



EEB

European
Environmental
Bureau

THE EEB'S

MEMORANDUM

TO THE **PORTUGUESE**
PRESIDENCY OF THE EU



Including the Ten Green Tests

JANUARY - JUNE 2021

Prepared in cooperation with Seas At Risk





We are Europe's largest network of environmental citizens' organisations. We bring together over 160 civil society organisations from more than 35 European countries. Together, we work for a better future where people and nature thrive together.

The EEB is an International non-profit association / Association internationale sans but lucratif (AISBL).
EC register for interest representatives:
Identification number 06798511314-27
BCE identification number: 0415.814.848
RPM Tribunal de l'entreprise francophone de Bruxelles

Published December 2020
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With the support of
the LIFE Programme
of the European Union

This communication reflects the authors' views and does not commit the donors.

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Introduction

The Portuguese Presidency of the Council of the EU, the second in the Trio also comprising Germany and Slovenia, will hopefully be the Presidency that sees Europe and the world finally emerge from the COVID-19 -crisis and that helps guide a recovery to build back better, keeping the European Green Deal (EGD) at its heart. The [Portuguese Presidency programme](#) explicitly recognises this in its priorities on Resilient Europe and Green Europe, and the other three – Social Europe, Digital Europe and Global Europe – are expected to be coherent with the EGD.

It will be an important Presidency as the upcoming six months seek Council input to and support for a growing list of legislative files such as the Batteries Directive, Waste Shipment Regulation, Aarhus Regulation, 8th Environment Action Programme, and on sustainable corporate governance. Key legislative packages will also be launched during its mandate, notably the Fit-for-55 Climate Package and the Mobility Package, though these will also be responsibilities for subsequent presidencies.

New strategies will also be on the Presidency agenda – the recently issued Chemicals Strategy for Sustainability, the promised updated Industrial Strategy for Europe, the anticipated EU Climate Adaptation Strategy, the Soil Strategy and the EU Forest Strategy for which the Presidency will start preparing or adopt the Council response. The highly important Zero Pollution Action Plan for Water, Air and Soil (ZPAP) is also expected to be presented during the Presidency and is another example of where Portuguese engagement is needed to make a difference, but where Council Conclusions will likely only come during later Presidencies.

The Portuguese Presidency will further need to steer preparations for major international events that will take place during the Slovenian Presidency- such as COP15 of the Convention on Biological Diversity in Kunming, the UN World Oceans conference expected for July, the United Nations Framework Convention on Climate Change (UNFCCC) COP26 on 1-12 November in Scotland, the Fifth Meeting of the International Conference on Chemicals Management (ICCM5) on 5 to 9 July in Bonn, and the Minamata Convention on Mercury in Bali on 1 to 5 November. Portugal will also steer the EU during a changing global political context – with a more climate and environment-friendly US

administration, with the UK outside the EU with a still unclear policy on environmental standards and deregulation, and inevitably a wider range of other changing international relationships.

The Presidency will face these challenges and responsibilities during the ongoing COVID-19 crisis that, despite progress with vaccines, will still complicate physical meetings needed to reach EU-wide agreements, prepare positions and lay the groundwork for progress. These complications from the COVID-19 pandemic may influence what is possible to progress due to the difficulty of lacking face to face meetings. But, given the fundamental role of environmental and climate measures to build back better, the ambitions and focus areas should not be undermined. If anything, they should become even more important, with the [drivers of pandemics being the same as those of the biodiversity and climate crises](#).

The Portuguese Presidency will also have an important role to play in leading by example. Particularly its positions on renewable energy, oceans, sustainable transport, circular economy, climate adaptation and how it allocates recovery and resilience plan money will be under scrutiny. Ambitious commitments should inspire other Member States to follow suit.

The EEB, building on consultation with its more than 160 members, with its wider civil society partnerships and stakeholder discussions, has developed a series of specific asks across environmental areas – our [Dozen Demands for the Presidency Trio](#). From these we have extracted, and further developed, Ten Green Tests for the Portuguese Presidency, where the engagement, commitment and solidarity of this Presidency can make a lasting and fundamental difference. These were approved by the EEB Board which has representatives from more than 30 countries and several European networks.

We therefore propose the following Ten Green Tests and look forward to working with the Portuguese Presidency directly and via our members to support a successful Presidency that can take the EU several steps forward in the transition to living within the limits of our one planet.



Jeremy Wates
Secretary General

Ten Green Tests for the Portuguese Presidency



1 Drive a just transition to a sustainable and resilient Europe

- 1.1 Implement a transformative European Green Deal (EGD) at the heart of the Corona crisis response
- 1.2 Strengthen the 8th Environment Action Plan (8EAP) assessment of the EGD, improve progress indicators and require policy responses where progress is insufficient
- 1.3 Insist on sustainable trade that is compatible with the EGD
- 1.4 Promote coherence with the EGD in EU Accession and Neighbourhood countries
- 1.5 Implement the Sustainable Development Goals to honour our commitment



2 Catalyse the green transition through tax reform and use of the MFF and Recovery Package

- 2.1 Reform taxation to guide the 'invisible hand' of the market towards carbon-neutrality
- 2.2 Lead by example in prioritising the EGD in the Partnership Agreements and in National Recovery and Resilience Plans (NRRPs) through targeted investments and transformative policy reform



3 Address the climate emergency and promote sustainable mobility

- 3.1 Agree on a Climate Law compatible with limiting warming to 1.5°C
- 3.2 Adopt Council Conclusions on the upcoming Climate Adaptation Strategy that help future-proof the EU
- 3.3 Insist on a strong 2030 Climate and Energy Package
- 3.4 Promote sustainable mobility for climate, clean air and citizens
- 3.5 Insist on a robust framework for climate action in the agriculture sector



4 Reverse the dramatic loss of biodiversity on land, in freshwater and in oceans and invest in the resilience of our ecosystems

- 4.1 Implement the EU Biodiversity Strategy and put biodiversity on a path to recovery
- 4.2 Safeguard freshwater ecosystems and clean water for all
- 4.3 Promote thriving marine and coastal ecosystems that support a climate-resilient future and strengthen the ocean dimension in the European Green Deal



5 Initiate a transition towards sustainable food and agriculture

- 5.1 Promote sustainable agriculture that is aligned with the Farm to Fork and Biodiversity Strategies



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

- 6.1 Promote a transformative Zero Pollution Action Plan for Water, Air and Soil
- 6.2 Reduce air pollution at source and commit to bold action against air pollution at the international level



7 Clean up industrial production: towards a circular, decarbonised and zero pollution industry

- 7.1 Ensure an ambitious position of the Council on the revision of the Waste Shipment Regulation
- 7.2 Progress the Council position on the revision of the Batteries Directive
- 7.3 Support the Consumer Empowerment Initiative and encourage a proactive Council discussion on the Sustainable Product Policy Initiative
- 7.4 Provide input to the revision of the Industrial Emissions Directive that fully reflects climate and circular economy ambitions, prevents accidents and improves Best Available Techniques
- 7.5 Promote ethical digitalisation for people and planet, including by providing information on pollution through the EU Pollutant Release and Transfer Register (EU-PRTR) review



8 Call for a toxic-free environment and ambitious implementation of the Chemicals Strategy for sustainability

- 8.1 Protect the public and the environment from hazardous chemicals, including by adopting Council Conclusions to welcome the Chemicals Strategy for Sustainability and identify strengthening measures
- 8.2 Promote EU leadership in the Global Mercury Treaty and advance the EU strategy and its implementation



9 Strengthen accountability and the rule of law

- 9.1** Facilitate an outcome of the co-decision process on the revision of the Aarhus Regulation that promotes wider access to justice at EU and national level and ensures full compliance with the Aarhus Convention
- 9.2** Reform “Better Regulation” for the public interest and ensure that it is EGD compatible
- 9.3** Improve implementation and enforcement of environmental laws in the Member States
- 9.4** Increase accountability in corporate governance



10 Promote European solidarity, wellbeing and social and environmental justice

- 10.1** Promote wellbeing and social justice across the EU – in Corona recovery measures and policies more widely, including the new European Framework for Roma Inclusion 2020-2030
- 10.2** Reform the European Semester to integrate the EGD and SDGs, promote wellbeing and resilience
- 10.3** Promote civil society space and meaningful participation to support effectiveness and democratic legitimacy
- 10.4** Systematically consult and engage youth in decisions on their future

The above 10 Green Tests for Portugal, with its range of specific asks as noted in more detail below, take into account our understanding that Politics is the art of the possible. However, if and where the possible does too little to avoid dramatic climate change, biodiversity loss and major negative impacts, then the future challenges will be impossible for society to deal with. Appreciating the impossibility of truly being able to deal with climate change and other existential crisis in the future should make us reflect again on what we perceive as possible today and make us reconsider the level of courage and ambition for the decisions in our remit. It is in the context that we have designed the Ten Green Tests. They are ambitious, but necessary.



