



EEB

European
Environmental
Bureau

THE EEB'S

ASSESSMENT

OF THE ENVIRONMENTAL PERFORMANCE OF
THE **GERMAN PRESIDENCY** OF THE EU



JULY - DECEMBER 2020

*Prepared in cooperation
with Seas At Risk*





EEB

European
Environmental
Bureau

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.

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Introduction

This is an assessment of the German Presidency of the Council of the European Union by the European Environmental Bureau (EEB), the largest network of environmental citizens' organisations in Europe, prepared in cooperation with Seas At Risk. Our mandate encompasses all environment-related issues, a broad agenda comprising 'traditional' environmental issues as well as sectoral and horizontal policies with a direct or potential environmental impact, sustainable development and participatory democracy.

We view the six-month Council Presidencies as convenient periods to measure progress on the EU's environment-related policies and legislation. We appreciate that a Presidency cannot make decisions on its own; it needs the cooperation of the European Commission, European Parliament and other Member States. Nonetheless, the Presidency can still have considerable impact and influence, for example through the priority and profile it gives to specific issues and through the way in which it chairs discussions, prioritises practical work and engages with other Member States to enable progress.

Success depends on the willingness of Member States to commit – as has been seen in the difficult negotiations on the EU's Multi-Annual Financial Framework (MFF) and Recovery Package and the -55% climate target – as well as on political will, ideas, and the use of political capital to achieve results. In addition, policy agendas are often highly affected by external events and new Commission priorities, as was the case

for the German Presidency with the Corona crisis. Our assessment therefore focuses both on effort and result.

The assessment is not an overall political assessment of the Presidency's performance. We are not assessing its role on foreign affairs issues, internal security matters or migration policies, for example, except insofar as such issues have a direct bearing on the environment. On the other hand, the assessment is not limited to the activities and outcomes of the Environment Council; it covers all Council configurations to the extent that they deal with topics that affect the environment, as well as the European Council, which is formally not under the German Presidency responsibility, but where the Presidency does and has played an important role. Our assessment is based on the [Ten Green Tests](#) we presented to the German Government at the start of its Presidency on 1 July 2020.

At the outset, we would like to acknowledge and express our appreciation for the open and cooperative approach adopted by the German Presidency. Its engagement with civil society has been an important strength in these times where civil society roles have eroded in other parts of Europe.



Jeremy Wates
Secretary General

Ten Green Tests for the German Presidency: Assessment









‘Good on progressing the European Green Deal in times of Corona crisis, with important agreements on the budget, recovery fund, biodiversity, and digitalisation, but weak commitment on climate, disappointing on Aarhus and very poor on agriculture.’

Germany has had the unenviable task of running its Council Presidency during the worst public health emergency for decades. The normal functioning of political processes, including those related to the Presidency, have been deeply challenged by the Corona virus.

Politics is the art of the possible. However, if and where the possible does too little to avoid dramatic climate change, halt biodiversity loss or improve governance systems in a way that gives confidence in our governments, institutions and future, then we cannot

assess the progress to be good, despite efforts. In times of climate and biodiversity crises, Council Presidencies (and other leaders) need to make considerable additional efforts to change what is perceived as possible to align with what is needed. It is in this light of both effort and impacts, and effort in the context of needs, that we have assessed the performance against the Ten Green Tests.

On the German Presidency's performance against the Ten Green Tests, item-by-item, we reached the following conclusions:

| | | Effort | Outcome |
|---|---|---|---|
|  | 1 Drive a just transition to a sustainable and resilient Europe |  |  |
|  | 2 Catalyse the green transition through the MFF and the Recovery Package |  |  |
|  | 3 Address the climate emergency |  |  |
|  | 4 Reverse the dramatic loss of biodiversity and invest in the resilience of our ecosystems |  |  |
|  | 5 Initiate a transition towards sustainable food and agriculture |  |  |
|  | 6 Promote a zero-pollution ambition - clean water and clean air for all |  |  |
|  | 7 Drive a new industrial revolution |  |  |
|  | 8 Call for a toxic-free environment and an ambitious Chemicals Strategy for Sustainability |  |  |
|  | 9 Promote democratic accountability and rule of law through better access to justice |  |  |
|  | 10 Promote European solidarity, wellbeing, and social and environmental justice |  |  |



1 Drive a just transition to a sustainable and resilient Europe

The verdict

 Good on effort

 Good on outcome

The first Green Test asked the German Presidency to help: implement a transformative European Green Deal (EGD) at the heart of the Corona crisis response; make the Sustainable Development Goals (SDGs) drive the future of Europe; promote coherence with the EGD in EU Accession and Neighbourhood countries; and making trade EGD compatible.

