

EEB welcomes the opportunity to provide feedback to the European Commission's roadmap for a Zero-Pollution Action Plan. With this paper EEB would like to highlight:

- the overall objectives that this Action Plan should aim to achieve;
- the key principles on which it should be based, coupled with a structured and horizontal pollution management approach;
- additional comments to be considered for complementing the roadmap's proposals as tools to realise the European Green Deal's zero-pollution ambition.

### **Overarching objectives and guiding principles**

When developing the Zero-Pollution Action Plan, it is fundamental to keep in mind what are the overall objectives that EU legislation and actions must deliver on. TFEU art. 191 (1) lists them:

*'Union policy on the environment shall contribute to pursuit of the following objectives:*

- *preserving, protecting and improving the quality of the environment,*
- *protecting human health,*
- *prudent and rational utilisation of natural resources,*
- *promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change'.*

Next to the identification of EU overall objectives, the TFEU also defines what are the key principles guiding the EU in its actions towards achieving those objectives; those are: transparency, the precautionary principle, the pollution-prevention principle and the polluter-pays principle:

- **Transparency:** through accessible decision-making processes (e.g. webstream and publish vote by Member State in the Comitology committees); by making information on pollution available and easily usable (e.g. merging existing databases on chemicals production, use, emissions and monitoring data; ensuring a user friendly and effective [PRTR](#); ensuring that air, water, soil quality and noise levels information are accessible, understandable and comparable);
- **Precautionary principle:** by anticipating protective actions in case a risk cannot be determined with sufficient certainty, to protect the environment and people's health (e.g. not allowing a product or a substance in the market, or a process to be undertaken, until the corresponding risk has been fully assessed and determined);
- **Pollution prevention principle:** preventing pollution by acting at source (e.g. establishing legally binding standards for avoiding pollution by any production process or product use, coherently framing source regulating policies and laws which are to be considered complementary to water, air and any other quality standard);
- **Polluter-pays principle:** by keeping polluters accountable (e.g. develop economic instruments to incentivise pollution reduction and penalise pollution production; require 0.1% levy on profits made by any polluting industrial sector, including chemicals, industrial farming, internal combustion engines automotive, fossil fuels energy production); making sure water taxes and tariffs reflect the polluter/ user pays

principle; ensure that pollution monitoring and remediation costs are paid by polluters); ensure that EU authorities and agencies have the required funds to monitor, regulate and manage pollution.

## **Defining “Zero pollution” and scoping of action**

The Industrial Emissions Directive provides a definition of ‘pollution’; Art. 3 (2): *‘pollution’ means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat or noise into air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment;*

This definition implies that any form of impact from substances, vibrations, heat or noise (be it intentional or unintentional) that may either be harmful to human health or the quality of the environment, even if it is merely “impairing or interfering with amenities” of the environment, is considered as a pollution.

There are already some approaches in the EU legislation that aim to result in zero pollution for example the obligation to phase out priority hazardous substances under the Water Framework Directive or Substances of Very High Concern (SVHC) under REACH Regulation. The Action Plan can build on those approaches.

The Zero-Pollution Action Plan should also mean zero-pollution ambition at a global scale, therefore considering the impacts of the EU’s way of life, its policies and global actions; specifically looking at how trade and standards of imported and exported chemicals and products are contributing to pollution and ensuring that it is tackled accordingly (see link with [8th EAP proposal](#) objectives).