1 Drive a just transition to a sustainable and resilient Europe

The multiple environmental crises facing the EU in a highly interconnected world need to be addressed both by specific thematic policies, through horizontal policies – through the European Green Deal (EGD), the Sustainable Development Goals (SDGs), the 8th Environment Action Programme (8EAP), the Multiannual Financial Framework (MFF) and Recovery Package - and need to be integrated into trade policies. Progress under each of these is needed to build back better from the COVID-19 crisis and to catalyse the transformation to a sustainable Europe for current and future generations. This requires a focus on the EU and its Member States, engagement with European neighbours and building on EU responsibility and leverage in global trade.

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 centrepiece in the response to the COVID-19 crisis, helping to drive a transition towards a more resilient world. The EGD is being launched through a range of concrete measures throughout 2020 and 2021, many falling under the Portuguese Presidency.

It is therefore important for the Portuguese Presidency to listen to the science and people and to push for ambition, both in the high-level discourse and commitments and in the contents of subsequent steps of the EGD as well as to ensure a strong 8EAP and integrate and implement the SDGs, all while taking into account the social dimension.

We therefore call upon the Portuguese Presidency to:

- **Ensure that the EU fully embraces and implements the European Green Deal's (EGD) objectives** through ambitious

strategies, laws and financing that are coherent and mutually reinforcing.

- **Ensure that the EGD's objectives are at the heart of all Corona crisis response measures and avoid any policy incoherence that undermines these objectives.**
- Encourage a Council debate on a mechanism for the deeper integration of **ethical considerations, social cohesion, equality, solidarity** and commitments to a fully just transition.
- **Promote a discussion on the achievements of the first year of the EGD** and identify any important gaps that need further attention, including "system lock-in" issues that may compromise commitments.
- **Have the EGD as an agenda item at the European Council Heads of Government meeting** and insist on a yearly update of and discussion on the EGD process (see 8EAP point).

1.2 Strengthen the 8th Environment Action Plan (8EAP) assessment of the EGD, improve progress indicators and require policy responses where progress is insufficient

The 8th Environment Action Programme (8EAP), published on 14 October 2020, is, unlike earlier EAPs, mainly a monitoring and assessment tool for the European Green Deal and the SDGs. It reiterates commitments to six thematic objectives, recognises the need for "regenerative growth", "do no harm", having a "wellbeing compass", and "systemic

transformation", and reiterates a 2050 vision to "live well, within the planetary boundaries." However, it envisages an assessment only for 2029, and no mid-term review, suggesting it will not have an impact unless reformed and is overall less ambitious than its potential.

We therefore call upon the Portuguese Presidency to:

- Complement the proposed 2029 evaluation with a **mid-term evaluation in 2024/5** to assess progress and to inform the programme of the next Commission and an eventual EGD-2.
- Strengthen the “**regenerative growth**” objective and the “**do no harm**” oath.
- Build up the indicator set on the “**wellbeing compass**”, strengthen indicators on “**policy incoherence**”, and ensure that monitoring of “**systemic transformation**” is a priority. Commit to identifying “system lock-in issues” where progress is too slow or blocked so that it risks compromising the

EGD. Encourage annual monitoring, reporting and discussion – not only in the European Semester, but also at the Heads of Government level, at the European Council.

- Require that poor implementation and poor EGD progress act as a **trigger for a policy response** within the EGD time period and form a basis for an eventual EGD-2 for 2025 to 2030.

For more detailed asks, see [EEB's Feedback to the 8EAP](#).

1.3 Insist on sustainable trade that is compatible with the EGD

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. Existing trade and investment agreements need to be fully aligned with and contribute to the Paris Agreement and EGD ambitions, and where not possible, be withdrawn. This is particularly important in the context of the Energy Charter Treaty, the Mercosur agreement, Brexit and possible new trade relations with the changed administration in the USA.

We therefore call upon the Portuguese Presidency to:

- **Realign trade policy to ensure that it is fully compatible with the EGD objectives.** Problematic issues include deforestation

and soil degradation abroad (e.g. in the Amazon), driven amongst others by unsustainable biofuels or the production of feedstock or meat for European markets, the increase in materials’ extraction, chemical pollution linked to, for instance, clothing items or pharmaceuticals produced for the European market, investor-state dispute settlement (ISDS) and various fossil fuel lock-ins (e.g. in the Energy Charter Treaty).

- Ensure that trade with all the EU's trading partners is **EGD- and Paris-compatible**, with particular attention on the **EU-Mercosur** agreement and EU relations with the **US and the UK post-Brexit**.

1.4 Promote coherence with the EGD in EU Accession and Neighbourhood countries

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. Albania, Montenegro, North Macedonia, Serbia and Turkey, the official candidate countries, Bosnia and Herzegovina and Kosovo as potential candidates as well as the countries covered by the European Neighbourhood and Partnership Instrument (ENPI) still need to overcome a wide range of environmental challenges such as air and water pollution, land degradation, waste management and the loss of biodiversity before joining the EU. As part of the European Green Deal, the Commission launched the Green Agenda for the Balkans in October as part of an Economic Investment Plan for the region.

We therefore call upon the Portuguese Presidency to:

- Ensure that the **Economic Investment Plan for the Western Balkans**, that includes the Green Agenda for the Balkans, is fully **aligned with EGD objectives**. There is a risk that certain investments, e.g. in highways or gas infrastructure, create new lock-ins in fossil-based technologies or that investments such as in hydropower compromise habitat protection and clean water.
- Ensure the **engagement of civil society and insist on public participation around the Investment Plan and Green Agenda** and allow for meaningful responses to local communities’ concerns

1.5 Implement the Sustainable Development Goals to honour our commitment

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. The Commission staff working document on the SDGs published in November 2020 officially announces that the Commission President is taking the leadership on SDGs implementation, which is very welcome. However, the rest of the document is rather disappointing. It only lists sustainability policies already implemented by the Commission without proposing clear measures to ensure policy coherence for sustainable development of all Commission actions. The EU is still missing a Sustainable Europe 2030 strategy with clear targets for all SDGs, timelines and an implementation plan for the SDGs five years after the adoption of the 2030 Agenda. The Multi-Stakeholder Platform on the Implementation of the SDGs, the previous Commission's advisory body, was closed in late 2019 and is now said to be replaced by the Climate Pact and the Conference on the Future of Europe (CoFoE). Both setups present weaknesses, the first one by failing to address all the dimensions of sustainable development (social and economic on top of environmental) and the second one by being a temporary exercise with the participation of civil society still unclear. The EU's monitoring process to measure progress towards the SDGs remains weak, ignoring the clearly voiced interest of civil society,

local authorities, businesses and researchers to be included in the process.

We therefore call upon the Portuguese Presidency to:

- Ensure, in line with the November 2020 Commission staff working document on the SDGs: **better coordination on SDG implementation** in and by the EU with the Cabinet of the Commission President and that the European Commission develops and implements an SDG expenditure tracking methodology and reviews the better regulation framework in 2021 by embedding the SDGs at its core.
- Demand that the European Commission **addresses important gaps in SDG implementation** by pushing for the development of a comprehensive strategy for a Sustainable Europe 2030, the improvement of the SDGs monitoring system through the European Semester to make it more transparent, meaningful and participatory, and the setup of a meaningful and inclusive stakeholder engagement mechanism on the SDGs.
- **Promote sustainable nutrition in the run-up to the UN Food Systems Summit** being held in late 2021 to achieve the SDGs, reflecting health, environmental and climate impacts.



2 Catalyse the green transition through the MFF, Recovery Package and tax reform

2.1 Reform taxation to guide the ‘invisible hand’ of the market towards carbon-neutrality

In view of the revised 2030 Climate and Energy Policy framework (“Fit for 55” package legislation to be adopted by the European Commission in June 2021), the Commission is calling for extending carbon pricing to address all fossil fuel combustion.