Key developments

- Heads of Government at the European Council of 10-11 December agreed to the budget and recovery package that has the European Green Deal as a core priority, with 37% EGD in the Recovery RRF.
- The European Commission launched the 8th Environmental Action Programme (8EAP) on 14 October– this was mainly an EGD monitoring tool, but with potential to be strengthened through the co-decision process.
- Trade negotiations between the European Union and the United Kingdom over the future relationship concluded on 24 December 2020. The EU-UK Trade and Cooperation Agreement contains a number of significant environmental provisions, including a commitment to non-regression and a mechanism to prevent the UK gaining a competitive advantage through lower environmental and social standards in the future.
- The Green Agenda for the Balkans was presented in October and adopted by state leaders in early November.

Good

- The German Presidency has promoted the European Green Deal being an integral part of the Corona crisis response.
- Germany was instrumental in getting agreement at the European Council on the MFF and RFF that included the EGD.
- Germany pushed for an 8EAP during a time when, given the EGD, questions were raised whether an 8EAP would still be needed.
- The extension of the EGD to the candidate countries creates a new momentum to push for better environmental protections in the region and brings a new dynamic to the relationship between the EU and the Eastern Partnership countries.

Less good

- During the German Presidency, the SDGs have not seen any particular push at EU-level, despite a conference on the SDGs.
- Civil society and public participation in the design and adoption of the Green Agenda for the Balkans was particularly weak and selective. There are major concerns that the Economic Investment Plan for the Western Balkans will allow for short-term, unsustainable solutions including investments in highways, gas infrastructure or more hydropower dams.
- The 8EAP, which initially was to be the focus of the December Environment Council, will now fall to the Portuguese Presidency. Also, it is currently mainly a monitoring 8EAP with a late assessment in 2029 (but this is not Presidency responsibility).

Overall, the German Presidency has played an important role in promoting the EGD, 8EAP and greening of the MFF and recovery package. The budget secured will support their implementation (see next point). Significant effort has been allocated to this and overall, the outcome can be judged positive.



2 Catalyse the green transition through the MFF and the Recovery Package

The verdict

 *Good on effort*  *Mixed on outcome*

This second test demanded the Presidency to work towards an EGD-aligned EU Budget (MFF) and Recovery Package for transformative change as well as a broad taxation and environmental fiscal reform.

Key developments

- To respond to the Corona crisis, Germany embraced the EU providing loans for the first time which represented a change from its historical position and required political courage.
- The political agreement on the MFF/Next Generation EU (NGEU) Package by the Council on 11 December, followed by a provisional agreement between the German Presidency and European Parliament on 18 December, allows the Commission to borrow temporarily up to €750 billion to address the consequences of the COVID19 crisis. The agreement sets a 37% earmarking for climate expenditure under the new MFF (2021-2027).
- A November political agreement on the MFF between the Council and Parliament earmarked 7.5% of the annual EU budget to be spent on biodiversity as of 2024, to be increased to 10% from 2026.
- The Parliament and German Presidency reached a provisional agreement on the RRF on 18 December. At least 37% of each national plan's (NRRP) allocation has to support the green transition and at least 20% the digital transformation. No specific earmarking for biodiversity seems to have been included.
- Germany introduced a national carbon pricing for non-ETS sectors (transport and building) – leading by example in promoting a greater use of economic instruments to catalyse change.

