

THE EEB's PRIORITIES FOR THE EUROPEAN UNION
FOR THE

2022-2023 PRESIDENCY TRIO

OF FRANCE, THE CZECH
REPUBLIC AND SWEDEN



A DOZEN DEMANDS FROM CIVIL SOCIETY

DECEMBER 2021



EEB

European
Environmental
Bureau



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 FR-CZ-SE Presidency Trio starting 1 January 2022 and ending June 2023 will be eighteen essential months to prove and improve the EU's commitment to tackling the crises of climate, biodiversity and pollution and to help make the European Green Deal (EGD) the transformative agenda Europe needs.

The Presidency Trio will inherit the responsibility for dozens of key files under the EGD, the follow-up to the disappointing Climate COP26 in Glasgow and the formulation of the EU position on the delayed Biodiversity COP15. The FR-CZ-SE Presidency Trio will build on the legacy of the DE-PT-SI Presidency Trio and face a swathe of new challenges as many key EGD files will face Council discussions during 2022-23. As a result, there is an ever-more important role for the Council and for the Presidencies to ensure that the EGD commitments do bring real impacts, strong environmental and climate policies and laws that adequately safeguard our future.

The Covid-19 crisis has shown that governments, people and companies can act decisively and based on expert advice, but it has also shown the fragilities of decision-making processes, the limits to solidarity, the deep inequalities within the EU, and the risks of our current economic model to our health and the environment. It has further demonstrated the fundamental importance of investing in the resilience of ecosystems, of social systems, of the economy and of our governance structures to restore and heal humanity's existence within nature.

The energy price crisis brought home the economic and social challenges of our dependency on fossil-fuels, the risks of this dependency in the context of changing supply-demand (im)balances, affected by the interests and influence of energy suppliers. This

has underlined how essential it is to break the dependency on fossil-fuels. It has also shown how important it is to ensure that the social dimension is an integral part of the environmental dimension. Similarly, the health dimension has proven to be deeply connected to environmental concerns – as seen by the inextricable links between health and climate impacts, exposure to air pollution and harmful chemicals, and the health benefits of access to nature. The social-environmental-health agendas are deeply intertwined.

Pushing for climate neutrality, zero pollution, zero biodiversity loss and healthy resilient ecosystems can and should be a joint environment-health-social agenda. This is a core opportunity for the next Presidency Trio of the Council of the EU.

The Covid-19 crisis has shown us that we cannot simply go back to 'business-as-usual' and continue a system that over-exploits the planet without regard for the consequences for current and future generations and flies in the face of clear scientific evidence. The decisions taken by the EU over the next two years will need to catalyse a system change, step by step.

The French, Czech and Swedish Presidencies will also have an important role to play in leading by example. Ambitious commitments, reforms and implementation should inspire other Member States to follow suit.

The EEB, building on consultation with its 170+ members, with its wider civil society partnerships and stakeholder discussions, has developed a series of specific asks across environmental areas. From these we have extracted a 'dozen demands' where ambitious, coordinated Presidency engagement, commitment and solidarity can make a lasting and fundamental difference.



Jeremy Wates
Secretary General

A Dozen Demands for the French, Czech and Swedish Presidencies

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



1. Mainstream a transformative green deal agenda across policy areas to create a just, sustainable, resilient and responsible Europe

The EU has embarked on what has been promised as a fundamentally transformative agenda – the European Green Deal (EGD). It is the top priority of this European Commission and is the first of its kind globally. There are commitments for the EU to be carbon neutral, for zero emission by 2050, to embrace zero pollution objectives, to dramatically reduce health risks from pollution and chemicals as well as commitments for industrial transformation and a revision of our food and farming systems, commitments to integrate the SDGs more, and commitments to have money follow the narrative.

However, the high-level commitments have been deeply weakened by a Common Agricultural Policy that keeps supporting intensive agriculture and are at risk from the 'better regulation' agenda and its 'one-in, one-out' principle that focuses on 'burdens' to business when these should be seen as 'responsibilities'. They are further undermined by fossil fuel lobbying interests at the climate COP and in the taxonomy, forestry interests in the taxonomy, and wider short-term business interest in general. There is a risk that the EGD becomes a missed opportunity and a greenwashing tool. The EGD needs to be credible within the EU as well as credible internationally. For that it needs to focus on the transformative needs, resist the temptation to over-protect yesterday's interests, commit to progress and deliver.

It is of the utmost importance that the EGD, with its portfolio of environmental objectives, the SDGs and the Paris Agreement goal, remains the ultimate ship's wheel of all EU's policies. In the next 18 months, the FR-CZ-SE Presidency Trio has an opportunity, and arguably a duty, to make the EGD deliver through the numerous specific thematic legislative files and other actions presented throughout this Memorandum as well as through the following horizontal commitments.

