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THE EEB'S

# MEMORANDUM

TO THE CZECH PRESIDENCY OF THE EU



10 GREEN TESTS FROM CIVIL SOCIETY

JULY - DECEMBER 2022





# EEB

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Environmental  
Bureau

We are Europe's largest network of environmental citizens' organisations. We bring together over 180 civil society organisations from 38 countries. Together, we work for a better future where people and nature thrive together.

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# Introduction

The Czech Presidency of the Council of the EU will be a critically important six months for Europe. While there is hope for a manageable post COVID-19 world, the war in Ukraine is a reprehensible world-changing attack on a European people, a reminder of the importance of the EU as a peace project and the value of solidarity. It also demonstrates how the EU's reliance on fossil-fuels feeds Putin's war and has complicated the EU's political response. The war has also been instrumentalised by some to undermine the European Green Deal (EGD) and EU environmental acquis, with private interests falsely and misleadingly using the war for their own purposes. We welcome the Czech Presidency's priorities on energy security, the strategic resilience of the European economy and the resilience of democratic institutions, while managing the refugee crisis and post-war reconstruction of Ukraine.

Czech leadership is essential and welcome in these times of war and turmoil given the Czech Republic's understanding of what is at risk for the EU if a coordinated, coherent, compassionate and climate-proof response is not embraced. Czech leadership is required to promote significant progress in addressing the energy pricing crisis, in ensuring the social dimension is fully taken into account in addressing the climate crisis, in advancing and strengthening the EU's Fit for 55 package, and in the REPowerEU package, as well as by taking a progressive stance at the international climate COP in Egypt.

The Czech Presidency also has the opportunity to advance in addressing the biodiversity crisis through a strong Council position on the Nature Restoration Law, leading the EU at the CBD COP in Montreal, and on the legislative proposal on pesticides. Both will help to protect human health, human rights, biodiversity and the environment at EU and international level. The Presidency should further seize opportunities on the circular economy; advance on air pollution, industrial emissions, and chemicals; encourage adherence to the rule of law and governance in the EU; and promote global diplomacy on the European Green Deal (EGD). The Czech Republic will inherit very significant legislative and policy responsibilities for its leadership, building on the French Presidency, including finalising Council positions and supporting negotiations on a range of files from batteries to Fit for 55 and the new REPowerEU package.

The EEB, building on consultation with its 180 members, with its wider civil society partnerships and through stakeholder discussions, has developed a series of specific 'asks' across environmental areas – our *Dozen Demands for the Presidency Trio*. From these, we extracted and further developed *Ten Green Tests for the Czech Presidency*, where the engagement, commitment and leadership of this Presidency can make a lasting and fundamental difference. They present a civil society vision as to what would constitute success by the Czech Presidency of the EU in the context of the challenges the planet and society face. These have been approved by the EEB Board which has representatives from more than 30 countries and several European networks.

We look forward to working with the Czech Presidency, directly and via our members, to support a successful Presidency that can take the EU several steps forward in the transition to living within the limits of our one planet. We recognise that the Council Presidency relies upon the cooperation of the entire Council and therefore also call upon all Member States to take the Ten Tests as benchmarks for their Council engagement to make the most of the upcoming six months.



Jeremy Wates  
Secretary General until 30 June 2022



Patrick ten Brink  
Secretary General from 1 July 2022

# Ten Green Tests for the Czech Presidency



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The above Ten Green Tests for the Czech Presidency of the Council of the EU, with their range of specific asks as noted in more detail below, take into account our understanding that politics is the art of the possible. However, if and where what is perceived as currently possible does too little to avoid dramatic climate change, biodiversity loss and major harm, then the future challenges will be far more impossible for society to deal with than the current political challenge— particularly as in most areas there is a trend of a worsening state of environment, underlining that it is not good enough for a Presidency to not make things worse. It is in this context that we have designed the Ten Green Tests. They may seem ambitious, but they are necessary.



# 1 Ensuring energy security while addressing the climate emergency

The REPowerEU package was launched as an economy and energy policy reply to the challenges posed by the Russian invasion of Ukraine. The package addresses some of the shortcomings of the EU's energy policies by promoting renewables and efficiency with a view to securing energy independence in the quickest and cheapest way. The increased targets for energy efficiency and renewables, while still far from being in line with the EU's commitment in the Paris Agreement, open the way to a general rethinking of the energy consumption and production patterns across the various Fit for 55 files. The focus on solar energy, the ambitious deployment of heat pumps, the call for further investments in the building sector to end the Russian gas dependency prompts the Council to integrate the REPowerEU ambition into the legislative files under the Fit for 55 package, in order to operationalise these principles into a comprehensive action throughout the different sectors of the economy.

While the REPowerEU package has marked a positive change of pace on some files, it also entails harmful setbacks, such as proposals to water down nature protection safeguards. It also includes questionable investments, for example in fuels and chemical storage and transportation facilities, and the Emissions Trading System (ETS), where the injection of 250 million carbon allowances from the ETS's Market Stability Reserve into the market will drastically lower the ETS value. This undermines the incentives for energy and carbon savings being proposed by other files of the Fit for 55 package.

Amongst other files, the Presidency will also be called to work on the F-gas Regulation, which is a key enabler for the needed increase of the uptake of heat pumps and a fundamental piece of legislation to secure European independence in its food chains and medical equipment.

