



THE EEB'S

MEMORANDUM

TO THE FRENCH PRESIDENCY OF THE EU



10 GREEN TESTS FROM CIVIL SOCIETY

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We are Europe's largest network of environmental citizens' organisations. We bring together over 170 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

The French Presidency of the Council of the EU will be a critically important six months for Europe. French leadership is required to promote significant progress on commitments to address the climate and biodiversity crises, to seize opportunities on the circular economy and to advance the rule of law and governance in the EU, as well as to promote global diplomacy on the European Green Deal (EGD). France will inherit very significant legislative and policy responsibilities for its leadership, building on the Slovenian, Portuguese and German Presidencies.

Particularly high-profile climate and environmental dossiers include the Fit for 55 Package, which reforms a dozen policy files to increase the EU's 2030 climate target, and the Zero Pollution Action Plan that has water, air and soil at its heart, but is also part of a wider integrated approach and hence also a rich portfolio to manage. The French Presidency will also have important responsibilities in the areas of biodiversity given the proposal on a new Anti-Deforestation Law as well as the upcoming EU Nature Restoration Law, in circular economy where the Textiles Strategy, Sustainable Product Policy, Circular Electronics Initiative and the legislative proposal on Green Claims will feature, in the industrial sector with the review proposal of the Industrial Emissions Directive expected in early 2022, and further in relation to the Mobility Package and the Trans-European Network for Energy and Transport (TEN-E & TEN-T) Regulations. It will also kickstart discussions over the revision of the fluorinated gas regulation and it may also oversee the finalisation of the Hydrogen Strategy and Battery Regulation.

The French Council Presidency will also lead the EU in a range of critically important international environmental, climate and inclusive governance fora – e.g. the biodiversity COP15 that has been kicked off under the Slovenian Presidency but with negotiations continuing during the French Presidency. The Regional Forum for Sustainable Development on the SDGs, UNEA 5.2, UNEP@50 and Stockholm+55 as well as the review of the UNECE Pollutant Release and Transfer Register

(PRTR) Protocol present additional opportunities to demonstrate EU leadership commitments and to encourage global progress.

The agreements reached during the French Council Presidency will help ensure the legacy of the new Presidency Trio and create a basis for the subsequent Czech and Swedish Presidencies. Each Presidency country has specific responsibilities and priorities in getting agreements across Member States. Each Presidency also has a strong role in leading by example to set the tone, pace and ambition of other countries. The French Presidency priorities are to embrace the ecological transition and speed up decarbonisation, protect biodiversity, transform the EU economic model to make it transformative and sustainable, and transition to a healthier environment, all while listening to citizens and civil society.

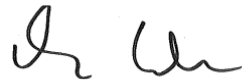
The French Presidency will face the additional challenge given the elections in May, creating a three-phase Presidency – before the elections, the election itself and after the election, where new Ministers may well be in place, no matter who wins. This implies that most progress needs to be made during the first three to four months of the Presidency and that leaving the major Council conclusions for the June council meeting would be risky. It also puts extra responsibility for the French civil service to ensure progress in times of election.

The EEB, building on consultation with its more than 170 members, with its wider civil society partnerships and through stakeholder discussions, has developed a series of specific asks across environmental areas – *our Dozen Demands for the Presidency Trio*. From these, we are extracting and further developing *Ten Green Tests for the French Presidency*, where the engagement, commitment and leadership of this Presidency can make a lasting and fundamental difference. These have been approved by the EEB Board which has representatives from more than 30 countries and several European networks.

We propose the following Ten Green Tests that present a civil society vision as to what would

constitute success by the French Presidency of the EU in the context of the challenges the planet and society face. We look forward to working with the French 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. We recognise that the Council Presidency relies upon the cooperation of the entire Council and therefore also call upon all Member States to take the Ten Tests as benchmarks for their Council engagement to make the most of the upcoming six months.



Jeremy Wates
Secretary General



Ten Green Tests for the French Presidency



1 Address the climate emergency and promote sustainable mobility 4



2 Reverse the dramatic loss of biodiversity and invest in the resilience of our ecosystems 6



3 Promote a transformative zero-pollution ambition agenda 8



4 Initiate a transition towards sustainable food and agriculture 10



5 Drive a circular economy and prevent waste 12



6 Shift towards a zero-pollution industry 14



7 Call for a toxic-free environment and the ambitious implementation of the Chemicals Strategy for Sustainability 16



8 Strengthen accountability and the rule of law and promote environmental justice 18



9 Catalyse the green transition through a new fiscal framework, tax reform and sustainable use of the MFF and Recovery Package 20



10 Drive a just transition to a sustainable and resilient Europe 22

The above Ten Green Tests for the French Council of the EU Presidency, with their 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 what is perceived as currently possible does too little to avoid dramatic climate change, biodiversity loss and major harm, then the future challenges will be impossible for society to deal with. Appreciating the potential impossibility of truly being able to deal with climate change and other existential crisis in the future and the resulting necessity to address these crises before it comes to that 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 this context that we have designed the Ten Green Tests. They may seem ambitious, but they are necessary.



1 Address the climate emergency and promote sustainable mobility

The Fit for 55 Package, adopted by the European Commission on 14 July and further on 14 December 2021, is a key policy milestone to implement the European Green Deal commitment to make Europe the first climate-neutral continent by 2050, while also ensuring the achievement of a zero pollution, toxic-free and circular economy. The comprehensive policy and regulatory package must enable Europe to step up its effort to increase our chances of keeping the global average temperature rise below 1.5°C as set by the Paris Agreement and to meet obligations under other international agreements, such as the Kigali amendment to the Montreal Protocol. Regrettably, a 55% net greenhouse gas emissions reduction target for 2030 remains insufficient to do that as it falls short of the at least 65% required by science. Global commitments to reduce emissions made in the run up to and at the UNFCCC COP26 in Glasgow in November 2021 are calculated to lead to a 2.4°C average global heating, with expected dramatic consequences for the planet, for people and for society. More needs to be done across the globe, especially in Europe given its historic and ongoing heightened contribution and thus responsibility.

The speed and size of the climate and environmental challenges we are facing is such that we cannot afford to waste time and the next decade will be critical to put us on the right path. The French Presidency will have to lead the negotiations on the Fit for 55 Package, building on the work during the Slovenian Presidency, and must aim to increase climate and environmental ambition across all the legislative initiatives as well as progress a range of other files of importance to address climate change.

