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



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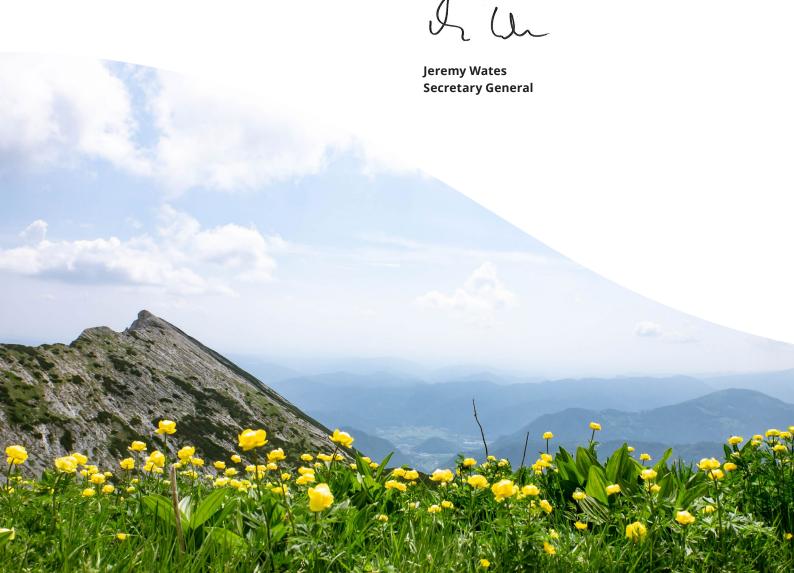


### INTRODUCTION

he upcoming Presidency Trio has the potential to make a major contribution and promote concrete steps to drive a transformative agenda during the coming eighteen-month period. It will play a central role in steering the EU towards a sustainable agenda and will at the same time be judged on how it deals with the Corona crisis and its economic fallout.

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 of our current economic model to our health and the environment. It has also 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 heal humanity's existence within nature.

The response to the Corona crisis will be a core element of the next Presidency Trio of the EU, defining both the short-term recovery and deciding the long-term reality of the world we live in, through what can and must be a transformative response. But while the pandemic has created a new framework and context within which the policy objectives of the Presidency Trio must be pursued, many of those policy objectives remain as relevant as ever. Specifically, the pandemic has not in any way reduced the urgency of tackling the multiple environmental crises that we were facing long before the arrival of the pandemic and will still be dealing with when it is long over - rather the opposite. 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 this responsibility will fall on the German, Portuguese and Slovenian Presidency Trio.





The EEB's Priorities for the 2020-2021 Presidency Trio of Germany, Portugal and Slovenia

## A dozen demands from civil society

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 a "dozen demands" where coordinated Presidency engagement, commitment and solidarity can make a lasting and fundamental difference.



### 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. Furthermore, the EU should promote a complementary and transformative 8<sup>th</sup> Environmental Action Programme (8EAP) and 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. It should also continuously monitor progress through a reformed European Semester that integrates wellbeing and sustainability indicators as headline indicators. These transformative agendas need to be promoted 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.



## 2 Leverage funding for a transformative EGD and ensure Corona recovery package is climate and biodiversity-proof

Use all financial means to drive the green transition of the EU economy – through having the green transition at the heart of the next Generation EU Recovery Package and an EU budget (MFF) with 40% climate funding and associated climate integration in Partnership Agreements, Operational Programmes and CAP Strategic Plans – as well as the new national Recovery and Resilience Plans. Furthermore, allocate an additional 10% of EU funding to other aspects of environment, and at least 15 billion EUR/year for the management of the Natura 2000 network and 45.6 bn EUR for large scale nature restoration, and ensure the full integration of environment into all programming documents. Ensure prioritisation and governance rules such that EU funds are targeted, just, proportionate, and fully transparent. Align the

green taxonomy to the need of orienting Corona response funding towards climate and biodiversity-proof investments to ensure policy coherence and avoid risks of poor targeting of taxpayers' money. Facilitate national expenditure by Pariscompatible 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.



### 3 Address the climate emergency

Commit to ensuring a strong and ambitious European Climate Law aiming for climate neutrality by 2040 at the latest to be on a path towards the Paris objective of keeping global temperature rise below 1.5°C, as demanded by the latest scientific evidence. Increase the 2030 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. And promote major investment 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, reskilling and a systemic transformation of the economy. In addition, investment in nature-based solutions, such as the restoration of key ecosystems serving as natural sinks, 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.



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

Endorse the EU 2030 Biodiversity Strategy and lead the Council deliberations on the EU legally binding restoration targets for ecosystems important for biodiversity and climate such as wetlands, peatlands, biodiversity rich grasslands, marine ecosystems, and that protects and restores free-flowing rivers, increasing connectivity. Commit to healthy oceans, with at least 30% of the ocean to be highly or fully protected by 2030

with no-take-zones, a full transition to low-impact fishing, an end to the pollution and deterioration of marine ecosystems, and a major investment in restoration which together will also increase the resilience to climate change. Ensure that light and noise pollution impacts on terrestrial and marine biodiversity are addressed by EU policy.



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

Mobilise political support for a bold reform of the CAP and ambitious CAP Strategic Plans, to end subsidies harmful to the environment. An ambitious CAP should enable agroecological transition and strengthen the performance and governance framework of the new CAP, by inter alia introducing binding 10% non-productive "space for nature" areas at farm-level and making all CAP payments subject to a conditionality that ensures a basic environmental delivery. Furthermore, the Presidencies should work closely with the Commission to develop measures to implement a transformative Farm to Fork Strategy that drives a transition to sustainable food systems, that also includes fisheries, reduces meat and dairy consumption, and that commits to cutting agricultural GHG emissions by 45% by 2030.



### 6 Safeguard freshwater ecosystems and clean water for all

Lead the Council response to the fitness check evaluation of the Water Framework Directive, by recognising that the WFD is fit-for-purpose as concluded by the evaluation and does not need amending and ensuring that its implementation is stepped up so that its objectives can be met by 2027. Improve policy coherence and integration with

other sectoral policies to address diffuse pollution from agriculture, hydromorphological pressures, and substances of emerging concern to help protect and enhance the health of freshwater ecosystems. Work with the Commission to develop an ambitious Zero-Pollution Action Plan on water, air and soil as proposed in the European Green Deal.



### Clean air: towards zero environmental and health impact

Revise the Ambient Air Quality Directives to align EU air quality standards with the latest WHO guidelines (expected by early 2021), while Member States achieve full implementation and enforcement of existing legislation (e.g. Ambient Air Quality Directives and National Emission Ceilings Directive). Push for the adoption of ambitious source legislation (e.g. on domestic heating, transport, including

shipping, industry and agriculture) and commit to the revision of the Gothenburg Protocol (UNECE Air Convention) which will also have to cover methane, black carbon and mercury emissions. Work with the Commission to develop an ambitious Zero-Pollution Action Plan. Together these will save hundreds of thousands, if not millions, of lives directly and through improved resilience to future health crises.



### 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. Digitalisation can be instrumental to achieve this ambition, as well as enabling greater transparency on the environmental aspects of all industrial processes, although its own environmental impacts from energy and material consumption need to be

tackled. An industrial transformation should be catalysed by 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 does not only play a part in achieving this, but it needs to serve greater transparency in all industrial related decision making and enforcement.



#### Promote safe chemicals and a non-toxic environment that also protect our immune systems

Deliver Council Conclusions ensuring Member States' support to an ambitious and overarching long-term chemicals strategy for sustainability in order to achieve a toxic-free environment as soon as possible, based on urgent actions to prevent pollution across sectors. Member States must push the Commission to propose a strategy that closes regulatory gaps (e.g. chemicals used in food contact materials, exports of hazardous substances) and strengthens legislation to prevent exposure to hazardous chemicals, in particular by protecting vulnerable groups, and addressing endocrine disruptors and persistent chemicals including mercury. Speed up the phase-out and substitution of hazardous substances by safe and sustainable alternatives while avoiding regrettable substitution (e.g. by restricting families of chemicals such as PFAS, phthalates or bisphenols). Member States must propose harmonised enforcement actions to address the issue of non-compliance (from the registration of nanomaterials to the biocides regulation in light of the need for disinfectants in the EU for the coming months). Furthermore, use the ICCM5 meeting to 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.



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

Secure the swift implementation of the sustainable product policy to make sustainable products the norm as promised under the Circular Economy Action Plan, including an EU product information system that brings together the environmental, consumer and digital agendas to ensure

full transparency and traceability on the performance and contents of products and materials by 2025, and push for a resource use/consumption footprint reduction target, binding waste prevention objectives and drastic restriction of (hazardous) waste shipment.