Good

- The German Presidency allocated significant political capital to getting an agreement on the MFF and Next Generation EU (NGEU).
- The commitment to loans is a first in the EU and a palpable demonstration of EU solidarity, supporting the European Project during a very difficult period.
- The Just Transition Fund excluded investments in fossil fuels, established the 2050's climate neutrality ambition of the EU as mandatory to access 50% of the funds, included a 'Green Reward Mechanism' to stimulate a quick transition, strengthened wording for climate action and maintained the polluter pays principle connected to land restoration projects.

Less good

- The December European Council agreement seems to leave the door open to the use of public funding of gas and nuclear in the transition away from coal.
- The budget allocations of 37% for EGD in RRF and 30% of MFF for climate and 7.5% on biodiversity is less than needed or costed by the European Commission and less than the EP has called for (40% including biodiversity).
- The German Presidency, in prioritising getting an agreement, did not sufficiently promote a spending focus on the future economy, and gas infrastructure projects are still allowed in Cohesion Funds.
- Lack of focus on civil society engagement in making sure EU recovery money is spent to achieve common goals, such as fighting climate change and protecting the environment (general weakness, not only the German Presidency).

Overall, the German Presidency succeeded in getting agreement following very difficult negotiations on the new EU Budget 2021-27 and Recovery Package for 2021-25, and in having the political courage to include loans that historically have been ruled out in Germany.



3 Address the climate emergency

The verdict

 *Good on effort*  *Mixed on outcome*

The third test demanded the Presidency to negotiate a strong long-term climate policy in line with scientific evidence and energy policies that drive climate action.

Key developments

- The 30 September – 1 October informal Environment Ministers meeting in Berlin focused on the European Commission's proposal to raise the EU's 2030 GHG emissions reduction target to at least -55% net GHG emissions reductions compared to 1990 levels.
- 7 October European Parliament Plenary voted for, *inter alia*, -60% GHG emissions reductions, for a binding climate-neutrality target at Member State level, against net targets, for strong provisions on science-based policy making and the phasing-out of fossil fuels support.
- 10-11 December European Council agreement on a binding EU net domestic reduction of "at least -55%" of GHG; submitting the revised EU NDC target to the UNFCCC at the end of 2020 in view of COP26; and on the use of MFF/NGEU to increase climate ambition. Heads of Government provided a mandate to the Commission to come forward with relevant legislative proposals by June 2021.
- The 17 December Environment Council reached a general agreement on the Climate Law, endorsing the target of at least -55% net GHG reductions for 2030.

Good

- The climate crisis was a top priority for the German Presidency. The Presidency was successful in obtaining an agreement on the Climate Law target at the 10-11 December European Council.
- The -55% target for 2030 can be seen as a step forward related to the -40% target that had been embraced under the Juncker Commission, however, there are many weaknesses.

Less good

- The -55% net target is still far below what is needed to 'pursue efforts' to keep within 1.5 °C as is legally required under the Paris Agreement. For that, at least a 65% of GHG reduction is needed – in line with science and international law.
- The inclusion of sinks in the target reduces the emission reduction effort even further and is highly risky (green washing) in the absence of a robust carbon credit assessment methodology for agriculture and forestry.
- The climate-neutrality target is not binding for Member States. This would allow for fossil fuels to remain in the energy mix of Member States and delay climate action.
- The Council demands towards the Commission include allowing Member States to use gas as a transitional fuel towards decarbonisation. This will notably delay the decarbonisation of the EU economy and keep fossil fuels in the system for the next two decades, while being an obstacle in the shift to renewables.
- There is a risk that the Council will mandate a repeal of the Effort Sharing Regulation that sets binding national targets for Member States for emission reductions in non-Emissions Trading System sectors.
- Germany is not leading by example with its domestic coal phase out only by 2039, as well as regarding the use of public money to close loss-making hard-coal facilities.

Overall, the German Presidency has shown a strong commitment to reach an agreement on the Climate Law by the end of its Presidency and to accelerate the political agreement on raising the EU's 2030 target for cuts in greenhouse gas emissions. However, the agreement reached on the -55% net GHG emissions target (relative to 1990), proposed is significantly below and thus incompatible with what science and international law demand. The overall result is thus weak.