We therefore call upon the Presidency Trio to:

- Ensure that the **EGD** becomes the credible transformative agenda that it needs to be to address the climate and environmental crisis facing humanity, that it fully integrates the multiple environment-social-health inter-connections and listens to science, civil society and citizens on the need for a new sustainable norm;
- Make use of the recently agreed **8th Environment Action Programme** to monitor the EGD, SDGs and wider sustainability progress with a commitment for high-level debate and response by all EU institutions and lead by example nationally by committing to the wellbeing economy, subsidy reform, and wider commitments to live within the planetary boundaries;
- Promote the greening of the **European Semester** to fully integrate the EGD, SDGs and fiscal reform with a view to strengthening economic, societal and ecological resilience, revisiting the economic vision at the heart of the Semester and embracing the wellbeing economy and economics of public goods underpinned by healthy eco-systems (see also #12);
- Promote **sustainable digitalisation** for people and planet, supporting transparency and embracing ethical dimensions to guide the integration of sustainable digitalisation across policy areas and use;
- Push forward the reform of the EU's international **trade policy** to fully align it with the EGD's objectives by only pursuing agreements with countries who share the EU's environmental and human rights commitments, leading the EU position on a transformative WTO reform, engaging with Member States to withdraw from the outdated Energy Charter Treaty and ensuring that the relations with the UK do not lead to a deterioration of environmental protection standards;

- Ensure transparency and public participation in the roll out of the **Green Agenda for the Balkans** and the Economic Investment Plan as well as the in the implementation of Association Agreements with the Eastern Partnership;
- Adopt an EU **Sustainable Development Strategy** with a roadmap for the implementation of the SDGs;
- Push to **upgrade the 'better regulation' agenda** to become a 'responsible regulation' agenda, though changing the objective to focus away from 'burdens' and 'simplification', towards 'responsibilities' and a focus on 'implementation & enforcement, away from short term economic cost minimisation focus towards long-term sustainability interests;
- **Strengthen the international dimension of the EGD** to ensure the EU's global credibility, position and influence, engage in global diplomacy to encourage green deals abroad and support green deal implementation in third countries as part of global solidarity; further ensure that the EGD is at the heart of the implementation of the new 'Global Gateway' initiative launched by the European Commission and the EU High Representative.

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](#).



2. Catalyse the green transition through a new EU fiscal framework, tax reform and the 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 resources 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, or 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 Trio Presidencies to advance pricing include: the Energy Taxation Directive, the Emissions Trading System (ETS) Directive, a Carbon Border Adjustment Mechanism (CBAM), policy reform in the context of the European Semester, waste and circular economy policies, water policy, as well as regarding 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)), a major step to demonstrate solidarity, to chart a way forward, and 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 therefore essential that 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 for a Climate Social Fund (see Dozen Demand #3).

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, gas and nuclear. Setting an ambitious Sustainable Finances Taxonomy, rewarding 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. The taxonomy should not be derailed to become a tool mainly accompanying incremental business as usual progress.

We therefore call upon the Presidency Trio to:

- Lead the Council in negotiations and trilogues on the fiscal reform initiatives in the **Fit for 55 Package** (Energy Taxation Directive, ETS Directive, CBAM) (see #3);
- Promote at least compliance with the '**do no significant harm**' (DNSH) **principle** in the use of EU Funds and secure ambition in the ongoing development and application of the **Sustainable Finance Taxonomy criteria**, ensuring that the DNSH principle is fully embedded in all Taxonomy Delegated Acts. Furthermore, make sure that the Commission does not deviate from the advice of the Technical Expert Group and that any decision made which does deviate from it is backed by solid scientific evidence and

increases the transparency of the governance of the process to take into account the recommendations put forward by civil society organisations represented in the Platform;

- 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;
- **Promote increased and early use of the social fund and complementary funding to promote energy efficiency and renewable energy in buildings**, through regular reviews of NRRPs, through the Semester and by leading by example;
- Draw conclusions 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;
- 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 #10) - and lead by example in national legislation and action so that financial signals for non-compliance are strengthened sufficiently to be dissuasive;
- Use the review of the **EU Economic Governance Framework** to make it work for the transformation, 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](#) • [Letter on State aid Guidelines on climate, environmental protection and energy 2022](#)



3. Address the climate emergency and embrace sustainable mobility

This decade is set to be a turning point in the history of the European economy when it comes to climate policies: the European Green Deal (EGD) and the commitments the EU has taken in the framework of the UNFCCC make it clear that many of the remarkable changes we must apply to our patterns of energy production and consumption must happen or begin in this decade. This Presidency Trio is called to deliver most of the work around the legislative files - the Fit for 55 Package and beyond - that will shape Europe's energy policies and climate action in this decade.

Among other important high-end objectives, the energy efficiency first principle, a key enabler of the decarbonisation of our economy, and the phase out of fossil fuels in all sectors must be enshrined in the current legislation with targets both at EU and national level to make this a joint and effective effort. Calls for equity and fairness should be met with priority measures to leave no one behind, notably in the housing and transport sectors where the pace of change is the fastest and technology is mature. The time has come for a price on carbon for all energy uses but this must not lead to increased energy poverty. The task of the Presidency Trio will be to fine-tune the Social Climate Fund, the Energy Taxation Directive and all Fit for 55 files, allowing for environmental impacts to be fully accounted in the price of energy while leaving no one behind.

This Presidency Trio will also have to strengthen the bond between the climate and biodiversity objectives of the EGD by ensuring a key role of natural sinks for climate mitigation and adaptation.