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

Ensure the EU complies with the Aarhus Convention by improving access to justice within the EU. The Trio Presidency should maintain pressure on the Commission to prepare a legislative proposal for the revision of the Aarhus Regulation. Once proposed, the Presidencies should engage constructively in the co-decision process to ensure that the Regulation is progressive and that all its weaknesses are resolved. 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 full transparency and ease of access to information on

environmental and public health issues and any related public expenditure. Guarantee meaningful public participation and a safe space for civil society engagement that are increasingly under threat, also as a result of emergency responses to the Corona crisis. Advances in digitalisation should be used to improve democratic processes, transparency and accountability, while needing to be measured against the risks that they can pose to fundamental freedoms, such as privacy. Finally, the Presidencies should implement the EGD Green Oath to "do no harm" and ensure that it is not undermined by the Better Regulation process and one-in-one-out principle.



### 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. Also ensure equal access to clean water, sanitation and nature. Encourage policy and governance reform so that wellbeing and sustainability guide all policymaking and are fully integrated into the

European Semester. 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 overextraction, the destruction of nature, creating unacceptable risks for human health and society. There is an urgent need to increase the consultation with and participation of all segments of society, in particular youth, so as to ensure better representation of the next generation's concerns and identify solutions to improve inter-generational justice.



# 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.

- 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;
- Ensure that the EU promotes a complementary and transformative 8th Environment Action Programme (8EAP) and Sustainable Europe 2030 Strategy for SDG implementation, and integrate social measures in each to develop a new Social Contract for the future of Europe that builds on lessons from the Corona crisis and improves social and environmental resilience. It should also continuously monitor progress through a reformed European Semester that integrates wellbeing and sustainability indicators as headline indicators (see also section 12);
- Promote these transformative agendas and environmental legislative coherence in EU Accession and European Neighbourhood Policy Countries, including the Balkans and convergence of standards via diplomacy, technical assistance and funding;

- Use EU diplomacy and economic weight as the largest single market in the world to promote a Green Deal across the globe to support long term global resilience;
- Transform the EU's trade policy agenda with commitments to sustainable development that can be enforced and an emergency level response commensurate with the biodiversity, pollution and climate crises at its heart. Consistent with the EGD, there should be binding and enforceable sustainability chapters in trade deals that help ensure trade negotiations are used to increase climate and overall sustainability ambition in our future trading partners. Use rigorous border adjustments to address the risk of carbon leakage. Ensure that the EU's mandate for negotiating a trade deal with the UK remains firm on requiring a level playing field set by the EU's environmental standards, high level of protection and the precautionary principle.





## 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 this Presidency Trio.

Implementing the Agenda 2030 and the SDGs in the EU is a European Commission and Member State commitment for 2030, as important now as ever. Yet, the EU still lacks specific targets for the realisation of the SDGs with other targets running out by the end of 2020, and the Commission has so far failed to present an overarching sustainable Europe 2030 strategy and Implementation Plan to 2030 and beyond.

Ensuring a synergistic and mutually reinforcing relationship between the European Green Deal, the implementation of Agenda 2030 and the SDGs in Europe, and an 8EAP that can bring the Council and Parliament fully on board with the EGD is critically important. We need a transformative change, not an incremental one: a just transition is needed for all people to benefit from and not be left behind. The Corona crisis has shown the weakness of our current economic and governance systems and the dangers of environmental destruction that can catalyse not just the crises that we know – climate, biodiversity, direct health threats from pollution and chemicals – but crises that emerge more precipitately, such as the COVID-19 pandemic. Investing in an improved relationship between people and the planet will help reduce each of these risks.

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

- Put the European Green Deal at the heart of the Corona crisis response;
- 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 in setting a foundation for a new Social Contract for Europe that can also support the European Project;
- Uphold high levels of ambition in each of the actions committed to in the European Green Deal Communication, in the 2020 Commission Work Programme and forthcoming 2021 WP as the EGD depends on whether the various elements are in themselves transformative and mutually coherent and reflect wider needs for system change;

• 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 must not only 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 government 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 EC's 'Reflection paper' was published in January 2019, and the SDGs are mentioned in all Mission Letters and while 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 – whereas 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.

- Ensure the Commission makes sustainable development the overarching objective of all EU policies ensuring Policy Coherence for Sustainable Development and that this is supported by the Council;
- 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 Presidencies 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;

- Support the effective and inclusive modalities for civil society participation in the global sustainable development processes, in all cases with full respect for the principle of self-organisation, in particular towards the July HLPF;
- Guarantee coherence between all European policies and strategies and sustainable development objectives, inter alia, by strengthening governance for sustainable development relating to the "better regulation" process and the European Semester.

#### 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.

#### We therefore call upon the Presidency Trio 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 including 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;
- 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 Trio Presidency, negotiations are underway between EU-Mercosur, with the US and UK post Brexit. An EU-China summit was planned during the German EU Presidency (14 September 2020 in Leipzig). Each of these are windows of opportunity to leverage EU trade power to promote sustainability, but at the same time 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.

- Ensure that trade agreements include enforceable clauses on commitments to the Paris Agreement, non-regression on environmental policy 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;
- 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');
- Commit to leave the Energy Charter Treaty (ECT) as a priority and encourages other MSs to do the same. 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;
- Regarding intra-EU Trade, the Trio Presidency needs to ensure that Member States comply with the judgement of the ECJ on Case C-284/16 <u>Achmea</u> 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 the 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;
- Initiate an alternative trade mandate based on extensive civil society consultations to help increase transparency of the negotiations.

# Leverage funding for a **transformative EGD** and ensure that the COVID-19 recovery package is climate and biodiversity-proof

- Ensure that the European Budget and Next Generation EU recovery package are EGDcompatible 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.
- 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 the environment, at least 15 billion EUR/year for the management of the Natura 2000 network and 45.6 bn EUR for large scale nature restoration.
- Ensure prioritisation and governance rules such that EU funds are targeted, just, proportionate, fully transparent, and used for the designated purposes.
- Negotiate a truly Paris-compatible MFF and ensure that robust measurement methods for carbon saving allocations from EU spending are integrated into the MFF and remaining legislative acts being negotiated (e.g. the CAP);

- Catalyse the industrial transformation by economic incentives, including through a reformed Energy Tax Directive and EU-ETS, combined with the removal of harmful subsides 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.
- Align the green taxonomy to the need of orienting Corona response investments towards climate and biodiversity-proof investments to ensure policy coherence and minimise risks of poor targeting of taxpayers' money.
- Facilitate national expenditure by Pariscompatible 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.



### 2.1 An **EU Budget** (MFF) for transformative change

On 27 May 2020, to respond to the Corona crisis, the European Commission has proposed a recovery package for Europe (750 billion euros for 2021-24 on "Next Generation EU", and a reinforced long-term EU budget - with the MFF envelope of 1,100 billion euros (for 2021-2027). The Recovery Package and MFF was 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.

While there are positive elements in the MFF proposal and the updated Recovery Package and MFF, it will not drive down GHG emissions sufficiently, do enough to halt biodiversity loss, address the root causes of the Corona Crisis, or prevent water quality degradation and air pollution. Indeed, there is a continued ongoing pressure on both biodiversity, water quality and air quality through the CAP proposals, as well as other drivers. 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.

The Multiannual Financial Framework (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. Therefore, at this crucial moment in time, at the start of the decisive decade to turn biodiversity and the climate crisis around, it is for the Council to ensure that the 'Next Generation EU' Recovery package does all within its powers to address the climate and biodiversity 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.

- Drive ongoing MFF negotiations and Recovery package to promote an EU budget for sustainability, EU added-value and catalysing change. Ensure that the MFF is coherent with the Treaty Objectives and the EGD, the Paris Agreement, the SDGs, halting biodiversity loss and protecting the oceans, as well as an opportunity to recover and reboot from the Corona crisis. At least 1% of the budget should be allocated to LIFE+, EUR 15bn per year should be ringfenced for the implementation of Natura 2000 and additional EUR 45.6 bn for nature restoration. The climate mainstreaming goal should be increased from 25% to at least 40% of the MFF and there should be no spending on projects that run counter the Paris Climate Agreement. There should be an overall expenditure target of 10% for biodiversity. In addition, there should be ringfencing of funding to ensure that overarching ambitions are realistic;
- Ensure that the CAP budget is truly compatible with climate, biodiversity and other environmental objectives and make all spending conditional to the respect for environmental legislations, 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;
- Transform the European Maritime and Fisheries Fund into a true ocean conservation fund by excluding any subsidies that aggravate overfishing. Instead, ring-fence funds for the ecological restoration of our seas;
- Encourage green finance and environmental fiscal reform, including carbon pricing, ensure transparency on subsidies in the EU and promote the removal of harmful subsidies. Progress on green finance to support and integrate sustainability concerns and help meet sustainability objectives should be encouraged so that it becomes a driver for the ecological-social transformation of the EU. Further, new discussions should be launched on how to encourage EU-wide use of carbon taxation;
- Promote the use of the flexibility mechanism in the Growth and Stability Pact to allow climate finance coherent with the green taxonomy to be exempt from the 3% GDP debt rule:
- Ensure an effective and measurable methodology for monitoring climate-spending, including reporting and relevant measures in case of insufficient progress.
   Ensure that the next MFF as a whole contributes to the implementation of the Paris Agreement.