We therefore call upon the French Presidency to:

A. Lead the Council negotiations on the Fit for 55 Package follow up to ensure that the dozen initiatives are fit for purpose to address the climate emergency and leave no-one behind, specifically by:

- Ensuring that the new and existing policy instruments of the **Fit for 55 Package**, particularly the Emissions Trading System (ETS) extension, **are accompanied by a solid social package and fair redistribution measures** and supported by timely engagement with civil society through a structured dialogue to avoid social resistance against needed climate measures;
- **Promoting stronger targets than in the proposed Fit for 55 package that add up to an overall science-based GHG reduction target of at least -65%**, including a **renewable energy target of 50% in final energy consumption (using sustainable renewable energy sources)** and an **energy efficiency target of 45%**. The energy targets should be binding at national level to ensure accountability and accelerate the energy transition in the EU;
- **Increasing the ambition and robustness of the Effort Sharing Regulation**, including by removing flexibilities (banking and borrowing and flexibilities with the Land Use, Land-Use Change and Forestry (LULUCF) Regulation and the ETS), tightening the emissions reduction trajectory, ensuring all sectors contribute fairly to emissions reductions through sectoral roadmaps and targets, and by setting a framework for binding post-2030 EU and national emissions reduction targets;
- **Promoting 'Energy Efficiency First' as the guiding principle to enable a transition to a fully renewable energy future**;
- Ensuring that the **EU-ETS Directive** will provide for a 'combined approach' of meaningful carbon pricing with regulatory approaches, achieving a minimum CO₂ price of 100 €/ton CO₂, notably through a minimum carbon price floor system or the Emission Performance Factor (EPF); replacing Art.26 ETSD by a GHG performance standard of 100gCO₂eq/kWh for the power sector, applicable by 2030 at the

latest, with a directional target value set to 0gCO₂eq/kWh by 2050, and initiate the immediate review of the EU ETS benchmark system to provide for 'one product/service = one benchmark'. Further ensure a strong Climate Social Fund coupled with the eventual extension of the ETS to buildings and transport given social concerns;

- Ensuring that a solid **social package (Social Climate Fund and other financial resources)** is agreed well before the revised EU-ETS Directive comes into force to apply the 'polluter pays principle' fairly and to avoid society having to bear the costs of poor political decisions to hold on to fossil fuels;
 - **Leading the negotiations on the Carbon Border Adjustment Mechanism (CBAM)** to ensure that the instrument will help increase both European and global climate and depollution ambition by addressing emissions embedded in all materials in the EU market, extending the mechanism to capture the wider environmental footprint (including non-domestic emissions) to **promote a global environmental level playing field, global justice** and to meet the EU's **historical responsibility**;
 - Leading the Council discussions on tougher **CO₂ regulation on cars and vans** and encourage commitments to stop fossil-fuelled transport, in particular by setting up an EU-wide phase-out date for the sale of new internal combustion engine (ICE) cars, no later than 2035. Furthermore, strengthen new EU fleet-wide CO₂ emission performance standards for new registered cars, increasing the reduction target to -25% by 2025, -40% for 2027 and -65% for 2030;
 - Leading the Council discussions on the importance of phasing out highly climate impactful non-CO₂ gases such as **Fluorinated Gases (F-Gases) as part of the revision of the F-Gas Regulation**;
- B. Promote sustainable mobility for climate, clean air and citizens** – with no negative impact on biodiversity - through a progressive Council position on the revision of the Trans-European Transport Network (TEN-T) Regulation, the Rail Corridor Initiative, intelligent transport systems, and post-Euro 6/VI emission standards for cars, vans, trucks and buses;
- C. Lead the Council discussions on the reform of the Third Energy Package for Gas** to advocate a phasing out of gas by 2035 (including fossil-derived hydrogen) in synergy with the implementation of the EU hydrogen strategy to promote green hydrogen only for the decarbonisation of non-abatable industry emissions and transport emissions of shipping and aviation;
- D. Lead by example in the implementation of the Climate Adaptation Strategy** by focusing on ecosystem-based adaptation, synergies with biodiversity measures and climate resilient water management.

More information: [EEB's main asks for the Fit for 55 Package- A package fit for the planet and fair to society](#) • [Building a Paris Agreement Compatible \(PAC\) energy scenario and associated policy brief](#) • [META article on COP26](#) • [EEB's views on a Carbon Border Adjustment](#) • [EEB and others letter on the Gas Package](#) • [EEB reply to the public consultation on state aid General Block Exemption Regulation](#) • [EEB and others letter on energy labelling for space heaters](#) • [EEB letter on Carbon Farming in the Sustainable Carbon Cycles Communication](#) • [EEB letter to energy ministers for 2 December Energy Council meeting](#) • [EEB report on the missing subventions gap to decarbonise heating in Europe](#) • [EEB contribution to the Renovation Wave consultation](#) • [EEB via Coalition for Energy Savings EED position paper](#) • [EEB letter on Ensuring ETS and IED consistency within upcoming "Fit for 55" Package](#) • [EEB reply to the public consultation questionnaire on the review of Renewable Energy Directive \(RED II\)](#) • [EEB-Hydrogen-Position-Paper](#) • [EEB Burnable Carbon: What is still burnable in a circular cascading low carbon economy](#) • [No more new hydropower in Europe: a Manifesto](#) • [Fossil Gas Phase Out Manifesto](#) • [EEB input to the EU Environment Council Meeting, Brussels 20 December 2021](#) • [Joint NGO letter on the Sustainable Carbon Cycles Communication](#) • [Joint NGO letter on the Effort Sharing Regulation / Climate Action Regulation for Europe](#) • [Press Release: Second FitFor55 Package is a Christmas gift to fossil industry, NGOs say](#)



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

Our lives, health, ability to mitigate and adapt to the climate crisis and our wellbeing depend upon healthy and biodiverse ecosystems. Stopping the mass extinction of species and bending the curve of biodiversity loss is not a nice-to-have but is essential for our own survival. The Council can play a key role in ensuring that EU legislation and policy puts this understanding into practice.

In the six months of the French Presidency, the Council is expected to deliberate on the new Nature Restoration Law that, if done right, has immense potential to address the biodiversity and climate crises in a synergistic way. For that, the French Presidency must prepare the ground and lead focused discussions for a law that is grounded in the scientific urgency to address the crisis, puts intergenerational equity into practice and leads to large scale nature restoration across the EU by 2030.

Further key opportunities and responsibilities during the French Presidency are the proposal for a new Anti-Deforestation Regulation, the Soil Strategy with its commitment for a Soil Health Law proposal and the negotiations on a Global Biodiversity Framework at COP15 of the Convention for Biological Diversity (CBD) where the EU, through the French Presidency, can play a key role in demanding the necessary level of action, backed up with a clear monitoring and implementing framework to ensure accountability. However, any stated level of ambition must be backed up by clear action at home to be credible and to live up to the EU's immense historical and ongoing responsibility as a major driver of the interlinked climate and biodiversity crises.

France should further use the Presidency as an opportunity to showcase and take a lead on the implementation of the EU's Biodiversity and Forest Strategy as well as significantly step up the implementation and enforcement of long-standing obligations under e.g. the Birds and Habitats Directives and the Water Framework Directive.

We therefore call upon the French Presidency to:

A. Prepare and lead the Council for the timely adoption of a strong Nature Restoration Law by:

- Including overarching area-based restoration targets to restore at least 15% of the EU's land area, river length and sea area by 2030;
- Ensuring that all targets are additional to existing obligations, particularly under the Habitats Directive, to increase and maximise biodiversity benefits and to protect the rule of law;
- Including a binding target for the restoration of free-flowing rivers by 2030;

B. Lead the Council discussions for a strong Deforestation Law by:

- Ensuring that the environmental considerations are at the core of discussion by holding the Council debates in the environmental formation of the Council;
- Including other ecosystems such as grasslands, wetlands and savannahs from the start;
- Strengthening the human rights dimension of the law by requiring compliance with international human rights standards and not only with national laws on land rights, which may be very weak or inadequate in some countries;
- Extending the scope of the law to cover all relevant products and commodities linked to deforestation, in particular through the inclusion of rubber and maize;

- Allowing the public to access and extract information in a non-anonymised form;

