



EEB

European
Environmental
Bureau

THE EEB'S ASSESSMENT OF THE ENVIRONMENTAL PERFORMANCE OF THE SLOVENIAN PRESIDENCY OF THE EU



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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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UMANOTERA
The Slovenian Foundation for Sustainable Development

 **SEAS AT RISK**



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Introduction

This is an assessment of the Slovenian Presidency of the Council of the European Union by the European Environmental Bureau (EEB), the largest network of environmental citizens' organisations in Europe, with thanks for inputs from Umanotera and Seas at Risk, signed off by the EEB Board with members from across Europe. Our mandate encompasses all environment-related issues, a broad agenda comprising 'traditional' environmental issues as well as sectoral and horizontal policies with a direct or potential environmental impact, sustainable development and participatory democracy.

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

Success depends on the willingness of Member States to commit as well as on political will, ideas, and the use of political capital to achieve results. In addition, policy agendas are often highly affected by external events and new Commission priorities, as has been and still is the case with the Covid-19 crisis. Our assessment therefore addresses separately both effort and result.

The assessment is not an overall political assessment of the Presidency's performance, nor is it an assessment of the Slovenian national political or environmental situation or its domestic policies, except to a limited degree linked to its role in leading or failing to lead by example. We are not assessing its role on foreign affairs issues, internal security matters or migration policies, for example, except insofar as such issues have a direct bearing on the environment. On the other hand, the assessment is not limited to the activities and outcomes of the Environment Council; it covers all Council configurations to the extent that they deal with topics that affect the environment, as well as the European Council, which is formally not under the Slovenian Presidency responsibility, but where the Presidency plays an important role. Our assessment is based on the Ten Green Tests we presented to the Slovenian Government at the start of its Presidency on 1 July 2021.

The Slovenian Presidency comes at the end of the second year of the European Green Deal and had considerable responsibility for helping to make the European Green Deal the transformative agenda it was promised to be and needs to be. It has had to face an ongoing challenge of dealing with the Covid-19 crisis and fuel price crisis whilst progressing the environmental agenda.

At the outset, we would like to acknowledge and express our appreciation for the cooperative approach adopted by the Slovenian Presidency.



Jeremy Wates
Secretary General

Ten Green Tests for the Slovenian Presidency: Assessment

'Missed opportunities for needed progress on climate, pollution and agriculture, mixed results on Aarhus and the Green Recovery.'

Politics is the art of the possible. However, if and where the possible does too little to avoid dramatic climate change, halt catastrophic biodiversity loss, reduce pollution exposure, or improve governance systems in a way that gives confidence in our governments, institutions and future, then we cannot assess the progress to be good, despite efforts. In times of climate, biodiversity and pollution crises, Member States' governments under the leadership of the Council

Presidency need to make considerable additional efforts to change what is perceived as possible to align with what is needed. It is in this light of both effort and impact in the context of needs, that we have assessed the performance against the [Ten Green Tests](#).

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

		Effort	Outcome
	1 Drive a just transition to a sustainable and resilient Europe with the European Green Deal at its core		
	2 Catalyse the green transition through tax reform and use of the MFF and Recovery Package		
	3 Address the climate emergency and promote sustainable mobility		
	4 Reverse the dramatic loss of biodiversity and invest in the resilience of our ecosystems		
	5 Initiate a rapid transition towards sustainable food and agriculture		
	6 Promote a zero-pollution ambition - clean water and clean air for all		
	7 Drive a circular economy and prevent waste		
	8 Shift towards a zero-pollution industry		
	9 Support a toxic-free environment and the ambitious implementation of the Chemicals Strategy		
	10 Promote European solidarity, wellbeing, social and environmental justice, and accountability		



1 Drive a just transition to a sustainable and resilient Europe with the European Green Deal at its core

The verdict

Mixed on effort

Mixed on outcome

The [first Green Test](#) asked the Slovenian Presidency to: embrace the European Green Deal as a core Presidency priority; promote a progressive 8th Environment Action Programme (8EAP); push forward the reform of the EU's international trade policy and withdraw from the Energy Charter Treaty; ensure transparency and public participation in the roll out of the Green Agenda for the Western Balkans and the Economic Investment Plan; and ensure that the 'Better Regulation' process contributes to the European Green Deal (EGD).