### 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 upon the Presidency Trio to:

- Promote environmental fiscal reform as a central plank of economic policy – fully reflecting environmental, economic and social concerns in policy design. Encourage a shift towards qualified majority voting (QMV) on energy taxation and other environmental pricing instruments;
- Recognise the importance of socially progressive taxes: tax systems should be designed with a sufficient redistributive effect (in the design and/or use of revenues) to protect disadvantaged groups and reduce the risk of social protests similar to the gilets jaunes;
- 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 coalition of the willing nations. Promote target rates of €100 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;
- 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 and pursue greater

auctioning (committing to 100% auctioning, and encourage targeting revenue uses for Paris compatible funding). Tighten the free  $\mathrm{CO}_2$  allowances to be in line with the higher ambition, by withdrawing  $\mathrm{CO}_2$  allowances for future periods (i.e. faster than the planned withdrawal rate of 2.2% per year from 2021), 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.;

- Promote the systematic use of green public procurement (GPP) in the use of EU funding and wider uptake of GPP more generally;
- Encourage transparent reporting on subsidies and encourage the removal of harmful subsidies (e.g. in the fisheries sector, agriculture, industry and cohesion funding on transport). Launch an open method of coordination process to reduce national harmful subsidies, complemented by "harmful subsidies" reform at EU level - e.g. within MFF, remove excise tax exemptions for aviation, fisheries and agriculture;
- 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;
- Provide major focus with associated regulatory tools and frameworks to drive hard caps on the total use of reactive Nitrogen in the EU, and to establish a nitrogen budget allocated on the basis of increasing total net nourishment production i.e. contributing to, rather than subtracting from global food security (as is currently the case for e.g. Ireland and the EU). This is due to the role of reactive Nitrogen in imported feeds and in synthetic fertiliser which is driving non-CO<sub>2</sub> emission and water pollution. Address inequalities in pricing for imported nitrogen – for example Ireland has no VAT on imported nitrogen;
- Ensure just transition funds, especially those destined to coal-related regions and do not lock those regions in fossil-related projects. These funds should be contingent on the existence of comprehensive, locally developed transition plans, providing clear timelines and milestones for transition steps and clarity to investors.



## Address the climate emergency

#### **COUNCIL RELEVANCE**

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

- In the follow-up to UNFCCC COP25, secure endorsement of a European Climate Law that commits to net-zero greenhouse gas (GHG) by 2040, complemented by a European Climate Pact to get a whole of EU approach in time for the COP26, and help demonstrate EU leadership. Support an increase of the 2030 GHG, energy efficiency and renewable energy targets, securing a GHG emission reduction target of 65% by 2030, an energy efficiency target to at least 45% with at least 50% of energy sourced from sustainable renewable energy by 2030. Ensure a 2025 review both for the 2030 GHG targets and EE and RES targets, to take into account progress achieved and new evidence on urgency.
- Prioritise regulatory efforts to close any gap between the EU's 2030 climate and energy targets (energy efficiency and renewables) and the national contributions and to improve the draft national energy and climate plans (NECPs).
- Encourage an industrialisation strategy that integrates circular economy measures to support the transition to a net-zero greenhouse gas economy by 2050; use performance-based standards to the fullest extent i.e. the EU BREFs to address GHGs as well as the overhaul of the Industrial Emissions Directive (see also demands 8 and 10).

- Promote a zero-carbon construction sector, notably by calling for an accelerated 3% renovation rate, full decarbonization of heating and uptake of carbon neutral construction products.
- Promote a truly Paris Agreement compatible energy infrastructure that supports a fully renewable energy system and prevent hazardous technology lock-in in fossil fuels end public support for fossil fuels and fossil fuel infrastructure. Carefully assess all Projects of Common Interest (PCI) in the view of their sustainability and compatibility with our commitments under the Paris Agreement and a fully-renewable energy system by 2040.
- Encourage due ambition for the Energy Tax
   Directive reform and associated carbon border
   adjustment to facilitate progress with GHG
   mitigating incentives, complemented by urgent
   promotion of harmful subsidy reform (and
   a clear timetable for their phase out in the
   National Energy and Climate Plans as requested
   by the Commission), Paris-compatible State Aid
   Guidelines and Action Plan on Green Financing
   (see also demand 5).
- Develop a robust EU climate adaptation strategy that helps the EU prepare for the growing climate crisis by investing in ecological resilience. Investment in nature-based solutions, such as the restoration of key ecosystems that serve both as natural carbon sink and support climate change adaptation, needs to be a core part of the EU's climate adaptation strategy.



### 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 by 2050 for the whole of Europe, and the COP25 in Madrid reiterated the importance of the 1.5 to 2°C global warming limit and recognised the importance of oceans. The EU commitments were constructive steps forward, while the UNFCCC COP 25 was a de minimus conclusion 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 up 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 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 and to set the scene for success at the UNFCCC COP26 in Glasgow in 2021.

- Secure endorsement of a European Climate Law that commits to net-zero greenhouse gas emissions by 2040, complemented by a European Climate Pact to get a whole of EU approach and just transition;
- Promote ambition in European climate and energy policies, recognising that to stay within 1.5°C EU GHG emission reductions of at least 65% by 2030 are needed and that the EU needs to be net-zero by 2040, with netnegative emissions thereafter;
- Ensure an substantial increase of the Nationally Determined Contributions (NDC): Prioritise efforts to close the gap between the EU's 2030 climate and energy targets (energy efficiency and renewables) and the draft national contributions and to improve the draft national energy and climate plans (NECPs);
- Insist on a 2025 review, both for the GHG emission reduction targets for 2030 and for the energy efficiency and renewables targets so that progress, new scientific evidence on urgency and citizen calls can be translated into more ambitious targets;
- Encourage an <u>industrialisation strategy</u> that integrates circular economy measures to support the transition to a net-zero greenhouse gas economy by 2050. Use performance-based standards to its fullest extend i.e. the EU BREFs to address GHG as well overhaul of the Industrial Emissions Directive (broaden coverage to include: cattle given their role in methane and ammonia productions; data centres given energy demand);

- Promote a zero-carbon construction sector, calling for an accelerated 3% renovation rate, full decarbonization of heat by 2030 and uptake of carbon neutral construction products;
- Strengthen commitments to climate-friendly mobility that supports clean air and human health: The EU strategy for sustainable and intelligent mobility, announced for the end of 2020, must create a framework and path to the decarbonisation of traffic and significantly reduce road traffic, including by shifting to rail, waterways, and cycling;
- Promote substantive progress on carbon pricing at EU and national levels to internalize the full cost of negative environment externalities in the transport sector and incentivise decarbonisation, for instance by aligning energy taxation for motor fuels (review of ETD);
- To support the transition to greater electrification of vehicles, there should be a commitment to a 100% renewable grid (see further below);
- Negotiate for a truly Paris-compatible MFF and EU Corona recovery package with robust measurement methods for carbon saving allocations integrated into the MFF and remaining legislative acts being negotiated (CAP);
- Ban EU support of fossil fuel projects in extraction, transformation, generation, consumption, and infrastructure. EU funding should be fully compatible with our commitments under the Paris Agreement and a fullyrenewable energy system by 2040;
- Encourage due ambition for the Energy Tax Directive reform (qualified majority voting, carbon reduction signals, removing exemptions for aviation and maritime fuels) and associated carbon border tax to facilitate progress with GHG mitigating incentives, complemented by subsidy reform, EU-ETS reform (increase auctions, withdrawal of free allowance, floor prices), Paris compatible State Aid Guidelines and Action Plan on Green Financing;
- 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 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 socioeconomic systems. Growing concerns about water stress and scarcity in Europe need to be fully factored in, as do wildfires, storms and coastal erosion. The Investment in nature-based solutions, such as the restoration of key ecosystems serving as natural sinks, that offer for climate change adaptation benefits should also be a core part of the EU's climate adaptation strategy.