C. Lead the adoption of Council Conclusions on the new EU Soil Strategy for 2030 by:

- Endorsing the entire EU Soil Strategy for 2030 so that its 2050 vision can be met;
- Strongly supporting the Commission's commitment to propose an EU Soil Health Law by 2023, recognising that the lack of dedicated EU legislation on soil has been one of the major causes for the alarming state of our soils;
- Welcoming the proposed inclusion of legally binding targets for the restoration of peatlands in the Commission's upcoming proposal for the Nature Restoration Law and proactively starting to prepare the ground for the timely adoption of the law through EU and national level deliberations;

D. Demonstrate EU ambition and leadership at the CBD COP15 negotiations, backed-up by clear progress within the EU on, *inter alia*, nature restoration and effective protected area management;

E. Promote thriving marine and coastal ecosystems that support a climate-resilient future by:

- Leading the negotiations of a Council reaction to the Commission's action plan to conserve fisheries resources and protect marine ecosystems that calls for systematic ecosystem impact assessments of all fishing activities, the elimination of bycatch of sensitive species, a reduction and ultimately ban of the most destructive fishing gear in Marine Protected Areas (MPAs) (notably bottom-trawling), and the establishment of no-take zones for vulnerable marine ecosystems;
- Ensuring that all Total Allowable Catches (TACs) follow scientific advice, meet the objectives of the Common Fisheries Policy and the ambition of the European Green Deal;
- Drastically improving the control of fishing activities by prioritising and securing a strong revised EU Fisheries Control Regulation in trilogue negotiations that will ensure proper monitoring of all fishing activities, including small-scale vessels, contribute to the enforcement of EU fisheries and environmental law and ensure increased transparency and traceability of supply chains;
- Pushing for the adoption of an ambitious Global Ocean Treaty to protect marine biodiversity in areas beyond national jurisdiction worldwide at the 4th session of the Intergovernmental Conference on Biodiversity Beyond National Jurisdiction;
- Establishing a moratorium on deep seabed mining in EU territorial waters, stopping financial support to deep seabed mining technology research and agreeing an EU position on stopping deep seabed mining for the negotiations at the International Seabed Authority;

F. Lead by example in the implementation of the EU Biodiversity Strategy for 2030, the new EU Forest Strategy for 2030 and the obligations under the Nature Directives by focusing on nature protection, adequate management and restoration to put biodiversity on a path to recovery. We welcome the planned celebration of the Natura 2000 network and encourage the promotion of solutions related to increasing management effectiveness, enforcement and funding of the network;

G. Lead by example in stepping up the implementation and funding of river basin management plans to bring rivers, lakes and groundwater aquifers to ecological health by 2027 and discourage the construction of new hydropower dams given their negative biodiversity impacts, including in the six EU Eastern Partnership countries.

More information: [Restoring Europe's nature – NGO position paper](#) • [EU restoration targets for rivers and freshwater ecosystems – NGO position](#) • [The Final Sprint for Europe's Rivers](#) • [Blue Manifesto – The Roadmap to a healthy Ocean. 2020 progress assessment](#) • [Common Fisheries Policy: Mission not yet accomplished](#) • [EU Biodiversity Strategy Shadow Action Plan to conserve fisheries resources and protect marine ecosystems](#) • [Planning offshore renewable energy with nature in mind](#) • [Benefits quickly outweigh costs of banning bottom trawling from Marine Protected Areas](#) • [At a crossroads: Europe's role in deep sea mining](#)

3 Promote a transformative zero-pollution ambition agenda

Exposure to pollution has been proven to lead to a growing list of health problems. Air pollution has been linked to increases in asthma, bronchitis, cardiovascular disease, lung cancers, issues with birth weights and cranial capacity of babies, and to early onset dementia. Air pollution is responsible for some 400,000 premature deaths in the EU every year and for damage to ecosystems and biodiversity through eutrophication, acidification and excess ozone levels. Air pollution pressures on our immune systems have also been shown to reduce the ability of our immune systems to fight Covid-19. Water pollution undermines our drinking and bathing waters, creates toxic eutrophication events, dead zones and major losses of biodiversity. Noise pollution has proven to be the second most significant environmental factor affecting health and wellbeing and light pollution is a major cause of biodiversity loss, particularly among insect populations. Exposure to chemical pollutants (see also test 7) has led to cancer and reprotoxic impacts in people and animals. It is no longer tenable to accept that “pollution is a necessary evil of development”, the damage is too great and the technologies and substitution techniques and materials exists to embrace the necessary move towards zero pollution. Pollution clean-up or treatment to health impacts are also not effective or ethical solutions, there is thus a need for a systemic policy shift towards prevention and source reduction.

The European Commission published the 'EU Action Plan: Towards Zero Pollution for Air, Water and Soil' (ZPAP) in May 2021, setting out the EU's vision for 2050 for air, water and soil pollution to be reduced to levels no longer considered harmful to health and natural ecosystems that respect the boundaries with which our planet can cope. The Action Plan promotes the mainstreaming of pollution prevention in all relevant EU policies and the better implementation of the relevant EU legislation tackling pollution of air, water and soil. It also promises updates for existing legislation such as the Ambient Air Quality Directives (AAQD) or the list of water pollutants in surface and groundwater. The Council is yet to provide its political guidance on this cornerstone initiative under the European Green Deal.

We therefore call upon the French Presidency to:

A. Encourage Council support for an ambitious and transformative ZPAP and demonstrate Council commitment by:

- Effectively preventing or reducing (for essential activities or uses) pollution at source, reducing the use of hazardous chemicals and plastics, aiming towards zero harm from pollution to people and planet;
- Systematically applying the 'do no harm' principle, fully internalising pollution costs in any policy and finance frameworks and providing zero money for pollution;
- Ensuring zero delay in ending pollution, including through no tolerance of poor implementation of the EU rules;
- Embracing and promoting, in EU legislation and domestic law, the pollution prevention principle by acting at source through e.g. legally binding standards to avoid pollution;
- Embracing and promoting the precautionary principle by adopting protective measures in case a risk cannot be determined with sufficient certainty;
- Keeping polluters accountable and recovering the costs from them to rectify the damage they cause, in full respect of the polluter pays principle;
- Embracing and promoting the transparency principle through accessible decision-making processes and publicly available pollution data;

- B. Support the revision of the AAQD** in line with the zero-pollution ambition by:
- Fully aligning the **Air Quality Standards** in the AAQD with the recently revised WHO Air Quality Guidelines for 2030, and going beyond them towards zero health risk by 2040;
 - Supporting **Binding Emission Limits Values** as these have been a key driver for reducing air pollution concentrations while other air quality standards should play an important complementary role;
 - Extending the scope of the air quality standards to **ammonia, mercury, black carbon and ultrafine particles**;
 - **Revamping source emissions standards**, including in the Industrial Emissions Directive (IED), the Medium Combustion Plant (MCP) Directive, the Eco-design Directive, as well as in Euro and fuel standards and automotive emissions standards;
 - Ensuring full compliance with the **Aarhus Convention and effective access to justice**;
- C. Lead the Council negotiations on the revised Urban Waste Water Treatment Directive (UWWTD) by:**
- **Setting strict standards** to protect the environment and human health and to contribute towards achieving the goals of the Water Framework Directive, in particular, by addressing sewer overflows and contaminants of emerging concern such as pharmaceuticals and microplastics;
 - **Climate-proofing the Directive**, both in terms of including provisions for climate-adapted urban water systems based on nature-based solutions, but also by putting wastewater treatment plants on the path to become climate neutral through energy efficiency, reduction of greenhouse emissions and by becoming self-sustainable on energy;
- D. Prepare the Council for the negotiations on the proposal to update the list of priority substances** under the Environmental Quality Standards (EQS) and Groundwater Directives;
- E. Host a Council debate on noise pollution**, a major health and environmental issue in the EU, and encourage the Commission to set strict legally binding noise targets through a revised Environmental Noise Directive;
- F. Insist that the implementation of the ZPAP addresses light pollution** as a significant but overlooked driver of the rapid biodiversity decline, specifically of pollinators, and a contributor to energy waste;
- G. Lead by example by stopping subsidies for pollution and strengthening fines, fees and criminal charges** to strengthen dissuasive signals about non-compliance with the law, and by investing in zero pollution zones across French towns and cities;
- H. Ensure policy coherence and effectiveness by strengthening the zero pollution dimension in the Environmental Crime Directive, Environmental Liability Directive and Sustainable Corporate Governance Directive** to support implementation and enforcement.