Key developments

- The EGD continued to be rolled out during the six months of the Slovenian presidency, with over a dozen environmental and climate legislative proposals launched, generally without significant delays.
- The 8th Environment Action Programme (8EAP) was agreed at the final trilogue in December, after intense negotiation, with Member States [endorsing political agreement with the Parliament on 10 December](#).
- There have now been eight rounds of negotiations to 'modernise' the Energy Charter Treaty (ECT) and a growing number of Member States are demanding a legal analysis for a joint withdrawal from the treaty. No such legal analysis has been shared by the Commission, despite repeated calls for one.

Good

- [The final agreement](#) on the 8EAP included several important improvements to the Commission's proposals. The Council helped push for the 2024 mid-term assessment with potential for a legislative response. It also embraced progressive measures on soil (a law promised for 2023), noise and light, and embraced the wellbeing economy and need for system change, supported environmentally harmful subsidy reform, a beyond GDP indicator dashboard, and governance improvements formalising the requirement for a discussion of progress with the Council and Parliament.
- The Green Agenda for the Western Balkans Action Plan was agreed.

Less good

- No date was agreed for the actual removal of environmental harmful subsidies in the 8EAP.
- The Green Agenda for the Western Balkans Action Plan lacks clarity, [contains only indicative target years](#), and only marginal civil society engagement and funding opportunities.
- Slovenia did not seem to have pushed for the integration of the sustainability-first principle in Fit for Future Platform.
- prospects of reform and an increase in the number of Member States that are considering leaving the Treaty.

Overall, while there was good progress on the 8EAP and the EGD stayed at the core of European policy, there was a missed opportunity for Slovenian leadership and proactive engagement on the Energy Charter Treaty, from which the EU has not withdrawn. So overall the verdict is mixed on effort and mixed on impact.



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

The verdict

 Mixed on effort

 Mixed on outcome

This [second Test](#) called on the Presidency to lead the Council in negotiations on the fiscal reform initiatives - Emissions Trading Scheme (ETS), Carbon Border Adjustment Mechanism (CBAM) and Energy Taxation Directive (ETD); to promote compliance with the 'do no significant harm' principle in the use of EU Funds and ensure that it is fully embedded in all Taxonomy Delegated Acts; and to lead by example in implementing the EGD in the EU Budget (MFF) Partnership Agreements (PAs) and in National Recovery and Resilience Plans (NRRPs) through targeted investments and transformative policy reform.

Key developments

- The Slovenian Presidency held Council discussions on the ETS at the October and December Environment Councils as well as on CBAM and ETD at the Economic and Financial Affairs Council in November.
- A draft Commission proposal for a delegated act including gas and nuclear in the taxonomy was circulated to Member States for comment on 31 December 2021, with a view to adoption in early 2022.
- On 6 July, the Commission proposed a Regulation on a voluntary [European Green Bond](#) Standard (EUGBS).
- On 1 July, the Commission gave the [green light](#) to [Slovenia's NRRP](#), submitted on 30 April.
- On 15 December, heads of state and the representatives of the EU signed the [Joint Declaration of the Eastern Partnership Summit](#), committing, *inter alia*, to a green transition.
- Political provisional agreement was reached on the revision of the [trans-European energy network \(TEN-E\) Regulation](#) on 15 December.
- [Agreement](#) was reached on the EU 2022 budget on 16 November.

Good

- The Slovenian Presidency engaged all relevant Council formations in the discussions of the ETS, CBAM and ETD and published a Fit-for-55 [progress report](#) on 22 November.
- In the provisional agreement on the TEN-E regulation, there is a commitment that [no new fossil fuel projects receive funding from the Connecting Europe Facility](#).
- Formally, the Slovenian NRRP included 42% of climate finance, above the 37% threshold, and the final NRRP was significantly better than earlier versions, which had included road infrastructure and aviation investments.