## We therefore call upon the Czech Presidency to:

### A. Integrate the REPowerEU ambition in the Fit for 55 package by:

- **Increasing the renewable energy sources (RES) and energy efficiency (EE) targets** to align with the needed ambition to remain below a 1.5C increase. Particularly **the sub targets in heating and transport** should be enhanced to accommodate more EE and RES in two of the key sectors for Russian imports: heating (gas) and transports (oil);
- **Boosting solar installations** on buildings by supporting a *consent by silence* approval rule: this will focus early installations on the least problematic surfaces, promote citizen participation and redistribute wealth;
- **Committing to nature-positive renewables and maintaining nature protection safeguards in renewable energy permitting**, thus focusing on the real problems such as simplifying permitting procedures by introducing digitalisation, preventing double competences and increasing capacities;
- **Promoting energy and material efficiency first as key principles** for EU energy independence;
- **Ensuring the provisions for extending renovation obligations to public buildings in the EED** include social housing to strongly tackle energy poverty and deliver significant energy savings in a short period of time;
- **Leading a coalition of the willing against the big release of ETS carbon allowances in the market** to keep a higher value for each allocation and hence promote energy efficiency and the use of renewable energy in industry, thus driving down Russian gas consumption. Furthermore, promote the full auctioning of allowances, thus cutting the €400M free allocations currently in place subsidising industry;

- **Supporting strict sustainability criteria for biomass production and hydropower in the Renewable Energy Directive (RED) III revision** on the basis of environmental externalities on air and water pollution and biodiversity loss, going beyond the current sustainability criteria on forest feedstocks;
  - **Moving forward an ambitious revision of the Energy Tax Directive (ETD)** that fully integrates the health and environmental costs of air pollution from combustion and links with the ETS II to provide a minimum floor price for ETS to trigger action in energy efficiency and renewable heating and transport.
- B. Lead an ambitious revision of the F-gas Regulation and call for a total phase out of Hydrofluorocarbons (HFCs) by 2036 and a ban of HFCs technologies by 2026 in favour of EU-based and cheaper natural alternatives with limited exceptions** for sectors where these alternatives are not yet available.
- C. Promote the phase out of fossil heating in the Energy Performance of Buildings Directive (EPBD) by:**
- **Linking Minimum Energy Performance Standards (MEPS)** with the Energy Label and explicitly phasing out fossil heating subsidies from now;
  - **Phasing out gas-only boilers** from 2025;
  - **Including mandatory reporting in Whole Life Carbon (GHG Lifecycle Emissions)** in the Energy Performance Certificate and its suggested renovation measures.
- D. Lead a strong EU position at the November UN Framework Convention on Climate Change COP27 by:**
- **Showcasing EU ambition and leadership** through demonstrable progress within the EU through strengthened commitments and action on policy files and spending;
  - **Boosting local resilience and global justice** by providing financial and technical support to countries affected by climate change and by developing an international protection scheme for climate change-induced migration;
  - **Promoting and enabling youth participation and integrating their concerns and proposals** into political decision-making by creating Youth Councils in the EU and Member States which should gain the status of social partners and liaise with the UN Youth Advisory Group on Climate Change.
- E. Lead by example by:**
- **Limiting the investments in gas infrastructures** to those strictly needed to transform outgoing gas pipelines to bidirectional ones between Member States and for the use of renewable hydrogen in industrial applications;
  - **Shifting district heating to renewable, non-emitting sources** such as geothermal and heat pumps, complemented by renovation measures, to leverage massive savings, cut energy bills for citizens and address energy poverty. The targeted use of National Recovery and Resilience Plan (NRRP) funding, Cohesion and Social funds under the EU's multi-annual financial framework (MFF) are essential, with ambitious operational programmes (OPs);
  - **Promoting community-lead renewable projects** to enable the quick uptake of renewables and redistribute wealth, building on the example set by Prague, and focus on nature-positive renewables agenda to enable win-win advances for climate, energy security and nature.

**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 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](#) • [Joint letter \(EEB/NTW\) calling for reviewed stress tests after the attacks on Ukrainian nuclear power plants](#)



## 2 Reverse the dramatic loss of biodiversity and invest in the resilience of our 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. Healthy ecosystems are crucial for our health, ability to mitigate and adapt to the climate crisis and for our wellbeing. The Czech Presidency should lead the Council in a way that ensures EU legislation and policy puts this understanding into practice.

In the six months of the Presidency, the Council will start negotiations on the Commission proposal for the Nature Restoration Law. To make the most out of the immense potential of this law, the Presidency 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. Strong Council leadership is needed to obtain the necessary support from all Member States in a timely manner.

To take a credible leadership role at the post-2030 Global Biodiversity Framework at COP15 of the Convention for Biological Diversity (CBD), the EU must live up to its historical and ongoing responsibility as a major driver of the interlinked climate and biodiversity crises. With 2022, being considered a 'super year for the Oceans', the Presidency (even if held by a land-locked country) has a particular responsibility to ensure that ambitions increase to protect the Oceans.

### **We therefore call upon the Czech Presidency to:**

#### **A. Lead the Council for a strong and timely position on the Nature Restoration Law by:**

- Fully endorsing the Commission's proposal, particularly the overarching objective and area-based restoration targets for 2030;
- Ensuring implementable marine restoration targets through a safeguard mechanism to ensure the Commission can break the deadlock if Member States cannot agree on joint recommendations for the measures required to achieve the restoration targets;
- Improving the river restoration target to include an obligation to restore 15% of rivers into free-flowing rivers and restored floodplains by 2030 and increasing the peatlands rewetting targets;
- Ensuring the enforceability of Member State contributions to the EU-level objective in the lead up to 2030 to provide accountability mechanisms for meaningful action at the scale and urgency required.

#### **B. Lead the trilogues for a strong Deforestation Law by:**

- Strengthening the human rights dimension of the law by requiring compliance with international human rights standards and not only with national laws on land rights, which may be very weak or inadequate in some countries;
- Extending the scope of the law to include other ecosystems such as grasslands, wetlands and savannahs from the start and to cover all relevant products and commodities linked to deforestation, in particular through the inclusion of rubber and maize;
- Allowing the public to access and extract information in a non-anonymised form;
- Strengthening dialogue and promoting inclusive partnerships with third countries.

