

The EEB's Memorandum
to the
**Spanish Presidency
of the EU**

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Bureau



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The EEB is the largest network of environmental citizens' organisations in Europe. It currently consists of over 180 member organisations in 40 countries, including a growing number of networks, and representing some 30 million individual members and supporters.

Together, we work for a better future where people and nature thrive together.

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Introduction

The Spanish Presidency of the Council of the European Union will unfortunately likely still be overshadowed by the illegal Russian war in Ukraine and energy and inflation crises that have created social hardships across much of the EU. There is a continued need for deep solidarity with the Ukrainian people, as well as fossil-fuel and materials independence from Russia. The European Green Deal (EGD) is a key tool to support EU's resilience by accelerating the transition towards a 100% renewables future, combined with energy and resource savings measures. These will also help address the climate and environmental crises, and, if designed correctly, enable a just transition.

The current political climate has led to major efforts by anti-regulation ideologues and lobbying by short-term vested interests to drop, delay or degrade environmental and social protections. Such ideological positions and short-term economic interests risk trumping the medium and long-term opportunities for resilience and sustainability. The Commission Work Programme 2023 and its implementation shows this tension - several files have been pushed back or dropped. With due effort, needed progress can still be made. The EGD is a peace project and undermining it now is the opposite of what is needed for Member States and the EU.

Spain will inherit significant legislative and policy responsibilities for its leadership from the files launched during past Council Presidency mandates. The Spanish presidency takes place at a moment of utmost relevance. It is the penultimate presidency of the Council before the EU elections. Many crucial dossiers of the European Green Deal are pending approval. In the background, certain environmental debates are escalating and regressive voices against the green and climate agenda are growing louder and louder, with a growth of political point scoring within the Brussels bubble and the EU more widely with respect to progressive legislation of the European Green Deal. Files at stake, include the REACH Revision, the nature restoration law (NRL) and the sustainable use of pesticides regulation (SUR).

There is therefore both a major risk and a major opportunity to advance on the EGD and put in place measures to secure the EU's future resilience, and at the same time invest in a just transition and social justice. Advancing with ambition on the files under the Spanish Council Presidency can help promote transformative change that addresses the climate, biodiversity and pollution crises and encourages innovation in industry and sustainable natural resource management, helping Spain and the EU to become more competitive in sustainable economic practices and management of critical natural resources.

Spain has the responsibility to ensure a constructive legacy for the partners in the ES-BE-HU Presidency Trio running from 1 July 2023 to December 2024. The first six of these eighteen months will be essential to prove and improve the EU's commitment to tackling the triple climate, biodiversity and pollution crises, while integrating the social dimension, and helping to make the EGD the transformative agenda Europe needs. The question is: will the Spanish Presidency facilitate the steps forward and rise to the historic challenge Europe and the world faces? Will the Spanish Council presidency team be able to advance as much as they wish given the July elections and how will the elections affect the Granada Declaration, which promised to supply a vision for the EU's priorities under the next Commission and Parliament? It is essential that climate and environment are at the heart of this declaration.

The EEB, building on consultation with its over 180 members and wider civil society partnerships, has developed these Ten Green Tests for the Spanish Presidency, where the engagement, commitment and leadership of this Presidency can make a lasting and fundamental difference. These have been approved by the EEB Board and Council with representatives from all EU Member States and many European networks.

The Ten Green Tests include policy dossiers coming from the EGD and wider EU policy and legal frameworks, the international dimension, and where Spain could "lead by example" and inspire other countries. We propose the following Ten Green Tests that present a civil society vision as to what would constitute success by the Spanish Presidency of the EU in the context of the challenges the planet and society face. We look forward to working with the Spanish Presidency directly and via our members to support a successful Presidency that can help the EU advance in the transition to living within the limits of our one planet – whatever the outcome of the July elections. The Council Presidency relies upon the cooperation of the entire Council, and we therefore also call upon all Member States to take the Ten Tests as benchmarks for their Council engagement to make the most of the next six months.