Less good

- While on paper the Slovenian NRRP is compliant with the formal 37% climate spending target, the analysis of the [Green Recovery tracker](#) only found a 21% green spending share of Slovenia's NRRP. In addition, there was little on renewables, energy efficiency or sustainable transport. There was also little public participation and no commitment to strengthen Slovenia's carbon tax.
- Slovenia pushed for nuclear to be included in the taxonomy, including through the Prime Minister at COP26, and seem to be planning a new nuclear power plant. The inclusion of nuclear and gas in the Taxonomy, under the strong pressure of the lobby and some Member States, would risk undermining the whole instrument.
- Slovenia only made a superficial effort to argue that key investments of its NRRP respect the 'do no significant harm' (DNSH) principle.

Overall, the Slovenian Presidency provided Council time to discuss the EU-ETS, CBAM and ETD, but without much progress, although it succeeded in facilitating agreement on the TEN-E Regulation. The push for nuclear and the missed opportunities for innovative projects and policy reform under the NRRPs are unfortunate and are slowing necessary progress. Overall, the verdict is mixed for effort and mixed for impact.



3 Address the climate emergency and promote sustainable mobility

The verdict

 Mixed on effort

 Poor on outcome

The [third Test](#) called on the Presidency to: lead Council negotiations on the Fit for 55 package and hold constructive and fact-based discussions; demonstrate EU ambition and leadership at COP26; promote sustainable mobility; and lead by example in the implementation of the Climate Adaptation Strategy and on carbon taxation.

Key developments

- The Council discussed key Fit for 55's files, including the emissions trading scheme (ETS), Carbon Border Adjustment Mechanism (CBAM), Effort Sharing Regulation (ESR), Renewable Energy Directive II (RED II), Energy Efficiency Directive, Land Use, Land-Use Change and Forestry (LULUCF) Regulation, CO₂ from cars and vans, Energy Tax Directive (ETD), and Social Climate Fund.
- The [Eurovignette road charging reform](#) was adopted by the Council on 7 November 2021.
- TEN-E: Council and Parliament [reached provisional political agreement in trilogue negotiations on new rules for cross-border energy projects under the Trans-European Networks for Energy \(TEN-E\)](#) on 15 December 2021.
- The Council agreed [climate finance](#) for developing countries on 29 October, with [ECOFIN Council Conclusions](#) on 5 October, and UNFCCC COP26 [Council Conclusions](#) on 6 October.

Good

- The Presidency allocated significant policy time to the climate files at the informal Council meeting (12-13 July 2021) and across all relevant Council formations, preparing progress reports on [22 November](#) and [6 December](#), helping to set the scene for progress under the French Presidency.
- The Eurovignette reform introduced varying infrastructure and user charges for heavy-duty vehicles based on CO₂ emissions.
- The [UNFCCC COP26 Council Conclusions](#) helped the Presidency and Commission to speak with one voice and push for maintaining the 1.5°C target that was at risk.

Less Good

- The Slovenian Presidency did not take a strong lead in the negotiations around the different files of the Fit for 55 package, notably on the CBAM, EED and the REDII, which have been characterised by pressures from Member States to water down the provisions.
- The discussions around the revision of the EED have been mostly focused on Member States' requests of increased flexibility and a leaked version of the Presidency proposal suggests that even the indicative national targets would be scrapped in favour of indicative national contributions.
- The Slovenian Presidency did not seem to be pushing for an ambitious RED II and there are concerns about the potential elimination of national targets for renewables in the building sector where the integration of decentralised renewable production is the easiest.
- At the UNFCCC climate COP26, Slovenia focused on 2050 decarbonisation and nuclear energy without proposing strong short- and long-term measures, thus failing to be a strong lead for the EU and globally.
- Instead of strengthening the domestic carbon price incentive, e.g. by increasing its carbon tax for the non-ETS sector, Slovenia prepared the introduction of a cost compensation scheme for energy intensive industry, financed from ETS-revenues, and hence showed a bad example to other Member States.

Slovenia provided space for extensive discussions of Fit-for-55 files across Council formations. However, several files have been weakened in the process. This was disappointing, as was Slovenian leadership at COP26 and its support for nuclear in the Taxonomy that all undermine EGD progress. Overall, the verdict is therefore mixed on effort and poor on result.