We therefore call upon the Presidency Trio to:

- Lead Council negotiations and trilogues on the **Fit-for-55 package**, ensuring high ambition across the dozen legislative initiatives. Together they need to go beyond the -55% commitment.
- Increase the 2030 energy efficiency target in the **Energy Efficient Directive (EED)** to at least 45% and the ratio of refurbishment of building stock to at least 3% (of which 70% should be deep renovation) to fully decarbonise buildings by 2040, using renewable-only energy solutions. Embrace Energy Efficiency First as the guiding principle to enable a transition to a fully renewable energy future;
- Commit to at least 50% of sustainably sourced renewable energy by 2030 in the **Renewable Energy Directive II (RED II)** and include strong sustainability criteria to ensure respect of biodiversity and wider environment;
- Increase the ambition for the **Effort Sharing Regulation (ESR)** sectors by raising the EU target from 40% to 50% emissions reduction and increasing national targets accordingly, removing the diverse flexibility mechanisms, and tightening the emissions reduction trajectory. Introduce a framework for binding EU and national targets beyond 2030 and stronger governance to prevent non-compliance;
- Ensure that the **Emissions Trading Scheme (ETS) Directive** delivers an EU wide coal phase-out by 2030 at the latest, sets a Paris-Agreement compatible CO₂ price of 100 €/ton CO₂, removes free allowances to industry and replaces them by full auctioning, phases out compensation for ETS indirect costs (state aid rules), and sets mandatory earmarking of 100% of auctioning revenues for climate purposes. It is essential to have a strong Climate Social Fund to couple with the eventual extension of the ETS to buildings and transport given social concerns;
- Make sure 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 keep fossil fuels in the economy;
- Increase through the **Energy Performance of Buildings Directive (EPBD)** the number of renovations by at least three times, focusing on one-step deep renovations, introduce a mid-term review to allow a

check-up and adaptation, mainstream Whole Life Carbon in the Directive and promote circularity as a main too to reduce embedded emissions, setting ambitious targets for them;

- Ensure stronger mitigation in the agriculture sector by setting a binding EU-level sub-target in the Land Use, Land Use Change and Forestry (**LULUCF**) **Regulation** to bring emissions from croplands and grasslands down to net-zero by 2030 and to strongly reduce emissions from agriculture and agricultural land use by 2035. Promote more precise monitoring of emissions from land use and mechanisms to account for the interdependency between climate and biodiversity objectives;
- Commit to a robust **Carbon Removals Certification (CRC) Framework** which delivers genuine climate action and fully integrates biodiversity and other environmental considerations by focusing on ecosystems restoration. Reject any attempt to use removals to delay necessary emissions reductions;
- Promote 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;
- Foster EU ambition and **leadership at COP27** by setting clear dates for fossil fuels' phase out, providing tangible proof of strengthened commitments through appropriate Fit-for-55 measures and through increased funding to support climate mitigation and adaptation in most-affected countries and by reflecting EU responsibilities through real action;
- Promote **sustainable mobility** for climate, clean air and citizens – with no negative impact on biodiversity - through a progressive Council position and in trilogues on the revision of the TEN-T Regulation on the Rail Corridor Initiative launched on 14 December 2021, intelligent transport systems, and post-Euro 6/VI emission standards for air pollution from light-duty and heavy-duty vehicles;
- Lead by example and promote the full implementation of the **Climate Adaptation Strategy** by focusing on nature-based solutions, synergies with biodiversity and climate resilient water management;
- Lead by example on the use of **carbon taxation**, documenting and reforming environmentally harmful subsidies, on making use of Green Public Procurement to increase incentives for decarbonisation and by raising revenues for the green transition;
- Lead by example by **stopping subsidies** for fossil fuels heating and setting a date for the phase out of fossil fuel-based heating technologies.

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](#)



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

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 eighteen months of the Presidency Trio, 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. This law is a major opportunity to live up to the European commitment to biodiversity and to truly make a mark with a strong, impactful and game-changing new law. For that, the Presidencies must 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 Presidency Trio 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 the COP15 of the Convention for Biological Diversity (CBD) where the EU, through the Presidency, can play a key role in demanding the necessary level of action, backed up with a clear monitoring and implementing framework, rendered credible through solid action at home.

In addition, the Trio should also use their Presidencies as an opportunity to take a lead on the implementation of the EU's Biodiversity and Forest Strategies as well as to significantly step up the implementation and enforcement of obligations under the Birds and Habitats and the Water Framework Directive.

We therefore call upon the Presidency Trio to:

- Lead the Council negotiations for an impactful **Nature Restoration Law** that results in restoration of 15% of the EU land, sea and rivers by 2030 that is fully additional to existing obligations, creating synergies with climate mitigation and adaptation;
- Lead the Council discussions for a **strong Anti-Deforestation Regulation** by including all relevant ecosystems, strengthening the human rights dimension, extending the scope of the law to all relevant products and commodities, and by closing loopholes for low risk countries;
- Demonstrate EU ambition and leadership at and as a follow up to the **CBD COP15**, backed-up by clear progress within the EU on implementing the EU's Biodiversity Strategy for 2030;
- Lead by example in **the implementation of the EU Biodiversity Strategy for 2030, the EU Forest Strategy for 2030** and the long-standing obligations under the **Nature Directives** by focusing on adequate management and restoration to put biodiversity on a path to recovery;
- Engage constructively with the European Commission in the development **of a new Soil Health Law** to put an end to soil degradation and restore all soils to health across the EU;
- Reverse the increasing degradation of **marine and coastal ecosystems** and scale up ambition to achieve a healthy ocean by ending extractive and polluting practices (industrial fishing, mining littering etc.) and support a climate resilient, regenerative wellbeing blue economy that respects planetary boundaries.