### 3.2 Towards **energy policies** that drive climate action

The role of energy in climate action is essential and the Presidency Trio needs to speed up the transition to renewable energy production. There is a need to move towards a carbon neutral electricity and gas grid to decarbonize heating and cooling and sharply decrease energy imports, 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 and renewable energy with the circular economy agenda and fully recognizing the  $\rm CO_2$  savings potential linked to saving on material resources and the embedded  $\rm CO_3$ .

The issue of energy infrastructures and the financial and regulatory framework is essential. The Connecting Europe Facility, as part of the MFF, is a key instrument. The partial provisional agreement still allows public money to be spent on fossil fuel projects which are one of 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 to ensure that no more EU public money is wasted in unsustainable projects that lock us into fossil fuel dependence. The upcoming Ten Years Network Development Plan (TYNDP) should be Paris-Agreement compatible and reflect a fully-renewable energy system with net-zero GHG emissions by 2040.

The Ecodesign and Energy Labelling framework are essential elements of the EU's climate and energy policy, already delivering considerable savings in energy consumption (roughly 500 EUR annually by 2020 per household). However, energy performance requirements should be made more stringent and the governance of the measures must be improved so 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 repairability and recyclability, even so these can deliver significant emissions savings due to the embedded energy in products.

- Promote ambition with respect to 2030 Energy targets an increase of the energy efficiency target to at least 45% with at least 50% of energy sourced from sustainable renewable energy by 2030 are also essential to create a realistic pathway to EU carbon neutrality;
- Ensure the move to renewables is not advanced at a cost to biodiversity, 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 implementation to ensure cost effective solutions which, inter alia, should also support the added value of EU funding;
- Investigate the decision making process with regards Ecodesign and Energy Labelling measures so as to reinforce its effectiveness and help make the policy deliver in a timely manner on its full potential. Support the recommendations of the European Parliament in their own initiative report on Ecodesign implementation (May 2018):
- Review the Ten Years Network Development Plan (TYNDP) for electricity and gas grids and ensure that this is Paris Agreement compatible, based on assumptions that deliver emissions 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/blue 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).



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

#### COUNCIL RELEVANCE

The Environment Council and the Agriculture and Fisheries Council.

- Ensure that an ambitious Global Deal for Nature and People is agreed at the CBD COP15, creating a "Paris moment" for biodiversity and foster lasting political commitment to put biodiversity on a path to recovery by 2030;
- Endorse the EU Biodiversity Strategy for 2030 and ensure EU Member States start implementing EU commitments put forward in the EU Biodiversity Strategy to 2030 and European Green Deal, including through full integration of biodiversity commitments into key EU sector policies and financial instruments. Ambitious action at home will allow the EU to demonstrate credible leadership on biodiversity in the global negotiations for the post-2020 biodiversity framework;
- Lead the Council negotiations on the new EU legal framework for restoration promised in the Biodiversity Strategy that includes setting legally binding restoration targets for ecosystems important for biodiversity and climate such as wetlands, peatlands, biodiversity rich grasslands, marine ecosystems and protect and restore free-flowing rivers;

- Commit to healthy oceans, with at least 30% of the ocean to be highly or fully protected by 2030 including designation of the Weddell Sea MPA; a full transition to low-impact fishing; securing a pollution-free ocean; and planning human activities at sea so that they support the restoration of thriving marine ecosystems and do not add to the pressure from climate change;
- 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;
- Lead the development of an ambitious Council position on the strengthening of the Control Regulation to ensure full compliance of the fishing sector with fisheries and nature laws, requiring fully documented and transparent fisheries;
- Encourage the exploration of the drivers of biodiversity loss beyond the already wellrecognised drivers (changes in land and sea use, over-exploitation, climate change, pollution and invasive species), to those given less attention to date, notably light and noise pollution. Ensure that light and noise pollution impacts on terrestrial and marine biodiversity are addressed by EU policy.



## 4.1 Putting biodiversity on a path to recovery including via new legislation on nature restoration

The Presidency Trio needs to make biodiversity, ecosystem protection and restoration a top priority during their 18 months, recognising the need for an ambitious Global Deal for Nature and People (global post 2020 biodiversity framework) to be agreed under the Convention on Biological Diversity in 2021 building on the robust scientific evidence of the challenges we face including drivers given less attention to date, notably light and noise pollution, and strong societal expectations of urgent action to tackle the existential ecological and climate crisis.

The EU Biodiversity Strategy for 2030 has put biodiversity and ecosystem protection and restoration at the heart of the European Green Deal and EU's recovery plan from the COVID-19 crisis. The Council must endorse the EU Biodiversity Strategy for 2030 and start swift action in order to meet the EU commitments, such as to protect 30% of the EU's land and sea, including 1/3 under strict protection. Recognising the urgent need to restore nature, the European Commission is expected to propose new legislation on nature restoration in 2021 and the Trio Presidency shall lead the Council negotiation so that the new legislation sets legally binding targets to restore ecosystems important for biodiversity and climate such as wetlands, peatlands, biodiversity rich grasslands, marine ecosystems and to protect and restore free-flowing rivers.

In addition, the Council shall 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.

Much of the failure to halt biodiversity loss to-date stems from inadequate implementation of the existing EU nature, water and marine legislation as well as the failure to mainstream biodiversity into EU sectoral policies on e.g. agriculture or fisheries. Another important reason is the lack of resources allocated to preserving and restoring biodiversity and ecosystems and continuation of perverse subsidies. The EU needs to redouble efforts to bend the curve of biodiversity loss, addressing the key drivers and give the policy on biodiversity the political priority and funding it deserves. Failure to do so undermines our own survival.

- Ensure that the ambitious Global Deal for Nature and People is agreed at the CBD COP15 in China, creating a Paris moment for biodiversity and foster lasting political commitment to put nature on a path to recovery by 2030;
- Endorse the EU Biodiversity Strategy for 2030 and ensure EU Member States start implementing EU commitments put forward in the EU Biodiversity Strategy to 2030 and European Green Deal, including through full integration of biodiversity commitments into key EU sector policies and financial instruments. Ambitious action at home will allow the EU to demonstrate credible leadership on biodiversity in the global negotiations for the post-2020 biodiversity framework;
- Lead the Council negotiations on the new EU legal framework for restoration that includes setting legally binding restoration targets for ecosystems important for biodiversity and climate such as wetlands, peatlands, biodiversity rich grasslands, marine ecosystems and protect and restore free-flowing rivers;
- Work with the European Commission to develop an ambitious EU Forest Strategy with focus on the protection of natural and old-growth forest and their restoration, contributing to climate mitigation and adaptation and improving biodiversity and resilience;
- Step up implementation of the EU's nature, water and marine legislation as well as improve their coherence with other EU policies and mobilise sufficient funding for reaching their objectives. In particular, encourage a reformed CAP and CAP Strategic plans to reduce pressures on biodiversity from agriculture.
- Encourage the exploration of drivers of biodiversity loss beyond the already well-recognised (changes in land and sea use, over-exploitation, climate change, pollution and invasive species), to those given less attention to date, notably light and noise pollution. Ensure that light and noise pollution impacts on terrestrial and marine biodiversity are addressed by EU policy.



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

In past decades, a succession of strategies and action plans for safeguarding the ocean have been launched, and while needed, they have not been fully implemented. In 2008, European governments committed to have "ecologically diverse and dynamic oceans and seas which are clean, healthy and productive" by 2020. They are nowhere near achieving this, as evidenced by the warming and more acidic seas, the destructive impacts of trawling nets and ghost nets, offshore drilling, noisy and heavily polluting ships, invasive species, diseases from farmed fish, dead zones, construction, tourism, and swathes of pollutant-laden plastics and microplastics.

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. The ocean acts as a vital carbon sink, regulates weather patterns and provides oxygen. We depend on it, even if we live inland.

#### We therefore call upon the Presidency Trio to:

- Fully take on the recommendations included in this document about the Biodiversity Strategy 2030, the Farm to Fork Strategy, the Circular Economy Action Plan and the Zero-Pollution Strategy;
- Embrace EU leadership on oceans including strong support for the designation of the MPAs in the Southern Ocean and push for the adoption of an ambitious Global Ocean Treaty to protect marine biodiversity in areas beyond national jurisdiction worldwide at the 4th session of the Intergovernmental Conference on Biodiversity Beyond National Jurisdiction;

- Push for the adoption of urgent short-term measures at the International Maritime Organization to ban Heavy Fuel Oils in the Arctic and reduce ship speed to decrease GHG emissions, noise levels and whale strikes;
- Encourage the EU to adopt an Offshore Wind Strategy which fully takes into account the impacts on marine ecosystems of the development of offshore wind energy production plants;
- Engage the Council to ensure that the EU removes fuel tax exemptions for fishing vessels and shipping under the revised Energy Taxation Directive;
- Encourage the inclusion of shipping in its Emissions Trading System;
- 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 incidental catches of protected seabirds, marine mammals and reptiles are minimised through Multi-Annual Plans and Joint Recommendations under the Technical Measures Regulation;
- Encourage EU countries to adopt ecosystem-based Maritime Spatial Plans which include at least 30% of highly or fully protected MPAs and areas for human activities allocated based on ecosystem sensitivity;

See also Seas at Risk's "Blue Manifesto".