Some sectors, notably transport and buildings, are not subject to carbon pricing and are slow in decarbonising, despite existing legislation covering emissions in these sectors. The revision of the Energy Taxation Directive, specifically addressing these two sectors (fuels in transport and heating), will be key to internalise the carbon cost in EU minimum energy taxation regimes. A “carbon offsetting mechanism” is also being discussed to address emissions in agriculture and forestry.

The Commission is further proposing a carbon border adjustment measure to address EU imports and to increase climate ambition at home and globally. These measures, as long as they do not interfere with other functioning tools and address the social aspects by being accompanied by effective redistribution measures and reduce fiscal burden elsewhere, will be an important complementary tool to using taxation to address environmental externalities for common societal and planetary benefits. The Portuguese Presidency should prepare the ground for ambitious and timely Council engagement on these initiatives.

We therefore call upon the Portuguese Presidency to:

- **Encourage progressive debate on taxation reform** to create the basis for a good input to and reception of the EGD pricing initiatives – the reform of the Energy Taxation Directive and the carbon border adjustment mechanisms.
- **Embed the polluter pays principle in the EU Energy Taxation Directive** and internalise carbon cost to improve economic signals towards a low-carbon economy.
- Conduct the triologues negotiations with a view to ensuring the **advances on road charging reform** - enabling carbon pricing to complement charging on air pollution and noise - as agreed in the December Council Conclusions on the Eurovignette Directive.
- **Demand a proportionate carbon border adjustment mechanism** that facilitates green ambition at home and incentivises progress abroad.
- **Lead by example on road pricing**, building, *inter alia*, on the positive momentum in the Eurovignette Directive reform on carbon pricing and the EGD.

2.2 Lead by example in prioritising the EGD in the Partnership Agreements and in National Recovery and Resilience Plans (NRRPs) through targeted investments and transformative policy reform

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

At the 11-12 December European Council meeting of Heads of Government, an agreement was reached on the EU budget and recovery package with 37% of the Recovery and Resilience Facility (RRF) allocated to the EGD and 30% of the MFF to climate. The Parliament's (ENVI) vote on the RRF supported that no money should go to fund fossil fuels. The Parliament's Budget and Economic Affairs Committees supported higher climate earmarking in the RRF (40%) including biodiversity, the alignment with the "do no significant harm" principle in the Taxonomy and the role of civil society in the drafting of national recovery plans.

A provisional agreement on the Recovery and Resilience Facility was reached on 18 December. The agreement sets out that at least 37% of funds in each national plan (NRRP) have to support the green transition and at least 20% the digital transformation. No specific earmarking for biodiversity seems to have been included. Governance aspects have been agreed, including a provision on a Recovery and Resilience Dialogue, foreseeing the stronger involvement of the European Parliament in the implementation of the RRF).

We therefore call upon the Portuguese Presidency to:

- **Lead by example in its National Recovery and Resilience Plan (NRRP)** by building on its good start with public consultations, ensuring the prioritisation of the EGD and of Paris-compatible funding, excluding investments that lock in fossil fuel use and

committing to policy reforms that improve economic signals for a green transition.

- **Promote an EU budget that drives the green deal transformation, 'does no harm'**, does not lock in future fossil fuel use and ensures strict criteria for biodiversity funding and the effective use of the 7.5% and 10% that are allocated to biodiversity and large-scale restoration from 2024 and 2026 respectively.
- **Promote the national implementation of a Recovery and Resilience Facility Regulation that builds back better** with the EGD at its core and does not support fossil fuel-based projects and/or activities. Link RRF funds to increasing the 2030 ambition towards climate neutrality under the National Energy and Climate Plans (NECPs) by investing in renewable energy, energy efficiency, smart mobility, industry decarbonisation, addressing emissions in agriculture and achieving wider EGD green objectives of a green transition towards a zero-pollution, toxic-free, circular and carbon neutral economy by 2050.
- **End harmful subsidies** within EU funding – notably Paris-incompatible funding for fossil fuels, funding for intensive agriculture that compromises biodiversity and climate ambition, water and air quality, and fishing subsidies that undermine fish stocks and marine ecosystem health.
- Ensure a structured and regular multi-stakeholder dialogue to **include civil society in the drafting and adoption process for NRRPs**.
- **Invest in reforms** that lead to a green transition towards a zero-pollution, toxic-free, circular and carbon neutral economy by 2050.



3 Address the climate emergency and promote sustainable mobility

3.1 Agree on a Climate Law compatible with limiting warming to 1.5°C

On 4 March 2020, the European Commission proposed the first EU Climate Law. The proposed Regulation enshrines a binding objective of climate neutrality (net-zero emissions) by 2050 and the emission reduction trajectory to get there. It also enshrines a new binding net (including sinks) domestic (EU) 2030 greenhouse gas (GHG) emissions reduction target of 55% compared to 1990 levels, following the European Council political agreement on 11 December 2020.

While a positive step forward, the proposed Climate Law does not address the climate emergency and the need to respond through more urgent action as demanded by science and civil society. Delaying action will drastically reduce the possibility to meet the 1.5°C global warming target that the EU committed to pursuing in Paris. Moreover, to meet this target, a GHG emissions reduction of at least 65% by 2030 is needed, with climate neutrality to be reached by 2040 and strengthened global action. The European Parliament has called for a more ambitious 2030 target of 60% not including “sinks”, as well as for climate neutrality being binding also for Member States, an alignment of policymaking with science, a phase out of fossil fuels support and stronger provisions on access to justice and civil society engagement.

Under the German Presidency, the Environment Council has reached a General Approach on the Climate Law on 17 December, while informal negotiations with the European Parliament have started. The Portuguese Presidency will play a crucial role in reaching an inter-institutional agreement on the Climate Law. The domestic emission reduction target of “net 55%” agreed by the European Council on 11 December is way below what is needed according to science to address the climate emergency.

We therefore call upon the Portuguese Presidency to:

- **Lead the negotiations to reach an inter-institutional agreement on the Climate Law** which ensures the needed ambition to put all EU's economies on a science-based emissions reduction path for achieving climate-neutrality as soon as possible and well before 2050. Establish a comprehensive and consistent policy approach to tackle the different environmental challenges, including EU GHG emissions generated in production and consumption and embedded in materials, also in agricultural products, as well as air pollution, depletion of our natural resources and ecosystems and biodiversity loss.
- **Phase out all direct and indirect support to all fossil fuels** by 2025.
- **Ensure that financial flows are consistent** with a pathway towards a climate-neutral and resilient society.
- **Ensure the effective and structured involvement of civil society** and clear provisions for access to justice to hold governments accountable on climate action.
- **Strengthen the science-based approach of EU decision-making on climate policy** by setting up an independent scientific body to support the European Commission.
- **Ensure that the Regulation on Trans-European Networks for Energy Infrastructure** only supports Paris Agreement-compatible infrastructure. Only renewable hydrogen is aligned with the Paris Agreement, while the definition of *low carbon* gases is misleading and the blending of renewable gases with fossil gas must be excluded.

3.2 Adopt Council Conclusions on the upcoming Climate Adaptation Strategy that help future-proof the EU

The need for climate adaptation is closely connected to the past and ongoing failure to adequately mitigate the effects of the climate crisis. As a result, the climate crisis is already affecting people, the economy and the environment in Europe, often manifesting itself in changes to the water cycle, including extreme events such as droughts and floods, but also through gradual, yet significant, effects on water availability, water quality and ecosystems.

The update of the EU Adaptation Strategy, expected to be published in early 2021 with Council Conclusions on the Strategy led by the Portuguese Presidency, provide an important opportunity to develop solutions that address a range of hazards and vulnerabilities while also offering opportunities for win-win solutions in addition to climate adaptation, such as climate mitigation, biodiversity, air, water and soil quality as well as human health and wellbeing. The Portuguese Presidency must lead the negotiations in the Council towards a focus on such synergistic approaches as this is demanded not only by the urgency of the planetary crises, but also by the need to contribute to the protection of human health and to enhance the resilience of ecological and social systems. It is also a simple question of cost-effectiveness.