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](#)



5. Initiate a transition towards sustainable food and agriculture

Our food system is driving multiple environmental and health crises. Experts are warning that the way we produce and consume food is not sustainable and business as usual is no longer an option. From nitrogen pollution to biodiversity loss, from household food insecurity to the growing burden of diet-related diseases, the challenges are complex and interrelated, requiring urgent, bold, and systemic policy and legislative solutions. The dominant policy approach so far has relied primarily on voluntary business initiatives and nudges to individuals (whether farmers or consumers) to make the right choices, with little impact. The EU and Member States must urgently design an effective and coherent mix of policies and laws to initiate and speed up the transition to a sustainable, fair and healthy food system.

In 2022, the reform of the Common Agricultural Policy (CAP) will enter its final, crucial stage: the revision and approval of national CAP Strategic Plans. The Fit for 55 package and revision of the Sustainable Use of Pesticides Directive will go through co-decision and are crucial opportunities to set legally binding targets and robust frameworks for progress towards sustainable farming. In the wake of the Farm to Fork Strategy, key discussions around policies for healthier and more sustainable diets will also take shape in the course of 2022 and the first half of 2023, 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 Presidency Trio to:

- **Lead by example in the implementation of the post-2022 CAP** by ensuring that your CAP Strategic Plan enables a transition to agroecology, by improving the dialogue with environmental stakeholders, by engaging with environmental NGOs on the same basis and frequency as with farmers' unions, and by promoting discussions between agricultural and environmental authorities at political and technical levels to increase the environmental ambition of CAP Strategic Plans across the EU;
- Mobilise support from Member States for an **ambitious and effective framework for climate action in the agriculture sector** in the revision of the Effort Sharing and Land Use, Land Use Change and Forestry (LULUCF) Regulations and in discussions around the Commission's carbon farming initiative, including by pushing for the inclusion of legally binding reduction targets for GHG emissions from agriculture and related land use, and ensure climate action and biodiversity protection and nature restoration always go hand in hand;
- Ensure strong support in the Council to **significantly strengthen the Sustainable Use of Pesticides Directive**, including by setting legally binding targets for halving pesticides use and risk by 2030 at EU and national level and by tightening the requirements for Integrated Pest Management (IPM);
- Foster discussions in the Council in favour of **better data collection in agriculture**, in particular by promoting an effective monitoring and evaluation framework for the CAP in secondary legislation and transforming the Farm Accountancy Data Network into a robust Farm Sustainability Data Network;
- Engage constructively with the Commission and stakeholders in the development of an **ambitious Sustainable Food Systems Law and of effective policies for healthier and more sustainable diets**, including on sustainable food procurement and harmonised labelling for nutrition and sustainability;
- Lead deliberations in the Council and in trilogues to **align the EU promotion programme for agricultural and food products with the objectives of the Farm to Fork Strategy**.

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](#)



6. Safeguard freshwater ecosystems and clean water for all

Healthy freshwater ecosystems are essential for our society, economy and wildlife. Yet, 60% of European rivers, lakes and coasts are not meeting the standards of the EU Water Framework Directive (WFD) and face numerous pressures ranging from pollution from agriculture and industry, including with pollutants of emerging concern, to over-abstraction of aquifers and rivers, to changes to the natural and physical conditions of rivers and other freshwater bodies due to hydropower, navigation, agriculture and flood management. Freshwater ecosystems need to be a key priority for protection and restoration in the roll-out of the European Green Deal as well as through adequate implementation of the EU's water protection laws. The Zero Pollution Action Plan (ZPAP) published by the European Commission in 2021 announced the revision of the EU Wastewater Treatment Directive (UWWTD) as well as an update of the list of pollutants in the daughter directives of the WFD on priority substances (the Environmental Quality Standards Directive (EQSD)) and groundwater (GD). All proposals are expected from the Commission in 2022.

We therefore call upon the Presidency Trio to:

- **Provide political guidance on the ZPAP by adopting Council Conclusions** and insisting on the ambitious implementation of a **ZPAP** that is strongly committed to the zero-pollution ambition and to zero tolerance for non-compliance, adopts an integrated approach, embraces, *inter alia*, tackling pollution at source, including by phasing out the use of the most hazardous chemicals and plastics, implements the polluter pays principle and establishes financial instruments to promote clean production. It should also embrace commitments to tackle noise (the second most significant environmental factor affecting health and wellbeing) and to substantially reduce light pollution (a major cause of environmental stress, causing ecosystem fragmentation, loss of biodiversity as insect decline and contributing to energy waste with connected production of CO₂);
- **Lead the Council position on the revision of the Urban Wastewater Treatment Directive (UWWTD)**, setting the strict standards needed to protect the environment and human health and making sure the UWWTD contributes towards achieving the goals of the WFD, in particular, by addressing sewer overflows and pollutants of emerging concern such as pharmaceuticals and microplastics;
- **Lead the Council deliberations** on the update of the list and standards of **priority substances** under the Environmental Quality Standards Directive (EQSD) and Groundwater Directive and ensure links to upstream pollution controls at source e.g. through REACH, or the Industrial Emissions Directive (see #8 and #9);
- **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: [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](#)

7. Ensure clean air: towards zero environmental and health impact

Air pollution is the number one environmental health risk in the EU, causing both chronic and serious diseases such as asthma, cardiovascular problems and lung cancer. 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 is largely preventable and EU air quality standards, especially legally binding limit values, have proven to be vital in cleaning up the air.