#### **C. Ensure nature protection and the upscale of renewables go hand in hand and promote nature-friendly renewables through the Renewable Energy Directive permitting amendments by:**

- Clearly excluding strictly protected areas, Natura 2000 sites and other protected areas and restoration sites from 'go to areas' for renewables given the likely very significant environmental impacts;
- Ensuring technology-specific appropriate assessments and permitting processes;

- Preventing the backdoor watering-down of the environmental acquis that creates legal uncertainty, risks setting a dangerous precedent and fails to address the real barriers of a speedy nature-friendly renewables upscale (cf. test 1).
- D. Demonstrate EU ambition and leadership at the CBD COP15 negotiations in Montreal, backed-up by clear progress within the EU** on, *inter alia*, nature restoration and effective protected area management;
- E. Organise a Council debate on the implementation of the EU Biodiversity Strategy for 2030**, including on the need for corrective action and ratcheting up of efforts where 2030 targets are set to be missed;
- F. Support the review of the EU's Pollinators Initiative**, recognising that action so far has been insufficient to stop, or even slow, the decline of pollinators, ensuring that habitat loss, fragmentation and mismanagement, eutrophication, pesticides and light-pollution are fully addressed in the revised Initiative;
- G. Organise an exchange to tackle light pollution** and identify the needed coordinated EU-wide measures to reduce the impact of light pollution on human health and biodiversity;
- H. Promote thriving marine and coastal ecosystems that support a climate-resilient future by:**
- Leading the negotiations of a Council reaction to the Commission's **action plan to conserve fisheries resources and protect marine ecosystems** that calls for systematic ecosystem impact assessments of all fishing activities, the elimination of bycatch of sensitive species, a reduction and ultimately ban of the most destructive fishing gear in Marine Protected Areas (MPAs) (notably bottom-trawling), and the establishment of no-take zones for vulnerable marine ecosystems;
  - **Ensure that all Total Allowable Catches (TACs)** set for 2023 follow scientific advice, meet the objectives of the Commons Fisheries Policy and the ambition of the European Green Deal;
  - Leading trilogue negotiations on the revised **EU Fisheries Control Regulation**, ensuring proper monitoring of all fishing activities, including with small-scale vessels, contributing to the enforcement of EU fisheries and environmental legislation, and ensuring increased transparency and traceability of our seafood supply chains;
  - Pushing for the adoption of an ambitious **Global Ocean Treaty** to protect marine biodiversity in areas beyond national jurisdiction at the 4th session of the Intergovernmental Conference on Biodiversity Beyond National Jurisdiction;
  - Leading on a **moratorium on deep seabed mining in EU territorial waters**, stopping financial support to deep seabed mining technology research and agreeing an EU position on stopping deep seabed mining for the negotiations at the International Seabed Authority.
- I. Lead the adoption of Council Conclusions on the new EU Soil Strategy for 2030 by:**
- Endorsing the entire EU Soil Strategy for 2030 so that its 2050 vision can be met;
  - Strongly supporting the commitment for an EU Soil Health Law proposal by 2023, recognising that the lack of dedicated EU soil legislation has been one of the major causes for their alarming state.
- J. Lead by example in the implementation of the EU Biodiversity Strategy for 2030 and the obligations under the Nature Directives** by focusing on nature protection, including new pledges to reach the EU's target to protect and effectively manage 30% of EU's land and seas, as well as nature restoration.

**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](#) • [The top ten problems for renewable energy in Europe are not linked with nature protection](#) • [Green 10 joint letter – REPowerEU package and environmental roll-back](#) • [NGO letter on the importance of nature restoration targets for EU forests](#) • [NGO letter on the Nature Restoration Law](#) • [NGO Reaction to the Nature Restoration Law proposal](#) • [Food security fact sheet](#)





## 3 Initiate a transition towards sustainable food and agriculture

The global food crisis caused by the Ukraine war is a wake-up call for the urgent need to make our food systems sustainable and resilient. The way we produce and consume food is driving multiple environmental and health crises and experts warn that it must change to tackle these crises and safeguard our long-term food security. 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 Czech Presidency will have a crucial role to play to ensure that legislative and non-legislative initiatives emanating from the Farm to Fork Strategy drive forward the transition to agroecology. The Fit for 55 package and the proposal for the Sustainable Use of Pesticides Regulation will go through co-decision and are crucial opportunities to set legally binding targets and robust frameworks for progress towards sustainable farming. Key discussions on policies for healthier and more sustainable diets will also take shape in the second half of 2022, notably on the EU's agri-food promotion policy and the forthcoming legislative framework for sustainable food systems.

### We therefore call upon the Czech Presidency to:

- A. Resist the false arguments promoted by those seeking to instrumentalise the war in Ukraine to defend the status quo and stand firm in support of the Farm to Fork Strategy.** Ensure the EU is taking urgent action to support vulnerable populations to access food, as well as accelerating the necessary transition to sustainable farming and healthier diets to reduce demand on artificial fertilisers and livestock feed;
- B. Insist on an ambitious framework for climate action in the agriculture sector** in the trilogue negotiations on the revision of the Effort Sharing Regulation (ESR) and the Land Use, Land Use Change and Forestry (LULUCF) Regulation, and in Council discussions about the Carbon Farming initiative, particularly by:
  - Improving the ambition of the Effort Sharing Regulation by limiting flexibilities and setting a binding EU-level emissions reduction target for the agriculture sector, requiring at least 20% emissions reductions by 2030 compared to 2005;
  - Adopting an ambitious LULUCF Regulation, including a) binding EU and national targets, and b) reduced flexibilities and loopholes, as those lower the ambition of the Regulation;
  - Leading a public exchange on carbon farming with participation of environmental stakeholders and experts, which joins up the climate, soil health and nature restoration debates and focuses on the role of the CAP in supporting holistic land management solutions for climate mitigation in agriculture.
- C. Galvanise Council support for an ambitious revised Sustainable Use of Pesticides Regulation (SUR)**, in line with the Farm to Fork and Biodiversity Strategies and the Zero Pollution Action Plan, to protect the health of farm workers, farmers and citizens, and safeguard biodiversity and the environment, including by:
  - Ensuring the revised law contains ambitious and legally-binding reduction targets at EU and national level;
  - Strengthening the provisions for the mandatory application of Integrated Pest Management (IPM), including through a clear definition in line with agro-ecological principles, unambiguous requirements for farmers, with a clear order of application of these principles, adequate public advisory services on IPM and a strong monitoring and enforcement framework;
  - Banning the use of synthetic pesticides in closed settlements (i.e. cities and municipalities), areas frequently used by agricultural workers, greenhouses and ecologically sensitive areas, and around them;