More information: [More information: EEB position for a revised Urban Waste Water Directive](#) • [EEB Comments on the Revision of the Lists of Pollutants Affecting Surface and Groundwater and the Corresponding Regulatory Standards](#) • [The Final Sprint for Europe's Rivers](#) • [EEB position: Civil Society Vision for a Zero Pollution Future](#) • [EEB Submission to AAQD review](#) • [Airy promises: how EU governments are failing to cut air pollution and what to do about it](#) • [Six necessary steps for cleaner air](#)



4 Initiate a transition towards sustainable food and agriculture

The Covid-19 crisis has made the vital and strategic importance of food and food autonomy clearer than ever before. While supply chains mostly held up and people in Europe barely noticed any disruptions to food supplies, we cannot assume this will always be the case in the face of increasing climate shocks and future crises. The EU must urgently prioritise and improve the resilience of its food system by strategically seeking sustainable and resilient domestic food production while setting high sustainability standards for food imports and exports. A paradigm shift is needed, away from a blind focus on production indicators and towards agroecology as defined by the UN Food and Agriculture Organisation, to put sustainability, local food supply and resilience (at home and abroad) at the heart of EU food policy.

The French Presidency will have a crucial role to play to ensure that legislative and non-legislative initiatives on climate and pesticides drive forward the transition of the agriculture sector to climate- and nature-friendly farming. In the wake of the Farm to Fork Strategy, key discussions will also take shape in the course of 2022 around policies for healthier and more sustainable diets, notably on sustainability labelling of food, public procurement, the EU's agri-food promotion policy and the forthcoming legislative framework for sustainable food systems.

We therefore call upon the French Presidency to:

- A. Push for a new Common Agricultural Policy (CAP) and national Strategic Plans in line with the Farm to Fork and Biodiversity Strategies and the zero-pollution ambition, especially by:**
 - Leading by example by ensuring that the French CAP Strategic Plan is fully in line with the European Green Deal;
 - Hosting a public Council debate on CAP Strategic Plans with participation of environmental stakeholders;
- B. Insist on an ambitious framework for climate action in the agriculture sector in the Council negotiations on the revision of the Effort Sharing Regulation (ESR) and the Land Use, Land Use Change and Forestry (LULUCF) Regulation, and in Council discussions about the Carbon Farming initiative to drive effective GHG emission reductions and carbon removals in the agricultural sector, particularly by:**
 - Introducing a **binding EU-level minimum threshold for emissions reductions** from the agriculture sector in the ESR, requiring at least 20% emissions reductions by 2030 compared to 2005, and setting similar thresholds for other sectors too;
 - Introducing a **sub-target for croplands and grasslands** to reach net-zero emissions by 2030 in the LULUCF Regulation and a sub-target for 2035 for reducing emissions from agriculture and related land use to ensure that the creation of an **Agriculture, Forestry and Other Land Use (AFOLU)** pillar does not allow the agriculture sector to free-ride on the forest sink;
 - Leading a public exchange on **carbon farming** with participation of environmental stakeholders and experts, which joins up the climate, soil health and biodiversity debates and focuses on the role of the CAP in supporting holistic land management solutions for climate mitigation in agriculture;
- C. Galvanise Council support for the integration of a 50% pesticides reduction target in the revision of the Sustainable Use of Pesticides Directive (SUPD), in line with the Farm to Fork and Biodiversity Strategies and the Zero Pollution Action Plan by:**

- Ensuring that the SUPD includes a legally binding EU-wide target to cut the overall use and risk of **chemical pesticides and the use of more hazardous pesticides** by 50% by 2030, as well as national legally binding targets;
 - Strengthening the provisions for the mandatory application of **Integrated Pest Management (IPM)** in the SUPD, including through a clear definition, unambiguous requirements for farmers, adequate public advisory services on IPM and strong enforcement mechanisms;
 - **Pushing to ban pesticide use in all public areas** (sidewalks, playgrounds, parks, etc.) through the SUPD, in line with the Biodiversity Strategy, as well as to ban the sale of chemical pesticides to non-professionals;
- D. Secure an ambitious Council position on the revision of the EU agri-food product promotion policy**, in line with the objectives of the Farm to Fork Strategy and the imperative to reduce the consumption of highly processed foods, foods high in fats, salt and sugar, and animal proteins in order to achieve healthy and sustainable diets;
- E. Engage constructively with the Commission and civil society in the development of further policy and legislative initiatives aimed at achieving sustainable food systems**, including on labelling and public procurement.

More information: [EEB – BirdLife – WWF report ‘Will CAP eco-schemes be worth their name?’](#) • [EEB position paper ‘Beyond net-zero emission in agriculture: Creating an enabling climate governance for agriculture’](#) • [EEB report ‘Carbon Farming for Climate, Nature, and Farmers’](#) • [EEB comments on the Revision of the Sustainable Use of Pesticides Directive](#)



5 Drive a circular economy and prevent waste

The implementation of circular production and consumption patterns is a clear asset for the EU economy and a unique leverage point for several of the European Green Deal priorities, particularly the decarbonisation objectives. The EU is today less than 12% circular, according to the [latest report by Eurostat](#). There is a need to drastically reduce waste generation and our resource consumption to change this figure. This goes hand in hand with a decarbonisation of our economy, especially when adequately accounting for the embodied emissions we consume through our material imports. Requiring materials and products to reveal their carbon footprint would be a way to create real market drivers for a decarbonised industry and circular industrial systems. The French Presidency will have the opportunity to progress some iconic files that can accelerate the transformation of the EU to a circular and decarbonised society and drive demand towards more sustainable products and services.