# Initiate a transition towards **sustainable food** and agriculture

#### **COUNCIL RELEVANCE**

The Environment Council and the Agriculture and Fisheries Council.

- Ensure that environmental authorities and stakeholders are closely involved in the CAP reform discussion and in CAP Strategic Plan development;
- Mobilise political support for a bold reform of the CAP and ambitious CAP Strategic Plans to end subsidies harmful to the environment and climate, to mainstream agroecological practices, and to strengthen the performance and governance framework of the new CAP, by, inter alia, introducing binding 10% non-productive "space for nature" at farmlevel and making all CAP payments subject to a conditionality that ensures a basic environmental delivery;
- Work closely with the European Commission to develop measures to help implement a transformative Farm to Fork Strategy that drives a transition to sustainable food systems, by reducing animal protein consumption and cutting agricultural GHG emissions by 45% by 2030 (based 1990);
- Initiate extensive discussion on how to address soil degradation in a legally binding framework at the EU level and urge the Commission to propose such a framework as soon as possible.





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 performancebased 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. Our current farming and food systems is largely responsible for nature degradation leading to an increased chance of the emergence of multiple diseases. On the other hand, the exponential surge in local demand and alternative distribution channels prove the resilience of some farming systems.

Given the slow progress in negotiations to date, the German and Portuguese (and maybe Slovenian) Presidencies will oversee the final stages of the CAP reform negotiations in the Agriculture Council and in trilogues with the Parliament and Commission.

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 European Green Deal. 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 trio Presidencies to continue this constructive engagement all along the CAP reform and to also involve Environment and Climate Ministers in the discussions on, and planning of, the environmental and climate aspects of the CAP.

The European Green Deal promises to change the way we produce, consume and trade to make Europe climate neutral by 2050. This require deep changes to our food production systems (in the EU and beyond, thus also looking at agricultural and food trade) and consumption patterns. The Farm to Fork Strategy must enable the transition towards sustainable food systems by setting a long-term vision underpinned by enforceable targets and by adopting an effective policy and regulatory mix.

In addition, although often presented as a low-carbon food source, seafood production, whether through fisheries or aquaculture, has dramatic negative impacts on ocean life and impedes the ocean's resilience to withstand the dramatic changes brought by the climate crisis. A comprehensive and successful Farm to Fork Strategy will have to fully consider the negative impacts of our current seafood production system on carbon-storing marine ecosystems.

#### We therefore call upon the Presidency Trio to:

- Ensure that environmental and climate authorities and stakeholders are closely involved in the CAP reform discussion and 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;
- Provide leadership for environmental and climate action through CAP Strategic Plans, by leading by example with inclusive and evidence-based processes in your own countries, and organising opportunities for exchange and learning between Member States;
- Work closely with the European Commission to develop a transformative Farm to Fork Strategy that drives a transition to sustainable food systems, including by setting legally binding targets and developing effective policy and regulatory instruments to shift EU food production and consumption (incl. trade) towards sustainable food systems;
- Provide platforms for an inclusive 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;
- Ensure that the Farm to Fork strategy fully takes into account the ecological and climate impacts of fisheries and aquaculture and addresses responsible consumption and sustainably sourced and traceable seafood;
- Stop the reintroduction of harmful fisheries subsidies, banned by the EU in 2004, in the next European Maritime and Fisheries Fund during the ongoing trilogue negotiations.

See also our position paper on the EU Farm to Fork Strategy.



### Safeguard freshwater ecosystems and **clean water** for all

#### **COUNCIL RELEVANCE**

The Environment Council.

#### SUMMARY ASKS

- Support the conclusion of the evaluation that the Water Framework Directive is fit-forpurpose and does not need amending and commit to its full implementation so that its objectives can be met by 2027
- Ensure a joined-up restoration agenda as part
  of the implementation of commitments under
  the EU Biodiversity Strategy for 2030 to protect
  and restore free-flowing rivers and remove
  barriers and integrate nature-based solutions
  in the implementation of the Water Framework
  and Floods Directives to specifically address
  collapse in freshwater biodiversity and build
  resilience.

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 as well as through adequate implementation of the WFD.

The European Commission has recently finalised the 2-year evaluation of the WFD and related Directives concluding that the Directives are broadly fit for purpose. The fact that the WFD's objectives have not been reached fully yet is largely due to insufficient funding, slow implementation and insufficient integration of environmental objectives in sectoral policies, and not due to a deficiency in the legislation. There is also a need to improve transboundary water cooperation.

#### We therefore call upon the Presidency Trio to:

 Support the conclusion of the evaluation that the Water Framework Directive is fit-for-purpose and does not need amending and commit to its full implementation so that its objectives can be met by 2027;

- Improve transboundary cooperation and integration of the objectives to protect and enhance the health of freshwater ecosystems into other sectoral polices, notably in relation to agriculture, energy, industry, chemicals, and transport policies, to reduce pressures from those sectors (e.g. pesticides, nitrates, thermal pollution, hydromorphological alterations and over-abstraction);
- Ensure a joined-up restoration agenda as part of the EU Biodiversity Strategy to 2030 to protect and restore freeflowing rivers and remove barriers and integrate naturebased solutions in the implementation of the Water Framework and Floods Directives to specifically address the collapse in freshwater biodiversity and build resilience;
- Recognise the negative impacts of hydropower on biodiversity and actively discourage the construction of new dams using diplomacy, policies and funding;
- 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, microplastics) including through the review of the Urban Wastewater Treatment Directive.



### Clean air: towards zero environmental and health impact

#### COUNCIL RELEVANCE

Environment Council; and Agriculture and Fisheries Council.

- Ensure an ambitious response to the outcome of the Ambient Air Quality Directives fitness check – align EU air quality standards with the latest WHO guidelines (expected early 2021), while Member States achieve full implementation of existing legislation (e.g. Ambient Air Quality Directives and National Emission Ceilings Directive);
- Ensure a comprehensive review and support the revision of the Gothenburg Protocol that leads to it also covering methane, black carbon and mercury emissions;
- Adopt an ambitious Council position on agricultural air pollutants during the CAP negotiations, so as to reduce air pollution at the source;
- Support the European Commission commitment to deliver an ambitious Zero-pollution Action Plan which also ensure coherence among different policies;

- Ensure that the Commission undertakes

   a comprehensive review of the Industrial
   Emissions Directive with the following main elements: redefine BAT as the lowest ratio of environmental impact of an activity versus public good/service provided, BAT to be based on technical feasible performance, putting prevention over control and full integration of all environmental media objectives (decarbonization / GHG mitigation addressed), ensure the EU is the frontrunner in environmental performance standards;
- Ensure coherence when it comes to defining financial instruments, their objectives and their priorities must include air quality (e.g. in the Just Transition Mechanism, EU Recovery Fund, and Multiannual Financial Framework).





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 agricultural yields and natural vegetation are damaged through ozone formation. The EEA estimates that more than half of Europeans were 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 PM2.5, 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 showed 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 people capacity to resist and face possible health crisis demand strong and immediate action to reduce air pollution.

- Support the rapid implementation of existing EU Ambient Air Quality Directives, while improving transparency and information provision on the level of actions 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 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 Directive (also through enforcement actions) – four Member States did not finalise their National Air Pollution Control Programmes yet (deadline was 1 April 2019). Support also the adoption and implementation of ambitious policy measures to reduce national emissions, which go beyond the minimum requirements established by the NEC Directive (such as the establishment of a reduction target for methane emissions together with the identifications of the supportive measures);
- Support and promote the revision of the Gothenburg Protocol in the framework of the UNECE Convention on Long-range Transboundary Air Pollution so 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;

- Support the European Commission commitment to deliver by early 2021 a Zero-pollution action Plan which will also contribute to ensure coherence among different policy instruments;
- Ensure an ambitious CAP post 2020 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 particulate matter (PM)through agricultural waste burning);
- Encourage the European Commission to tackle methane emissions from all sources, given their climate, health and environmental impact;
- Work closely with the European Commission and the European Parliament to stop harmful subsides (e.g. to fossil-fuels and polluting industrial farming).
- Take into account the needs of vulnerable population in policy formulation to have redress the inequalities present to date;
- 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.