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

The verdict



Good on effort



Mixed on outcome

This test focused on the German Presidency's role in enabling the recovery of biodiversity on land, in freshwater and in oceans as well as mainstreaming biodiversity in other sectoral policies such as agriculture. In particular, we urged the EU Member States to fully endorse the targets in the EU Biodiversity Strategy and to make the Common Agricultural Policy (CAP) support the EU Green Deal.

Key developments

- Leaders' Pledge for Nature adopted by virtually all EU Heads of Government and the EU as a whole at the UN in September 2020.
- Adoption of the Council Conclusions on the EU Biodiversity Strategy for 2030 during the meeting of the Environment Ministers on 23 October.
- Informal Deal on the European Maritime, Fisheries and Aquaculture Fund (EMFAF) on 4 December.
- 15-16 December Agriculture and Fisheries Council set fishing quotas for 2021.

Good

- The Presidency organised a debate on the link between nature destruction and the COVID-19 pandemic and the need for a green recovery at the informal meeting of the Environmental Ministers on 30 September. This helped to initiate the IPBES Pandemics Report that clearly demonstrates that the drivers of pandemics and solutions are the same as for the biodiversity and climate crises.
- The Presidency facilitated the unanimous endorsement of the EU's Biodiversity Strategy for 2030 at the Environment Council meeting on 23 October so that the implementation of the Strategy could start without delay.

Less good

- The Council Conclusions on the Biodiversity Strategy are a compromise and, regrettably, do not adequately address agricultural drivers of biodiversity loss, among other issues.
- The Presidency failed to integrate the commitments of the Biodiversity Strategy into the new Common Agricultural Policy (CAP), opting instead for a CAP that continues to undermine biodiversity and climate ambition.
- The Presidency did not play a proactive role in pushing for a new legal instrument on nature restoration targets for biodiversity and climate.
- The Presidency failed to push for better implementation of the Nature Directives, the Water Framework Directive, the Marine Strategy Framework Directive, nor did it lead by example. Notably, our recent analysis showed that Germany failed to correctly recover the costs from coal mining and continued subsidising the coal operations despite the significant negative pressure on rivers and groundwater aquifers.
- Failure to ban harmful subsidies and to ringfence adequate funds for conservation in the European Maritime and Fisheries and Aquaculture Fund (EMFAF).
- The fishing limits agreed early December did not follow scientific advice but will lead to continued over-fishing, breaching the legal obligation under the Common Fisheries Policy to end overfishing by 2020.

Overall, the German Presidency made a good effort in securing the much needed support from the EU Member States on the global biodiversity issues in general, and the EU Biodiversity Strategy in particular. However, given the failures to integrate and operationalise these commitments into other policies, especially the CAP and the EMFAF, the overall verdict on outcome is mixed. The ambitious targets of the EU Biodiversity Strategy will not be reached without a reformed EMFAF and CAP.



5 Initiate a transition towards sustainable food and agriculture

The verdict

 *Poor on effort*

 *Poor on outcome*

This test called upon the Presidency to negotiate an EGD-compatible Common Agricultural Policy (CAP) and ambitious Council Conclusions on the Farm to Fork Strategy.

Key developments

- Council Conclusions on the Farm to Fork Strategy were adopted on 19 October.
- A General Approach on the reform of the Common Agricultural Policy (CAP) was adopted on 2 October.
- On 10 November, the German Presidency kickstarted CAP trilogue negotiations.

Good

- The Presidency's success at securing minimum ringfencing for eco-schemes, which seemed highly unlikely until the last hour, shows what can be achieved with sufficient political will.

Less good

- EU agriculture ministers adopted weak Council Conclusions on the Farm to Fork Strategy, emphasising that it was “non-legally-binding”, and thus seeking to undermine its prospects for success.
- The Council General Approach on CAP reform strongly watered down the environmental rules in conditionality and reduced the level of funding for environment and climate in Pillar 2, while also drastically weakening the performance framework of the new CAP. All in all, and despite ringfencing for eco-schemes, this is major missed opportunity to align the CAP with the European Green Deal, as it will mainly maintain the status quo.
- The trilogue negotiations under the German Presidency have direly lacked transparency, with no meeting calendar or agendas published in advance, despite strong calls from civil society to do so.
- During the COVID-19 health crisis, the German Agriculture Minister invited farm lobby representatives to the Informal Meeting of Agriculture Ministers while rejecting environmental stakeholders' participation request due to the current pandemic. Additionally, they failed to meet with environmental NGOs in the margins of a formal Agriculture Council, despite offering to do so in a letter in August 2020.