- Integrating environmental measures and safeguards, the target of at least 10% of agricultural areas under high-diversity landscape features, and environmental indicators.
- D. Secure an ambitious Council position on the revision of the EU agri-food product promotion policy which acts upon the imperative to reduce the consumption of highly processed foods, foods high in fats, salt and sugar, and animal proteins, in line with the objectives of the Farm to Fork Strategy;**
- E. Engage constructively with the Commission and civil society in the development of further policy and legislative initiatives aimed at achieving sustainable food systems, including on labelling and public procurement;**
- F. Lead by example in fully aligning the Czech Common Agricultural Policy Strategic Plan to the objectives of the Green Deal, especially in light of the Ukraine war and the urgent need to reduce dependency on imported fossil fuels and mineral fertilisers;**
- G. Lead by example in engaging with environmental stakeholders in the same way as traditional agricultural representatives; and listening to all actors, including scientists, European citizens, and small farmers, agro-ecological farmers, organic farmers.**

**More information:** • [EEB position paper 'Beyond net-zero emission in agriculture: Creating an enabling climate governance for agriculture'](#) • [EEB submission to the public consultation on the certification of carbon removals](#) • [EEB report 'Carbon Farming for Climate, Nature, and Farmers'](#) • [EEB position paper 'Revision of the Sustainable Use of Pesticides Legislation – "Reduce Use" Proposal \(RUP\)'](#) • [EEB comments on the Revision of the Sustainable Use of Pesticides Directive](#) • [EEB – BirdLife – WWF report 'Will CAP eco-schemes be worth their name?'](#) • [EEB – BirdLife analyses of submitted CAP Strategic Plans in relation to Space for Nature; Peatlands and Wetlands](#) • [Soil and carbon farming and Grasslands](#)

## 4 Ensure clean air towards zero environmental and health impacts

Air pollution is a big environmental health risk in Europe, responsible for around 400,000 premature deaths every year. In September 2021, the World Health Organisation published its updated Guidelines on Air Quality (the previous version was from 2005), setting clear guidance on which air quality standards should be guaranteed to protect people's health and the environment from air pollution. In 2021, the European Commission has published its Zero-Pollution Action Plan to achieve a zero-pollution ambition, announcing several key initiatives for cutting air pollution at the source and the revision of the Ambient Air Quality Directives (AAQDs). Today's AAQDs establish minimum EU air quality standards that all Member States must achieve and maintain. Existing EU standards are much more lenient than what the WHO recommended in its 2021 Guidelines and even than the WHO's 2005 paper. Still, many Member States are not complying with them, and EU citizens' health and our environment are far from being protected.

The Council, guided by the Czech Presidency, has the opportunity to already start building consensus around the need for following what the WHO's Air Quality Guidelines indicate, without compromising on the enabling framework (avoiding flexibilities and loopholes). The urgency of reducing air pollution should also necessarily be reflected in all the relevant decision-making processes that are related to and have an impact on air pollution (e.g. Renewable Energy Directive and biomass burning, Industrial Emissions Directive and air pollution from agriculture, EcoDesign Directive and its standards for domestic heating appliances) and for which the Council is (or will soon be) asked to take a position.

Important decisions are to be taken also at the international level, within the framework of the UNECE Long-Range Transboundary Air Pollution Convention, namely the needed revision of the Gothenburg Protocol.

### **We therefore call upon the Czech Presidency to:**

#### **A. Promote Member States' engagement towards an ambitious revision of the Ambient Air Quality Directives (AAQDs) by:**

- Building consensus around the need to fully align EU air quality standards with WHO Guidelines and comply with them by 2030;
- Ensuring that no ground is given to arguments undermining the importance of a solid and coherent enabling framework within the new AAQD. The latter must avoid flexibilities and compromises, also on technical aspects, for which our health and our environment will pay the price;
- Recognising the prominent role that science must have instead of fake-news and short-term political fixes;
- Listening to civil society calls for strong, comprehensive and credible action to reduce air pollution;
- Supporting the definition of air quality standards also for pollutants which are not covered by the 2021 WHO Global Air Quality Guidelines but for which evidence within the European context already exists, such as black carbon, ultra-fine particles and ammonia.

#### **B. Lead on the definition of EU legislation and policies which are fully coherent with the need for reducing air pollution, avoiding silos approach and making the reduction of air pollution at source a key driver for change by:**

- Increasing cooperation among national ministries so to push for wide support to air quality objectives;
- Referring to the zero-pollution ambition in ongoing decision-making processes which will result in legislation or policies regulating sectors or processes relevant for cutting air pollution (e.g. Industrial Emissions Directive, Renewable Energy Directive, EcoDesign Directive).

- C. Support the needed revision of the Gothenburg Protocol to the UNECE Long-Range Transboundary Air Pollution Convention** by positioning the EU accordingly during – and following - the forty-second session of the Executive Body in Geneva, in December 2022; in that framework, supporting the broadening of the scope of the Protocol to cover mercury, black carbon and methane emissions.
- D. Lead by example by timely revising the Czech National Air Pollution Control Programme to deliver, at the minimum, on the National Emission Reduction Targets established by the National Emission Ceilings Directive.**

**More information:** [The Final Sprint for Europe's Rivers](#) • [EEB position: Civil Society Vision for a Zero Pollution Future](#) • [EEB Submission to AAQD review](#) • [Airy promises: how EU governments are failing to cut air pollution and what to do about it](#) • [Six necessary steps for cleaner air](#) • [Views on the review of the Gothenburg Protocol and expectations on a revised Protocol](#) • [National Air Pollution Control Programmes: analysis and suggestions for the way forward](#)



## 5 Tackle surface and groundwater pollution and ensure clean water for all

Most rivers, lakes and groundwater aquifers across the EU are not healthy. This undermines our livelihoods and contributes to the alarming biodiversity decline: one in three freshwater fish species in Europe is currently threatened with extinction and migratory freshwater fish populations have seen a 93% collapse since 1970. Chemical pollution, including nutrient enrichment, is one of the main reasons for this, as well as the fact that our freshwater ecosystems have been significantly modified to enable production of energy from hydropower or water storage to grow food. The EU adopted its flagship water law, the Water Framework Directive in 2000, and has committed to reform its water management to bring all freshwater ecosystems to ecological health by 2027, including by tackling the pollution of our waters. However, the scale and speed of these reforms remains inadequate and there is a significant risk that the environmental objectives of the EU law will not be met. Moreover, there is overwhelming evidence that our freshwater ecosystems are suffering from new pressures especially pollution from chemicals of emerging concern, such as pharmaceuticals, (micro)plastics and PFAS. Those pollutants need to be added to the EU's regulatory water protection framework and addressed in the updates of the EU standards on how wastewater needs to be treated. This will help the EU to achieve its zero pollution ambition as set out in the EU's Zero Pollution Action Plan.