## **Green Deal commitments relevant to Zero Pollution**

The EU Green Deal emphasizes those goals and highlights the following objectives to be achieved through the Zero-Pollution action Plan:

- Creating a toxic-free environment through more action to prevent pollution from being generated as well as measures to clean and remedy it (Chemicals Strategy for Sustainability);
- Protect citizens and the environment better against hazardous chemicals and encourage innovation for the development of safe and sustainable alternatives (Chemicals Strategy for Sustainability);
- Restoring the natural functions of ground and surface water. This is essential to preserve and restore biodiversity in lakes, rivers, wetlands and estuaries, and to prevent and limit damage from floods;
- The risk and use of chemical pesticides is reduced by 50% and the use of more hazardous pesticides is reduced by 50% (Biodiversity and ‘Farm to Fork Strategies);
- The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20% (Biodiversity and ‘Farm to Fork Strategies);
- Significant progress has been made in the remediation of contaminated soil sites (Biodiversity Strategy);
  - Source measures to address pollution from urban runoff, harmful sources of pollution such as micro plastics, chemicals (including pharmaceuticals) and combination effects;

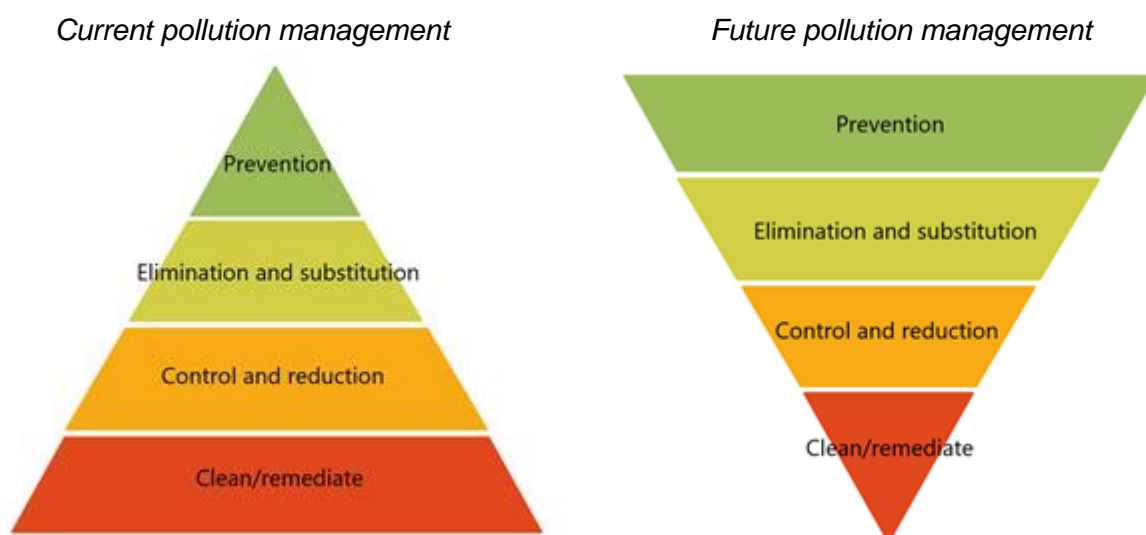
- Achieve cleaner air, including the revision of air quality standards to align them more closely with the WHO recommendations; strengthening provisions on monitoring, modelling and air quality plans to help local authorities achieve cleaner air and reducing ozone concentrations and emissions through the Methane Strategy;
- Address pollution from industrial installations, working on the scope of industrial production legislation (e.g. IED / Seveso III) also to make it fully consistent with climate, energy and circular economy policies and improve prevention of industrial accidents;
- A clean and circular economy (Circular Economy Action Plan and Chemicals Strategy for Sustainability).

The ZPAP, and its objectives, are directly connected to the Toxic-Free Environment Goal, as well as the goal to achieve a decarbonised, circular and restorative zero-pollution economy (see also 8th EAP proposal). They are also connected to other key European Green Deal's initiatives, including: the Biodiversity Strategy, the Farm to Fork Strategy, the Chemicals Strategy for Sustainability, the Renovation Wave Strategy, the Methane Strategy, the Industrial Strategy, the Smart Mobility Strategy, the Beating Cancer Action Plan and the climate neutrality objective.

The ZPAP should therefore set out the guiding framework on concrete meanings and scope of the objectives set, decision-tree and criteria to apply for shaping the "action plan" as well as necessary monitoring, benchmarking and enforcement frameworks so as to deliver on the "zero pollution" ambition in the most holistic and coherent way.

