-generational injustice.



## 10.2 Reforming the 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' 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 on 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.

### We therefore call on the German Presidency to:

- Reiterate and increase the political commitment to fully integrate the SDGs into the European Semester process, in particular through putting environmental objectives at the core of the process, and encourage measures to improve economic signals to enable the transition to a resource efficient, inclusive and circular economy that supports the sustainable development goals and implements the European Green Deal. This includes the shift in narrative from GDP growth and environment being in opposition to one, embraced in the Green Deal, of synergies between environment and growth. Moreover, positive practice in transparently documenting and reforming environmentally 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. 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 necessary to achieve change are all needed.
- 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 agri-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 Semester process builds in public interests and engages 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;

- Recognise the importance of wellbeing as an indicator of societal prosperity and encourage the increasing use of wellbeing indicators as alternatives to GDP growth as a policy objective, taking inspiration from the Wellbeing Governments alliance.

## 10.3 Addressing environmental discrimination of Roma communities

Around six million Roma live in the European Union. The majority of these communities live in segregated 'settlements'. Roma living in spatial segregation from the majority population, either in urban ghettos, segregated neighbourhoods in smaller towns or isolated villages, are often deprived of basic environmental necessities such as water and waste management and live under environmentally degraded or hazardous conditions, including settlements next to and in waste dumps, abandoned industrial sites and flood-prone areas.

We welcome the Commission's current efforts to make recommendations for the EU's post-2020 Roma equality and inclusion policy. We support that the new policy is meant to give more focus on non-discrimination and antigypsyism as root causes of exclusion and to promote Roma empowerment beyond specific challenges around housing, health, education and employment. One dimension of antigypsyism that has not been covered by the current framework and that is still absent from the roadmap for the post-2020 policy is environmental discrimination and its health impact. We welcome the positive signals from DG Justice to include environmental discrimination into the Commission proposal for a revised framework on Roma integration, as well as the College's recent decision to make the post-2020 Roma inclusion framework a priority during its COVID-19 response.

### We therefore call on the German Presidency to:

- Ensure that the Council agrees on a progressive and integrated post-2020 strategic framework for Roma inclusion in the EU that includes dedicated chapter on addressing environmental discrimination;
- Promote the agreement on EU-wide concrete minimum standards and ambitious targets, as well as common monitoring at the EU level related to the strategic framework, including ambitious targets to reduce environmental discrimination of Roma communities, such as ambitious target on access to water and waste collection and management at the latest by 2030, zero exposure to illegal or uncontrolled landfills, and contaminated industrial sites;
- Work with the Member States to adopt ambitious National Roma Inclusion Plans with a clear focus on addressing environmental discrimination.



## 10.4 Youth

The historic, ongoing and projected rise in global temperature, sea level rise, natural hazard threats, biodiversity loss, plastic pollution of soils and seas, growing risks from exposure to cocktails of hazardous chemicals, and the dramatic loss of biodiversity risk creating a future far worse for our children than we inherited, and worse still for our grandchildren.

The youth marches across the globe have demonstrated the concerns and outrage of a generation that will have their dreams compromised unless there is a tide-change in the level of political commitment.

### We therefore call on the German Presidency to:

- Systematically engage with youth representatives to ensure that their voice is heard, understood and taken into account in policy debates, positions and Council Conclusions;
- Ensure that discussions on policy options and commitments look not only at what is politically feasible within the current mind-set and context, but also what is necessary to secure a future where the next generation's dreams and options are not undermined by climate and environmental crises, by pollution and the degradation of our ecosystems, and by the threats of unmanageable feedback loops that lead to tipping points for our planet and an insecure future;
- Encourage debate on the "Better Regulation" agenda and toolkit to make sure that the limitations of the tools and the implicit biases in outcomes are fully understood and that measures are put in place to ensure an assessment that fully reflects the likely impacts on and concerns of future generations;
- Explore the governance possibilities of assigning an "ombudsperson for future generations" so that the governance architecture is made more fit-for-purpose as regards policy makers' responsibilities vis-à-vis all people, including those being born during the Presidency Trio period July 2020 to December 2021 and for those yet to be born.



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The EEB and its members welcome continued engagement and cooperation with the German Presidency.

We also develop a paper before each Trio Presidency. The 2020-2021 paper, addressed to the German, Portuguese and Slovenian Presidencies, can be read [here](#).

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