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

The verdict



Good on effort



Mixed on outcome

This Test primarily focused on the Presidency's role in: ensuring the EU's leadership position on the Global Biodiversity Framework (GBF); pushing for a biodiversity-focused EU Forest Strategy; promoting EU action to tackle the drivers of pollinator decline; preparing the Council for the discussions on the upcoming Nature Restoration Law (NRL); and leading by example at home by prioritising the safeguarding of freshwater, marine and coastal ecosystems.

Key developments

- The Presidency organised a debate on the GBF and pollinators at the informal meeting of the EU Environment Ministers in July and engaged in the ongoing CBD negotiations. However, the original negotiation timetable has been significantly delayed due to the pandemic so the detailed mandate for negotiations is still to be agreed. Slovenia joined the High Ambition Coalition for Nature and People.
- The European Commission published the EU Forest Strategy for 2030 in July 2021 and EU Agriculture Ministers adopted [Council conclusions](#) on the Strategy in November 2021.
- The Presidency co-organised the Nature Directors' Meeting and a meeting of Water and Marine Directors to discuss new policy initiatives and ongoing implementation challenges.
- The Foreign Affairs Council adopted Council conclusions on water in the EU's external action on 19 November 2021, following a conference on transboundary water management organised by the Presidency.

Good

- The Council Conclusions on the EU Forest Strategy gave overall support to the Strategy, preparing the ground for its implementation by all Member States.
- The Presidency organised several high-level debates on pollinator decline and had a fruitful partnership with the Commission and Parliament for the EU Pollinator Week.
- The Presidency provided opportunities for discussion on the implementation of the EU Biodiversity Strategy at the Nature Directors Meeting in November as well as at the meeting of the EU Environment Ministers in December. The meeting of the Nature Directors maintained an open session with NGOs and stakeholders.
- The Slovenian Presidency strengthened the EU's commitment to water diplomacy - especially the use of transboundary water cooperation as a tool for peace, security and stability - in the Council Conclusions on water in the EU's external action.
- The Council made progress in considering ecosystem impacts on fisheries when setting fishing opportunities for the Baltic.

Less good

- The Council Conclusions on the EU Forest Strategy gave inadequate regard to biodiversity considerations and gave undue weight to the interests of the forestry industry. Environment Ministers were not properly involved in those deliberations.
- The Presidency did not start informal Council discussions on the upcoming NRL even though the proposal was originally foreseen for late 2021, missing an opportunity to prepare the ground for a speedy debate on the new law with immense potential for biodiversity and climate.
- The Presidency role in reaching agreement on the reformed CAP is questionable (see test 5 on agriculture). Slovenia's CAP eco-schemes further promise [mixed results at best](#) for the protection of high-diversity landscape features and pollinators.
- The [adoption of Slovenia's own River Basin Management Plans is facing undue delays](#).
- While a priority, the Council did not advance as planned with trilogue negotiations on the EU Fisheries Control Regulation.

Overall, the Presidency gave some priority to biodiversity issues. However, the Council agreements brokered by the Presidency, did not sufficiently reflect public interests and the urgent need to protect and restore nature. As a result, the verdict is good on effort, mixed on outcome.



5 Initiate a transition towards sustainable food and agriculture

The verdict

 Mixed on effort

 Poor on outcome

[This Test](#) called upon the Presidency to defend a shift to shorter and fairer supply chains to increase the resilience and sustainability of the food system, to push for strong action on greenhouse gas emissions in the agriculture sector, and to lead by example in its national Common Agricultural Policy (CAP) Strategic Plan, in order to deliver on the Farm to Fork and Biodiversity Strategies.

Key developments

- The CAP reform was finalised, with final trilogue technical meetings and secondary legislation handled by the Slovenian Presidency.
- Agriculture Ministers held an exchange of views on the role of the agriculture sector in the Fit for 55 package.
- The Agriculture Council discussed several initiatives stemming from the Farm to Fork Strategy, including the Organic Action Plan, and the Contingency Plan for ensuring food supply and food security in times of crisis, both key opportunities to rethink food supply chains.