The 2008 EU Ambient Air Quality Directives (AAQD) is one of the cornerstones of the EU's clean air policies, setting standards for air quality for the protection of people's health and the reduction of environmental damage. However, the current air quality standards are insufficient and outdated, i.e. they do not reflect the latest available science. In September 2021, the World Health Organisation (WHO) published its updated recommendations for air quality, based on a thorough scientific review process. EU air quality standards should urgently be updated in line with these recommendations. A proposal for the revision of the AAQD is foreseen in 2022.

In the EU, residential burning is the predominant source of health- and climate-damaging fine and ultrafine particles, specifically of black carbon (BC). The decarbonisation of the energy system, together with energy efficiency measures, are developments for the reduction of air pollution from the domestic heating sector. The Presidency Trio must ensure this issue is tackled in all relevant legislative files in an ambitious and coherent way.

Air pollution from the agricultural sector needs to be addressed in the revised Industrial Emissions Directive (IED), a proposal of which is expected by the European Commission in the first quarter of 2022. Under the IED, around 50,000 installations are required to operate in accordance with a permit, outlining measures to prevent or reduce their environmental impact, including emission limit values for air pollutants. The Directive needs to be more stringent when it comes to air pollutants for the agricultural sector (for more details and specific IED recommendations, see #8).

Emissions from transport remain another major source of concern and the post-Euro 6/VI emission standards for air pollution from light-duty vehicles (cars and vans), and Euro VI standards for heavy-duty vehicles (trucks, buses and coaches) are expected in early 2022.

Effective policy action to quickly and drastically reduce the health and environmental damage caused by air pollution is urgently required. The actions within the next 18 months of the FR-CZ-SE Presidency Trio are key to support an update of the EU policies to the latest science. The long-awaited revision of the AAQD provides a golden opportunity for the Presidency Trio to ensure cleaner air and to work to achieve a high level of protection for citizens and ecosystems, in line with the EU's zero-pollution ambition.

We therefore call upon the Presidency Trio to:

- Lead in the adoption of an ambitious Council position on the revision of the **Ambient Air Quality Directives (AAQD)**, supporting the full alignment of the standards to the updated WHO guidelines on air quality and lead the Council through trilogues to ensure that health and nature protection are given the priority they deserve, in particular by:
 - Ensuring that the revised AAQD is fully aligned with the new WHO guidelines by 2030;
 - Ensuring that air quality standards in the form of binding limit values continue to be a key driver towards clean air;
 - Extending the scope of the air quality standards to include the pollutants ammonia, mercury, black carbon and ultrafine particles;

- **Improving implementation and enforcement measures in the AAQD**, e.g. through the introduction of provisions on sanctions and penalties;
- Reduce air pollution at source, including from agriculture and domestic heating through the **IED and the Ecodesign regulations for local space heaters**;
- Commit to and promote bold action against air pollution at the international level through the **Gothenburg Protocol** revision, expanding the number of air pollutants covered by binding Emission Reduction Commitments (ERCs) by adding methane (CH₄), black carbon (BC) and mercury (Hg);
- Ensure stricter post-Euro 6 and Euro VI emission standards for **light-duty vehicles and heavy-duty vehicles** respectively to reflect the commitment to zero-pollution ambition – with stricter emission limits for regulated air pollutants (NO_x, PM, PN, CO, THC, NMHC and, for lorries and buses, CH₄ and/or NH₃), and new emission limits for currently non-regulated air pollutants (Sub-23 nm and total particles, N₂O and, for cars and vans, CH₄ and/or NH₃). Improve real world testing and continuous on-board monitoring of real-world emissions to support accuracy and transparency;
- Fully embrace a **zero-pollution ambition** when positioning the Council in decision-making processes which have an impact on air quality and emissions reduction by promoting zero risks to health and the environment by 2050 at the latest by addressing pollution at source and by focusing on prevention, while also showing zero tolerance for non-compliance and providing no funding for polluting activities. In addition, ensure that the ZPAP and all legislation implements key principles enshrined in the EU Treaties by:
 - Preventing pollution through action at source in line with the **prevention principle**;
 - Anticipating protective actions in case a risk cannot be determined with sufficient certainty and protecting the environment and people's health, in line with the **precautionary principle**;
 - Keeping polluters accountable and recovering the costs from them to rectify the damage they cause in line with the **polluter-pays principle**;
 - Ensuring accessible decision-making processes and publicly available pollution data, **in line with the transparency principle**.

More information: [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](#)



8. Drive a new industrial revolution – towards a zero-pollution industry

The Industrial Emissions Directive (IED) regulates the emissions of the industrial installations with the highest environmental impact in the EU and a proposal for a review of the Directive is expected in March 2022. It is possibly the only EU policy instrument that aims to deal with all environmental impacts in an almost fully integrated way (addressing all environmental media except climate protection), with a focus aimed at pollution prevention at the source.

However, the focus so far has been based on an end-of-pipe approach and the negative impact of industrial emissions is still very significant (e.g. the European Environmental Agency estimated that air pollution costed society €433 billion in 2017 alone). Aspects linked to preventing wider negative pollution footprints (such as from resource consumption and substitution of chemicals of concern) will need to be strengthened, as a revised IED will need to speed up the decarbonisation in a combined approach with market-based instruments.

The IED lacks directional and forward-looking Best Available Techniques (BAT) based on technical feasibility and focuses instead of what is considered as economically feasible for the polluters. The abuse by Member States of 'flexibilities' for implementation further demonstrate the need for a deep overhaul. The instrument should promote a global environmental level playing field, enabling the EU to catch up on its frontrunner performance claims.

