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# MID-TERM ASSESSMENT

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



## THE ENVIRONMENTAL PERFORMANCE OF THE GERMAN PRESIDENCY OF THE EU

### Mid-term assessment – October 2020

#### Based on the EEB's Ten Green Tests for the German Presidency

***To date, the German presidency of the EU has performed well on biodiversity, made some progress on climate action, but has been weak on agriculture and on the fossil-fuel industry, not sufficiently “leading by example”.***

The German presidency achieved an important step in getting EU member states to commit to addressing the biodiversity crisis by approving the Biodiversity Strategy at the Environment Council, which took place on 23 October.

It has made some progress in addressing the climate crisis by agreeing many components of the Climate Law and the principle of moving towards a climate-neutral Europe.

However, the presidency has failed to promote progress on the reform of the EU's flagship Common Agricultural Policy (CAP), which significantly undermines progress on biodiversity and climate.

Germany also has a mixed picture on leading by example on the recovery from the coronavirus crisis, showing positive engagement in some areas, such as the transition to electric vehicles, but failure to get its own house in order regarding fossil fuels (see below).

The environment-related agenda for the rest of the German presidency is packed with climate, circular economy, the Chemicals Strategy for Sustainability, the CAP, the Aarhus Convention, the 8<sup>th</sup> Environment Action Programme, as well as the EU budget and recovery packages.

This process is complicated by the growing second COVID-19 wave in Europe. The presidency was courageous in bringing together environment ministers for the informal council in Berlin and the Environment Council in Luxembourg. But whether this can also take place for the Environment Council in Brussels on 17 December 2020 is debatable. That may affect what Germany can complete under its mandate and what is left for the Portuguese presidency, the second of the German-Portuguese-Slovenian Trio, which starts on 1 January 2021.

#### **The German presidency's successes so far include:**

- The full endorsement of the EU's Biodiversity Strategy for 2030. This commits the EU to the implementation of an ambitious blueprint to put biodiversity on a path to recovery. Now these commitments must be turned into action, particularly relating to the 30% of EU's land and sea area under protection, a third of which (including all old-growth forests) under strict protection. This also includes putting in place legally binding restoration targets and transforming 10% of agricultural land into high-

biodiversity landscapes, as well as the full implementation of existing nature, water and marine legislation. Given that intensive agriculture is the main pressure on biodiversity and water, the CAP must be reformed to support the commitments and the ambition of the Biodiversity Strategy and the European Green Deal so as to not contradict and hinder progress.

- Germany has shown a strong commitment to reach a general approach agreement on the Climate Law by the end of its presidency and to accelerate the political agreement on raising the EU's 2030 target for cuts in greenhouse gas emissions. However, the -55% net GHG emissions target (relative to 1990), proposed by the European Commission is much less than the science demands. A "partial general agreement" was achieved at the 23 October Environment Council, agreeing all aspects of the climate law, bar the 2030 target that has been left to heads of government to decide at the European Council in December.

### **The German presidency's failures so far include:**

- EU agriculture ministers did not fully embrace the Farm to Fork Strategy, insisting that it was "non-legally-binding", which undermines its prospects for success. Under the German presidency, the Council on 23 October agreed to maintain about 80% of the CAP 'direct payments' with few environmental strings attached. This is likely to worsen the current state of biodiversity and climate. The Council position is another missed opportunity to align the CAP with the European Green Deal, as it will mainly maintain the status quo.
- Mis-leading by example: Instead of practicing what the presidency has been preaching on its commitment to the Green Deal, Germany is failing to lead by example. This is reflected in the country's absurdly late coal phase-out (to be coal-free by 2039), by breaching its mercury phase-out obligations under the Water Framework Directive and Minamata Convention, and by setting a worst-practice example on access to information and reporting on industrial activities in its implementation of the Industrial Emissions Directive and the European Pollutant Release and Transfer Register (E-PRTR).

### **What needs to be done for success**

The 17 December Environmental Council agenda will be packed. The timing allows for Council conclusions on a subset of the German presidency's agenda (see also the EEB's [Ten Green Tests](#)), and some items will fall to the Portuguese presidency (see also [EEB's Dozen Demands](#)). To make the presidency a success the following are needed:

- The German presidency needs to take the lead in the legislative process on the Commission's proposed amendment to the Aarhus Regulation, relating to the avenues available to NGOs to challenge EU decisions that harm the environment (i.e. their "access to justice"). It will fall on the Council and European Parliament to strengthen the Commission proposal so that NGOs can challenge those decisions that have some

of the greatest impact on the environment, such as those that require further implementing measures and State aid decisions.

- Digitalisation is a major priority of the German presidency and it will be vital to creating a clear link between the twin priorities of the Green Deal and the Recovery Package. The December Council will seek to get member states to commit to ethical digitalisation that serves society and the environment. The recommendation for an EU flagship policy 'AI for People and Planet', combined with an ethics code, has the potential to be a game changer for Europe and sustainability.
- The German presidency must lead by example on post-COVID-19 recovery and resilience plans by making them clearly compatible with the Paris Agreement and the European Green Deal, by allocating significant sums of money to climate and biodiversity, by not allocating funds supporting fossil fuels or roads, and by engaging with civil society in their development, including via formal consultation. A clear German commitment to build back better will be an invaluable example to other member states and for the further development of policies under the umbrella of the European Green Deal.
- Germany needs to push for progress on the Eighth Environment Action Programme (8EAP), the Methane Strategy, the Chemicals Strategy and the Circular Economy Action Plan to enable a decisive and positive conclusion under the Portuguese presidency.
- The presidency must recognise that the current CAP is contradictory to the ambitions of the European Green Deal, the Biodiversity Strategy, as well as the Farm to Fork Strategy. It must demand that the European Commission withdraws the proposed CAP in line with the principles of consistency (Art.7 TFEU and Art.13(1) TEU), rather than misleading the public by framing the current approach as a success.

The German government has been an efficient and effective broker among member states, seeking to build consensus as a priority over its own positions. This can tie its hands somewhat but is invaluable for progress in diplomacy and for advancing the environmental and climate dossiers. It is important that no one is left behind, while achieving substantive progress towards living within the limits of the planet to also enable future generations to do so.

**Further reading:**

<https://eeb.org/library/input-to-the-eu-environment-council-meeting-luxembourg-23-october-2020/>

<https://eeb.org/library/letter-to-the-european-commission-on-german-state-aid-for-coal-phase-out/>

<http://eipie.eu/projects/ipdv> and <https://eeb.org/new-tracking-tool-maps-the-reality-of-industrial-pollution-in-europe/>

<https://eeb.org/commission-proposal-to-strengthen-access-to-justice-tackles-main-obstacle-but-falls-short-overall/>