

To: Environment Ministers of EU Member States

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

Re: Input to informal video conference of EU Environment Ministers, 23 June 2020

Brussels, 12 June 2020

Dear Minister,

On behalf of the European Environmental Bureau, I am writing to share with you our views on some of the issues on the agenda of the forthcoming video conference of EU Environment Ministers. I invite you to take our concerns into account during final official level preparations as well as at the video conference itself and subsequent negotiations. We have structured the letter according to our understanding that the video conference agenda will include a debate on Green Recovery with focus on recently adopted instruments such as the EU Biodiversity Strategy for 2030 and Circular Economy Action Plan and the proposal for a Climate Law.

1. Green Recovery

Europe is coming out of the first wave of the Corona crisis with a mixed record of success in terms of managing to contain the spread of the virus and equally mixed performance as regards solidarity among nations in response. The initial reactions were Member States taking care of their own, which, while understandable, raised major concerns as to what the EU was for, if we could not help each other in such a time of need. Since then there have been more and more demonstrations of solidarity between Member States and also of EU level initiatives to help Europe as a whole.

This crisis has shown that governments, people and companies can act decisively, but it has also shown the fragilities of decision-making processes, the limits to solidarity, the deep inequalities within the EU, and the risks posed by our current economic model to health and the environment. It has also demonstrated the fundamental importance of investing in resilience of ecosystems, of social systems, of the economy and of our governance structures to restore and reconcile humanity's existence within nature.

We welcome many aspects of the Recovery Package and MFF launched on 27 May by the [European Commission](#) to respond to the Corona crisis - it is a major step to demonstrate solidarity and to chart a way forward and invest in both the recovery and resilience of the EU. Crucially, it also puts the green transition at the heart of the recovery. However, it misses some important win-win opportunities in the green transition in the more specific commitments that operationalise the overall positive vision, and fails to prevent EU funding being spent in ways that go directly against sustainability principles. The political level commitment is constructive, but some of the content has adopted a more traditional conservative way forward. And the content needs to be brought in line with the high-level commitment to the European Green Deal.

We therefore call upon Environment Ministers to support the positive elements of the Recovery package, including:

- The **scale of funding** proposed for the recovery effort, including the proposal for a mix of grants and loans, is welcome and should be maintained if not increased in order to demonstrate the **EU solidarity** essential for the European project and allow a response which matches the scale and urgency of the challenges.
- **The European Green Deal is at the heart of the recovery package.** This is not only essential for tackling the multiple environmental crises we face (climate change, biodiversity loss, chemical pollution etc.) but will enable the creation of many green jobs in the areas of e.g. renewables, building renovation, energy efficiency, sustainable transport and agro-ecology.
- We welcome the commitment to the **green oath to “do no harm”**. This commitment is key and needs to be operationalised.
- The increased **Just Transition Mechanism (JTM)** budget will help countries and regions manage the transition.
- **The MFF proposals include the option for the EU to raise “own resources”** – EU-wide taxation on digital services, financial transactions, extension of the ETS based own resources to maritime and aviation, a carbon border adjustment mechanism, and plastic waste. Each of these is important, as is the need to close tax loopholes for aviation and maritime excise taxes.

However, the package is far from perfect. ***We therefore also call upon Environment Ministers to push for the Recovery Package to be improved further:***

- **The current proposal is weak as regards conditionality and transparency.** 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. And no moneys should be allocated to companies that do not pay taxes or a fair level of taxes in the EU.
- **The targetting of money could be improved by focusing on green jobs, ecological resilience economic development that respects the green oath, and cost effectiveness.** The 25% allocation to climate should be increased to 40% for climate and 10% environment, and earmarking put in place to safeguard funding. 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 €20bn per 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 €10bn for 10 years under 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 in comparison with the Commission’s 2018 MFF proposal. This is completely unacceptable and out of line with the European Green Deal.
 - **Agriculture:** The increase in funding to CAP (including Pillar 1) is not coherent with the European Green Deal. The proposal to provide an extra €15bn 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 targetting 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.
 - **Transport:** The funds promised for clean transport will make a significant difference, but moneys are also needed to rebuild urban space for people, reduce car numbers and systematically encourage cycling.
 - **Circular Economy:** 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.
- **Funding should not target investments that risk undermining the EGD or EU resilience** - e.g. fossil fuels or intensive agriculture, nor aviation without strict conditionalities for a green transition.
 - **Much of the money is allocated giving 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.
 - Finally, the Recovery Package needs to give **greater recognition to the cause 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 the 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, and to explore how to reset this model. There is an essential need to invest in the resilience of ecosystems, as well as governance, social and economic systems to avert future crises and to be able to deal with them more effectively when they occur.