Good

- The Slovenian Agriculture Minister held a digital meeting with environmental NGOs in the margins of the October Agriculture Council meeting.
- The Council Conclusions on the Organic Action Plan that were adopted in the early days of the Slovenian Presidency strongly recognised the need for action to promote both the supply and consumption of organic food across the EU.

Less good

- The Agriculture Council discussion on CAP Strategic Plans and transparency in the CAP was held behind closed doors.
- Farming lobbies were invited to the Informal Agriculture Council and met with the Slovenian Presidency ahead of each Agriculture Council meeting, while environmental stakeholders were largely side-lined and only met with the Presidency once, after a Council meeting.
- The Slovenian CAP Strategic Plan is [falling short](#) on the expected and necessary level of ambition for action on climate and biodiversity.
- The Council Conclusions on the Contingency Plan failed to highlight the inherent vulnerability of long and complex supply chains or to call for a shift to shorter and fairer supply chains.

Overall, the Slovenian Presidency showed very limited efforts to transform green rhetoric into concrete policy changes and continued the biased treatment of stakeholders, with privileged access granted to industrial farming lobbies. It did, however, meet with environmental NGOs in the margins of the October Agriculture Council meeting. On the CAP, while the Presidency took positive steps in relation to organic farming, the decision to hold a meeting on transparency behind closed doors and the poor environmental ambition of the Slovenian CAP Strategic Plan show a dire lack of 'leadership by example'. Therefore, the verdict is mixed on effort and poor on outcome.

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

The verdict



Poor on effort



Mixed on outcome

The sixth Test called on the Presidency: to embrace the zero-pollution ambition and to give full political backing through Council Conclusions to the Zero Pollution Action Plan for Water, Air and Soil (ZPAP); to prepare the Council's work on the revision of the Ambient Air Quality Directives (AAQD) and EU's rules to tackle surface and ground-water pollution; and reduce air pollution at source and promote bold action against air pollution at the international level through the revision of the Gothenburg Protocol. .

Key developments

- In September, the World Health Organisation (WHO) launched new Air Quality Guidelines based on extensive scientific evidence, recommending much tighter standards that, if applied, would cut early mortality due to air pollution exposure by 80% globally and by around two thirds in Europe.
- The European Commission continued with the roll out of the ZPAP since its adoption in May 2021. It continued its preparation for the revisions of the Ambient Air Quality Directives (AAQD) and Urban Wastewater Treatment Directive (UWWTD), as well as for updates of the water pollutants under the Environmental Quality Standards Directive and the Groundwater Directives, including relevant public and stakeholder consultations. It published a [study](#) highlighting failure to apply the Polluter Pays Principle (PPP) to air and water pollution, and set up the Zero Pollution Stakeholder Platform.
- The Presidency organised a first discussion on the EU Soil Strategy, which was published by the European Commission in November 2021 and includes commitments to propose a Soil Health Law by 2023 and to step-up efforts to tackle soil pollution across the EU, which Member States welcomed.
- The review of the Gothenburg Protocol revision has been delayed by Covid-19.

Good

- Slovenia paved the way for the incoming French Presidency to prepare Council Conclusions on the need to protect the EU's soils by organising a first debate on the EU Soil Strategy during the December 2021 Environment Council meeting.
- As part of the 8EAP, the Council supported the Commission's commitment to come forward with a soil health law by 2023. .
- Noise and light pollution have been recognised as relevant issues in the 8EAP.

Less good

- The Slovenian Presidency failed to lead the Council towards the adoption of Council Conclusions on the ZPAP, thus missing an opportunity to strengthen the push in the EU for zero-pollution ambition across all EU policies and budgets.
- The Presidency did not hold debates with Member States towards supporting zero pollution and fully aligning the EU air quality standards with the revised WHO guidelines in the ZPAP nor through the upcoming revision of the AAQD.
- The new WHO standards, as well as the latest IPCC report highlighting the importance of reducing methane, should have been included in Council debates to push for stronger air pollution measures.
- The Council formally adopted the Common Agricultural Policy (CAP) which is weak on addressing agricultural emissions.