We therefore call upon the French Presidency to:

A. Secure the Council ambition on the Batteries Regulation, by:

- Promoting, without delay, the use of digital product passports, carbon footprinting, durability and due diligence for all batteries, including portable batteries for light electric vehicles (LEVs), without unjustified capacity thresholds;
- Enabling battery removal and replacement by end users for all consumer electronics and LEVs through a combination of modular design and spare part availability, as well as by ensuring that battery repair is possible without software locks;
- Boosting the targets for minimum recycled content and securing increased collection and recycling targets while phasing out unnecessary disposable batteries;

B. Negotiate an ambitious Council position for the revision of the Waste Shipment Regulation, by:

- Supporting the sound provisions proposed by the European Commission on export, enforcement and digital and public reporting;
- Defining more restrictive conditions upon exports, including within OECD countries, fully respecting the waste hierarchy to trade within the EU and OECD countries, and fully reflecting the Basel Convention amendments on plastic waste shipment for shipments within the EU/OECD;
- Enabling a proper waste management of items exported for reuse, in line with the polluter pays principle and extended producer responsibility;

C. Inject circular economy measures in the revision of the Energy Performance of Buildings Directive to unleash the largely untapped potential for embodied emissions and material savings in a sector consuming 50% by weight of the materials consumed in the EU and responsible for 30% of EU waste, starting by:

- Requiring Whole Life Carbon information and targets for new and renovated buildings;
- Requiring reused and recycled contents and ensuring zero emissions buildings encompass embodied emissions in materials used to build, renovate or maintain buildings;

D. Lead the Council's initial reaction on the Sustainable Product Initiative and revision of the Ecodesign Directive, including by:

- Implementing digital product passports and overhauling the Ecodesign Framework Directive, extending its scope with the setting of associated work plans, targeting at least textiles, furniture and intermediary products, while delivering without further delays on energy-related products;
 - Supporting requirements for transversal restrictions of hazardous contents, integrating due diligence certification and social criteria;
 - Including circularity, carbon and environmental footprinting performances;
 - Setting specific minimum performance requirements tailored to product groups to enter the EU market;
- E. Start the Council position on the revision of the Construction Products Regulation** to cover construction products with minimum safety and sustainability information and performance requirements, notably on carbon footprinting and hazardous contents, established through implementing measures encompassing technical specifications discussed within a transparent consultation process and supported by harmonized standards (but not established only through standards);
- F. Adopt an ambitious Council position on green claims**, requiring that such claims towards consumers and businesses are properly backed up by publicly available evidence based on life cycle methods aligned with reputable established European and national Type 1 Ecolabels or with the **EU product environmental footprint (PEF) methodology, complemented with additional criteria for dimensions not properly covered by PEF**;
- G. Support the definition of ambitious Sustainability Strategies for the Textiles and Consumer Electronics sectors**, including reinforced Extended Producer Responsibility with modulated fees at EU level, and make the Right to Repair a fundamental right for EU citizens with associated information and comparable trustworthy labelling schemes.

More information: Detailed position paper on batteries, shared by more than 40 organisations; A joint statement on removable, replaceable and repairable batteries • [NGOs open letter on the Battery Regulation](#) opposing the risks of delays in the latest Council Position • [Waste Shipment Regulation \(WSR\): Feedback on the inception impact assessment](#) • [Waste Shipment Regulation – recommendations by Rethink Plastic alliance](#) • [META article on Waste Shipment Revision](#) • [NGOs open letter for an ambitious EPBD revision](#) • [Brief on introduction of social and due diligence criteria in Sustainable Product Initiative](#) • [EEB Position paper on Sustainable Product Policy](#) • [Briefing on prohibiting the destruction of unsold goods](#) • [EEB position on legislative proposal on substantiating green claims](#) • [EEB position on empowering the consumer for the green transition](#) • [EU strategy for sustainable textiles – EEB response](#) • [Analysis of microplastics emissions by 2030](#)



6 Shift towards a zero-pollution industry

A proposal to revise the Industrial Emissions Directive (IED), the flagship piece of legislation covering pollution prevention and control from industrial activities, is expected by April 2022. The new framework should fully reflect the zero-pollution, carbon neutrality and circular economy ambitions, prevent accidents and re-design the scope and method for determining Best Available Techniques (BAT) Conclusions.

The EU's Pollutant Release and Transfer Register (E-PRTR) provides, among other things, data on releases of pollutants and waste transfers from industrial installations across the EU. A revised proposal is expected together with the IED review proposal, also to streamline improvements needed for the EU Industrial Emissions Portal, and this will happen in parallel to the revision of the parent UNECE PRTR Protocol. The new framework should deliver improved environmental performance benchmarking and compliance promotion.

The DG GROW-led Industrial Forum will work out the twin 'green' transition pathways for the various industrial sectors, many of which are also regulated by the IED. There is a risk that the developed transition pathways, dominated by industry viewpoints, will take a silo approach focussed only on competition and decarbonisation aspects or access to public funds and markets, leaving aside any public health and environmental return on investment objectives. A lack of clarity regarding the key performance indicators to define the meaning of 'green' and the time scale of the transition remains. The French Presidency must ensure that decision-makers uphold the credibility of the intentions to deliver on the European Green Deal, in line with the key principles of EU environmental policymaking, such as pollution prevention and the polluter pays principle. Citizens have high hopes that the 'zero-pollution ambition' is put into practice with clear actions.

We therefore call upon the French Presidency to:

- A. Lead discussions in the Council towards an ambitious reform of the IED** that fully reflects the zero-pollution, climate and circular economy ambitions, prevents accidents and re-designs the scope and method for determining Best Available Techniques (BAT) Conclusions, particularly by:
- Extending the IED's scope to capture new major sources and issues, such as intensive aquaculture, cattle, greenhouse gases and other impacting activities;
 - Extending and updating the EU 'safety net' requirements for preventing impacts from the most polluting industries, driving for the electrification of energy intensive industries and achieving a coal combustion phase-out by 2030 and fossil gas by 2035 at the latest (see Test 1);
 - Changing to a 'forward looking' BAT determination in order to promote the industrial activity with the least environmental impact for the provision of a given product or service – e.g. for energy production, water quality and supply, protein production or resource management;
- B. Improve access to and useability of environmental information for the purpose of compliance promotion, benchmarking and public accountability in decision-making**, notably through the review of the IED and the EU Pollutant Release and Transfer Register (E-PRTR) aimed for global integration (e.g. the UNECE Kiev Protocol), particularly by:
- Strengthening the provisions on public access to information and participation in the permitting procedure as well as on access to justice;
 - Overhauling reporting requirements and harmonising reporting formats for key IED documents, allowing for centralised reporting on relevant permit conditions;
 - Developing a centralised and powerful database (EU single access), allowing for the better benchmarking of real-time environmental performance and better use of information for other

purposes, such as Best Available Techniques Reference Documents (BREFs) reviews, and including site-specific resource consumption data and production volumes, overcoming language barriers;

- Improving reporting on diffuse emissions from products and enabling progress tracking towards SDG achievement;
- Initiating a review of Commission Expert Groups' Rules and Council work practice to ensure full transparency and accountability to the 'green oath', initiating the setting of key performance indicators to be used for enabling a tracking of progress and accountability in decision-making towards delivery on the European Green Deal goals;
- Improving balance of public versus private interest stakeholder representation in Commission expert groups;

C. Lead by example and implement recommendations made above and by the UNECE PRTR Bureau by upgrading the French reporting systems;

D. Ensure the Council Working Parties systematically allow for early and effective pre-consultation with civil society interest groups;

E. Promote the implementation of the new Industrial Strategy by defining industrial ecosystem pathways that have clear and measurable key performance indicators, in particular on the environmental sustainability and timescale of delivery of that transition.