Patrick ten Brink,
Secretary General, European Environmental Bureau (EEB)

Ten Green Tests for the Spanish Presidency



- 1 Advance the European Green Deal as a transformative peace project and create a vision for the next EGD 2
- 2 Strengthen accountability and the rule of law and promote environmental justice 5
- 3 Ensure energy security while tackling the climate emergency 7
- 4 Reverse the dramatic loss of biodiversity and put EU on a pathway to healthy soils 10
- 5 Tackle pressures on surface and groundwater and ensure clean water for all 13
- 6 Drive a transition towards sustainable food and agriculture 15
- 7 Ensure clean air towards zero environmental and health impacts 17
- 8 Fast track negotiations on the REACH and CLP Revisions to promote a toxic-free environment 19
- 9 Shift towards a zero-pollution industry 21
- 10 Grasp the full potential of the circular economy 23

The above Ten Green Tests for the Spanish Council of the EU Presidency take into account our understanding that politics is the art of the possible. However, if we do too little now to avoid climate, biodiversity and pollutions crises, then the challenges in 2030, 2040 and 2050 will be impossible for society to deal with. The impossibility of living well in the future with unabated crises should make policy makers reconsider what is possible to negotiate today and up the level of ambition in policy formulation and subsequent negotiations. It is in this context that we have designed the Ten Green Tests. They may seem ambitious, but they are fundamentally necessary for the future we need, and that young people deserve to inherit. There is a collective responsibility to act, and the next six months represent an important, indeed essential opportunity for the Spanish Council Presidency to advance the legislative agenda and lay the foundations for the future.



1 Advance the European Green Deal as a transformative peace project and create a vision for the next EGD

The terrible war in Europe, the pandemic, the ongoing climate, biodiversity and pollution crises, and the ever-starker evidence of poverty in Europe and impacts abroad of EU consumption and actions have exposed the deep flaws of our economic system. The power of industrial lobbies and political ideologies against environmental and social protections has increasingly manifested itself in 2023. Many of the EGD files and indeed the legacy of the EGD itself is at risk. The EGD, in helping push for fossil fuel and resource independence, savings and efficiency, will contribute to social and economic resilience and should be treated as a project that supports peace and stability. The EGD, if sufficiently transformative, will be a peace project and a visionary investment in future Member State and EU resilience and stability. It should be promoted and progressed and not undermined by erroneously heeding false arguments.

Furthermore, the fuel prices rises and inflation levels have brought into stark focus the level of poverty and energy poverty in particular, but also mobility poverty and general difficulties in making ends meet and associated social inequalities that often go hand in hand with environmental inequalities, and underline the need for greater social, environmental and economic justice and improved fair governance where short term private interests do not trump the need to do the right thing for Europe and its nations.

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 windfall taxes and tax loopholes, 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 investing in the just transformation of our economies and societies and implementing the EGD. It is welcoming that the European Commission (EC) 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.

We therefore call upon the Spanish Presidency to:

A. Finalising the EGD to leave a transformative legacy in advance of the EP elections and new Commission and Parliament by:

- **Advancing across all remaining EGD files** – complete negotiations where possible to leave a manageable workload for the Belgian presidency, the last before the EP elections. Push back against the calls for “a pause” in regulation and those seeking to halt legislative files, as **the climate, biodiversity, pollution crises will not wait for an EU pause.**
- **Ensure a Council debate on a new EU Pact for our Common Future (EGD2)** on investments and other enabling measures needed to implement the commitments, on what gaps and obstacles need to be tackled, and identify where ambition needs to be increased and articulate a vision for 2040. In each area, ensure the social dimension is fully reflected to take into account ethics and equity and enable a just transition and buy-in for the transformative agenda.
- **Strengthen the international dimension of the EGD** to ensure the EU’s global credibility, position, and influence, engage in global diplomacy to encourage green deals abroad and support Green Deal implementation in third countries as part of global solidarity; further encourage that the EGD is at the