Overall, there has been a reluctance to endorse the Farm to Fork targets and a failure to align the CAP with the Green Deal. At the time of writing the CAP risks undermining the EGD, and while the German Minister of Environment has expressed criticism of the CAP proposals, the German Presidency overall was very weak on sustainable agriculture.



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

The verdict

— Mixed on effort — Mixed on outcome

The sixth test demanded for the Presidency to play an active role in safeguarding freshwater ecosystems as the source of clean water for all as well as in promoting clean air towards zero environmental and health impact.

Key developments

- The Environment Council formally adopted the results of the negotiations on the Drinking Water Directive at the meeting of the Ministers on 23 October, but most of the negotiations were finalised under the previous Presidencies. The European Parliament has also adopted the results of the negotiations and the revised Drinking Water Directive is expected to enter into force in early 2021.
- Policy debates were held on the need for the EU to step up its efforts to adapt to climate change including on climate resilient water management.
- Policy debates were also held on the revision of the Urban Waste Water Treatment Directive and tackling pollutants of the emerging concern, especially PFAS.

Good

- The conference on water and climate adaption provided a set of policy recommendations for the ongoing review of the EU Adaptation Strategy.

Less good

- Overall, the Presidency did not prioritise the advancement of sustainable water management during its six months even though this was mentioned as priority in the programme of the Presidency Trio.
- No specific actions to tackle air pollution were promoted under the German Presidency.
- No progress was made towards including reduction targets for methane, black carbon and mercury in the forthcoming revision of the Gothenburg Protocol.
- Despite methane being a climate forcer and an air pollution precursor, no attention was given to agricultural methane emissions (54% of EU total), including in the follow-up to the publication of the Methane Strategy on 14 October, which is failing to take action on this.
- No action was taken during the CAP negotiations to ensure that the agricultural sector reduces its impact on air pollution.

The German Presidency did not make sustainable water management and clean air a priority. During the COVID-19 crisis, the link between air pollution exposure and COVID-19 impact as well as the importance of clean water for human health was highlighted. Air pollution continues to be a major issue across the EU, hence a double shame that air was not given due focus during the Presidency.



7 Drive a new industrial revolution

The verdict

— Mixed on effort — Mixed on outcome

This test called upon the Presidency to actively contribute towards: cleaning up industrial production towards a circular, decarbonised and zero pollution industry; realising the circular economy promise for the environment, jobs and the economy and to promote digitalisation for people and planet.

Key developments

- 17 December Council Conclusions on Making the Recovery Circular and Green, reflecting on the Circular Economy Action Plan released by the EU Commission in March 2020 and Council Conclusions on Digitalisation for the benefits of the Environment.
- The Commission launched the Hydrogen Strategy on 8 July with significant support from the German Presidency. The Council voted on a consolidated text on 11 December.
- On 3 September, the Commission launched the Action Plan on Critical Raw Materials with no mention of an overall material consumption cap or target. Instead, the focus is on competition with other economies and, more modestly, on recycling.
- The Commission proposed a new Battery Regulation (formerly a Directive) on 10 December.

Good

- The Council Conclusions on Make the Recovery Circular and Green support, and in some respects even strengthen, the Commission's Circular Economy Action Plan communication of March 2020, even if they are not clear enough on a material footprint reduction target.
- The Council Conclusions on Digitalisation for the Benefit of the Environment show an effort in making the link between the EGD and digitalisation with the Conclusions pointing to the necessity to balance digital development and affluence with circularity and sustainability requirements, while still promoting 5G without an adequately critical and targeted outlook.
- The Council Conclusions on the Hydrogen Strategy improved the Commission's text, while some weaknesses remain, notably about the potential for fossil gas.
- The Presidency initiated a range of workshops, discussions and studies on digitalisation to advance understanding of risk and opportunities for linking digitalisation and the environment.