The review of the IED will go hand in hand with the review of the EU Pollutant Release and Transfer Register (E-PRTR), for which a Commission proposal is expected in March 2022, and its parent UNECE Kiev Protocol, relating to reporting on industrial activities, which is also undergoing a revision.

We therefore call upon the Presidency Trio to:

- **Commit to clean up industrial production and generate transformative change towards a circular, decarbonised and zero-pollution industry;**
- **Ensure an ambitious overhaul of the IED**, so that it becomes the new carbon-neutral, zero-pollution industrial production regulation that prevents accidents and re-designs the scope and method for the determination of Best Available Techniques (BAT), focusing on:
 - Extending its scope to capture major pollution sources and issues, e.g. intensive aquaculture, cattle, greenhouse gases, whilst not losing the focus on the intended outputs of the activity;
 - Extending and updating the EU 'safety net' requirements for preventing impacts from the most polluting activities, driving for electrification of energy-intensive industries and achieving a coal combustion phase out by 2030 and fossil gas by 2035 at the latest;
 - Changing to a 'forward looking' BAT determination to promote the industrial activity with the least environmental impact for the provision of a given product/service - e.g. for energy production, water quality and supply, protein production, resource management;
- **Encourage policy initiatives for an integrated industrial transformation in all relevant EGD files, reflecting the zero-pollution, carbon neutrality and circular economy ambitions, particularly by:**
 - Speeding up and striving for 100% renewable energy supply for the electrification of most industrial processes, phasing out fossil fuel use and production;
 - Defining and focusing the use of both renewable hydrogen and sustainable biomethane to hard-to-abate industrial emissions and creating a coherent infrastructure framework;

- Supporting resilience and material efficiency throughout the value chain, namely by improving closed-loop recycling of carbon-intensive products;
- Developing demand-side measures for low carbon, zero-pollution products;
- Ensure **internalisation of external costs**, notably through an early **Environmental Liability Directive review** extending liability to recover all effects of activities causing harm, irrespective of a permit defence, and **lead by example at national level** on pricing negative impacts;
- Demonstrate that the **EU walks the talk around the ‘green’ digital age and re-designs reporting obligations to serve progress on environmental performance and accountability of decision making**, notably by:
 - Providing single access platforms and databases for environmental information serving various purposes such as compliance promotion, benchmarking of performance, improved information exchange for EU standards-making and more up to date and complete access to information to the public (e.g. ‘product passports’) as part of the EU PRTR review;
 - Reviewing the Commission Expert Groups Rules and Council work practice to ensure full transparency and accountability to the ‘Green Oath’, improving the balance of public vs private interest stakeholder representation, setting Key Performance Indicators to track progress and supporting accountability in decision-making to help deliver EGD goals;
- **Ensure the Presidencies send a strong and coherent signal regarding the improvement of the UNECE PRTR Protocol Development, the E-PRTR and associated IED review** with a view to:
 - 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 - e.g. IED Electronic Permit Template (EPT) allowing centralised reporting on relevant permit conditions;
 - Developing a centralised and powerful database allowing for the better benchmarking of real-time environmental performance and better use of information for other purposes e.g. BREF reviews (e.g. by including site-specific resource consumption data and production volumes);
 - Improving reporting on diffuse emissions from products and enabling progress tracking towards SDG achievement, with systematic and formalised consultation of end-users;
- **Lead by example and implement recommendations made in the reports of the UNECE PRTR Bureau** and ensure that the Council Working Parties systematically allow for early and effective pre-consultation with civil society interest groups like the EU ECO Forum.

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.](#)



9. Promote safe chemicals and deliver a toxic-free environment that protects our health and biodiversity

Global chemicals sales more than doubled between 2000 and 2017 and 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 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 a world-leading chemical safety regime in place. 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, the European Commission announced a European Green Deal in December 2019, which 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 Green Deal 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. The upcoming eighteen months will be crucial to set the scene for these 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 Presidency Trio to:

- Support an ambitious and timely delivery of the central elements of **Chemicals Strategy for Sustainability**, by engaging with civil society and contributing to the dedicated high-level roundtable;
- Lead 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 the latest;
- Protect the population and environment against harmful chemicals by supporting the ambitious implementation of existing regulations and through a **zero tolerance to non-compliance** approach;
- 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;
- Promote protective restrictions under REACH on groups of most hazardous substances like **PFAS, flame retardants** and highly problematic materials such as PVC;
- **Promote EU leadership in strengthening the Minamata Convention on Mercury and the EU Mercury Regulation**, its 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;
- Promote a **Digital Services Act (DSA)** that holds e-platforms that sell illegal and dangerous chemicals and products containing them accountable and ensure that failure to comply with those 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](#)



10. Grasp the full potential of the Circular Economy for the environment, jobs and the economy

During the next three Presidencies, major files on the Circular Economy will be progressed, affecting various economic sectors and with the potential to steer the EU market and economy to a major and necessary transformation, in line with the European Green Deal goals.

The Batteries and Waste Shipment Laws, as well as the revision of the Energy Performance of Buildings Directive will be further discussed and may reach their final steps during the Presidency Trio. In addition, the Sustainable Products Initiative with the reform of Ecodesign, the Construction Products Regulation, the Green Claims and Empowering Consumer Initiatives, the Sustainable Textiles Strategy, the Consumer Electronics Initiative and Right to Repair, the revision of the Packaging and Packaging Waste Directive, as well as the End of Life Vehicles Directive will all be started during the Presidency Trio.