We therefore call upon the Portuguese Presidency to:

- Negotiate Council Conclusions on the EU Adaptation Strategy that **accelerate action on deploying nature-based solutions** and create synergies with the nature protection and restoration commitments in the EU Biodiversity Strategy for 2030.
- **Increase coherence and ambition across relevant EU policies in order to enhance resilience**, including the Common Agricultural Policy (CAP), National Energy and Climate Plans (NECPs), the Urban Agenda for the EU, as well as the upcoming EU Forest Strategy.
- **Promote increased awareness** and political support and enable knowledge exchange on topics such as dealing with uncertainty or climate resilient water allocation.
- Ensure that all Member States **adopt national adaptation plans** accompanied by clear and measurable **legally binding targets** and enabling **implementation mechanisms**.
- **Lead by example in the implementation of a national adaptation plan.**

3.3 Insist on a strong 2030 Climate and Energy Package

The role of energy in climate action is essential and the revision of the Climate and Energy framework for 2030 (Fit for 55 legislative package) needs to speed up the transition to renewable energy production. There is a need to move towards a renewable energy system supported by resilient electricity grids to decarbonize heating and cooling, sharply decrease energy imports and to improve energy efficiency in products and processes.

On 11 December, the European Council adopted Council Conclusions which put forward several specific asks to the Commission in view of the new reduction target. This includes the use of gas as transitional fuel towards decarbonisation that will, however, delay the decarbonisation of the EU's economy and keep fossil fuels in the system for the next two decades. In addition, it prevents making the most of technologies already available today (renewable energy, energy efficiency, circular

economy), also by using the funds available through the Recovery Plan.

The Council Conclusions also indicate that the Council will return to discuss the Effort Sharing Regulation (ESR), which sets national binding targets for Member States to reduce GHG emissions in non-Emissions Trading System (ETS) sectors, at a later stage. There is thus a risk that the ESR might be watered down or repealed. Complementary measures to address emissions across all economic sectors are needed but should go in hand with existing binding legislation and not replace or weaken it.

The Fit for 55 Package is only expected to come out in the second half of the Portuguese Presidency, so the Presidency main role will be to lead discussions and it seems unlikely that there will be time for

Council Conclusions on the many instruments in the package.

We therefore call upon the Portuguese Presidency to:

- Lead the discussions within the Council to prepare for the adoption of Council Conclusions under the Slovenian Presidency on the **Fit for 55 package** that increase ambition for all economic sectors and fill the existing gaps in the climate and energy framework.
- Ensure that the **Renewable Energy Directive** provides for **at least 50%** of energy to be sourced from sustainable renewable energy by 2030. Promote only hydrogen that has been produced with renewable electricity.
- Call for a binding **energy efficiency target of at least 45%** by 2030 in the Energy Efficiency Directive.
- Demand a **lower emissions cap for ETS sectors** and deeper emission reductions to 2030, phase out free allowances and shift to full auctioning to achieve a stronger carbon price signal, set a carbon price floor and make the allocation of 100% of auctioning revenues to climate purposes mandatory

through the Emission Trading System Directive.

- Keep mandatory targets for Member States in the **Effort Sharing Regulation** and increase emission reductions in non-ETS sectors (buildings, transport, agriculture, waste). Address emissions in agriculture through a new Agriculture Forestry and Other Land Use (AFOLU) Regulation.
- **Eliminate subsidies to fossil fuels** under all forms currently allowed, including by revising the Energy Taxation Directive and the revised Guidelines on State Aid on Energy and Environment (EEAG).
- Introduce a **carbon border adjustment mechanism** that can complement the EU policy framework to increase climate ambition both at domestic and global level by addressing emissions embedded in imports and in final consumption.
- **Lead by example**, especially on the Renewable Energy Share (RES) target in the National Energy and Climate Plan (with an ambitious RES target of at least 47% of gross final energy consumption in 2030) and on reducing energy import dependency (by 65% by 2030).

3.4 Promote sustainable mobility for climate, air pollution and citizens

Making private mobility, transportation of goods, and public transport sustainable remains one of the largest challenges for policy makers this decade. Fossil fuel use, GHG emissions, air pollution, congestion, impacts on the social fabric in urban areas, impacts on biodiversity from land-take, fragmentation, and pollution (including light) each need addressing, including by building on the range of existing policy tools. Furthermore, improving access to and reach of low emissions public transport is essential to reach the aspirations of the EGD, to comply with the obligations of the Paris Agreement and to promote wellbeing.

The Commission's publication of its Sustainable and Smart Mobility Strategy on 9 December will be core to the Portuguese Presidency agenda. Revised regulations on CO₂ emissions from cars and vans will also be tabled, as will be EURO VII emission standards. In addition, preparations will be ongoing for the revised Trans-European Networks for Transport (TEN-T) Regulation that will come out in the second half of 2021.

In line with T&E's recommendations, we therefore call upon the Portuguese Presidency to:

- Adopt Council Conclusions for a truly **Sustainable and Smart Mobility Strategy** that enables a shift away from private, fossil-fuel driven transport, committing to drastically accelerate the uptake of zero emission vehicles and commitments to phase out fossil fuel vehicles, promoting a modal shift away from private road transport, support digitalisation to facilitate an inter-modal shift and public transport, and improve connectivity to public transport in cities, between cities and trans-European links and encourage a review of pricing for affordability.
- **Set a long-term zero emission goal:** set an EU-wide phase-out date for the sale of new internal combustion engine (ICE) cars, no later than 2035.
- Accelerate the **electric vehicle transition** now: increase the 2025 CO₂ emissions

reduction target to at least -25% (below 2021 levels) and raise the 2030 target to -65%, with annual targets in between.

- **Promote tougher CO₂ regulation on cars and vans** and encourage commitments to stop fossil-fuelled transport. Strengthen Regulation 2019/631 on the uptake of zero-emission vans by increasing the 2025 reduction target to -20%, bringing forward the 2030 target to 2027 and setting a target of at least -60% for 2030.
- **Develop Euro 7/VII emission standards** for cars, vans, lorries and buses that prioritise improved air quality. Define a clear pathway to zero: Euro 7/VII must map out a clear pathway in 5-year intervals to ensure all new cars and vans emit zero pollution by 2035 at the latest and all new heavy duty vehicles by 2040. Tackle all harmful emissions, including ultrafine

particles, and ensure real-world compliance over the whole vehicle lifetime.

- Encourage a discussion to prepare for the **revision of the Regulation on the Trans-European Transport Network (TEN-T)** to accelerate public transport links and support investments in the expansion of cycling networks across Europe. Further support the EU 2021 Rail Corridor Initiative, including the revision of the Rail Freight Corridor Regulation and actions to boost passenger rail.
- Promote a **European Year of Rail in 2021**.
- Lead by example, especially through investments in rail lines connecting all major cities in Portugal and by committing to cross-border connectivity of passenger rail lines. In addition, commit to halt the new registration of diesel and petrol cars by 2030.

3.5 Insist on a robust framework for climate action in the agriculture sector

The global food system, from farm to fork, is responsible for about 25-30% of global GHG. There is growing consensus among the scientific community that our food systems must become more sustainable to tackle the climate crisis and to respect our climate commitments. Yet, in the EU, agricultural and related land-use emissions, accounting for 15% of total GHG emissions, have stagnated for the past decade and are not projected to decrease significantly by 2030.

The revision of the Climate and Energy Framework for 2030 (Fit for 55 Package) offers an important opportunity to create a new governance and legal framework for the emissions and removals from agriculture and related land-use, ensuring that agriculture contributes to climate mitigation efforts.

The European Commission has presented several options for how to address agriculture and related land-use emissions, including the introduction of a new climate instrument covering the Agriculture, Forestry and Land Use (AFOLU) sector. This option has merit, on the condition that the new regulatory framework includes specific and legally binding EU-level and national targets for reducing both CO₂ and non-CO₂ emissions from agriculture and does not allow increased flexibility between reducing emissions and increasing removals, as both must happen simultaneously in order to meet the Paris Agreement obligations.

We therefore call upon the Portuguese Presidency to:

- Lead discussions on the **“Fit for 55” Package** to create a basis for subsequent Council Conclusions that recognise the crucial role of the agricultural sector in the fight against the climate crisis and increases ambition for tackling emissions from agriculture and related land use.
- Reflect ambitious land use, land-use change and forestry (**LULUCF**) related measures in the Forest Strategy that is expected in the second half of the Portuguese Presidency.
- Insist on a new regulatory framework for **emissions from agriculture** and related land use which increases the ambition through specific EU and national level reduction targets for the sector and by boosting both emission reduction and nature-based carbon removals, without increasing flexibility between these two objectives, as both must happen simultaneously.
- Push for land-use emissions to be embedded in a **carbon border adjustment of EU imports** of primary agricultural products and processed foods.