### We therefore call upon the Czech Presidency to:

- A. Ensure the Council's support for an ambitious roll out of the Zero Pollution Action Plan** and communicate *inter alia* to other EU institutions Council's commitment to zero pollution vision by:
  - Effectively preventing or reducing (for essential activities or uses) pollution at source, reducing the use of hazardous chemicals and plastics, aiming towards zero harm from pollution to people and planet;
  - Systematically applying the 'do no harm' principle, fully internalising pollution costs in any policy and finance frameworks and providing zero money for pollution;
  - Ensuring zero delay in ending pollution, including through the full implementation of EU rules;
  - Keeping polluters accountable and recovering the costs from them to rectify the damage they cause, in full respect of the polluter pays principle;
  - Embracing and promoting the transparency principle through accessible decision-making processes and publicly available pollution data.
- B. Lead the Council negotiations on the revision of the Urban Wastewater Treatment Directive (UWWTD)** by:
  - Setting strict standards to protect the environment and human health and to contribute towards achieving the goals of the Water Framework Directive, in particular, by addressing sewer overflows and contaminants of emerging concern, such as pharmaceuticals and microplastics;
  - Climate-proofing the UWWTD, both in terms of including provisions for climate-adapted urban water systems based on nature-based solutions, but also by putting wastewater treatment plants on the path to become climate neutral through energy efficiency, the reduction of greenhouse emissions and by becoming self-sustainable on energy.
- C. Start without delay** 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;
- D. Organise a debate in the Council** on how to ensure that the environmental objectives of the Water Framework Directive are met by 2027 deadline. An NGO assessment of river basin management plans indicated that unless implementation efforts are significantly stepped up, most EU rivers, lakes and groundwater aquifers will remain unhealthy in 2027;

- E. **Continue to support a strong EU position** in pushing for more global efforts on water security, transboundary cooperation and tackling freshwater biodiversity loss (e.g. while preparing the UN Water Conference in 2023);
- F. **Lead by example** in stepping up the implementation and funding of the WFD in the Czech Republic to bring rivers, lakes and groundwater aquifers to ecological health by 2027, including enhancing the contribution of healthy freshwater ecosystems to manage water scarcity and droughts. Discourage the Member States from construction of new hydropower dams given their negative biodiversity impacts and focus instead on barrier removal to restore free flowing rivers.

**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](#)



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

The EU has a world-leading chemical safety regime. However, regulatory measures are incredibly slow and are failing to control a rising tide of chemical pollution and its health and environmental impacts. Recognising the growing threat and widespread public concern, the Commission's European Green Deal (EGD) includes a 'zero pollution ambition for a toxic-free environment' and a 'green oath: "do no harm"'. The Chemicals Strategy for Sustainability (CSS), published by the Commission in October 2020, puts forward important actions to deliver the EGD objectives and to ban the most hazardous chemicals from consumer products through 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. They are currently being revised to adapt them to the level of ambition of the Chemicals Strategy for Sustainability (CSS) and to deliver a toxic-free environment.

The EU is a leading actor in setting the agenda for persistent organic pollutants (POPs) restriction via international law, *inter alia* through the Stockholm and Basel Conventions. The is still rising evidence of continuous exposures of Europeans to POPs banned years ago, such as PFOS, dioxins or PCBs. Via the recently finalized European Human Biomonitoring Initiative (HBM4EU), it is essential to swiftly introduce bans of chemical groups with similar toxicological profiles. As the EGD plans to restrict the entire groups of PFAS and brominated flame retardants, it will only prove to be efficient if such group restrictions are introduced simultaneously via the Stockholm Convention.

[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 in August 2017 and 137 countries have ratified, including the EU and its 27 Member States. The Convention's 4th Conference of the Parties (COP4 - Nov 2021, March 2022) Bali, Indonesia took important decisions that will need follow up, in preparation for COP5 in November 2023, to further strengthen the Convention. While ratification is important, capacity building is necessary on the implementation and enforcement of the Convention's provisions 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. The Restriction on Hazardous Substances (RoHS) Directive is also under review with the same timing. In addition, 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. With the review of the Digital Services Act (DSA) about to be completed, the General Product Safety Regulation (GPSR) needs strengthening to tackle this issue.

**We therefore call upon the Czech Presidency to:**

- A. Promote the ambitious and timely delivery of chemicals law reforms (both REACH and CLP Regulations revisions) to deliver a toxic-free future, by:**
- **Delivering Council Conclusions on the CLP Regulation revision** that are ambitious and supportive to the introduction of new hazard classes to the CLP Regulation for endocrine disruptors, and chemicals that are persistent, bioaccumulative and mobile;
  - **Leading Council debate through an event to discuss how to accelerate regulatory action on harmful chemicals** with particular focus on the introduction of strict deadlines, the generic risk management to tackle chemicals in products, the essential use concept and by default control measures for groups of chemicals;
  - Rejecting any attempt to delay the revisions of REACH and the CLP Regulation.
- B. Ensure the EU leads by example in banning the export of hazardous chemicals as well as legacy chemicals banned by EU Regulations**, including legacy chemicals containing waste or second-hand products and chemical pesticides not authorised in the EU and apply mirror clauses in imports by asking the European Commission to take swift action on those issues and commit to do the same through the Council;
- C. Finalise the POPs Regulation revision by adopting stringent Low POPs Content Levels (LPCL)** (i.e. strict limits for POPs in waste), so that the most harmful chemicals, including dioxins, polybrominated diphenyl ethers (PBDEs) and perfluorinated substances (PFAS), are not allowed to re-enter the circular economy via recycling or other material re-use practices. Follow-up on strict LPCL levels and promote them globally via Stockholm Convention negotiations;
- D. Promote EU leadership in strengthening the Minamata Convention on Mercury, the EU Mercury Regulation**, their implementation and **other relevant mercury legislation** (e.g. the Restrictions of Hazardous Substances Directive) by phasing out more mercury-added products and processes within the EU and from export;
- E. Promote a General Product Safety Regulation (GPSR) that holds e-platforms** that sell illegal and dangerous chemicals and products containing them **accountable** and ensures that failure to comply with those requirements results in meaningful consequences;
- F. Encourage the Commission to widen the review of the EU Mercury Regulation** by also considering the ban of mercury and mercury compounds imports and other mercury-added products and setting emission limit values.