Less good

- Germany failed to lead by example on: Access to information for large-scale industrial activities (rating as the worst country in an EEB assessment) and by following the lignite industry demands on pollution prevention standards for large combustion plants. In addition, Germany set a poor precedent for EU state aid (side-lining the polluter pays principle), in the internalisation of external costs, in promoting natural gas and in lacking ambition for the coal phase out date (2039).
- It also showed insufficient resistance against weak voluntary agreements for imaging equipment and game consoles under Ecodesign, contradicting the announcement of the Council Conclusions on digitalisation for the Benefits of the Environment and the call to improve the Ecodesign process.
- The EU position on the UNECE Kiev Protocol on PRTRs was not favourable regarding the timely amendment drafting process. However, it was then improved to clarify the involvement of stakeholders, including environmental NGOs.

Overall, the German Presidency has been driving forward the digitalisation for sustainability agenda and also a positive driver on the circular economy, but it has been weaker on other aspects of the industrial strategy, and failed to lead by example in a number of areas. Hence overall the performance on both effort and outcome is 'mixed'.



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

The verdict

— Mixed on effort — Mixed on outcome

The eighth test called on the Presidency to protect the public and the environment from hazardous chemicals through ambitious Council Conclusions on the Chemicals Strategy for Sustainability (CSS) and by taking leadership at the Minamata Convention on Mercury and the EU Mercury strategy and relevant policies.

Key developments

- The European Commission launched the Chemicals Strategy for Sustainability on 14 October. We welcomed this Strategy that embraces sustainability and addressed most demands the Environment Council raised in its Council Conclusions last year.
- The Environmental Council had a first discussion on the Chemicals Strategy, though the Council Conclusions are being left to the Portuguese Presidency

Good

- The German Presidency organised an exchange of views on the European Commission's Chemicals Strategy for Sustainability towards a toxic-free environment during the 17 December Environment Council meeting.
- On 30 November - 1 December, as part of the German Presidency, the BMU organised an important conference on PFAS chemicals. The CSS presents an action plan to phase out PFAS, so this conference is very relevant for this process.
- The Commission and German Presidency are contributing to the work towards phasing out mercury added products by supporting the work of the Minamata Convention and supporting the relevant intersessional work.
- The Commission published a study on the feasibility to phase out mercury in dental amalgam and sent a relevant report to Council and Parliament proposing that new legislation will be developed by 2022.

Less good

- Unfortunately, despite the date of the adoption of the Chemicals Strategy for Sustainability being known well in advance, the German Presidency chose not to organise Council Conclusions on this important strategy. It is unclear whether the COVID-19 crisis or German chemicals industry pressure are the cause of the delay.
- The Commission decision under the Restriction of Harmful Substances (RoHS) Directive to phase out fluorescent lamps has not yet been published and the whole process is significantly delayed, not helped by the German Presidency.
- On mercury, it is disappointing that no decision has been taken to phase out mercury in fluorescent lamps as a decision is awaited since 2016, while the EU and the Presidency are supporting the work to strengthen the Convention and eventually increase the list of mercury added products that need to be phased out. The EU should be leading by example.

Overall, while positively engaged on mercury and the Minamata convention, the German Presidency was rather passive with regards to chemicals policy, despite the very strong contribution of the German chemicals companies to chemical production and pollution. In our view, the Presidency missed the momentum to react to the Commission's strategy for the chemicals policy in Europe. We did not have any similar policy changes committed in 20 years. Instead of Council Conclusions, the Presidency organised a preliminary informal discussion. Our verdict is therefore neutral, both in effort and outcome.



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

The verdict

 *Poor on effort*  *Mixed on outcome*

In [this test](#) we called upon the German Presidency to increase access to justice through the Amendment of the Aarhus Regulation so as to ensure that the EU is in full compliance with the Aarhus Convention, to reform 'Better Regulation' and to prioritise the implementation and enforcement of EU legislation.

Key developments

- The Commission's proposal to amend the Aarhus Regulation to address its non-compliance with the Aarhus Convention came out on 14 October, accompanied by a Commission Communication on access to justice in the Member States.