4 Reverse the dramatic loss of biodiversity on land, in freshwater and in oceans, and invest in the resilience of our ecosystems

4.1 Implement the EU Biodiversity Strategy for 2030 and put biodiversity on a path to recovery

We depend upon healthy and resilient ecosystems for food security, to tackle the climate crisis, for our wellbeing and to protect ourselves from future pandemics. Turning the tide against biodiversity loss is not a nice-to-have but is essential for our own survival.

Now that the EU Biodiversity Strategy for 2030 has been unanimously endorsed by all Member States, the Portuguese Presidency must play a leading role in the timely and ambitious implementation thereof. This includes taking on the role of an ambitious frontrunner in the negotiations on the post-2020 Global Biodiversity Framework that also requires the EU to lead by example with transformative action at home, within the EU, not least to be credible.

We therefore call upon the Portuguese Presidency to:

- **Lead the EU in negotiating an ambitious post-2020 Global Biodiversity Framework** with a strong implementation and monitoring framework in the run up to the 15th Conference of the Parties of the Convention for Biological Diversity (CBD COP15) in Kunming.
- **Demonstrate ambitious action on biodiversity in the EU** by securing the ambitious and timely implementation of the **EU Biodiversity Strategy for 2030** by all EU Member States, especially on effective management of protected areas, free-flowing rivers, marine protection as well as by securing the necessary human and financial resources for the implementation.
- Ensure that the Council Conclusions on the **EU Adaptation Strategy accelerate action on deploying nature-based solutions** and create synergies with the restoration and protection commitments in the EU Biodiversity Strategy for 2030.
- Work with the European Commission on a focused and effective **legal instrument setting ecosystem restoration targets** that leads to the large-scale restoration of 15% of the EU's land and sea area, creating synergies with climate mitigation and adaptation and prepare the Council for the timely adoption of ambitious legislation.
- Support the adoption of the **EU Forest Strategy** that builds upon and strengthens the commitments for forest protection and restoration in the EU's Biodiversity Strategy for 2030 and prepare for the political endorsement of the biodiversity commitments in the Strategy.
- **Step up the 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.

4.2 Safeguard freshwater ecosystems and clean water for all

With 60% of European rivers, lakes and coasts not meeting the standards of the EU Water Framework Directive (WFD) and freshwater biodiversity worldwide having declined by a highly concerning 83% between 1970 and 2014, freshwater ecosystems need to be a key priority for protection and restoration in all the initiatives of the European

Green Deal. Both the European Commission and the European Parliament have recently concluded that the WFD is fit for purpose, but its implementation and enforcement need to be stepped up. The evaluation of the EU water policy also highlighted the need to improve transboundary water cooperation, policy coherence

with other sectoral policies as well as the urgent need to increase funding available from EU and national sources for WFD implementation. EU Member States are currently finalising draft River Basin Management Plans for consultation and need to put forward all possible measures, including better use of economic instruments, to reach the WFD objectives.

We therefore call upon the Portuguese Presidency to:

- Lead by example and **adopt ambitious River Basin Management Plans** that will bring all rivers, lakes and groundwater aquifers back to ecological health by 2027.
- Ensure that the policy debate on dealing with **water scarcity and droughts in the context of the new EU Adaptation Strategy** puts the ecological water management established by the Water Framework Directive at the heart of the proposed response.
- Improve **transboundary cooperation** and integration of the objectives to protect and enhance the health of freshwater ecosystems into other sectoral policies,

notably in relation to agriculture, energy, industry, chemicals and transport policies, to reduce pressures from those sectors.

- Ensure a **joined-up restoration agenda as part of the EU Biodiversity Strategy for 2030** implementation to protect and restore free-flowing rivers, remove barriers and integrate nature-based solutions in the implementation of the Water Framework and Floods Directives to specifically address the collapse in freshwater biodiversity and build resilience.
- **Recognise the negative impacts of hydropower on biodiversity** and discourage the construction of new dams, including in the EU six Eastern partnership countries.
- Work with the European Commission to **tackle pollution from substances of emerging concern** (e.g. pharmaceuticals, microplastics, PFAS) including through the revision of the Urban Wastewater Treatment Directive, the Priority Substances Directive, and the Groundwater Directive.

4.3 Promote thriving marine and coastal ecosystems that support a climate-resilient future and strengthen the ocean dimension in the European Green Deal

Our oceans are crucial to support life on earth. We need marine and coastal ecosystems to be rich in fauna, flora, and genetic biodiversity so that they can perform their natural functions and support life on earth by, *inter alia*, acting as vital carbon sinks, regulating weather patterns and providing oxygen. Major commitments to safeguard the oceans have not been implemented.

We therefore call upon the Portuguese Presidency to:

- **Align EU fishing subsidies with the commitments in the Biodiversity Strategy**, ensuring that the new European Maritime and Fisheries Fund as well as the upcoming revised State Aid Guidelines require the elimination or redirection of subsidies harmful to biodiversity and that the fuel tax exemption granted in the Energy Taxation Directive to the fishing sector is removed during the revision of this instrument.
- **Strengthen both coherence and the implementation of the Marine Strategy**

Framework Directive and the Nature Directives and ensure Maritime Spatial Plans include at least 30% of highly or fully protected MPAs and that areas for human activities are allocated based on ecosystem sensitivity. In addition, promote ecosystem resilience and a regenerative rather than extractive economy in the Blue Economy Strategy Review, in line with the [Blue Manifesto](#).

- **Develop Council Conclusions on the Offshore Wind Strategy** that take marine environmental impacts into account and demand due spatial planning and use of Strategic Environmental Assessments (SEA) and Environmental Impact Assessments (EIA) to minimise the risks of harmful impacts. Where offshore wind is in place, add reef structures to help regeneration.
- **Cooperate with the European Commission in developing a Fisheries Action Plan** that supports productive and

resilient fish populations, requires ecosystem impact assessments of all fishing activities, eliminates bycatch of sensitive species, tackles the most destructive fishing gear, in particular bottom-trawling, and closes areas where vulnerable marine ecosystems are known or likely to occur to protect vulnerable deep sea ecosystems.

- **Drastically improve the control of fishing activities in the future Control Regulation**, including a transition to mandatory remote electronic monitoring systems (REM) for all fleets to ensure that fisheries activities do not cause harm to the marine environment, are fully documented and bring transparency to our seafood supply chains.
- **Ambitiously integrate marine ecosystems** in the follow-up to and implementation of the Biodiversity Strategy by, *inter alia*, designating at least 30% of the

EU's oceans as fully or highly protected and by demanding that the most destructive human activities, particularly bottom trawling, are immediately banned from all EU Marine Protected Areas.

- **Call for the establishment of a moratorium on deep seabed mining** in EU territorial waters, stop financial support to deep seabed mining technology research and push for the adoption of a global moratorium in the International Seabed Authority, following the EU's Biodiversity Strategy for 2030.
- **Ensure that all Total Allowable Catches (TACs) set for 2021** (and for 2022 in the case of deep sea stocks) in the January Fisheries Council follow scientific advice, meet the objectives of the Common Fisheries Policy and the ambition of the European Green Deal.



5 Initiate a transition towards sustainable food and agriculture

5.1 Promote sustainable agriculture that is aligned with the Farm to Fork and Biodiversity Strategies

Agriculture is the single largest driver of biodiversity loss in the EU and a major contributor to the climate crisis, air and water pollution, as well as unsustainable resource use. To tackle these issues while making European farms more resilient, EU policies must urgently facilitate a transition to agroecology. The Farm to Fork and Biodiversity Strategies published in May 2020 under the Green Deal make steps in that direction and must be implemented with ambition but cannot be successful without a Green Deal-compatible Common Agricultural Policy (CAP).

The reform of the CAP initiated in June 2018 is still ongoing, with trilogues likely to be finalised under the Portuguese Presidency. Civil society and scientific experts have strongly criticised the positions of co-legislators, which largely maintain the status quo in how EU farm subsidies will be spent. In November, the Commission published a factsheet detailing the most concerning areas where the elements of green ambition of the CAP are being compromised. The Portuguese Presidency must work closely with the Commission and Parliament to align the new CAP with the Farm to Fork (F2F) and Biodiversity Strategies.