- heart of the implementation of the new 'Global Gateway' initiative launched by the EC and the EU High Representative.
- While outside the strict council Presidency role as a EUCO matter, use the Presidency influence to ensure that climate and environment are at the heart of the **Granada Declaration**, and lay the basis for **promoting a sustained EGD ambition in the Strategic Agenda of the Council** for the next legislative term. It is essential to build a practical vision for 2040 that creates the needed bridge to EU's stated carbon neutral and zero pollution Europe commitments for 2050 at the latest, and domestic and international biodiversity commitments. Complement this by an EGD investment plan to help implement the vision. The Council should take into account the UN Secretary General [Guterres's call](#) for increasing European ambition: carbon neutrality in Europe by 2040.
- B.** Support the **green reconstruction of Ukraine** following principles of the EGD and the EU environmental acquis. **Ensure that the partnership between the EU and Ukraine** through RebuildUkraine aiming at its reconstruction and recovery **is defined by the objectives of the EGD**, in particular carbon neutrality, zero-pollution, an economy that works for all and a just transition by:
- **Developing Council Conclusions that commit the EU and the funds** channelled to Ukraine **to EGD objectives** with strong conditionalities for long-term sustainability, equity, anti-corruption, and transparency, giving preference to renewable energy, efficient buildings, green urban development, a low carbon economy, sustainable agriculture, remediation measures and nature restoration.
 - Ensure that European institutions involved in RebuildUkraine **guarantee a regular dialogue with Ukrainian Civil Society Organisations (CSOs)** and European civil society networks working for its reconstruction in the activities of RebuildUkraine and involved institutions, including the European Investment Bank and the European Bank for Reconstruction and Development. Environmental CSOs should be given a clear role in RebuildUkraine and relief and recovery measures.
- C.** Follow-up on discussions made during the **Beyond Growth Conference** organised by the European Parliament and beyond GDP indicator initiative of the JRC by:
- Advancing the establishment of a multidisciplinary expert group to support the uptake of **wellbeing and sustainability metrics in policymaking**, as its mainly the governance level that hampers up take of wellbeing and sustainability indicators, not the availability and quality of data.
 - Lead discussions on how to implement permanent structures at the Commission, the Council, the Parliament, and within Member States to assess **post-growth strategies and pathways**.
- D.** Advance policies supporting a **Just Transition** through fiscal reform for fair incentives. **Prevent imposition of arbitrary restrictive fiscal rules** which would effectively place a straitjacket on progress towards EU agreed climate, social and economic objectives. Lead efforts to build consensus on ambitious reform of the **Stability and Growth Pact** to be enabler of a just transition and to be a catalyser for quality national spending to close the green and social investments gap. Reform needs to be complemented with a commitment towards a fair and sustainable tax reform and the establishment of a permanent EU Just Transition capacity. In addition, **promote a total overhaul of the European Semester** to create an annual sustainability cycle that fully integrates the EGD, the SDGs, and fiscal reform to strengthen resilience;
- E.** **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 EGD 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 Social Climate Fund; and targeted NRRP spending to address fuel and transport poverty.
- F. Push forward the reform of the EU's international trade policy** to fully align it with the EGD's objectives by only pursuing agreements with countries who share the EU's environmental and human rights commitments, leading the EU's position on a transformative WTO reform, engaging with Member States and the EC to withdraw from the outdated Energy Charter Treaty (ECT), heeding the European Parliament (EP) vote on the [ECT Resolution](#), and ensuring that the relations with the UK do not lead to a deterioration of environmental protection standards;
- G.** Follow up on the **EU Voluntary Review of the SDGs** with a clear **fully funded action plan** to upscale SDG implementation;
- H.** Launch a debate on **EU enlargement** and the need for **Treaty changes** to enable effective decision making, advance on majority voting and engage in debate on links to the **European Political Community (EPC)**.

More information: [OpEd in Euractiv: Our Choice](#) • [Mid-term assessment of the European Green Deal](#) • [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](#) • [EEB's Feedback on the EU Taxonomy Delegated Acts](#) • [Beyond Growth Conference: Open Letter](#) •



2 Strengthen accountability, the rule of law and environmental justice

The impact of the European Green Deal rests on full implementation and proper enforcement of the negotiated laws, targets, and promises. Implementation and enforcement are best achieved at the national level. But the last two years have seen one missed opportunity after the next of introducing accountability at national level through access to justice obligations in EU environmental laws. The Spanish presidency will have a crucial role to play in supporting such access to justice provisions throughout a host of environmental files (e.g. the Urban Waste Water Treatment Directive, Air Ambient Quality Directive, Nature Restoration Law, and the Industrial Emissions Directive).