## Drive a new industrial revolution

#### SUMMARY ASKS

- Transform the Industrial Emissions Directive to become the new zero-pollution industrial production regulation, with the following main elements: redefine BAT as the lowest ratio of environmental impact of an activity versus public good/service provided, BAT to be based on technical feasible performance, putting prevention over control and full integration of all environmental media objectives (decarbonization/GHG mitigation addressed), and ensure the EU is the frontrunner in environmental performance standards. Furthermore, 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);
- Overhaul of reporting requirements to strengthen enforcement and performance benchmarking of economic actors (e.g. IED Registry / revised EU PRTR, including at Global level);
- Promote a digitalisation and AI for people and planet strategy and integrate the risks and opportunities of digitalisation to the environment in relevant strategies and their implementation given its emerging role.

## 8.1 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 from 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 technical achievable environmental performance levels that address all relevant impacts of a given industrial activity. It should be transformed to become the new carbon-neutral, zero-pollution industrial production regulation. Emphasis should be on delivering on preventing pollution, in coherence with policies on the circular economy and decarbonization agenda. The EU 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.

- 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;
  - 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.
- Ensure full uptake of the needed renewable energy production to cover for major electrification of most industrial processes
- 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-toabate industrial emissions and create a coherent infrastructure framework.
- o Support resilience and material efficiency throughout the value chain, namely by improving closed-loop recycling of carbon-intensive products.
- Develop the necessary drivers so that the IED delivers on the wider circular economy and decarbonisation objectives, such as demand-side measures for low carbon, zero-pollution products.
- Strengthening 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):
  - Harmonise reporting formats for key IED documents
     e.g. IED Electronic Permit Template (EPT) allowing centralised reporting on relevant permit conditions;
  - Develop a centralized and powerful database allowing better benchmarking of real-time environmental performance and better use of information for other purposes e.g. BREF reviews;
  - o Establish the IED registry revisited PRTR covering also diffuse emissions from products and enabling progress tracking towards SDG achievement, with proper consultation of end-users. This review shall also include a revision of the UNECE Kiev Protocol.

More information: An EU Industrial Strategy for achieving the 'zero pollution' ambition set in the European Green Deal and The Industrial Emissions Directive (EIPIE).

### 8.2 **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/critical materials. Furthermore, digital tools are currently predominantly fossil powered, 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 Al it is essential to advance on the 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 the fundamental principles such as net neutrality, inclusiveness and accessibility.

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 similar success.

- 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, and help address a wide range of environmental challenges across the policy cycle. Understand and target measures to avoid the planetary risks of unsustainable digitalisation. This is both about existing and new technologies;
- While embracing the benefits of innovation, the Trio 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 European Green Deal proposed "do no harm" oath 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) levels promoting digital technologies that provide consumers with sufficient product information to enable them to make informed environmental choices (e.g. 'product passports');
- Access to information: 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 to the public; make use of new imaging technologies to monitor the implementation of the Common Agricultural Policy and general compliance with EU's environmental acquis, in order to improve climate and environment monitoring;
- Implement a system of public-service information technology (IT) that integrates 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;
- Digitalised goods in the fields of data, information and knowledge should be publicly accessible in the common interest. They should be provided via public-service ICT and must therefore be protected from exclusion, privatisation and under-use. Obligations to provide information are necessary to develop a public-welfare orientation via digital commons.



## Promote safe chemicals and a **non-toxic environment** that protects our immune systems

#### COUNCIL RELEVANCE

The Environment Council.

- Ensure that under the European Green Deal, the Chemicals strategy for sustainability, planned for release in Summer 2020, is overarching and ambitious to achieve a toxic-free environment as soon as possible. Deliver Council Conclusions that press the Commission to present an overarching and long-term strategy based on urgent actions to prevent pollution across sectors including circular economy, biodiversity and farm to fork while supporting the resilience of our health and ecosystems and strengthen our communities. The strategy must deliver consistency across legislation while grounding policies on exposure prevention and a high level of protection of health and the environment. It must close regulatory gaps for chemical uses, like in food contact materials, strengthen legislation to prevent exposure, in particular by protecting vulnerable groups and addressing endocrine disruptors and persistent chemicals. Speed up the phase out and substitution of chemicals of concern (understood broadly) by safe and sustainable alternatives while avoiding regrettable substitution by e.g. promoting restrictions of families of chemicals such as PFAS, phthalates or bisphenols;
- Call on the Commission to set concrete measures to clean the circular economy and avoid toxic recycling as well as develop a mandatory information system to ensure full transparency on substances present in materials, articles, products and waste by 2030;
- Ensure that democratic and environmental principles are fully applied and enforced in EU chemicals policy (e.g. transparency in decision making, precautionary principle, polluter-pays principle and 'no data, no market', substitution principle) and is aligned with the hierarchy of actions in risk management that prioritises exposure prevention, elimination and substitution over control measures;
- Support ratification by more countries of the Minamata Convention on Mercury, ensure its full implementation and promote more ambitious measures, in the EU.
- Use the ICCM5 meeting to promote an ambitious global regulatory framework on chemicals and waste with SAICM post 2020; as well as strengthening related legally binding chemicals conventions such as Minamata.



### 9.1 **Protect the public** from hazardous chemicals

The EU acknowledged that it will not meet the World Summit Sustainability Development Goal target to 2020 to achieve the sound management of chemicals and waste. Great opportunities are now open to the EU:

- The EU can still deliver on the Union strategy for a non-toxic environment promised in the 7<sup>th</sup> Environment Action
   Programme to 2020 by the EU institutions, which was
   expected by 2018; the chemicals strategy for sustainability
   is identified in the European Green Deal to achieve this
   goal;
- The risks posed by the not-any-longer emerging issues such as nanomaterials and endocrine disruptors are still not adequately tackled across different legislations. After (yet another) <u>REFIT evaluation</u> of the current framework on endocrine disruptors, the update of the 1999 EU endocrine disruptors strategy, which should include concrete measures to tackle endocrine disruptors across all legislations, must be proposed by the Commission;
- The EU must renew its allegiance to bedrock democratic and environmental principles in the implementation of the European Green Deal by properly implementing transparency in decision making, the polluters-pay and the precautionary principles as well as the substitution, the 'no data, no market' and the allocation of the burden of proof towards industry principles;
- The Commission must require all polymers for registration under REACH regulation;
- The very high levels of non-compliance of the information submitted by companies under REACH have been the recent focus of needed legislative revisions.

Progress towards better protection of health and the environment is underway but implementation of the recent compliance checks must be accompanied by large-scale enforcement initiatives;

- Given the decline in the number of SVHC dossiers, it is highly
  likely that the EU will not be achieving the EU objective to
  list all relevant SVHC in the REACH candidate list by 2020.
  The focus around systematic REACH Authorisations being
  granted by the EU, enabling continued use of substances
  of very high concern empowers member states is an
  opportunity to seize. The Commission and member states
  must truly incentivise the use of safer alternatives and
  strengthening the credibility of the process by stopping
  the current practice of granting "blanket authorisations";
- The Commission's communication on the interface between chemical, product and waste legislation (ICPW)1 acknowledged that the legislative framework of chemicals, products and waste is currently dissociated and needs a substantial reform. Legacy chemicals circulated from virgin, to reused, to recycled and to recovered materials have the opportunity to be regulated to set same requirements thresholds between virgin and recycled materials; their traceability can be ensured thanks to the establishment of information systems on substances of concern by 2025;

 The independent evaluation of SAICM established that it will not meet its own goal in achieving a sustainable management of chemicals and waste by 2020, with its additional repercussions on the SDG agenda (notably SDG 12.4).