We therefore call upon the Portuguese Presidency to:

- **Push for the highest common denominator of environmental ambition in the trilogues on the CAP** reform to achieve a new CAP that is compatible with the European Green Deal. Should that fail, urge the European Commission to withdraw the current CAP proposal and table an amended proposal that is Green Deal-compatible.
- **Commit to high transparency in trilogue negotiations** by publishing meeting calendars and agendas beforehand and conclusions of meetings and agreed compromises in the “4-column document” after each trilogue meeting.
- **Work closely with the European Commission and Environment and Climate Ministers, also in consultation with civil society, to implement the Farm to Fork Strategy with ambition in CAP Strategic Plans.** In addition, ensure high environmental ambition in the implementation of other actions from the F2F Strategy, including the action plan for the development of organic production, the Carbon Farming Initiative, the corporate governance framework, and the code and monitoring framework for responsible business and marketing conduct in food supply chains.
- **Engage in constructive dialogue with environmental stakeholders**, as started by the Finnish Presidency, by engaging with environmental representatives in the Informal Agriculture Council meeting and in the margins of formal Agriculture Council meetings, similarly as is already the case with farming representatives.



6 Promote a zero pollution ambition: clean water and clean air for all

6.1 Promote a transformative Zero Pollution Action Plan for water, air and soil

The European Commission is expected to adopt a Zero Pollution Action Plan in May 2021. The Portuguese Presidency has the opportunity to contribute to raising the profile of the political discussion on tackling air and water quality, soil protection and also noise and light pollution. It further has the responsibility to make the EU zero pollution ambition a very concrete goal. The Zero Pollution Action Plan is expected to include follow-up actions to address gaps identified by the recently concluded fitness check evaluations of the Ambient Air Quality Directives, the Water Framework Directive and the Environmental Noise Directive. Given the relevance of the Zero Pollution Action Plan and its long-term and horizontal approach, the Portuguese Presidency should start preparing ambitious Council Conclusions on this item.

The Plan should be seen as a tool to both promote the implementation of existing legislation, also improving monitoring, and to launch new legislative and policy initiatives to cut pollution at source while ensuring policy coherence. It is also fundamental

that other European Green Deal's instruments contribute to the zero pollution ambition.

We therefore call upon the Portuguese Presidency to:

- Work closely with the European Commission to deliver a **Zero Pollution Action Plan that goes beyond what has already been announced** (e.g. the revision of the Ambient Air Quality Directives) and builds the framework for coherent and coordinated actions to reduce water, air, soil and noise pollution. Ensure a place for light pollution, recognised as a pollutant with an impact on biodiversity, including in oceans.
- Work with the European Commission to **tackle water pollution from substances of emerging concern** (e.g. pharmaceuticals, microplastics, PFAS) including through the revision of the Urban Wastewater Treatment Directive, the Priority Substances Directive, and the Groundwater Directive.

6.2 Reduce air pollution at source and commit to bold action against air pollution at the international level

Air pollution causes around 400,000 premature deaths in the EU each year and contributes to cardio-vascular disease, impaired prenatal and early childhood development, mental health problems, obesity and childhood leukaemia. Air pollution also impacts Europe's nature and biodiversity through eutrophication and acidification, and agricultural yields and natural vegetation are damaged through ozone formation. The EEA estimates that around half of EU citizens living in urban areas were exposed to concentrations of PM10 exceeding the 2005 WHO air quality guidelines in 2018. 74% of the EU urban population was exposed to concentrations exceeding the 2005 WHO guidelines for PM2.5, the particles that are most harmful to health. Cleaner air will further 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 off the virus, leading to higher levels of mortality. The WHO is in the process of updating its guidelines and will most likely lower the suggested maximum concentration levels for several pollutants. It is therefore essential that Member States, guided by the Portuguese Presidency, firmly act to reduce air pollution. Scientific evidence, EU citizens and the need to strengthen our resilience against and in times of future health crises demand strong and immediate action to reduce air pollution.

We therefore call upon the Portuguese Presidency to:

- Commit towards the revision of the **Gothenburg Protocol**, so as to agree on more stringent reduction targets for the pollutants covered already and to include

targets for methane, black carbon and mercury emissions. Further guide the European Union work during the key meetings of the UNECE Long-Range Transboundary Air Pollution Convention.

- **Promote the designation of ship Emission Control Areas in the Mediterranean Sea and the North East Atlantic.** Lead the ongoing process of designating the Mediterranean Sea as an Emission Control Area (ECA) to reduce emissions of SO₂, NO_x and PM from international shipping and promote a similar process also for the North East Atlantic.
- **Prepare the ground for the adoption of Council positions related to the Climate**

and Energy (“Fit for 55”) package that embed air quality as one of the key objectives to be achieved (e.g. through the revised Energy Taxation Directive).

- **Integrate air pollution concerns into the heart of the sustainable mobility.**
- **Align the agricultural sector with existing air quality and emissions reduction objectives by contributing to the Common Agricultural Policy trilogues,** having in mind that intensive and unsustainable agriculture is polluting the air we breathe and damaging our environment through ammonia and methane emissions (for which it is the bigger emitting sector in the EU).



7 Clean up industrial production: towards a circular, decarbonised and zero pollution industry

Circular economy, the EU Industrial Strategy and digitalisation are clear leverages for a green and fair recovery and essential pillars for progressing the zero pollution agenda. The Portuguese Presidency should be guided by the Environmental Council Conclusions of 17 December on Making the Recovery Circular and Green, and on Digitalisation for the benefit of the environment, which set an ambitious course of action for an accelerated, toxic-free circular economy and a more environmentally friendly information and communication technology.

7.1 Ensure an ambitious position of the Council on the revision of the Waste Shipment Regulation

The European Commission will present a legislative proposal to upgrade the Waste Shipment Regulation (WSR) in spring 2021. This file is crucial to reduce the negative environmental and social impact of waste exports from Europe and is an opportunity to make the WSR contribute to building a strong circular economy by better addressing intra-EU waste shipments.

We therefore call upon the Portuguese Presidency to:

- Drastically restrict the **export of waste** outside the EU and, in case the export is not totally banned, establish a list of facilities that can receive EU waste for recycling.
- Reflect the **waste treatment hierarchy** into the Waste Shipment Regulation by only shipping waste for energy recovery where no recycling potentials exists for concerned waste streams.

- Reflect the agreed **Basel Convention** amendments on plastic waste shipment in the EU rules.
- **Reinforce national surveillance and inspections** of waste shipment to prevent illegal shipments.
- Maintain a regime of **prior informed consent** for hazardous waste and waste that is not on a green list, notably plastic materials targeted by the Basel amendment on plastics.
- Ensure **shipments for reuse and repair** within or outside the EU do not act as a loophole to ship waste or nearly waste items, notably ensuring that financial guarantees are maintained and extended producer responsibility (EPR) fees follow the products shipped for reuse.

7.2 Progress the Council position on the revision of Batteries Directive

The Batteries file will be the first related legislative proposals by the EU Commission following the release of the March 2020 Circular Economy Action Plan and will set the direction for the following legislative proposals. It is therefore crucial that the Portuguese Presidency handles this first Circular Economy file with exemplarity when it comes to securing ambition and unleashing the full potential.

We therefore call upon the Portuguese Presidency to:

- Enhance requirements for a **digital product passport of batteries** placed on the market

that include their chemical and material contents and environmental footprint.

- **Increase the targets for minimum recycled content** in new batteries.
- **Boost minimum collection and recycling targets** of discarded batteries and propose an advanced collection schemes (e.g. through deposit return schemes).
- **Maintain performances requirements**, notably on durability, disassembly, reusability and carbon footprint.

- **Prevent the placement on the market of disposable batteries** (primary) by setting rechargeable batteries as the default choice

and by restricting the use of disposable batteries to essential applications.

7.3 Support the Consumer Empowerment Initiative and encourage a proactive Council discussion on the Sustainable Product Policy Initiative

The European Commission is expected to make proposals on the Consumer Empowerment Initiative and the Sustainable Product Policy Initiative – with the objective of preventing greenwashing and premature obsolescence and to improve the reliability and availability of information on the environmental performance of products, as well as on their reparability and expected lifetimes.

The landmark Sustainable Products Initiative will enter the second phase of consultation in the first half of 2021. This initiative is expected to broaden ecodesign to non-energy products, support wider issues such as introducing mandatory green procurement criteria, implementing a Right to Repair, and developing a product passport.

We therefore call upon the Portuguese Presidency to:

- **Require a right to repair** based on mandatory repair information schemes for

relevant durable products such as energy using products, furniture and cars.