See more details in the [EEB's reaction to the Recovery Package](#).

2. Biodiversity

On 20 May 2020, the European Commission presented its Biodiversity Strategy for 2030, together with the new Farm to Fork Strategy. We welcome the Biodiversity strategy as it entails many promising commitments that are necessary to address the urgent biodiversity crisis in this crucial decade for biodiversity. 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. Furthermore, the strategy 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. In line with the requirements of inter- and intra-generational equity, it is also for Environment Ministers to ensure that the next ten years are used to their maximum potential in turning the tide against biodiversity loss.

We therefore call upon Environment Ministers to:

- Work towards ambitious Council Conclusions that **endorse the commitments in the EU Biodiversity Strategy** and commit to provide the necessary political will, investments and full cooperation to ensure the timely and ambitious implementation of the actions included therein;
- 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 effective now** (and not 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;
- Support the EU targets to **protect 30% of land (including freshwater) and sea, with one-third under strict protection**: the network of protected areas needs to be ecologically coherent and representative to cover the full range of biodiversity;
- Recognise the importance of and the need for **legally binding targets on nature restoration** and its potential in addressing both the biodiversity and climate crises by bringing about permanent land- and sea-use change in the ecosystems important for climate change mitigation and adaptation, with **at least 15% of the EU's land and sea being restored**.
- Commit to **integrate the target of 25,000 km free-flowing rivers in the upcoming River Basin Management Plans** under the Water Framework Directive and **commit not to amend the WFD but rather focus on the ambitious implementation** of the WFD in line with the outcomes of the fitness check conclusions that the WFD is fit-for-purpose;
- Ensure that the commitments in the EU Biodiversity Strategy on bringing nature back to agricultural land can be **enabled by the reformed Common Agricultural Policy**;
- **Secure the necessary funding of at least €20bn euro per year** from EU, national and private funds for nature protection and restoration that can serve as a central plank of the EU's green recovery;
- Remain committed to **the EU taking a leadership role at COP15 of the Convention for Biological Diversity** and 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.

3. Circular Economy

On 11 March 2020, the Commission released a new Circular Economy Action Plan, which aims to give circular economy a pivotal role in EU policy. It notably announced the development of a renewed sustainable product policy, making sustainable products placed on the EU market the norm and targeting key economic sectors to apply comprehensive sustainable strategies. It stressed the essential role of circular economy for our industrial strategy and our climate objectives. It also announced ambitious actions towards waste prevention and uptake of recycled contents. We welcome this new action plan and urge Environment Ministers to support it.

By associating the Circular Economy Action Plan to sustainability and committing to making it the norm for goods exchanged on the EU single market, the Plan clearly aims beyond mere incremental changes towards an economy that does not only fit within the carrying capacity of the planet, but is also guided by inclusiveness and well-being and ensures a fair transition in line with the Sustainable Development Goals. Such a sustainable circular economy is what we need to reset our economy after the Corona crisis and it should be at the core of Green Recovery and stimulus packages prepared at EU and national levels.

There is, however, a big gap in this Circular Economy Action Plan: it lacks a proper leading objective to cut resource use and the related environmental impact. Whereas we have clear targets for GHG emissions reduction and energy, we do not have equivalent legal drivers for the circular economy. As proven with climate and energy targets, a headline target is crucial not only to unleash actions in all sectors and at all levels, but also to motivate behavioural change and ownership by citizens. When we switch off the light or use a bike rather than a car, we know we contribute to EU energy and climate target. Where is the equivalent for when we repair products or choose a packaging-free cucumber?

More on the EEB reaction to the Circular Economy action plan [here](#).