More information: [EIPIE/review of the IED section and detailed position to IED review](#) • [IED-Review-TSS_EEB_-FINAL-Submission-8april2021.pdf \(eipie.eu\)](#) • [EEB's input to targeted Stakeholder Survey on E-PRTR review](#) • [EEB input to E-PRTR inception assessment / UNECE PRTR review](#) • [Statements made by the European ECO Forum at the MoPP4.](#)



7 Call for a toxic-free environment and the ambitious implementation of the Chemicals Strategy for Sustainability

Global chemicals sales more than doubled between 2000 and 2017, are expected to double again by 2030 and quadruple by 2060. Three quarters (by volume) of chemicals produced in Europe are hazardous, a percentage largely unchanged since 2004. Daily exposure to a mix of toxic substances is linked to rising health, fertility and developmental threats, as well as to the collapse of insect, bird and mammal populations. Chemicals with dangerous properties are ubiquitous in food, drinking water, products, our homes and workplaces. Some 700 industrial chemicals are found in humans today that were not present in our grandparents. Doctors describe babies as born 'pre-polluted'. Europe-wide official polling in 2020 showed that 84% of Europeans are worried about the impact of chemicals present in everyday products on their health and 90% are worried about their impact on the environment.

The EU has in place a world leading chemical safety regime. However, regulatory measures are incredibly slow and are failing to control a rising tide of chemical pollution and its health and environmental impacts. Recognising the growing threat and widespread public concern, when the European Commission announced a European Green Deal (EGD) in December 2019, this included a 'zero pollution ambition for a toxic-free environment' and a 'green oath: "do no harm"'. The Chemicals Strategy for Sustainability, published by the Commission in October 2020, puts forward important actions to deliver the EGD objectives and to ban the most hazardous chemicals from consumer products, in particular the extension of the generic approach to risk management and the grouping of substances for regulatory purposes. The Council Conclusions 'Sustainable Chemicals Strategy of the Union: Time to Deliver' clearly expressed the Member States' support for an ambitious implementation of the Strategy.

The Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and Classification Labelling and Packaging (CLP) Regulations are essential tools for the control of chemicals in Europe. However, both need to be adapted and improved to reflect the level of ambition of the Chemicals Strategy for Sustainability (CSS). The upcoming six months will be crucial to set the scene for these ambitious reforms.

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 and 137 countries have now ratified, including the EU and its 27 Member States. The Convention's 4th Conference of the Parties (COP4) started on 1-5 November 2021 in virtual form and will be followed by a face-to-face meeting in March 2022 in Bali, Indonesia.

A key priority is to ensure that countries ratify and implement the Convention as quickly as possible. At the same time, activities to enable mercury reduction as well as capacity building to assist enforcement are needed, including targeting mercury trade and supply, phasing out mercury from products and processes, emissions reduction and the development and implementation of Artisanal and Small Scale Gold-Mining (ASGM) National Action Plans.

At EU level, the process towards reviewing the EU Mercury Regulation has started, and revised legislation is expected by the end of 2022. Furthermore, developments are expected towards the long-awaited phase out of mercury-added lamps under the Restriction on Hazardous Substances (RoHS) Directive. The EEB, in cooperation with the Zero Mercury Working Group, has been running a campaign on mercury-added Skin

Lightening Creams since 2017. Although internet platforms were notified of high mercury levels detected in their skin lightening creams, online sales continue and penetrate EU borders.

We therefore call upon the French Presidency to:

- A. Support an ambitious and timely delivery of the central elements of the **Chemicals Strategy for Sustainability**, especially by:
 - Engaging with civil society throughout the implementation of the Strategy;
 - Paying particular attention to economic instruments to ensure financially sustainable system-change and the application of the polluter pays principle;
 - Contributing to the dedicated high-level roundtable on research and innovation, and safe and sustainable by design chemicals and by engaging with the Council to prepare a joint position;
- B. Prepare the Council to support ambitious revisions of the **REACH and CLP Regulations**, simplifying and speeding up the processes, extending the generic approach to risk management and regulating groups of chemicals in order to ban all of the most hazardous chemicals from consumer products and articles by 2030 at the latest;
- C. **Organise an event on key chemicals policy topics** such as safety and sustainability by design for chemicals and products, substitution of harmful chemicals and the creation of a dedicated EU centre for chemicals substitution;
- D. Promote the implementation of a horizontal Zero Pollution Action Plan that **tackles pollution at source**, including through the phase-out of the use of the most hazardous chemicals and plastics, implements the polluter pays principle and establishes financial instruments to promote clean production;
- E. **Promote protective restrictions under REACH** on groups of most hazardous substances like **PFAS and flame retardants** and highly problematic materials such as PVC;
- F. **Promote EU leadership in strengthening the Minamata Convention on Mercury and the EU Mercury Regulation**, their implementation and other relevant mercury legislation (e.g. the Restrictions of Hazardous Substances Directive) by phasing out more mercury-added products and processes within the EU and from export;
- G. **Promote a Digital Services Act (DSA) that holds e-platforms** that sell illegal and dangerous chemicals and products containing them **accountable** and ensures that failure to comply with those requirements results in meaningful consequences.

More information: [EEB reaction to the chemical strategy for sustainability](#) • [EEB comments to the Inception Impact Assessment for the CLP revision](#) • [Contribution to the Inception Impact Assessment on the revision of REACH Regulation: EEB proposals for objectives and policy options](#) • [Analysis of microplastics emissions by 2030](#)



8 Strengthen accountability and the rule of law and promote environmental justice

The commitments made in the European Green Deal are reliant upon their proper implementation and enforcement. To translate policy promises into concrete actions and to uphold the polluter pays principle, the EU needs to be able to rely on compliance promotion, strong liability schemes and enforcement in the Member States. The Commission came out with a proposal for the revision of the Environmental Crime Directive to address the enforcement gap in December 2021. Currently, there are large discrepancies between Member States regarding the interpretations of the legal definitions, applications and levels of sanctions, investigative measures, reporting and data collection tools, and cross-border cooperation between authorities. It is crucial that the Presidency takes a strong position for clearer and deeper harmonisation of EU rules to combat environmental and organised crime. Such a stance should include a move towards a European definition of ecocide and a holistic approach to criminal liability of companies.

While the EU is facing internal rule of law challenges, it is important that the Presidency sends a strong signal at European level. There should be an emphasis on supporting the rule of law in EU legislation with a vigilant focus on ensuring access to justice provisions in all the upcoming legislative environmental files and on delivering a strong legislative proposal on the protection of activists, journalists and NGOs from Strategic Lawsuits Against Public Participation (SLAPPs). Additionally, the EU institutions should put their own house in order by increasing the accountability of EU level decision-making through improved transparency of Commission Expert Groups.

After initial postponement, the legislative proposal on a Sustainable Corporate Governance law is now set to reach the legislators in the first half of 2022. In the context of the single market, coherent EU-wide legislation that covers all sectors is crucial to ensure a level playing field for businesses. Strong corporate and supply chain rules are a clear necessity for achieving the goals in the European Green Deal and it will be an opportunity for the EU to show global leadership.