- **Ensure advertising for unsustainable practices is not** allowed, similarly as for tobacco products, and that green claims are addressed through a pre-approval process as it exists for food related information and backed up by robust life cycle assessment evidence such as Product Environmental Footprint data that is made publicly available for verification and enforcement purposes.
- Make sustainable products the norm and **confirm the establishment of digital product passports for products** placed on the EU market. The digital product passport should be supported along the principle of ‘no data, no market’ and be considered as a fundamental tool to empower consumers, to enhance the right to repair and to help address green claims.

7.4 Provide input to the revision of the Industrial Emissions Directive that fully reflects climate and circular economy ambitions, prevents accidents and improves Best Available Techniques

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

We therefore call upon the Portuguese Presidency to:

- **Encourage the swift review of the IED** to make it fully consistent with climate, energy and circular economy policies and improve the prevention of industrial accidents.
- **Change the BAT determination method and scope** so that industrial activities are carried out in full compatibility with achieving environmental quality standards 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](#)).

7.5 Promote ethical digitalisation for people and planet, including by providing information on pollution through the EU Pollutant Release and Transfer Register (EU-PRTR) review

All digital tools are highly dependent on rare metals and have a high carbon footprint due to their embodied emissions. Furthermore, data centres are currently predominantly powered by fossil fuel and the digital economy is quickly becoming a very large emitter of CO₂. Given the ever-growing powers of digitalisation and Artificial Intelligence (AI), it is essential to advance on the environmental and ethical dimensions of these technologies to make them serve transparency and work for the benefit of people and the planet.

We therefore call upon the Portuguese Presidency to:

- Build on the December 2020 Council Conclusions on **digitalisation for the benefit of the environment** and ensure further progress towards Europe's digital decade: 2020 to 2030. Encourage Council debate on Artificial Intelligence for people and planet and the need for ethics to guide AI development.
- Drive a swift review of the **EU-PRTR / UNECE Kiev Protocol** to ensure that information on pollution is available in real time and easily usable (for example by merging existing databases on chemicals production, use, emissions and monitoring data and by ensuring that air, water, soil quality and noise levels information is accessible, understandable and comparable).



8 Call for a toxic-free environment and an ambitious Chemicals Strategy for Sustainability

8.1 Protect the public and the environment from hazardous chemicals including by adopting Council Conclusions to welcome the Chemicals Strategy for Sustainability and identify strengthening measures

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

The implementation of the strategy is a great opportunity for the Portuguese Presidency to support a “reset” of the European chemicals policy. This is an opportunity for the EU to deliver systemic and future-proof chemical policies that effectively protect people and habitats and drastically reduce chemical pollution.

We therefore call upon the Portuguese Presidency to:

- **Adopt Council Conclusions to welcome the adoption of the Chemicals Strategy** for sustainability and the objective to achieve a toxic-free environment and call for its swift implementation.
- **Support initiatives for substitution** as well as safety and sustainability by design.
- **Call for the inclusion of an absolute target to reduce chemical production** in order to reduce health and environmental overall exposure.
- **Ensure that the Strategy and upcoming legislative actions will apply the polluter pays principle** through concrete financial incentives to penalise harmful activities and to shift the economic burden of chemical pollution from the public to polluters.

8.2 Promote EU leadership in the Global Mercury Treaty and advance the EU strategy and its implementation

Mercury and its compounds are highly toxic, can damage the 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 126 ratifications, including the EU and 24 Member States. 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 requirements of the Treaty that were not already covered by existing EU law. In 2021, developments are expected towards the long-awaited phase outs of dental amalgams and of mercury from lamps under the Restriction on Hazardous Substances (RoHS) Directive.

A key priority is to ensure that countries ratify and implement the Convention as fast as possible. At

the same time, activities to enable mercury reduction are needed as well as capacity building to assist enforcement, such as targeting mercury trade and supply, phasing out mercury use from products and processes, emissions reduction and the development and implementation of Artisanal and Small Scale Gold-Mining (ASGM) Action Plans.

We therefore call upon the Portuguese Presidency to:

- Ensure that a decision to phase out mercury in **fluorescent lamps** is adopted under the RoHS Directive as soon as possible and with a minimum transition period.
- Ensure **EU leadership in the Minamata Convention** process by submitting proposals for amendments (by 1 May 2021), listing additional mercury added products and processes to be phased out (e.g. fluorescent lamps, button cells, dental amalgam for vulnerable population, etc).



9 Strengthen accountability 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. This is partly due to weak transparency in decision-making, insufficient resource allocation to monitor compliance and enforcement, and low political priority to hold those responsible for environmental degradation accountable. Increasing participation and ensuring that there is full transparency on how rules are made and enforced increases legitimacy and strengthens environmental democracy. Empowering the public through improved access to justice improves implementation, strengthens the rule of law and increases the accountability of public institutions. In a time when we see political threats to the rule of law, where some decision-makers attempt to override democratic principles and the public interest, in particular going against any notion of collective wellbeing and disregarding future generations in the name of short-term self-interest, we must stand firm to strengthen and open our institutions to make them more transparent and democratically legitimate.

9.1 Facilitate an outcome of the co-decision process on the revision of the Aarhus Regulation that promotes wider access to justice at EU and national level and ensures full compliance with the Aarhus Convention

The Aarhus Convention establishes international obligations that aim to ensure transparency and accountability of public authorities in relation to environmental matters. Regulation 1367/2006 applies the provisions of the Aarhus Convention to the EU institutions (known as the Aarhus Regulation).

In March 2017, the Aarhus Convention Compliance Committee concluded that the EU was not in compliance with the access to justice provisions of the Convention due to the insufficient possibilities for access to justice at the level of the EU institutions. In June 2018, EU Member States put pressure on the Commission to take measures to address the non-compliance through a Council Decision and to present a proposal to address the non-compliance by September 2020.

Finally, in October 2020, the Commission published its proposal for amending the Aarhus Regulation together with a Commission Communication on Access to Justice at Member State level. The Commission proposal addresses the main obstacle that NGOs have faced in challenging EU decisions related to the environment, however, a number of issues still remain unsolved. The EU will need to report on how it has addressed its non-compliance with international commitments at the next Aarhus Convention Meeting of the Parties (MOP-7) in October 2021. The current Commission proposal and the Council position adopted in December under the German Presidency, if not improved through the co-decision process, will fail to ensure

effective access to justice or to bring the EU into compliance with the Convention. The advice of the Compliance Committee, sought by the Commission on behalf of the EU and anticipated in early 2021, is likely to confirm this.

The Commission Communication pinpoints that NGOs at Member State level also face difficulties in accessing national courts and that it is crucial that access to justice provisions are included in all environmental legislation, such as in the Climate Law. Moreover, the European Green Deal recognised the necessity to work with Member States to improve conditions to access national courts.

We therefore call upon the Portuguese Presidency to:

- **Conduct the negotiations in the trilogues** with a view to **ensuring that the EU will no longer be in non-compliance with the Aarhus Convention** by the time the MOP-7 meet in October 2021.
- Specifically, in case the advice of the **Aarhus Convention Compliance Committee** deems that the Commission proposal for revision of the Aarhus Regulation, and by implication the Council position, would fail to bring the EU into compliance with the Convention, bring the issue back to the Council and request it to reconsider and as necessary revise the general approach of the Council in order to align it with the Committee's advice.

9.2 Reform “Better Regulation” for the public interest to ensure that it is EGD-compatible

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

The European Green Deal contains a commitment to a green oath to “do no harm”, while the Commission also embraces a “one-in-one-out” policy that risks slowing progress on legislation and policy by focusing on reducing business burdens rather than on increasing sustainability gains. The “do no harm” commitment is good but defensive, as it does not seek to proactively promote good regulation. The one-in-one-out approach may even be a threat to sustainability as it focuses on limiting the number of laws in place rather than improving their quality. While we need to put the European Green Deal into action, the one-in-one out may

compromise the number of new laws that are necessary to turn it into a reality. Unfortunately, a “sustainable first principle” has not been backed.

The Fit for Future Platform that has been set up to review EU legislation, with the aim to simplify and modernise it, should not be perceived as an opportunity to outsource the Commission’s and Member States’ responsibilities to safeguard the legacy of key areas of legislation that successfully protect the environment and our wellbeing.