The EEB therefore calls upon Environment Ministers to:

- Welcome and support the CE Action Plan and develop post-COVID green recovery national strategies that will echo the sustainable circular economy agenda set in this plan;
- Consider the setting of an EU-wide material and consumption footprint reduction target as part of a more compelling circular economy monitoring framework to be deployed from EU and national levels to business and products level;
- Engage in the reform of the Ecodesign policy to unleash its full potential for making sustainable products the norm and not be hampered by the institutional changes that may come with such an overhaul of EU product policy;
- Support an extension of the scope of products covered by ecodesign-type minimum performance requirements, including material and chemical contents, durability, reparability and recyclability, carbon and environmental footprinting and sustainable sourcing (recycled contents notably);
- Accelerate the setting up of digital product passports that will encompass all the aforementioned information and enhance consumer empowerment, market surveillance and policy definition;

- Make circular sustainable public procurement the default option and consider making it also the default choice for private companies with a reporting obligation as part of their non-financial reporting activities;
- Support efforts towards waste prevention and set associated waste prevention targets at national level;
- Anchor as fundamental the right to repair, the right to know and the right to sustainable circular consumption;
- 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;
- Inject sustainable circular economy provisions in the EU and national trade policy.

4. European Climate Law

On 4 March 2020, the European Commission adopted the proposal for a **Regulation establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law)**. The EEB welcomes the proposal as a necessary step to setting a binding 2050 climate-neutrality target which responds to the political commitment to making Europe the first climate-neutral continent by 2050, announced in the European Green Deal and endorsed by the European Parliament and the European Council.

However, the latest scientific evidence indicates that achieving the Paris Agreement objective of pursuing efforts to keep the average global temperature rise below 1.5C requires stepping up short-term action now, as global emissions need to fall 7.6% per year every year for the next ten years. This means that the European Union must first and foremost **revise its 2030 target to be on a trajectory to climate-neutrality and reduce its GHG emissions by at least 65%, tackling both direct and embedded emissions.**

We believe that the proposed Regulation does not provide for **clear milestones and measures to address the climate neutrality challenge through a comprehensive and systematic approach, one which gives priority to reducing greenhouse gas emissions at source, in full coherence with the zero-pollution ambition set within the EU Green Deal.** The proposal lacks concrete measures on how to get to climate-neutrality and such **measures are rather deferred to 2024 based on voluntary efforts** taken by Member States to implement a generic carbon neutrality target, based on a “wait and see” approach.

The expected European Climate Law needs to send a clear message on the urgency to tackle emissions reduction in a trajectory in line with science. A strengthening of the overall climate and environmental ambition, together with additional targeted policy measures in a coherent framework, are needed to accelerate the transition to a systematic and deeply transformative change in our economies and societies.

The EEB therefore calls on Environment Ministers to make sure that the European Climate Law establishes a strong and comprehensive framework to:

Target ambition

- Set binding targets both at EU and Member State level to reach climate-neutrality at the latest by 2040, and at -65% in 2030 for the EU as a whole (relative to 1990 levels), aligned with scientific evidence;
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.

Policy coherence

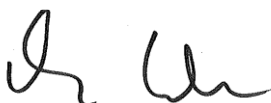
- Prevent anthropogenic GHG emissions at source and protect natural sinks by making consistent interlinkages between climate emissions and air, water, soil pollution and industrial emissions (IED);
- Address the existential threats of climate change, biodiversity loss and other negative environmental 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;
- Ensure mainstreaming of climate neutrality through ambitious fiscal measures, including effective "carbon pricing" to address the true cost of negative externalities on the environment in all economic sectors;
- Ensure that all financial support (EU, national and private finance) is aligned with the climate-neutrality objective and with phasing out investments in fossil fuel infrastructure.

Thank you in advance for your consideration of these points which support the ambitions of the European Green Deal, help in the Corona recovery, and will help catalyse progress in meeting the environmental challenges facing Europe and the planet. This will respond to scientific evidence and also support EU and national legitimacy in the eyes of the wider public which broadly supports increased EU action on the environment.

Yours sincerely,



Jeremy Wates
Secretary General