We therefore call upon the French Presidency to:

- A. Lead by example by including and empowering civil society** (along with providing support for capacity development) in environmental policy processes and by granting access to environmental justice in all environmental initiatives;
- B. Lead the Council in the discussions towards an ambitious revision of the Environmental Crime Directive, particularly by:**
 - Providing a clearer and wider scope of the Directive so that all environmental crimes are covered, including an EU definition of 'ecocide';
 - Increasing and improving the means of gathering information on environmental crimes, which can help with enforcement, and facilitate cross-border cooperation, including by setting up specialised national units;
 - Introducing clearer guidance on how to properly sanction environmental crimes, bearing in mind the harms caused and the profits made by perpetrators, especially in the context of corporate and organised crimes, so that sanctions are truly effective, proportionate and dissuasive;
- C. Lead the Council in the development of new EU rules that will introduce protections for activists, journalists and NGOs** against vexatious lawsuits brought against them to suppress public debate (Strategic Lawsuits Against Public Participation, SLAPPs);

- D. Support swift action to achieve full implementation of the findings of the Aarhus Convention's Compliance Committee on Case ACCC/2015/128**, including by ensuring that the review of the EU's Competition Policy is in line with its international commitments under the Convention;
- E. Support and strengthen provisions on access to justice** in environmental matters in all new sectoral legislation, in line with the [Commission's Communication from October 2020](#);
- F. Lead the Council in the discussions on a new Sustainable Corporate Governance law, particularly by:**
- Introducing mandatory horizontal human rights and environmental due diligence obligations on all businesses operating in the EU, including in their value chains;
 - Allowing affected stakeholders to ask for remedies if they are harmed and ensuring that these new rules are supported by other sectoral due diligence obligations and are coherent with the Corporate Sustainability Reporting Directive;
- G. Avoid the misuse of the 'Better Regulation' process and the 'one in one out' principle**, including through the Fit for Future Platform to make 'Better Regulation' EGD-compatible, fit for public interest and scientifically robust, *inter alia*, by factoring in tipping points, feedback loops and cost of policy inaction estimates;
- H. Promote civil society space and meaningful participation in decision-making for democratic legitimacy**, particularly by ensuring that Member States abide by basic principles of the rule of law and freedom of speech, association, as well as access to information.

More information: [EEB Implement for Life report: Crime and punishment](#) • [Meta article: MOP-7 Geneva Wrap-Up](#) • [Meta article: EU reputation at stake](#) • [Protecting Public Watchdogs Across the EU: A Proposal for an EU Anti-SLAPP Law](#) • [Joint letter regarding the EU position on the Aarhus Convention](#) • [Joint NGO paper: Putting the Environment in Human Rights and Environmental Due Diligence](#) • [Joint NGO Demand: The Need for an EU Anti-SLAPP Directive](#)



9 Catalyse the green transition through a new fiscal framework, tax reform and sustainable use of the MFF and Recovery Package

Europe faces serious environmental, economic and social challenges that require a rethink on public intervention. The existing self-imposed maze of **economic governance** rules are built on a series of debatable conceptions about public debt and the role played by the state. They need to be reformed to ensure the necessary public spending is possible for the transition to a just and sustainable economy.

There are increasing calls for a system of **fair and efficient taxation and pricing in the EU** – within the European Green Deal (EGD), at national level, and by the research community - underlining the need for ecological tax reform to put more burdens on resource use and pollution and less on labour. There is a growing recognition that without addressing pricing and subsidies, the economy will not support sustainability needs. A fair and efficient pricing system is one where, *inter alia*, there are no harmful subsidies and where pricing reflects, *inter alia*, environmental externalities (such as climate change, air pollution, discharge to water bodies, marine litter polluting the oceans) as well as resource costs (such as water, materials) and service provision (such as waste management costs), while also taking into account affordability and distributional issues.

The opportunities during the French Presidency to advance pricing include: the Energy Taxation Directive, the Emissions Trading Scheme (ETS) Directive, the Carbon Border Adjustment Mechanism (CBAM), circular economy policies and water policy, as well as around liabilities, non-compliance cases and the use of dissuasive fees and fines. To respond to the Covid-19 crisis, the European Commission and Member States agreed on a recovery package for Europe (€750 billion for 2021-24 on “Next Generation EU”, and a reinforced long-term EU budget with the Multiannual Financial Framework (MFF) envelope of €1,100 billion for 2021-2027).

The Recovery Package and MFF were a major step to demonstrate solidarity, to chart a way forward and to invest in both the recovery and resilience of the EU. The MFF and the Recovery Package will be crucial in shaping the direction of this decade. These instruments can either lock-in unsustainable, polluting and damaging practices or be a clear change of direction. It is essential that the good investments promised in the National Recovery and Resilience Plans (NRRPs) and Partnership Agreements to promote transformative change are prioritised and realised. Linked to the MFF is the proposal of the Climate Social Fund (see Test 1).

The fourth key element is the **taxonomy**, which has become one of the most fought-over areas of EU policy that can either support the EGD or undermine it, depending on whether the expert inputs are heeded or political pressures brought to bear, weakening the taxonomy through text on biomass, on gas and on nuclear. Setting an ambitious Sustainable Finance Taxonomy, rewarding only truly sustainable activities in line with the EGD and defining ‘do no significant harm’ criteria beyond simply complying with EU law would be necessary to act as a reference for national and EU plans. It should not be derailed to become a tool mainly accompanying incremental business as usual progress.

We therefore call upon the French Presidency to:

- A. Lead the Council in negotiations on the fiscal reform initiatives (Energy Taxation Directive, ETS, CBAM)** to increase climate and environmental ambition through increased targets, subsidy reform and by making the polluter pay to generate needed resources for the EU Budget and the social climate fund, Renovation Wave and other EU instruments (see also Test 1), in particular by:

- Reforming the **EU-ETS I** to set a Paris Agreement-compatible CO₂ price of 100 €/ton CO₂, remove free allowances to industry and replace them by full auctioning, phase out compensation for ETS indirect costs (state aid rules), and set mandatory earmarking of 100% of auctioning revenues for climate purposes;
 - Reforming the **Energy Tax Directive**, inter alia, removing the tax exemption for all marine fuels from the Energy Taxation Directive, including for fishing vessels;
 - Committing that all **CBAM** revenues will be allocated to climate mitigation and adaptation in most-affected countries to support EU responsibility, demonstrate solidarity and strengthen EU credibility internationally;
- B.** Promote at least compliance with the '**do no significant harm**' (**DNSH**) **principle** in the use of EU Funds, secure ambition in the ongoing development and application of the **Sustainable Finance Taxonomy criteria** and ensure that the DNSH principle is fully embedded in all Taxonomy Delegated Acts, specifically by:
- Ensuring that the Commission either does not deviate from the advice of the Technical Expert Group or that any decision made which does deviate from it is backed by solid scientific evidence;
 - Increasing the **transparency** of the governance of the process to take into account the recommendations put forward by civil society organisations represented in the Platform;
- C.** **Promote increased and early use of the social fund and complementary funding to promote energy efficiency and renewable energy in buildings**, leaving no one behind through regular reviews of NRRPs, in the Semester and by leading by example;
- D.** Lead by example in implementing the EGD in the Partnership Agreements (PAs) for use of the **MFF** and in **NRRPs** through targeted investments and transformative policy reform – including the greater use of carbon taxes, green public procurement and environmentally harmful subsidy phase-out;
- E.** Draw lessons from **Next Generation EU** and explore whether this should become a permanent instrument to create more fiscal space to fund essential investments for Europe's future where solidarity is particularly important across the Member States;
- F.** Promote the use of financial signals to implement the polluter pays principle – within EU legislation, notably in the **Environmental Crime Directive revision** and through discussions on the evaluation of the **Environmental Liability Directive** (see *Test 10*) and further lead by example in national legislation and action so that financial signals for non-compliance are strengthened so as to be dissuasive;
- G.** Use the review of the **EU Economic Governance Framework** to make it work for the ecological transition, reforming the current fiscal and socio-economic policies to ensure that the necessary public spending is possible for the transition to a just and sustainable economy.