Good

- The German Presidency showed willingness to advance on the Aarhus Regulation file and put pressure on the Commission to publish its proposal to amend the Aarhus Regulation, albeit after the Council deadline of end of September, as the Commission seemed to have incurred some delays leading up to October.
- The German Presidency has supported the prospect of the Commission proposing new horizontal legislation on environmental and human rights due diligence requirements on businesses.
- Managed to reach agreement on EU funding which is conditional on the respect for the rule of law.

Less good

- The Presidency was so intent on adopting a common approach at the December Environment Council that it failed to fully evaluate the content of the Commission proposal and remedy its evident shortcomings as clearly communicated by the NGO community. Prioritising speed over quality, the Council did not take either the input from the Commission's public consultation into account or the anticipated advice that the EU requested from the Aarhus Convention Compliance Committee, and it now falls on the Parliament to take account of the outcome of the consultation and the advice of the Committee in formulating its position. The ambition to get Council Conclusions has unfortunately led to a very suboptimal outcome that will almost certainly fall short of compliance with the EU's international commitments under the Aarhus Convention.
- The German Presidency has pushed strongly for the one-in-one out principle to be at the core of the European Commission's Better Regulation.

Overall, the German Presidency did not make a sufficient effort to make a real difference on access to justice with the Aarhus Regulation. While the fact that the Commission proposal came out and that it addresses the single biggest obstacle to access to justice (namely the limitation of the acts that may be challenged to 'measures of individual scope') may be seen as positive, it then should have fallen to the German Presidency to address its weaknesses in order to ensure full compliance with international law, and in this it failed. Instead, it prioritised speed over quality, leading to a suboptimal outcome, likely to be insufficient to bring the EU in compliance with the Aarhus Convention. Moreover, the German Presidency has been a strong proponent of the one-in-one-out principle, which places a wrong focus on the number of laws as opposed to their quality and implementation.



10 Promote European Solidarity, wellbeing, and social and environmental justice

The verdict

 *Good on effort*

 *Good on outcome*

Our final test calls upon the Presidency to promote wellbeing and social justice, to reform the European Semester, to address the environmental discrimination of Roma communities and to engage with youth representatives.

Key developments

- European solidarity was demonstrated during the difficult times of COVID-19 after the country-focused approach in the early months of the pandemic showed deep weaknesses. Commitments to loans were made within the Next Generation EU (recall Ten Test #2) and the National Recovery and Resilience Plans are being integrated into the European Semester process.
- The SDGs and European Green Deal are being partially integrated into the Semester.
- The 8th EAP launched in October 2020 includes a monitoring mechanism for the European Green Deal.
- Environmental justice is considered in the new Roma Strategic Framework.

Good

- The German Presidency pushed hard for European solidarity on COVID-19.
- The Semester debt rules were relaxed, enabling a greater level of national funding to respond to crisis. This was a significant change from the earlier financial 'orthodoxy' of limiting debt.
- The 8th EAP, promoted by the German Presidency, recognises the need for promoting wellbeing monitoring.
- The new EU Roma strategic framework acknowledges the importance of environmental justice as suggested in the seventh sectoral objective of the framework and includes recommendations on environmental services being essential services.

Less good

- There have not been significant Presidency efforts to encourage replacing the Stability and Growth Pact with a Sustainability and Wellbeing Pact, nor on more fundamentally integrating wellbeing into the European Semester or replacing GDP growth with indicators with a wellbeing focus.
- There has been insufficient progress to increase the consultation with and participation of the European youth network fighting for better and quicker climate and environmental actions.

Overall, the German Presidency has played a very important role in European Solidarity in its support for the European Green Deal being at the heart of the Recovery Response and also in promoting an EU-wide response to the COVID-19 crisis during its Presidency. There were advances to improve social and environmental justice for minorities and discussion with youth movements, though more could have been done regarding engagement and response. Engagement in promoting wellbeing was insufficient but given the critical role of Germany in EU solidarity during the COVID-19 crisis we give a positive evaluation on effort and outcome. The European Project remains resilient in the face of many challenges.



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The EEB and its members welcome continued engagement and cooperation with the Presidencies of the Council of the European Union.

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](#) and a more detailed memorandum to the Portuguese Presidency can be read [here](#).

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