- Deliver council conclusions on the European Green Deal's communication and 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.
  - o Request the Commission to deliver a chemicals strategy for sustainability that truly adopts an overarching outreach into the different policies of the EU. It must strengthen the existing legislations in order to prevent exposure, speed up the phase-out and substitution of chemicals of concern while avoiding regrettable substitution;
- Particularly, demand a chemicals strategy for sustainability that is:
  - o Protective towards human health and the environment, comprehensive, coherent and consistent with all other relevant policies;
  - o Overarching and has a long-term vision, based on urgent actions to prevent pollution across sectors, legislations and strategies, in particular the circular economy, biodiversity and farm to fork; the strategy must also strengthen the existing legislation to prevent exposure, speed up the phase-out and substitute chemicals of concern by safe and sustainable alternatives, while avoiding regrettable substitution by e.g. promoting restrictions of families of chemicals such as PFAS, phthalates, and bisphenols;
  - Aligned with the hierarchy of Actions in Risk Management that prioritises prevention, elimination and substitution over control measures;
  - o Enabling transparent, simple, streamlined and costefficient actions to ensure protection and compliance to chemicals legislation;
  - Updated to the latest scientific knowledge and addressing real-life exposures, including daily exposures to mixtures of chemicals;
  - Providing that safety testing of chemicals are carried out by independent laboratories. The process is paid for by an industry-supplied fund that is managed by an independent public body such as ECHA;
  - Ensuring a public information system to enable full transparency on substances present in materials, articles, products and waste is in place by 2030;
  - o Proposing economic instruments that stimulate substitution, innovation and clean production;
  - o Cleaning the circular economy by avoiding and eliminating toxic chemicals in the material cycles;



- o Make specific proposal to ensure EU's democratic and environmental principles are implemented (e.g. transparency in decision making, the polluterspay and the precautionary principles as well as the substitution, 'no data, no market' principles and the allocation of the burden of proof towards industry); the implementation of these principles should also particularly apply to the REACH Authorisation process, putting an end to the granting of "blanket authorisations";
- Facilitating the proposals to register polymers under the REACH regulation, with the aim to ensure a high level of protection of human health and the environment;
- o Use the ICCM5 meeting to promote an ambitious global regulatory framework on chemicals and waste with SAICM post 2020, which particularly ensures global traceability in chemicals in products, provides regulation on harmful chemicals in products including in recycled materials and offers labeling and certification schemes to prove the aforementioned.

Recommendations given the interconnections between chemicals and other EGD commitments:

- Demands that the circular economy action plan:
  - o Ensures a high level of protection of human health and the environment, including by setting same threshold requirements for virgin and recycled materials and proposing a timeline to implement binding information systems on chemicals of concern in materials by 2025 and on all chemicals in materials by 2030;
- Demands that the "farm to fork" strategy and the biodiversity strategy:
  - Ensure a high level of protection of human health and the environment, including by setting targets to fully phase-out synthetic pesticides by 2035.

### 9.2 **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 119 ratifications including the EU and 23 Member states (May 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.

Following the entering 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 quickly as possible. At the same time, 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.

- Ensure rapid ratification of the Minamata Convention from remaining Member States;
- Implement the EU Mercury Regulation (including phasing out the use of mercury in dentistry) and other relevant legislation (e.g. removing the exemptions for mercury in lamps under the RoHS directive);
- Maintain EU leadership in relation to the Minamata Convention on Mercury by working towards strengthening of relevant Treaty provisions (e.g. 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 phasing mercury added products.



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

#### COUNCIL RELEVANCE

The Environment Council

- Anchor the transition to a true Circular
   Economy as a key lever for a sustainable and
   prosperous post COVID-19 crisis recovery and
   ensure circular economy patterns are reflected
   in the conditioning of stimulus packages at EU
   and national levels
- Support the swift implementation of the CE 2.0 action plan, which largely echoed Council conclusions of October 2019, while considering the introduction of a material / consumption footprint target and waste prevention binding objectives for municipal and commercial/ industrial waste generation, addressing notably food, plastic and microplastics waste;
- Push for the ambitious development of a comprehensive and extensive product policy, taking seriously the statement to make sustainable products the norm, based on ecodesign type requirements, extended producer responsibility, sustainable public & private procurement and the setting of reliable sustainable information schemes, to be immediately deployed on priority sectors: electronics, textiles, construction, furniture, packaging, batteries and vehicles;
- Bridge further the circular economy with climate and low carbon policy by requiring

- the implementation of systematic carbon footprinting for products and materials placed on the EU market, starting with batteries and materials out of energy intensive industry, and promote a consumption-based approach for carbon emissions accounting that also covers products imported into the EU;
- Push for swift development and implementation of an EU product information system – potentially as a database of digital product 'passports' enabling access to individual variables- to track substances of concern and material contents of products, durability, reparability and circular performances, as well as the environmental profile of goods placed on the EU market;
- Push the EU to set Green Public Procurement (GPP) as the default approach for public authorities and corporate social responsibility with an associated monitoring system and ensure a more effective roll-out of Ecolabel across products and services, with an effective communication plan;
- Support the revision of the Waste Shipment Regulation to further restrict and enforce the shipment of hazardous and non-hazardous waste outside EU.



The Circular Economy is an acknowledged strategic agenda for Europe. It drives new job creation with environmental savings and reduced dependency on material and fuel imports. It is all the more relevant to recover from post 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, the CE contributes to meeting climate change commitments, by complementing the CO<sub>2</sub> savings expected by a decarbonised energy system through more efficient use of materials. It also helps frame sustainable bio-economy strategies at European and national levels by incorporating the key vision of resources 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 new EU institutions supports a swift and ambitious EU work programme to progress further CE and the CE action plan, and anchor CE as a key recovery lever to be reflected in the stimulus packages designed at EU and national levels.

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. This means engaging without delay a fundamental reform of our current product policy that cannot be the mere continuity of the lengthy and incremental changes that have happened so far through the slow development of different instruments considered in isolation and without consistency. If sustainable products are to be the norm, that is fitting with carrying capacity of the planet and virtually eliminating their negative externalities, we need to combine in full coherence a set of policy instruments starting with stringent minimum requirements to enter the EU market and associating producer responsibility, sustainable public and private procurement, and reliable information schemes to guide consumers and enhance market surveillance. To accelerate CE in all these sectors, it would be extremely useful to set objectives to reduce virgin resources use and related environmental impacts, and this could take the form of a target on material footprint and consumption footprint, which are lacking from the communicated CE action plan, 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 levels.

Products placed on the EU market are at a decisive point in the materials chain. Allowing poorly designed products to be put on the market hampers circularity, while allowing only sustainable products would unleash tremendous untapped potential. It is therefore essential that the sustainability of products is ultimately reflected through a set of transparent and accessible information along 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 inform better our climate policy and 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 burden shifting to other dimensions. This is the reason why more comprehensive footprinting profile shall be progressively required. Chemical and material contents, circularity performances and footprinting profiles shall be the building blocks of digital product passports.

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 that perspective, addressing the production of microplastics shall remain a priority, as well as reducing hazardous, non-reusable and recyclable materials. Prevention of waste is to be given a clear priority, including with specific targets to prevent all types of waste generation and restricting drastically the export of hazardous and non-hazardous waste outside 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 it reduce further dumping in the marine environment and mitigates the risks of overexploitation of resources in the marine environment.

- Reflect CE progress in the stimulus packages to be designed at EU and national level:
- 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 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 working towards a future 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 rejecting weak voluntary agreements, not delivering better and faster than regulations;
- Support an ambitious industrial transformation strategy towards carbon neutrality by 2050, with legal drivers for the industry towards full decarbonisation, the development of product standards with regards carbon footprint and the activation of financial and fiscal instruments such a carbon border tax and contracts for differences;
- Push the EU to design a new GPP and Ecolabel strategy: set GPP as the default approach for public authorities and Corporate Social Responsibility and ensure a more effective roll out of Ecolabel across products and services with effective communication plan;
- Set a system to verify and enforce green claims, potentially building on the Product Environmental Footprinting (PEF) methodology; and
- Require the incorporation of circular economy principles into any EU supported investments in renewable energy.



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

#### **COUNCIL RELEVANCE**

The Environment Council and the Competitiveness Council.

- Ensure that the incoming Commission's proposal to amend the Aarhus Regulation is produced as soon as possible and, once it is issued, engage constructively in the co-decision process to ensure that the revised Regulation is progressive and fully addresses the EU's noncompliance with the Aarhus Convention;
- Support improved access to justice at Member State level through an ambitious and expansive new Commission proposal for a Directive on Access to Justice;
- Engage with the Commission and the European Parliament on the reflection process for strengthening the Rule of Law in the European Union;
- Ensure that deregulatory agendas, such as the one-in-one-out concept and the industry-led "innovation principle" which is eroding the precautionary principle, are resisted in the Commission's Better Regulation process by upholding the Green Oath to do no harm;

- Corporate accountability and due diligence: promote work on new legislation which would put in place due diligence requirements on EU businesses in a way that would oblige them to address and mitigate any potential human rights violations and environmental harm in their value chains:
- Implementation and enforcement: Support a revamp of the Environmental Implementation Review (EIR) that will tackle implementation deficits effectively, including by supporting increased compliance capacity of the Commission and authorities in the Member States to work on implementation and enforcement so that there are adequate resources in place take urgent action.