Overall, the Slovenian Presidency missed an important opportunity to debate the need to promote the zero-pollution ambition and to draw supporting Council Conclusions. These could have strengthened Member States' commitment to zero pollution and progress towards addressing the major health impacts from air, water, noise, soil and light pollution across Europe. The verdict is therefore poor on effort and mixed on outcome.



7 Drive a circular economy and prevent waste

The verdict

 Mixed on effort

 Poor on outcome

This Test called upon the Presidency to secure ambitious Council positions on the revised Batteries Law released in December 2020 and on the revision of the Waste Shipment Regulation.

Key developments

- The latest known Council position on the proposed [Batteries Regulation](#) to replace the existing Batteries Directive endeavours to clarify certain aspects of the European Commission's proposal but does not raise its ambition in any way.
- The Commission's proposal on the revised Waste Shipment Regulation was released on 17 November, leaving little time for elaborate Council discussions during the Slovenian Presidency.

Good

- The Presidency held Council Working Party meetings dedicated to the batteries file and discussed it at the 20 December Environment Council meeting.
- The Council added clarifications on the light means of transport category for batteries and on the definition of producers.
- The Council added the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises (OECD MNE Guidelines) as the basis for the batteries supply chain due diligence policies, as well as elaboration of the social and environmental risk categories.

Less good

- In its latest compromise text on the Batteries Regulation, the Slovenian Presidency included several significant delays – of up to four years compared to the Commission's proposal – to the application of the new rules, putting the zero-emission transition at risk. Through formulations such as 'x months after the adoption of the Regulation', the Council position *de facto* creates delays compared to the Commission's proposal which set clearer calendar timelines.
- The Council position confirms, or even worsens, the exemptions for batteries with a lower capacity threshold than 2kWh, leaving a significant part of the market outside key provisions on, *inter alia*, durability performances, carbon footprint, due diligence, product passports.
- The proposed text of the Batteries Regulation does not include any wording on access to justice or on remediation for victims of environmental or human rights abuses.
- Aside from addressing secondary raw materials, there has been no effort by the Presidency to address the issue of virgin mineral sourcing within Europe.

Overall, the Slovenian Presidency reduced the ambition of the revised Batteries Law compared to the Commission's proposal by allowing Member States to further delay the provisions for reducing the carbon footprint of batteries and other provisions related to durability and due diligence. By supporting such delays, governments are not only saying that they do not want the swift introduction of clean and ethical batteries, putting the entire zero emissions transition in jeopardy, but they are also missing a golden opportunity to support a new sustainable and strategic European industry. The verdict for leading the Battery Regulation file is therefore mixed on effort and poor on the outcome.



8 Shift towards a zero-pollution industry

The verdict

 Mixed on effort

 Poor on outcome

In [this Test](#) we called upon the Slovenian Presidency to lead Council discussions towards a reformed Industrial Emissions Directive (IED) that fully reflects the zero pollution, climate and circular economy ambitions, to improve access and useability of environmental information, to protect water by addressing pollution at source, and to internalise costs, hold polluters accountable for pollution and redirect public support schemes.

Key developments

- There has been no progress on the IED review and the Commission has not adopted its proposal so far. Hence, no fully informed assessment can be made as to the role of the Slovenian Presidency on the content of those items.
- The 4th session of the Meeting of the Parties to the Protocol on Pollutant Release and Transfer Registers (PRTRs) (MoPP4) in October 2021 recognised the importance of PRTRs, notably to improve the tracking of progress towards the delivery of the Sustainable Development Goals (SDGs) and to enhance synergies for the implementation of multilateral environmental agreements (MEAs).

Good

- At MoPP4, forward-looking decisions IV/2 on the development of the PRTR (ECE/MP.PRTR/2021/14) and decision IV/3 on the work-programme 2022-2025 (ECE/MP.PRTR/2021/13) were adopted.
- Slovenian authorities responded in a very timely manner to access to information requests and provided the requested data, except for inspection reports.