Strong environmental governance does not only rely on implementation and enforcement of EU environmental policies, but also on strong civil and criminal liability for natural and legal persons. The Spanish presidency will have to finalise the trilogues of the Environmental Crime Directive and must do so with a view towards disincentivising environmental crime such as Dieselgate effectively in the future. Separately, the evaluation of the civil liability regime (Environmental Liability Directive) and the Polluter Pays Principle need a signal from the Council that the current framework is outdated.

The Corporate Sustainable Due Diligence Directive is a welcome and necessary step, but the Council needs to stay attuned to the lack of environmental and climate due diligence requirements in the current negotiation mandates and must ensure that companies are held liable for their impact on human right violations and environmental degradation.

The Council's facilitation of discussions on the Directive on Strategic Lawsuits against Public Participation has so far been counterproductive and dismissive of the real dangers journalists and (environmental) rights defenders face in the EU.

We therefore call upon the Spanish Presidency to:

- A.** Promote the full respect of the rule of law in all Member States, ensuring that civil society can freely operate and carry out their public interest functions without barriers or harassment and improve upon the dismal approach towards the **Initiative against abusive litigation targeting, journalists and rights defenders (SLAPP)** to enable a Council general approach on the Directive which would provide adequate protection for journalists, environmental and human rights defenders, and NGOs;
- B.** Ensure full compliance by the EU with the **Aarhus Convention** through supporting access to justice provisions and via fully addressing the Compliance Committee findings on granting access to justice on the Commission's state aid decisions (case C128);
- C.** Represent the Council in continued trilogues with the aim of agreeing on an ambitious revised **Environmental Crime Directive** which provides for clearer and wider coverage, serious fines for companies, recognition of the crime of ecocide, and clear definitions that are workable for national prosecutors;
- D.** Lead the Council to an ambitious position during the trilogues on the **Corporate Sustainable Due Diligence Directive**, ensuring that the Directive is aligned with UN Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational Enterprises, that mandatory rules on due diligence are enforceable against companies and that victims and affected communities have effective access to remedies, and that companies are liable for their detrimental impact on the environment and climate throughout their value chains;



- E. **Recognise and support the Aarhus Convention in the year of its 25th Anniversary**, by calling on EU Member States and the European Commission to, firstly, provide increased financial contributions earmarked for the implementation of the Convention or in support of the **Compliance Mechanism** which is essential for the rule of law in the EU and, secondly, to promote the **first Special Rapporteur on environmental defenders of the Aarhus Convention**;
- F. Lead the Council in the discussions related to the evaluation of the **Environmental Liability Directive**, assisting the Commission in gathering relevant information and intelligence on how to render the legislation more effective, and in a way that it truly implements the Polluter Pays Principle;
- G. **Promote civil society space and meaningful participation in decision-making for democratic legitimacy**, particularly in the updating of the *National Energy and Climate Plans* by ensuring that consultations and public participation avenues continue past the delivery of the first drafts and are taken in due account, to avoid 'citizenwashing';
- H. Lead by example on **implementation and enforcement of EU environmental law**. Firstly, via Spanish compliance with EU infringement proceedings and CJEU rulings, secondly by voluntary transparency of all infringement letters to Spain, thirdly by **holding the Commission to account to step up its enforcement work** with increased capacity and transparency of infringement processes.