The Presidency Trio will have a unique opportunity and the related responsibility to unleash the potential of the Circular Economy for a more sustainable, more resilient and more inclusive economy, and reinforce - or weaken - the EU leadership at global level.

We therefore call upon the Presidency Trio to:

- Lead the Council during the trilogues on the **Batteries Regulation**, promoting without delay the use of digital product passports, the carbon footprinting and due diligence requirements, the durability performances and the replaceability of all batteries, including portable batteries for light electric vehicles, without unjustified capacity thresholds. Further boost the targets for minimum recycled content and secure increased collection and recycling targets while phasing out unnecessary disposable batteries;
- Negotiate an ambitious Council position and lead the Council during the final steps for the revision of the **Waste Shipment Regulation** to ensure restrictive export conditions, including within OECD countries, fully respect the waste hierarchy, reflect the Basel Convention amendments on plastic waste shipments and enable a proper waste management of items exported for reuse, in line with the polluter pays principle and extended producer responsibility;
- Seize the opportunity of the revision of the Energy Performance of Buildings Directive to inject Circular Economy measures and unleash the largely untapped potential for embodied emissions and material savings in a sector consuming 50% by weight of the materials consumed in EU, starting by requiring Whole Life Carbon information and targets for new and renovated buildings, requiring reused and recycled contents and making sure zero emission buildings encompass embodied emissions in materials used to build, renovate or maintain buildings;
- Progress an ambitious **Sustainable Product Policy** legislation to make sustainable products the norm, including through the implementation of digital product passports and the overhaul of the Ecodesign Framework Directive with the setting of associated work plans, targeting at least textiles, furniture and intermediary products not covered by existing sectoral policies, in addition to continue deliver without further delays on energy related products;
- Lead the Council negotiations 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);

- Adopt ambitious Council Conclusions on **green claims**, requiring that green allegations towards consumers and businesses are properly backed up by publicly available evidence aligned with the EU product environmental footprint (PEF) methodology and completed with additional criteria and/or certifications for dimensions not properly covered by PEF;
- Support the **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;
- Negotiate an ambitious revision of the **Packaging and Packaging Waste Directive**, notably to update essential requirements towards reusability and recyclability, prevent over-packaging and restrict the use of substances of concern in line with the objective to have only reusable and recyclable packaging on the market by 2030;
- Progress the revision of the **End of Life Vehicles Directive** to address the design stages beyond the current end of pipe focus, address the poorly managed plastic streams, enforce sound conditions and traceability of cars shipped for reuse, and anchor this revised law in a sustainable mobility system, avoiding the simple substitution of electric cars to fossil fuel cars;
- Support the definition of robust measurement methods for the release of **micro-plastics** in the environment, notably for textiles, tyres, paints, and integrate micro-plastics release in future Ecodesign, Green Claims, Extended Producer Responsibility and Labelling measures;
- Ensure a high degree of human health protection, as well as clean material cycles and a safe circular economy through setting stringent restrictions and low presence thresholds in the revision of **Persistent Organic Pollutants (POPs) Regulation**;
- Support a legally binding global treaty to curb plastic pollution through a life-cycle approach during the **5th UN Environment Assembly** in February 2022 and the following negotiation steps.

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](#)



11. Demand democratic accountability, respect for the rule of law and access to justice

The European Commission endangered the EU's commitment to the international rule of law at the 7th Meeting of the Parties of the United Nations Economic Commission for Europe's Aarhus Convention in October 2021. Instead of endorsing all of the findings on the EU's non-compliance with the Convention, due to the EU's position, the decision was taken to postpone one of the issues related to access to justice at EU level, on state aid decisions. The Council should now play its part in ensuring full compliance by the EU with the finding of non-compliance (case ACCC/2015/128), setting the EU on the path of implementing those findings by the time of the next Meeting of the Parties in 2025. Additionally, it is up to the Council to ensure there is better access to justice in environmental matters in the Member States, by promoting such provisions in all new legislative proposals, in line with the Commission Communication of October 2020 on Access to Justice.

While the EU is facing internal rule of law challenges, it is important that the Trio sends a strong signal at European level. Emphasis has to be on supporting the rule of law in EU legislation with a vigilant focus on ensuring access to justice provisions in all of 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 through increasing the accountability of EU level decision-making through improved transparency of Commission Expert Groups.

The commitments made in the European Green Deal are reliant upon their implementation and enforcement. In order 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 has come out with a proposal on the revision of the Environmental Crime Directive in December 2021 to address the enforcement gap and the Environmental Liability Directive is being evaluated during the time of this Presidency Trio. A strong stance on environmental protection through liability and against organised crime will send a positive signal to European citizens.