Less good

- The Slovenian government did not lead discussions in the Council nor actively push for a future-fit IED with a redesigned Best Available Techniques (BAT) concept, nor did it highlight the necessity of such a fundamental overhaul. It missed the opportunity to prepare the Council for the upcoming revised IED proposal.
- The Slovenian position on the IED review and on BREF matters has not been communicated. The Presidency did not organise any multi-stakeholder events to exchange on the matter.
- The decision-making within the Council Working Group remains opaque and lacks transparency, and civil society groups were not proactively engaged in the discussions leading to the EU position at the MoPP4.
- At MoPP4, the EU and its Member States were the Parties most opposed to further progress and development of the Protocol, using the excuse of a 'lacking negotiation mandate'.
- The Slovenian government failed to lead by example by enforcing the strictest emission range to its coal fleet, according to the BAT Conclusions that entered into force in August 2021, namely to the Sostanj 5 and 6 lignite power units. Moreover, it failed to adopt a Paris-compatible coal phase-out, which at the moment is still foreseen in 2033, according to the draft plan.
- The national database on the IED is of rather poor quality compared to other EU Member States as for most cases only the permits are available, which are also often out of date.

Overall, the engagement of the Slovenian Presidency on the files included in this test has been low, they have not led by example nationally and engagement in EU processes was reactive only. Therefore, the verdict is mixed on effort and poor on outcome.



9 Support a toxic-free environment and the ambitious implementation of the Chemicals Strategy for Sustainability

The verdict

Mixed on effort

Mixed on outcome

In [this Test](#) we called upon the Slovenian Presidency to ensure an ambitious implementation of the Chemicals Strategy for Sustainability through the High-Level Roundtable, call for ambition in the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation and Classification, Labelling and Packaging (CLP) Regulation revision processes and to promote EU leadership in strengthening the Minamata Convention on Mercury while also strengthening the EU Mercury Regulation and its implementation.

Key developments

- The High-Level Roundtable on the implementation of the Chemicals Strategy for Sustainability was held on 25 November 2021.
- The Slovenian Presidency organised a Workshop on the reform of REACH Authorisation and Restriction on 9 November 2021.
- The European Commission adopted Delegated Acts to ban all general-purpose fluorescent lamps under the Restriction of Hazardous Substances (RoHS) directive on 13 and 16 December 2021.
- The EU continued to participate in the intersessional process towards strengthening annexes A and B of the Minamata Convention.
- The EU participated in the first segment of the fourth Conference of the Parties (COP) of the Minamata Convention on 1-5 November 2021.

Good

- The Presidency participated in and contributed to the High-Level Roundtable on the Chemicals Strategy for Sustainability.
- The Presidency organised an event on the REACH revision, allowing for an early exchange of views on the upcoming revision.
- At the first segment of the Minamata COP, the EU supported a way forward towards finalising the work on effectiveness evaluation.

Less good

- The Presidency did not use its contributions at the High-Level Roundtable to push for an ambitious implementation of the Chemicals Strategy for Sustainability, particularly to safeguard the 'zero tolerance to non-compliance pledge'. For example, it did not support the harmonisation of enforcement across Member States.
- There was a lack of transparency and NGO engagement in the workshop on the revision of the REACH Regulation which was regrettably held behind closed doors.
- The Presidency did not ensure Member States' support for an ambitious REACH Restrictions Roadmap, nor did it promote protective and strict restrictions under the REACH Regulation, avoiding loopholes and derogations when they are not justified, such as the restriction on intentionally added microplastics.
- In the intersessional process for reviewing annexes A and B of the Minamata Convention, the EU could not update some information because of earlier agreed outdated text.

Overall, the Slovenian Presidency contributed to the implementation of the Chemicals Strategy for Sustainability and the revision of the REACH Regulation. However, it was not ambitious enough, not transparent towards stakeholders and did not ensure public participation in the decision-making process. It further made no particular effort on EU mercury related matters. Therefore, the verdict is mixed for both effort and outcome.