More information: [Civil Society Statement on the Proposed EU Corporate Sustainability Due Diligence Directive](#)
• [ELNI article: 'Responsible Regulation' instead of 'Better Regulation'](#) • [META article: Effort Sharing 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](#) •



3 Ensure energy security whilst addressing the climate emergency

Among the Presidency's top priorities is to successfully conclude negotiations for the remaining Fit for 55 dossiers, which will require interinstitutional agreement in the upcoming semester. The Presidency must uphold Spain's position as a sustainability frontrunner to go beyond the level of ambition of the current legislative proposals and ensure that increased ambition on achieving the EGD's objectives remains the guiding principle to respond to Europe's energy crisis. With the revision of the Energy Performance of Buildings Directive (EPBD), the Minimum Energy Performance Standards for buildings need to be set with performance and calendar ambition, and the phase out of fossil fuel operated heating appliances in new and renovated buildings need a clear confirmation. Equally important is the finalisation of the F-Gas regulation, securing a phase out of the climate harmful HFCs gases. These steps are absolutely necessary, albeit still insufficient, to ensure the EU's commitment towards the Paris Agreement and must be defended against any attempt of watering down.

As the challenges exacerbated by the Russian invasion of Ukraine have highlighted the EU's vulnerability and dependence on fossil fuels, the Presidency must ensure that the short-term crisis reaction to address the EU's energy security goes hand-in-hand with the EU's long-term response to climate change and environmental degradation. The Presidency must therefore make sure that short-term emergency measures and regulations adopted upon the EU Save Energy are assessed and implemented in light of their effects on rewarding energy savings and advancing the long-term goal of energy sovereignty that only renewables can deliver. This push towards renewables should also be reflected in the way the Presidency progresses the Electricity Market Design file. The Presidency might also be called to finalise the F-Gas Regulation if the Swedish presidency does not conclude it. The F-Gas Regulation is a key enabler for the much-needed uptake of highly efficient, climate-friendly heat pumps and is fundamental to securing European independence in its food chains and medical equipment, while at the same time maintaining the EU's climate leadership.

We therefore call upon the Spanish Presidency to:

- A. Complete Council trilogue negotiations on the remaining 'Fit for 55 Package' items:
 - **Finalising the trilogue negotiations for the Energy Performance of Buildings Directive (EPBD)**, to improve the ambition of the existing Council position, especially regarding minimum energy performance standards and timelines, to confirm a clear phase out of fossil heating and to secure the requirement on whole life cycle carbon emissions for new and renovated buildings.
 - Ensuring coherence and **aligning the EPBD with the Ecodesign and Energy Labelling regulations**, notably with regards to the proposed definition, performances and phase out date of fossil fuel-operated heating appliances.
 - **Finalise the Renewable Energy Directive (RED)** discussions - as agreed during the interinstitutional negotiations held during the Swedish Presidency – as quickly as possible.
 - Ensuring that the new and existing policy instruments of the **Fit for 55 Package are accompanied by a robust social package (in particular, Social Climate Plans)** that lay the foundations for a just energy transition by ensuring that cost **redistribution measures are transparent, simple and responsive to fuel prices**. Direct payments are preferable to fossil fuel subsidies.
- B. **Lay the ground for a swift and decisive transition towards 100% renewable energy** in the European electricity mix by 2040 by:
 - **Promoting a nature-friendly and participatory approach to roll-out new renewables** – identifying suitable 'acceleration areas', fully involving the public in Strategic Environmental Assessments, and



prioritising urban or industrial sites and brownfields for renewable energy development in the Member States' National Energy and Climate Plans (NECPs);

- Steering Council discussions towards an **ambitious Electricity Market Design reform** to unlock demand-side flexibility and guarantee market access to renewable energy communities;
- Leading by example in the upcoming discussion on the **6th list of EU's Projects of Common Interest** under the TEN-E Regulation by prioritising cross-border electricity infrastructure to integrate more renewable energy generation into the bloc's electricity mix.
- Leading by example in implementing nature friendly renewable energy projects based on proper public participation.