After an initial postponement, the legislative proposal on a Sustainable Corporate Governance law is now set to reach the legislators in 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 and mandatory corporate 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 Presidency Trio to:

- Ensure full compliance by the EU with the **Aarhus Convention**, including in the implementation of the revised Aarhus Regulation and through fully addressing the Compliance Committee findings on granting access to justice on the Commission's state aid decisions (case C128);
- Ensure that all new and revised environmental legislation includes **access to justice provisions**, in line with the Commission's Communication from October 2020, and demonstrate the Council's commitment to wide access to justice at EU and Member State level;
- Promote the full respect of the rule of law in all Member States, ensuring that civil society can freely operate and carry out their public interest functions without barriers or harassment and particularly promote robust EU laws that protect activists, journalists and NGOs from **Strategic Litigation Against Public Participation (SLAPPs)**;

- Lead the Council in the discussions towards an ambitious revised **Environmental Crime Directive** that provides for a clearer and wider coverage, better information on environmental crimes, national focal points for environmental crimes that can also facilitate cross-border cooperation, and clearer guidance on sanctions so that they are truly effective, proportionate and dissuasive;
- Lead the Council in the discussions related to the evaluation of the **Environmental Liability Directive**, assisting the Commission in gathering relevant information and intelligence on how to render the legislation more effective;
- Lead the Council to an ambitious position during the trilogues on the **Sustainable Corporate Governance Directive**, ensuring that mandatory rules on due diligence and directors' duties are enforceable and that victims and affected communities have access to remedies;
- Revise the European Commission **expert group rules** to improve public accountability in decision making, guaranteeing transparency and the absence of conflict of interests, and aligning decision making with the 'green oath'.

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](#)



12. Foster European solidarity, wellbeing, and social and environmental justice

The pandemic accelerated momentum in high-income countries to transition the economy to one that puts wellbeing centre stage. Finland and Wales joined Scotland, New Zealand and Iceland in a Wellbeing Governments group. Polling shows that people want a wellbeing economy more than they want a GDP-growth economy. The recently agreed 8th Environment Action Programme (8EAP) puts the wellbeing economy centre stage. This momentum will further increase due to the climate and biodiversity crises, the experience of the pandemic and from the growth of scientific insights in planetary health and new macroeconomics. Events such as the Stockholm+50 conference on the Limits to Growth, the next European Parliament's postgrowth conference and the European Commission's promised Beyond GDP conference can help to focus the attention of European policymakers on the necessary systemic changes to enable the transition to a better future where people and nature thrive together. With the Council conclusions on an Economy of Wellbeing, adopted under the Finnish Council Presidency in 2019, the Porto declaration of May 2021 and the recently adopted 8EAP, we urge the Presidency Trio to continue in adopting a wellbeing economy perspective in all policies for the systemic change of our economies.

At the same time, a wellbeing economy is about the creation of a social- and gender-just economy, rooted in the principles of care, cooperation and solidarity. It is about promoting civil society space and meaningful participation in decision-making processes, with particular attention to the engagement of youth and affected communities. Certain social groups, such as women, and minorities, such as Roma, wider BAME (Black, Asian and minority ethnic) communities and migrants, are disproportionately affected by the negative impacts of our current unsustainable economic system. A wellbeing economy must ensure social justice for all and break the exploitative structures that perpetuate inequalities between countries, genders, races and classes.

Roma communities make up the largest ethnic minority in Europe but are the most marginalised group in European society, facing multiple forms of discrimination. Fuelled by centuries of exclusion, Roma communities are regularly excluded from basic environmental services, such as the supply of drinking water, and are disproportionately affected by environmental burdens. The Commission's new 2020-2030 Roma Strategic Framework and the proposed Council Recommendation are welcome efforts as they recognise environmental justice as an integral part of achieving inclusion for the Roma. Such documents offer guidance for Member States to achieve environmental justice for Roma communities. 2022-2023 will be important to support Roma inclusion in Member States in implementing their national Roma strategies.

We therefore call upon the Presidency Trio to:

- Promote building **wellbeing economies** by pushing for an ambitious reform proposal of the **EU economic governance framework** in 2022 that puts social, gender and environmental justice goals at its heart before the deactivation of the general escape clause at the end of 2022;
- Work towards joining the frontrunners in the Wellbeing economy governments' alliance and encourage other Member States to do the same, continuing the work of previous Presidencies (in particular Finland and Portugal) on the **wellbeing economy**;
- Advance discussions on the importance of acknowledging the interlinkages of environmental policies and gender and social justice (especially in upcoming EGD files) by facilitating debates;

- Encourage discussions on the role of **wellbeing in the European Semester** and replace the GDP growth focus with a wellbeing focus, taking inspiration from the Wellbeing Governments alliance, the wellbeing economy pilot project involving cities and regions, [the doughnut economics for the EU framework](#) and [The Common Good Product](#);
- Build on the Council recommendations on **Roma equality, inclusion and** participation and work with the Member States on the implementation of their respective National Roma Strategies to maintain the commitment to non-discrimination, civil society participation, fighting poverty, social exclusion and environmental injustices affecting Roma communities;
- Encourage and promote the inclusion of Roma civil society to monitor the Member States' national Roma Strategies and promote the alignment of the Anti-Racism Action Plan 2020-2025 with the 2020-2030 Roma Strategic Framework, including in relevant Green Deal policies;
- Promote **civil society space** and meaningful participation to support effectiveness and democratic legitimacy, particularly by ensuring the full participation of European civil society in the Conference on the Future of Europe process;
- Systematically consult and engage **youth as equal partners** in decisions on their future.

More information: [Towards a wellbeing economy that serves people and nature](#) • [The 25% revolution \(documentary\)](#) • [Turning Point. The pandemic as an opportunity for change.](#) • [Pushed to the Wastelands: Environmental racism against Roma communities in Central and Eastern Europe](#)

Abbreviations

8EAP	8 th Environment Action Programme
AAQD	Ambient Air Quality Directives
ACCC	Aarhus Convention Compliance Committee
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
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
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 trio Presidencies.

We also develop **Ten Green Tests** before each Presidency and assess the Presidency performance against these tests. The Ten Green Tests for the French Presidency can be found [here](#).

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