### **Zero-pollution management**

In order to deliver on the identified objectives, the actions foreseen by the Zero-Pollution Action Plan must follow a structured approach, systematically applied to all policy areas (media objectives, targets, policy framework decisions): it could be named 'zero pollution hierarchy of actions'. This approach will ensure that precaution and prevention are prioritised over elimination and substitution; which are as well priorities over control and reduction measures. Remediation and restoration actions are considered as the last possible step to take. While for existing pollution remediation should be a top priority.



## Clear timetable, targets and initiatives

Zero-Pollution Action Plan must provide the tools and framework required to achieve the following objectives/targets by 2030:

- Aim to reduce to zero premature deaths and diseases due to anthropogenic air pollution; air pollution impact on ecosystems and biodiversity is reduced to not exceed critical loads and levels;
- Deploy nature-based solutions (NbS) as a systemic solution to tackle air, water and soil pollution on a large scale;
- Restore 15% of EU's land and in sea focusing on ecosystems important for biodiversity and climate and free flowing rivers through legally binding restoration targets;
- Achieve good chemical and ecological status in water bodies by 2027;
- Achieve WHO Environmental Noise Guidelines for the European Region's standards on traffic, railway, aircraft, wind turbine and leisure noise; therefore reducing noise related premature deaths, new cases of ischaemic heart disease, the number of people suffering chronic high annoyance and the number of people suffering chronic high sleep disturbance;
- Industrial activities are carried out in full compatibility with achieving environmental quality standards / acquis and the set 'zero pollution' goals, based on a new benchmarking approach set to lowest ratio of 'environmental impact of activities versus public good/service provided' (see more details on specific media sub-targets [here](#));
- Reduce by 50% the risk, production levels and use of industrial chemicals as well as the percentage of chemicals with properties hazardous for human health or the environment;
- A 100% remediation target of contaminated sites and a zero-accidents involving hazardous substances released target;
- Achieve the climate neutrality by 2040 target, achieving climate action to ensure below 1.5 degrees scenario / and maximum [300] ppm GHG in atmosphere target, unless climate science sets stricter target level;
- Zero tolerance to polluters and full internalisation of pollution costs in any policy and finance frameworks;
- Improved benchmarking and compliance promotion tools so to track efforts made in delivery by all economic actors;
- Improved transparency on the pollution life-cycle and decision making processes.

The Zero-Pollution Action Plan roadmap identifies 4 priorities: strengthen implementation and enforcement, improve the existing health and environment acquis, improve the governance of pollution policies and drive societal change. While EEB agrees with those, many of them being obligations established by EU Treaties, it is important to highlight the need for the Zero-Pollution Action Plan to go beyond the initiatives which were already expected before the European Green Deal was published. In particular, the Zero-Pollution Action Plan should drive the following developments and initiatives:

- the establishment of an independent body working as a constant link between science and policy (Zero Pollution Transition scrutiny board) - nowadays scientific developments are not considered nor embedded in the related legislation as fast as they should be; an ad hoc independent body regularly feeding the European Commission with updates on relevant scientific developments would ensure a swift

consideration of the latest, triggering the periodic obligation for the European Commission to assess the correct level of ambition of health and environmental protection standards, to be considered for inclusion into EU law. This body should work in cooperation with WHO and UNEP but it would not be bound by Parties' mandate for providing updated information on scientific evidence and it will focus on European Union level. This body will consider all different kinds of pollution: e.g. soil, noise, chemicals, water and air, as well as resource consumption. This approach will ensure a coordinated action and will facilitate the framing of overall strategies and initiatives to deliver on its zero-pollution ambition;