**More information:** [The European Commission must act on pollution and not delay the legislation on the sustainable use of pesticides](#) • [EEB response on the revision of the RoHS Directive](#) • [Executive Summary – Skin lighteners still available online despite mercury findings](#) • [ES 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](#) • [EEB comments on the EU Mercury Regulation review](#) • [Mercury Skin lighteners 2022 report](#)





## 7 Shift 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. The Commission's proposal to revise the IED was published on 5 April 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 hazardous chemicals) 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) and its parent UNECE Kiev Protocol, relating to reporting on industrial activities, which is also undergoing a revision.

### **We therefore call upon the Czech Presidency to:**

- A. Demonstrate a clear commitment to clean up industrial production and generate transformative change towards a circular, decarbonised and zero-pollution industry;**
- B. Lead discussions in the Council to ensure an ambitious overhaul of the IED**, so that it becomes the new carbon-neutral, zero-pollution and circular industrial production legislation and re-designs the scope and method for the determination of Best Available Techniques (BAT), by focusing on:
  - Extending its scope to capture additional major pollution sources and issues, such as intensive aquaculture, cattle rearing and 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 and resource management.
- C. Encourage policy initiatives for an integrated industrial transformation in all relevant EGD files, 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;
  - 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.

- D. Ensure that the EU introduces digital reporting obligations to serve progress on environmental performance and accountability of decision making, notably by:**
- Providing single access platforms and databases for environmental information for benchmarking of performance, improved information exchange for EU standards-making, improved information to the public (e.g. 'product passports') and triggering enforcement action 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.
- E. Ensure the Presidency sends 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. the 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 such as 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.
- F. 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 European 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](#) • [EEB briefings on the IED review](#)



## 8 Grasp the full potential of the circular economy through improved products policy, waste reduction and transparency for consumers

In 2020, EU citizens consumed [13.4 tonnes](#) of raw material equivalent per capita. If the whole world was using the same amount as EU citizens, we would need at least another planet. It is time to cut on resource use and on the waste we generate instead of focusing on recycling only as [reminded by the European Environmental Agency](#). Therefore, the full potential of the circular economy for reducing resource use and designing waste out of our economic system needs to be grasped.

The proper implementation of the March 2020 Circular Economy Action Plan and related legislative files could be a real game changer to converge these environmental, economic and social objectives. The Czech Presidency will have a unique opportunity to finalise some legislative files to create ambitious precedents, while progressing others to set the framework conditions for the circular economy to become the new normal.

### **We therefore call upon the Czech Presidency to:**

#### **A. Finalise the negotiations with the EU Parliament on Batteries policy, particularly by:**

- Ensuring innovative policies on carbon footprinting, digital product passport, durability performances, due diligence, recycled contents and phasing out of unnecessary disposable batteries are preserved, implemented without delays and applied to as many batteries as possible without restrictions linked to a not justified capacity threshold;
- Enabling the replaceability of batteries, notably in light mean of transport for all users;
- Maintaining a collection and recycling rate as high as possible to reduce environmental harms while securing the proper material loops for critical raw materials;
- Securing Robust Extended Producer Responsibility Schemes and a real responsibility of online market sales.

#### **B. Lead the Council Discussion and engage in trilogue negotiations on Waste Shipment Regulation by:**

- Securing the good provisions suggested by the EU Commission on digital monitoring systems, transparency of notified shipments, improved enforcement and ban by default of shipments for disposal and of export of waste to non-OECD countries;
- Improving the proposal by extending the ban by default to export plastic waste to OECD countries, by better aligning with the Basel Convention for intra-EU shipment, notably not leaving problematic PVC and PFASs containing plastic under EU 3011 green list, by better distinguishing better between material recovery versus energy recovery for intra-EU shipments and ensuring products shipped for real reuse are accompanied by extended producer responsibility fees to help waste management in receiving countries.

#### **C. Lead the Council Discussion and engage in trilogue negotiations on the revised Energy Performance of Buildings Directive by:**

- Going beyond the narrow focus on operational energy to extend to Whole Life Carbon, including the embodied emissions in construction materials and equipment with CO<sub>2</sub> emissions / Carbon footprinting binding performances and long term visibility as proposed for Minimum Energy Performances, creating a market drive for recycled materials and low Carbon products, notably those out of decarbonised energy intensive industry;

- Setting a clear sunset date for fossil fuel-based heating solutions. According to the International Energy Agency, fossil fuel heating should be stopped by 2025 the latest to respect the objectives of Paris agreement.
- D. Progress the Council position on new Ecodesign for Sustainable Products by:**
- Making sure it can be implemented with utmost effectiveness to bring back EU resource consumption within planet boundaries and utmost efficiency in terms of allocated resources;
  - Considering social aspects amongst the explored parameters when defining implementing measures;
  - Addressing the possible loophole for non-compliant products through online marketplaces if these are not made more responsible for the compliance of products they propose and advertise;
  - Making digital product passport the systematic option to convey performances and footprinting achievements;
  - Prohibiting the destruction of unsold goods and ensuring that intermediary products to be covered by Ecodesign include cement and based chemicals in addition to commodity metals.
- E. Progress the Council position on the Construction Product Regulation** to ensure environmental performances are communicated with maximum transparency, according to harmonized methodology and equipped with digital product passport schemes as other products covered by Ecodesign, Performance requirements, notably for recyclability, recycled contents, carbon footprinting should also be promoted;
- F. Progress the Council position on Empowering Consumers for the Green Transition**, preparing the future Green Claims legislative initiative, stopping greenwashing, calling for a reparability index and greater transparency on commercial guarantees, prohibiting allegations that cannot be supported by available critically reviewed evidence, prohibiting and sanctioning more clearly premature obsolescence, restricting the use of labelling scheme to trustfully mandatory labels or Type 1 endorsement scheme, as Ecolabels;
- G. Ensure the Environmental and Competitiveness Council approves the strategy for circular and sustainable textiles** and lead by example by defining resource use reduction targets for the sector and EPR schemes with eco-modulation criteria at national level;
- H. Lead by example on the implementation of the Single Use of Plastics Directive in time for the transposition deadline and ensure other Member States also meet the deadline;**
- I. Lead the EU in the negotiation of an international, legally-binding treaty to end plastic pollution** and ensure European leadership in the process by presenting the highest level of ambition regarding a reduction of virgin plastic production, robust product standards, phase out of most harmful plastic products, phase out of harmful chemicals in plastic products, ambitious recycling targets and a strong mechanism for a just transition in particular for waste pickers and other informal or vulnerable workers in the plastic life cycle; ensuring strong public participation and inclusion of civil society in the process.