10 Promote solidarity, wellbeing, social and environmental justice, and accountability

The verdict

 Mixed on effort

 Mixed on outcome

Our final Test called upon the Presidency to ensure the EU's full compliance with the Aarhus Convention, to lead first discussions towards a revised Environmental Crime Directive, to promote wellbeing and social justice within the European Semester, 8EAP and EGD, to promote corporate accountability, and to promote civil society space and meaningful participation, including of youth.

Key developments

- In October 2021, the Presidency represented the EU at the 7th Meeting of the Parties (MoP7) of the Aarhus Convention where all but one of the Aarhus Convention Compliance Committee (ACCC) findings of non-compliance against the EU were endorsed. The decision on access to justice on state aid decisions was postponed until the next Meeting of the Parties.
- A revised Aarhus Regulation was agreed upon and entered into force.
- The Commission published a proposal for a revision of the Environmental Crime Directive.
- The Commission's proposal on Sustainable Corporate Governance was postponed yet again.
- The Commission re-launched the review of the EU Economic Governance Framework, and hence the Stability and Growth Pact.

Good

- The Presidency led the Council to a revision of the Aarhus Regulation that successfully addressed the March 2017 finding of EU non-compliance, improving access to justice and improving the implementation of the Convention by the EU institutions.
- At the Aarhus Convention MoP7, the Presidency took a strong stance against the non-compliance of Belarus and, together with the Commission, coordinated the voting preparations with the EU Member States.
- The 8EAP was agreed upon and includes the wellbeing economy as a priority area.
- The Slovenian Presidency participated in the Romani Week 2021.

Less good

- The Presidency was unable to ensure that the Aarhus Regulation revision addressed the most recent finding of non-compliance against the EU, concerning access to justice in state aid decisions (ACCC/2015/128).
- The Presidency failed to prevent an EU position at the MoP which blocked MoP endorsement of finding ACCC/2015/128 of non-compliance, a position that undermined international rule of law.
- While the Presidency kept an open line of communication ahead of the MoP7, a meeting at the margins of the Council Working Party came too late for NGOs to have a meaningful dialogue.
- There was little progress in advancing discussions on the interlinkages of environmental policies, gender and social justice, and no commitments to address environmental injustices toward racialised groups, in particular the Roma community were made.
- The Slovenian government attempted to introduce rules that would lead most environmental CSOs to lose their status as public interest organisations but withdrew these rules after major public opposition.

While the government tried to limit NGO space in Slovenia, it is positive that the Presidency started with having an open ear for NGO input ahead of the Aarhus Convention MoP7 and the Aarhus Regulation revision, which will bring substantial improvements in access to justice. However, while the Presidency cannot be fully held responsible for the regrettable position taken by the EU at MoP-7 on the later finding of EU non-compliance, the fact is it did not deliver on full compliance with the Convention and presided over the EU's undermining of the rule of international law. The Slovenian Presidency did not make a significant effort to advance the integration of wellbeing, social and gender justice. The verdict is therefore mixed on effort and mixed on outcome.

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
CAP	Common Agricultural Policy
CBAM	Carbon Border Adjustment Mechanism
CBD	Convention on Biological Diversity
CCFLs	Cold-Cathode Fluorescent Lamps
CLFs	Compact Fluorescent Lamps
CoFoE	Conference on the Future of Europe
CRC	Carbon Removals Certification
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
GBF	Global Biodiversity Framework
GD	Groundwater Directive
IED	Industrial Emissions Directive
LULUCF	Land Use, Land-Use Change and Forestry
MFF	Multi-Annual Financial Framework
NRL	Nature Restoration Law
NRRPs	National Recovery and Resilience Plans
PAs	Partnership Agreements
PPP	Polluter Pays Principle
PRTRs	Pollutant Release and Transfer Registers
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
RED II	Renewable Energy Directive II
RoHS	Restriction on Hazardous Substances Directive
SDGs	Sustainable Development Goals
UWWTD	EU Wastewater Treatment Directive
WHO	World Health Organisation
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 Presidency Trio. The 2022-2023 paper, addressed to the French, Czech and Swedish Presidencies, can be read [here](#) and a more detailed memorandum to the French Presidency can be read [here](#).

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