### 11.1 The **Aarhus Convention** Access to Justice pillar

The Aarhus Convention establishes international obligations that aim to ensure transparency and accountability of public authorities in relation to environmental matters. As the EU itself, as well as all EU Member States, are Parties to the Convention, the EU adopted Regulation 1367/2006 on the application of the provisions of the Aarhus Convention to the EU institutions (known as the Aarhus Regulation).

The conditions under which NGOs have access to justice at the level of EU institutions 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. 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 Presidency Trio to:

- Maintain pressure on the Commission to initiate the preparation of a legislative proposal for the revision of the Aarhus Regulation in 2020, and once it is issued, engage constructively with the co-decision process so as to ensure an outcome that guarantees access to justice and brings the EU into compliance with the Convention in advance of Aarhus MoP-7 in 2021;
- Push for measures to apply and monitor the application of the Commission's interpretative guidance 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, and call 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, based on the guidelines in the Commission Communication 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, and compliance with the EU Charter of Fundamental Rights, and promoting wider compliance with the Aarhus Convention;

 Push for resources to ensure that the Commission's notice on Access to Justice in the Member States is frequently updated to reflect the emerging jurisprudence of the EU Court of Justice and the Compliance Committee of the Aarhus Convention on Access to Justice.

#### 11.2 Reform "Better Regulation" for the public interest and increase corporate accountability

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" (for every new law adopted, an old law is removed). The sensible objective of removing unnecessary administrative burdens has been conflated with the 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, to decent working conditions.

Governmental bodies, including the EU institutions, need to act with the widest possible public interest in mind, not only the short-term interest of business. The risk of failing to do so is that we jeopardize what is perhaps the EU's greatest achievement: an impressive framework of laws and policies that reflect and protect our fundamental values. In the European Green Deal, the Commission has committed to a green oath: 'do no harm'. This oath should be the guiding principle for regulatory reform.

Increasingly, there is a need to regulate at the supra-national level, to ensure effective corporate accountability and prevent irresponsible companies simply moving to jurisdictions where the laws are weakest and thereby externalizing their costs (e.g. to the environment, to future generations, to other countries). 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 undertaking 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 (e.g. textiles, construction, ICT, forestry).

- Avert deregulatory threats to EU environmental legislation and policy: ensure that the health and environmental benefits of regulation are included in discussions on Better Regulation at the General Affairs, Competitiveness and Environmental Councils, so as to accelerate the adoption and expansion on regulation that protects public interests;
- Encourage reflection on the reform of the tools and process of Better Regulation: to ensure that the process and tools integrate fully environmental and social considerations,



including longer term implications of choices, that nonlinearities and tipping points are integrated to reflect nonlinear risks of climate change and biodiversity loss, and put a 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: call on the Commission to support legislation on harmful business practices, including the imposition of sanctions, by supporting the push for EU legislation on horizontal due diligence on corporations and businesses. Ensure that the EU plays a proactive and supportive role in the negotiations for a new UN Treaty on Transnational Corporations and other Business Enterprises with respect to Human Rights, reflecting the principles and substantive obligations for the EU as set out in Article 3(7) of the Aarhus Convention for all parties. This instrument is essential to provide a meaningful and effective counterbalance to the extraordinary privileges and rights afforded to corporations, and in light of the extensive damage caused to the environment by such corporations in pursuit of profit;
- Recognise the need to maintain and further develop strong laws that protect people and their environment and to prevent these being undermined through deregulatory pressures, such as pushes for innovation at all costs.

### 11.3 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.

The need to strengthen implementation and enforcement of environmental laws in the EU and Member States is a recognised central ambition in this Commission's political programme, and it underlies the effectiveness of the European Green Deal. The three upcoming Presidencies have a key role in ensuring that the Council, representing the governments of the Member States, takes this ambition seriously and fully cooperates to enable good implementation and enforcement of EU laws. Without a full-hearted commitment to strengthen this, all environmental targets will fail to be met.

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 take seriously the gaps in implementation that are identified and engage with affected communities and NGOs to redress environmental problems. The growing concern that NGOs are side-lined from the public debate, and even portrayed as opponents of the State, creates a hostile environment which is not only not conducive to constructive solutions to environmental problems, but in extreme cases undermines democratic values and the rule of law.

The squeezing of civil society space, which includes disproportionate reporting and funding requirements, as well as procedural hurdles to be recognised as an interested stakeholder, have been signalled by the NGO community in the EU in the last few years. Indeed, an increase in attacks on NGOs and activists, both physical attacks and even murders as well as legal persecution through gagging court cases, seem to be on the rise. 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.

- Recall the Council, Commission and Parliament joint commitment to give top priority to improving implementation of the EU environment acquis at Member State level, which is also reflected in the European Green Deal;
- Fully engage 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; in this way 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 with limited resources for practically improving environmental conditions;
- Emphasise the need for engaging appropriate bodies and structures at EU level, such as IMPEL, EJTN, ENPE, to improve capacity-building for authorities and enforcement of EU environmental law at national level;
- Remind all Member States and EU bodies of the paramount importance to respect fundamental freedoms, the need for transparency in decision-making and open dialogue within democracies to uphold the rule of law;
- Support efforts to create EU measures for the protection of NGOs, journalists and activists from harassment and vexatious litigation brought against them to silence their voice (known as Strategic Litigation Against Public Participation – "SLAPP").



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

#### **COUNCIL RELEVANCE**

The Environment Council.

- Ensure that the EU demonstrates strong solidarity, both between and within Member States. Certain social groups, such as women, and minorities such as Roma and wider BAME (Black, Asian and minority ethnic) communities and migrants that are disproportionately affected by the impacts of the crisis have to be put at the heart of responses to ensure social justice for all;
- Encourage policy and governance reform so that wellbeing and sustainability take a central role in all policymaking, e.g. in 'better regulation' processes and tools and in integrating wellbeing and SDGs into the European Semester;
- Launch a wider debate in the needs for The Stability and Growth Pact to be transformed into a Sustainability and Wellbeing Pact. This should ensure that all overarching plans that steer the EU's policymaking can become positive postgrowth plans that are capable of reversing current trends on climate breakdown and biodiversity loss in the absolute sense, at the required speed and in a socially fair manner;
- Reform the European Semester to help it drive the social, environmental and economic transformation in the long-term – and integrate

- 2030 Agenda and the European Green Deal at all levels (from indicators to priorities). It should also evolve to take on board the Council Conclusions on the "Economy of Wellbeing" to include an economy of wellbeing perspective horizontally in Union policies and to put people and their wellbeing at the centre of policy design. This will support the Treaties and the Charter of Fundamental Rights of the European Union:
- Increase the consultation and 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;
- Ensure agreement in the Council to adopt a post-2020 European Strategic Framework for Roma inclusion which includes a standalone chapter on environmental discrimination against Roma addressing issues such as access to water, waste collection and other environmental services, forced evictions and communities being pushed to environmentally degraded land, as well as the disproportionate exposure to environmental health risks such as uncontrolled landfills, polluting industries and air pollution.



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

- The European Union and Member States should adopt a policy orientation and governance approach that puts people and their wellbeing and the future of the planet at the centre of policy and decision-making.
- 2) 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 Presidency Trio 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;

- Encourage discussion of the need to replace the Stability and Growth Pact with a Wellbeing and Sustainability Pact (see Semester discussion below);
- 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 (see Youth section below).

### 12.2 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 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.

- · 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, 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 each 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 agroecology, 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 developing the buy-in for implementation;
- Recognise the importance of wellbeing as an indicator of societal prosperity and encourage increasing use of wellbeing indicators as complements and alternatives to GDP growth as a policy objective;
- Encourage discussion on the role of wellbeing in the European Semester and explore replacing a GDP growth focus with a wellbeing focus, taking inspiration from the Wellbeing Governments alliance;
- Encourage debate on the reforming the Stability and Growth Pact such that it becomes a Wellbeing and Sustainability Pact that responses to citizens needs and promotes wellbeing, sustainability and resilient ecosystems so that they remain viable life support systems.

### 12.3 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 spatial segregation from the majority population, either in urban ghettoes, 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 Presidency Trio 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 latest by 2030, zero exposure to illegal or uncontrolled landfills, and contaminated industrial sites:
- Work with the Member States to adopt ambitious National Roma Inclusions Plan with a clear focus on addressing environmental discrimination.

#### **12.4 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.

- 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 (from their assumptions, analysis framework and algorithms, and scope) is 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 citizens, 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 trio Presidencies.

We also develop **Ten Green Tests** before each Presidency and assess the Presidency performance against these tests. Germany's Ten Green Tests can be found here.

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