More information: [The EEB's main asks for the Fit for 55 Package- A package fit for the planet and fair to society](#) • [Joint NGO statement on the Carbon Border Adjustment Mechanism](#) • [National Recovery and Resilience Plans – EEB Position](#) • [EEBs submission on the review of the EU Economic Governance Framework](#) • [EEB letter on Ensuring ETS and IED consistency within upcoming "Fit for 55" Package](#) • [EEB input to the EU Environment Council Meeting, Brussels 20 December 2021](#)



10 Drive a just transition to a sustainable and resilient Europe

Despite vaccination rollout, Europe is again at the epicentre of the Covid-19 pandemic, prolonging the recovery period. As the physical and mental wellbeing of many Europeans is reaching new lows due to the stresses coming from the pandemic, a very strong support from governments is needed to prevent a breakdown of societies. External pressures and internal divisions are posing a growing challenge to the mandates for democracy and European unity. At the same time, the latest IPCC report reiterated the urgent need for climate action now to avoid the warming of the planet to above 3°C by 2100. In sum, France is taking over the Presidency at a pivotal moment in history. The stakes can hardly be underestimated.

At the same time, this is likely to be the best opportunity in a long time to move forward on systemic changes that are long overdue. Hence, ongoing recovery instruments must be aligned with measures that contribute to transforming our economies to achieve wellbeing and social and gender justice goals. In addition, the Stockholm+50 UN conference in June 2022 offers a unique opportunity to finally act upon the Limits to Growth report, 50 years after it was launched. France should encourage EU Member States to send their Heads of State or Government and work towards an ambitious outcome, including through a high ambition coalition with a strong beyond-growth commitment.

The French Presidency comes at the mid-way point in the European Green Deal (EGD) – arguably the first of its kind globally, with potential for the major transformative change we need to address the climate, environmental and health challenges facing society as well as being a blueprint for building back better. While there is progress regarding high level commitments and the overarching narrative of system change, very significant pressures are being brought to bear to reduce the practical ambition of EGD measures. There is a risk that it does not live up to its promise but is seen as mere greenwashing. It is essential that the French Presidency adds its voice reiterating the importance of the EGD and provides a reminder that there is no alternative but to commit to the needed change. Similarly, the mega trend of digitalisation is at a fork in the road – it can become a major environmental, social and economic pressure, or an ethical, sustainability path can be chosen.

We therefore call upon the French Presidency to:

- A. Lead and engage in the debate for an **ambitious reform proposal as part of the EU Economic Governance Review****, reforming the fiscal framework in such a way that it puts environmental and social goals, including gender justice, at the heart of the EU's economic governance by initiating informal Council debates ahead of the Commission's proposal expected in June/July 2022;
- B. Use the weight of the Presidency to make a case for a long overdue **update of the Stability and Growth Pact**** to realign its main goals with the new 8th Environment Action Programme, the EGD's objectives and lessons from Covid-19 that underlined the need to prioritise wellbeing over GDP growth;
- C. Promote a total overhaul of the European Semester** to create an annual sustainability cycle that fully integrates the EGD, SDGs and fiscal reform to strengthen resilience;
- D. Push forward the reform of the EU's trade and investment policy** for it to be fully aligned with the EGD's objectives, by:
 - Only pursuing agreements with countries who share the **EU's environmental and human rights** commitments, with the main aim of jointly promoting wellbeing, justice, and planetary sufficiency;

- **Leading the EU position on a truly transformative WTO reform** so that climate, environmental and SDG targets are the cornerstone of any global trade agenda and to ensure that new trade rules are developed in a fully transparent and participatory manner;
 - Engaging with the Member States to withdraw from the outdated **Energy Charter Treaty**, which is used by fossil fuel companies to sue governments against climate policies, and to abandon other agreements and dispute settlement mechanisms that are in complete contradiction with climate targets and the EGD more broadly;
 - Ensuring that **relations with the UK** do not lead to a deterioration of the standard of protection of the environment or people on either side of the agreement, but rather that the Trade and Cooperation Agreement is used as a tool to cooperate on strengthening standards;
- E.** Promote debate and explore policy options on the potential synergies and risks of trade-offs of **digitalisation for a green transition**, including the prioritisation of artificial intelligence for people and planet;
- F.** **Engage in the Conference on the Future of Europe (CoFoE) to promote a vision on the future of Europe** that embraces climate, biodiversity and environmental responsibility, recognises the primacy of wellbeing in EU policies, commits to deliberative democratic processes to listen to the public, supports a strong civil society space, and insists on transparency and accountability in decision making and hence supports the legitimacy of the European Project;
- G.** Initiate and advance discussions on the importance of acknowledging the **interlinkages of environmental policies, gender and social justice**, particularly of policies affecting racialised communities, by creating awareness and facilitating debates, especially regarding upcoming European Green Deal policy proposals;
- H.** **Ensure that the EGD remains at the core of EU policy as Europe recovers from the Covid-19 crisis and drive the debate among Member States on the need for a new sustainable norm.** further draw conclusions from the Covid-19 crisis to strengthen priorities and policies that embrace the health-environment links (from prioritising wellbeing, reducing encroachment on nature to tackling air pollution and chemical exposure, given the links to immune system resilience).

More information: [European Green Deal: One Year In](#) • [Turning fear into hope: Corona crisis measures to help build a better future](#) • [Reprotecting Europe: The EU Green Deal v The War on Regulations](#) • [Towards a wellbeing economy that serves people and nature](#)

Abbreviations

8EAP	8 th Environment Action Programme
AAQD	Ambient Air Quality Directives
ACCC	Aarhus Convention Compliance Committee
AFOLU	Agriculture, Forestry and Other Land Use
BAT	Best Available Techniques
BREFs	Best Available Techniques Reference Documents
CBAM	Carbon Border Adjustment Mechanism
CBD	Convention on Biological Diversity
CRC	Carbon Removals Certification
CAP	Common Agricultural Policy
CoFoE	Conference on the Future of Europe
CLFs	Compact Fluorescent Lamps
CCFLs	Cold-Cathode Fluorescent Lamps
DNSH	Do No Significant Harm Principle
DSA	Digital Services Act
ECT	Energy Charter Treaty
EED	Energy Efficiency Directive
EGD	European Green Deal
EPBD	Energy Performance of Buildings Directive
E-PRTR	European Pollutant Release and Transfer Register
EQSD	Environmental Quality Standards Directive
ESR	Effort Sharing Regulation
ETS	Emissions Trading Scheme
ETD	Energy Taxation Directive
GD	Groundwater Directive
IED	Industrial Emissions Directive
LULUCF	Land Use, Land-Use Change and Forestry
MFF	Multi-Annual Financial Framework
NRRPs	National Recovery and Resilience Plans
PAs	Partnership Agreements
PPP	Polluter Pays Principle
RED II	Renewable Energy Directive II
RoHS	Restriction on Hazardous Substances Directive
SDGs	Sustainable Development Goals
SUPD	Sustainable Use of Pesticides Directive
TACs	Total Allowable Catches
TEN-E	Trans European Energy Network
TEN-T	Trans European Transport Network
UWWTD	EU Wastewater Treatment Directive
ZPAP	Zero Pollution Action Plan



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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 2022-2023 paper, addressed to the French, Czech and Swedish Presidencies, can be read [here](#).

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