**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](#)



## 9 Strengthen accountability and the rule of law and promote environmental justice

The effectiveness of the European Green Deal rests on the full implementation and proper enforcement of the law. For this, the EU needs to strengthen compliance promotion, accountability, strong liability regimes and enforcement in the Member States.

The Commission proposal for the revision of the Environmental Crime Directive in December 2021 seeks to strengthen the existing serious enforcement gaps in the EU regarding environmental crime. Currently, there are large discrepancies between Member States regarding the interpretation of the legal definitions, applications and levels of sanctions, investigative measures, reporting and data collection tools, and cross-border cooperation between authorities. All this while environmental crime is increasing worldwide. It is crucial that the Czech Presidency builds on the work of the French Presidency and takes a strong position for clearer and deeper harmonisation of EU rules to combat environmental and organised crime. Such a stance should include, for instance, a move towards a European definition of ecocide and a holistic approach to the criminal liability of companies.

In February 2022, the Commission proposed a new law for mandatory horizontal due diligence obligations on companies in the EU – the Corporate Sustainable Due Diligence Directive. While this is a long-awaited and welcomed initiative, there are some aspects about the proposal that need to be improved for the new regime to be effective. In particular, the environmental and climate due diligence requirements must be strengthened by the co-legislators.

While the EU is facing rule of law challenges from within and outside the Union, it is important that the Presidency sends a strong signal at European level and internationally that it will stay strong against any threats to erode rights and fundamental freedoms. The Presidency should put an emphasis on ensuring access to justice provisions in all upcoming legislative environmental and climate files, ensuring strong governance frameworks and public scrutiny. The Presidency should also lead the Council in developing a strong position on the legislative proposal on the protection of activists, journalists and NGOs from Strategic Lawsuits Against Public Participation (SLAPPs). Additionally, the EU institutions should put their own house in order by increasing the accountability of EU level decision-making through improved transparency of Commission Expert Groups.

### **We therefore call upon the Czech Presidency to:**

#### **A. Promote an ambitious Council position on the Environmental Crime Directive by:**

- Ensuring that there is an EU-wide definition of ecocide;
- Ensuring that all companies can and will be held criminally liable for committing environmental crimes;
- Ensuring that the Council position supports the widest material scope possible, including by extending the list of environmental crimes in the Commission proposal so that all environmental crimes can be prosecuted accordingly and appropriately;
- Ensuring that sanctions are truly dissuasive, proportionate and effective to curb the increase in environmental crimes in the EU and beyond;
- Supporting increased cooperation and reporting requirements of Member States on the enforcement and prosecution of environmental crimes.

#### **B. Promote a strong Council position and improve the Commission proposal on the Corporate Sustainable Due Diligence Directive (CSDD) by:**

- Promoting the active involvement of the Environment Council in the legislative process on the Corporate Sustainable Due Diligence Directive;
  - Extending the scope of what constitutes 'adverse environmental impact' so that companies can make a holistic assessment of their impacts in the value chains, including also climate impacts;
  - Supporting a wider personal scope of the Directive so that more companies will be under the obligation to carry out mandatory due diligence, in particular ensuring that the CSDD supports the rules under the Batteries Regulation, the Deforestation-free products Regulation and the Textiles strategy in a coherent and effective way;
  - Ensuring affected communities have real access to remedies.
- C. Ensure that all environmental and climate legislative files have strong governance structures, including provisions for the public to exercise their right on access to justice according to the Aarhus Convention, by:**
- Supporting the inclusion of access to justice provisions in the Fit for 55 package;
  - Supporting a swift and effective way for the EU to comply with the Aarhus Convention Compliance Committee findings on case C128 regarding inadequate avenues for the public to access justice in Commission state aid decisions.
- D. Promote an ambitious Council position on the legislative proposal for a new anti-SLAPP Directive** by ensuring that cross-border vexatious litigation against activists and journalists can easily, cheaply and quickly be struck out from national courts.
- E. Protect the rule of law and civil society consultation processes and avoid the backdoor watering down of the environmental acquis through the REPowerEU permitting proposal by**
- Ensuring the safeguards of the Environmental Impact Assessment Directive and the Nature Directives remain in place following their positive Fitness Check and the legal certainty they provide while not being a barrier to the upscale of nature-friendly renewables.

**More information:** [Civil Society Statement on the Proposed EU Corporate Sustainability Due Diligence Directive](#) • [META article: Effort Staring Regulation – MEPs vote for access to justice](#) • [META article: Climate Laws that Bite – an introduction to access to justice](#) • [META article: why the Social Climate Fund needs access to justice](#) • [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](#) • [Stepping up enforcement – Recommendations for a better compliance agenda](#)



# 10 Mainstream a transformative Green Deal, foster social, environmental and economic justice, and improve governance

The terrible war in Europe, the pandemic and ongoing environmental crises have exposed the deep flaws of our economic system. At the same time, 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 burden on resource use and pollution and less on labour. There is a growing recognition that without addressing pricing and subsidies, the economy will not support sustainability needs. Fiscal rules were designed to achieve macroeconomic stability and to lower the burden of future generations. Today, this means to invest in the just transformation of our economies and societies and to implement the EGD. It is welcoming that the Commission decided to leave the general escape clause activated throughout 2023 to avoid austerity and increase flexibility. However, this cannot be a *carte blanche* to delay the urgent reform of the EU fiscal framework.