- the consideration of specific initiatives to tackle indoor air pollution;
- the consideration of a key criteria when developing all EU policies and legislation (which reflects the implementation of the polluter-pays principle): no money for polluters and polluters-pay for the pollution costs. This requires an overhaul of EU state aid frameworks as well as the Impact Assessment approach to fully internalise the costs first, including for inaction, by decision makers:
  - a) Adapt EU state aid regime to require compliance with all 6 environmental quality objectives set in the Taxonomy and “best value for money” test. EU state aid will assume de facto compliance with all “Union standards” and state aid applications need to demonstrate the common interest first;
  - b) EU impact assessment procedures are adapted to fully reflect inaction costs as to negative externalities e.g. for CO<sub>2</sub> a carbon shadow price of at least 100€/GHG is set, the value statistical life adapted to US EPA prices method is assumed as the minimum for quantifying air pollution health costs. Policy options considered are compliance-checked against delivery on the zero-pollution ambition and are rated by effectiveness and coherence, compliance costs affecting the polluters are considered as ‘justified by default’.

### **Awaited and ongoing revision processes**

The Zero-Pollution Action Plan roadmap announces the revision of different pieces of legislation. To make the soon to be updated legislative instruments coherent with the announced zero-pollution ambition, those instruments will have to deliver on the most ambitious environmental and health standards. The Ambient Air Quality Directives, the Industrial Emissions Directive and the Environmental Noise Directive must establish zero-pollution objectives which are aligned with the latest available scientific evidence and best achievable performance levels.

To reduce air pollution at source, the European Commission should, in addition, quickly revise the National Emission Ceilings Directive to include reduction targets for methane emissions, mercury emissions and black carbon, and more ambitious targets for already covered pollutants.

The results of the 2019 Fitness Check of EU Water legislation confirmed the need to review the lists of pollutants affecting surface and groundwaters under the EQS Directive and Groundwater Directive, and their corresponding regulatory standards, taking account of recent technical work and watch list mechanisms, including on the risks from several emerging pollutants such as pharmaceuticals and microplastics and the list of Substances of Very High Concern (the Candidate List) under REACH. In addition, the revision of the Urban

Waste Water Treatment Directive should address the pollutants of emerging concern and the substances of very high concern.

Source policies play a fundamental role, considering that the priority is to reduce pollution at source:

- the Common Agricultural Policy, now under revision, must be a driver for change, not an engine for pollution (being it for soil, water and air);
- The Eco-design Directive, soon to be revised, must establish ambitious minimum standards which deliver on reducing air pollution from domestic heating;
- Amend the Industrial Emissions Directive Framework to transform it into a sustainable production framework regulation, which will have as core elements a redefinition of the BAT determination method and its scoping. See more details [here](#).
- Sectoral legislation (pharmaceuticals, detergents, pesticides, biocides and other legislation) should contribute to reach water, air and soil policy objectives. For example, mechanisms included in pesticide regulation - by which Member States shall review an authorisation, where it is concluded that the objectives of the WFD on the reduction of pollution in surface water and groundwater cannot be met - should be introduced in other sectoral legislation.
- The industrial chemicals regulation REACH (to be reviewed by 2022) should not allow any chemical on the market if it is not proven to be safe for human health and the environment by producers in the first place.

## **Conclusion**

To achieve the zero-pollution ambition, it is key that the EU develops an ambitious overarching action plan which:

- effectively prevents, and for essential activities or uses, reduces pollution at source;
- fully addresses pollution both from a sectoral and horizontal approach of all related strategies and policies (e.g. covering energy production, water policy, protein production, biodiversity and soil fertility, resource and noise management, substitution of chemicals of concern, living conditions, mobility services, etc.);
- is coherent and creates bridges and has synergies among all related EU laws and policies (e.g. on chemicals, industry, water, noise, and air policies, etc.)
- is bold on the decision-tree for actions and policy instruments to take, abandons counterproductive dogmas or limitations such as 'technology neutrality', 'fuel choice', command and control type versus market based instruments, 'acceptable risk' or exposure based thresholds.