We therefore call upon the Portuguese Presidency to:

- Ensure that the **green oath of “do no harm”** is systematically integrated and implemented in all policies and promote a less defensive “sustainability first principle”.
- **Engage in the Fit for Future Platform by promoting an EGD check** as part of its work, fully integrating the “do no harm” principle and by promoting the “sustainability first” principle over a simple “reduce the burden-to-business” approach. The resilience of and burdens on ecosystems and climate systems need to be integrated into assessments as to what laws and options for laws are truly fit-for-future.

9.3 Improve implementation and enforcement of environmental law in the Member States

Insufficient resources are allocated to environmental monitoring and enforcement by European and national authorities. This poor implementation links both to a lack of political prioritisation as well as to the weak enforcement of environmental law across the EU. Poor implementation by governments and authorities creates distrust in institutions and undermines legal certainty. For their own credibility, Member States need to seriously tackle the gaps in implementation and engage with affected communities and NGOs to redress environmental problems. For instance, increased transparency on the EU infringement processes would improve implementation by increasing the effectiveness of the enforcement process and should be supported by both the Commission and Member States. The growing concern that NGOs and vocal groups are side-lined from the public debate, are not able to access remedies and are even portrayed as opponents of the state, creates a hostile environment which in

extreme cases undermines democratic values and the rule of law.

We therefore call upon the Portuguese Presidency to:

- Lead on the opportunities to strengthen the **Environmental Crime Directive (ECD)**, as well as the **Environmental Liability Directive (ELD)** so that the polluter pays and precautionary principles are effective and not undermined by any attempt to limit liability through the so-called industry-led “innovation principle”. Sanctions and remedies must be effective.
- Be open to the possibility of a **new Inspections Directive** that can support efforts to strengthen the ELD and ECD, as well as help harmonise and coordinate enforcement efforts across the EU.
- **Increase opportunities for public and NGO participation** in the different stages

of the **Environmental Implementation Review** process, to collect more information and input from the ground on how EU environmental laws are implemented and enforced in the Member States.

- Strengthen the elements on poor implementation, non-compliance and compliance assurance in the 8EAP.

9.4 Increase accountability in corporate governance

Given the EU single market and that many EU companies operate in a globalised world, there is a need to regulate businesses at the supra-national level, to ensure effective corporate accountability and to prevent irresponsible companies from simply moving to jurisdictions where the laws and their enforcement are weakest, thereby externalizing their costs. Indeed, some companies benefit from intricate corporate structures, which shields them from any liability in their value chains while being able to seep out the profits from their business model. Consumers are more and more aware of the impacts that the products they buy have on the environment and communities, and the EU should no longer defend its businesses that contribute and perpetuate hardship, injustices and the destruction of the planet.

We therefore call upon the Portuguese Presidency to:

- Support the Commission's new legislative proposal on **Sustainable Corporate Governance** when it will be published and coordinate a Council position on this matter so that this legislation can uniformly transform business practices in the EU. The legislation should be tailored so that corporations are prompted to take long-term and sustainability considerations in business decisions, and to ensure that businesses operating on the EU market – no matter where they are headquartered - are

obliged to undertake human rights and environmental due diligence.

- **Support the introduction of such mandatory due diligence requirements** so that businesses operating in the EU evaluate and mitigate their social and environmental impacts in their value chains, and so that victims and affected communities can seek remedies when companies fail on their due diligence. Such legislation should complement, harmonise and reinforce efforts of Member States and the existing specific sectoral rules to ensure that all undertakings in a value chain are held accountable. The Council position on this matter will be crucial to ensuring that there will be a level playing field on corporate accountability in the EU.
- **Support and promote the adoption of specific product policies** to complement the horizontal due diligence obligations so that specific sectoral strategies can be developed or strengthened to address high-risk industries (e.g. textiles, construction, ICT, forestry etc.).
- **Promote the adoption of a strong and progressive EU position** at the negotiations in the UN open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to **human rights**.



10 Promote European solidarity, wellbeing and social and environmental justice

A foundation of the EU's strength in the global context is the solidarity among nations historically at war and its commitment to democratic accountability. The response to the Corona crisis has both highlighted weaknesses of European solidarity and also its strengths. It has also highlighted the importance of human wellbeing and of social and environmental justice. Each of these values need to be defended and significantly strengthened, and through this support the attraction and legitimacy of the EU.

10.1 Promote Wellbeing and Social Justice across the EU – in Corona recovery measures and policies more widely, including new European Framework for Roma Inclusion 2020-2030

An “economy that works for people” can only work if it puts the wellbeing of people and planet at its heart. COVID-19 has disproportionately affected the most vulnerable in society. Governments need to continue to refrain from discriminatory measures against minorities (e.g. Roma communities) or refugees and instead ensure social and environmental justice to make sure we leave no one behind and a healthy planet to live on. At the same time, we must build back better and integrate wellbeing objectives into recovery measures to truly transform our economies.

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. However, the Croatian and the German Presidencies did not go beyond the limited scope of enhancing wellbeing at work.

It is now up to the Portuguese Presidency to step up efforts on this. In addition, the devastating consequences of the COVID -19 pandemic on the labour market, people's livelihoods, wellbeing and the environment highlight the need to start an open public debate on the future of work in a post-Coronavirus Europe.

We therefore call upon the Portuguese Presidency to:

- **Continue to promote cooperation and solidarity on the Corona crisis across the EU** as well as recovery measures that include social justice between social groups, including women, and minorities, such as Roma, wider BAME communities and refugees, often more strongly affected, economically and health-wise, by the Corona crisis and environmental pollution, and ensure equal access to clean water, sanitation and nature.
- **Turn the Corona-related unemployment crisis into an opportunity** by transforming the debate on labour, turning for example temporary ad-hoc arrangements for reduced working time into lasting redistribution of the available amount of meaningful work. Promote the Economy for the Common Good. Follow up on the Council Conclusions on wellbeing economies.
- **Ensure Council adoption of a progressive new European Framework for Roma Inclusion** for 2020-2030 which clearly refers to environmental justice (in particular access to environmental services such as water and waste management and ending the disproportionate environmental burden on Roma communities through pollution and contamination).
- **Strengthen the indicators on wellbeing in the 8EAP** to help the EU develop a wellbeing compass.

10.2 Reform the European Semester to integrate the EGD and SDGs, promote wellbeing and resilience

In 2010, the 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. The process has received new political attention in the European Green Deal, with a promise to integrate the SDGs into the Semester. In the 2020 Semester cycle, the country reports refer to some of the SDGs, and Eurostat SDG data was placed in the annexes. However, the SDGs have not been integrated at the core of the Semester cycle, and SDG references in the Semester documents remain scattered. In addition, the review of the EU governance framework provides a window of opportunity for a new governance framework that promotes an alternative political-economic system. One that is

more resilient, just, and explicitly prioritizes human (and non-human) well-being over economic growth.

We therefore call upon the Portuguese Presidency to:

- Advance the **European Semester and EU Governance Reforms** that have been delayed due to the pandemic. This includes fundamental changes such as turning the Stability and Growth Pact into a Sustainability and Wellbeing Pact and critical reflections on the impact of the historic growth model that too often relies on over-extraction and the destruction of nature, creating unacceptable risks for human health and society. Integrate the SDGs at the core of the European Semester with headline indicators based on the Goals.

10.3 Promote civil society space and meaningful participation to support effectiveness and democratic legitimacy

Civil society plays a crucial role in the development of EU environmental policies. It promotes democratic legitimacy, provides a critical input on environmental needs and serves as a watchdog. However, civil society space has been shrinking in some Member States recently, eroding this important strength of the European democracy. The promotion of an active and engaged civil society space should be an important part of the Portuguese Presidency and its Presidency legacy to Europe.

We therefore call upon the Portuguese Presidency to:

- **Engage with civil society** throughout the Presidency and ensure meaningful participation. Stand up to protect civil society space where under threat in and beyond the EU's borders.
- **Lead by examples with the participation of civil society** in the national recovery and resilience plans and other plans, strategies and agreements, and encourage other Member States to do the same.

10.4 Systematically consult and engage youth in decisions on their future

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 an urgent and drastic tide-change in the level of political commitment.

We therefore call upon the Portuguese Presidency to:

- **Urgently increase the consultation with and participation of all segments of society, in particular youth, women and those groups that have shown to be particularly vulnerable during the pandemic**, so as to ensure better representation of the next generation's concerns and identify solutions to improve inter-generational justice. This is in particular true for civil society engagement and citizens' participation promised around the European Climate Pact and the Conference on the Future of Europe.



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

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

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