The development of the EU Taxonomy must lead to an ambitious Sustainable Finance framework rewarding truly sustainable activities and defining ‘do no significant harm’ criteria beyond mere compliance with EU law. To effectively counter greenwashing in financial markets and catalyse investments in the green transition, the Taxonomy must remain a robust science-based framework and not be swayed by political pressures. The Commission proposal to include fossil gas and nuclear as sustainable investments in the EU Taxonomy risks derailing the credibility of the entire EU climate agenda and the European Green Deal. By openly disregarding the expert opinion of the Platform on Sustainable Finance, this decision also represented a serious blow to the transparency and governance of the overall process. Demonstrating that investments ‘do no significant harm’ is a cornerstone of the EU Sustainable Finance framework. These criteria must be adequate to effectively prevent environmentally harmful activities and create additional incentives to undertake investments that are not merely lawful, but truly sustainable.

## **We therefore call upon the Czech Presidency to:**

- A. Promote and lead efforts to build consensus for an ambitious reform proposal as part of the EU Economic Governance Review**, reforming the fiscal framework so that it puts environmental and social goals, including gender justice, at the heart of the EU’s economic governance;
- B. Secure ambition in the ongoing development and application of the Sustainable Finance Taxonomy, ensure that the ‘do no significant harm’ (DNSH) principle is adequately operationalised in all Taxonomy Delegated Acts** by means of specific actionable criteria and promote compliance with the DNSH principle in the use of EU Funds, specifically by:
  - Safeguarding the governance and transparency of the process, ensuring that the recommendations of the experts and civil society organisations represented in the Platform on Sustainable Finance are adequately reflected in the Taxonomy Delegated Acts adopted by the Commission, and rejecting these delegated acts where this is not the case;
  - Excluding gas and nuclear power as sustainable investments in the EU Taxonomy by vetoing the Commission’s Complementary Delegated Act;
  - Urging the European Commission to prioritise the review of the Taxonomy Delegated Act on climate mitigation and adaptation, adopted in June 2021, to correct the identified gaps and inconsistencies regarding the operationalisation of the DNSH principle;

- Overseeing that more robust and comprehensive criteria are introduced by the Commission in the upcoming Delegated Acts on the remaining four non-climate Taxonomy objectives. These must be consistently defined beyond mere legal compliance with EU law in line with the spirit and ambition of the EU Taxonomy.
- C. Promote a total overhaul of the European Semester to create an annual sustainability cycle that fully integrates the EGD, SDGs and fiscal reform to strengthen resilience;**
- D. Debate the outcomes of the Conference on the Future of Europe (CoFoE)** to identify which results could merit being explored further and lead to policy change and how the war in Ukraine influences the way forward;
- E. Promote debate and explore policy options on the potential synergies and risks of digitalisation for a green transition, including the prioritisation of artificial intelligence for people and planet;**
- F. Advance discussions on the importance of acknowledging the interlinkages of environmental policies, gender and social justice, particularly of policies affecting racialised communities,** by
- Creating awareness and facilitating debates, especially regarding existing and upcoming European Green Deal policy proposals where policy coherence and justice concerns can still be better integrated;
  - Promoting just transition policies via the European Semester through commitments to a wellbeing economy, support for a Climate Social Fund, and targeted NRRP spending to address fuel and transport poverty.
- G. Engage in the 9th Environment for Europe (EfE) Ministerial Conference in October 2022 in Cyprus,** promoting an ever-stronger European Green Deal to help drive energy and material independence, and the needed ecological-economic transformation;
- H. Lead by example in the use of National Recovery and Resilience Plans (NRRP)** and Cohesion and Social funds under the EU's multi-annual financial framework (MFF), with ambitious operational programmes (OPs) by prioritising energy savings and efficiency, building renovation and heat pump roll out, low-cost public transport, nature-friendly renewable energy development, advancing on energy independence from Russia, cost-savings, resilience to price rises, and climate mitigation.

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



# Abbreviations

8EAP	8 <sup>th</sup> Environment Action Programme
AAQD	Ambient Air Quality Directives
ACCC	Aarhus Convention Compliance Committee
AFOLU	Agriculture, Forestry and Other Land Use
BAT	Best Available Techniques
BREFs	Best Available Techniques Reference Documents
CBAM	Carbon Border Adjustment Mechanism
CBD	Convention on Biological Diversity
CRC	Carbon Removals Certification
CAP	Common Agricultural Policy
CoFoE	Conference on the Future of Europe
COP	Conference of the Parties
CLFs	Compact Fluorescent Lamps
CCFLs	Cold-Cathode Fluorescent Lamps
CSDD	Corporate Sustainable Due Diligence Directive
CSS	Chemicals Strategy for Sustainability
DNSH	Do No Significant Harm Principle
DSA	Digital Services Act
ECT	Energy Charter Treaty
EED	Energy Efficiency Directive
EfE	Environment for Europe
EGD	European Green Deal
EPBD	Energy Performance of Buildings Directive
E-PRTR	European Pollutant Release and Transfer Register
EPT	Electronic Permit Template
EQSD	Environmental Quality Standards Directive
ESR	Effort Sharing Regulation
ETS	Emissions Trading Scheme
ETD	Energy Taxation Directive
GD	Groundwater Directive
GPSR	General Product Safety Regulation
IED	Industrial Emissions Directive
LPCL	Low POPs Content Levels
LULUCF	Land Use, Land-Use Change and Forestry
MFF	Multi-Annual Financial Framework
NRRPs	National Recovery and Resilience Plans
PA	Partnership Agreements
POPs	Persistent Organic Pollutants
PPP	Polluter Pays Principle
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
RED	Renewable Energy Directive

RoHS	Restriction on Hazardous Substances Directive
SDGs	Sustainable Development Goals
SLAPPs	Strategic Lawsuits Against Public Participation
SUPD	Sustainable Use of Pesticides Directive
SUR	Sustainable Use of Pesticides Regulation
TACs	Total Allowable Catches
TEN-E	Trans European Energy Network
TEN-T	Trans European Transport Network
UWWTD	EU Wastewater Treatment Directive
WFD	Water Framework 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](#).

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**META**

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