C. Advance on sustainable mobility by:

- Completing the deal on **CO2 standards for heavy duty vehicles**, embracing the higher 2030 goal and near full zero emissions fleet by 2040 as a priority. Increase the global CO2 target from -45 to -65% for trucks, buses and coaches in 2030, while supporting the commitment to make all new city buses zero-emission as of 2030. Increase the global CO2 target from -65 to -100% in 2035 for trucks, buses and coaches.
- Agreeing the **EU7 pollution standards for light and heavy duty vehicles**, including new provisions on tyres and brakes, which is at least at the level of the EU Commission proposals.
- Exploring and supporting options to **increase both freight via rail and public transport**, improving rail connectivity across Europe, including promoting night trains to meet growing citizen demand for increased use of rail over aviation. Lead by example by investing in direct connectivity between Madrid and Lisbon;
- **Decarbonise shipping** by removing the tax exemption for marine fuels through the Energy Taxation Directive (ETD).

D. Ensure that the Energy Taxation Directive (ETD) is coherent with the other EU's climate goals and the REPowerEU by:

- Ensuring that **renewable electricity for domestic heat pumps** always benefits from the lowest energy taxation in the ETD.
- Introducing minimum rates that fully factor in all the environmental and climate harm made by the different energy carriers, including air pollution.
- Making sure reduced and minimum rates only apply to consumers facing energy poverty and to industries that have approved climate and environmental plans.

E. Lead the Council discussions on energy savings in the framework of the EU's response to the ongoing energy crisis by:

- Promoting a shift from support to the bills of households and industries to **investments in energy efficiency and on-site renewables** that can significantly cut energy consumption and bills in the medium to long-term.
- **Focusing on direct payments and not energy price measures** in the short run to ensure energy saving is adequately rewarded.

F. Lead the Council discussions on the importance of phasing out highly climate-impactful gases such as Fluorinated Gases (F-Gases) as part of the revision of the F-Gas Regulation. This will also facilitate the achievement of REPowerEU heat pump targets;

G. Demonstrate EU leadership and ethics at the UNFCCC COP28 from 30 November to 12 December 2023 in Dubai, United Arab Emirates (UAE), by promoting clear and binding commitments to ensure appropriate financing of the **loss and damage facility and pushing for **reduced access and role of fossil-fuel lobbyists** to reduce their impact and ensure full transparency to improve MEA governance.**



More information: [EEB Main asks for the Fit for 55 Package](#) • [Building a Paris Agreement Compatible \(PAC\) energy scenario and policy brief](#) • [META article on COP27](#) • [EEB and others letter on the Gas Package](#) • [EEB and others letter on energy labelling for space heaters](#) • [EEB report on the missing subventions gap to decarbonise heating in Europe](#) • [EEB contribution to the Renovation Wave consultation](#) • [EEB via Coalition for Energy Savings EED position paper](#) • [EEB-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](#) • [EPBD position paper](#) • [EEB policy brief on Nature-positive renewables](#) • [Joint NGOs statement on renewables permitting](#) • [META article on safeguarding renewables against social backlash](#) • [META article on renewables spatial planning](#) • [EEB report on energy saving measures throughout the EU](#) • [EEB Renewables best practices factsheet](#) • [Joint NGO letter to EU negotiators to keep the RED for renewables](#) • [EEB policy brief on the Commission's Delegated Act on Additionality for RFNBOs](#) •



4 Reverse the dramatic loss of biodiversity, put EU on a pathway to healthy soils

The Spanish Presidency is expected to finalise negotiations on key Green Deal laws offering solutions to the biodiversity and climate crises, such as the Nature Restoration Law (NRL), a law with strong support from Europeans across the EU, scientists, civil society and progressive businesses. The Presidency must represent the common European interest in the negotiations and push back against orchestrated misinformation campaigns by some conservative politicians and vested interests who are misrepresenting the need for an ambitious restoration agenda. Strong Council leadership and a timely handling of the proposals will be crucial to make the most of the potential that these new laws can provide. The Nature Restoration Law offers a unique opportunity to address the biodiversity and climate crises in a synergistic way, while bringing numerous benefits for human health and wellbeing.

In addition, the European Commission is expected to publish its proposals for the Forest Monitoring and Planning Law (FMPL) and the Soil Health Law (SHL) in 2023 and the Spanish Presidency has a unique opportunity to engage the Council without delay and set the EU on a pathway to safeguard and improve the health of European soils and improve management of EU's forests. In the case of the SHL, if properly designed, it can give our soils a strong legal framework that air, water and marine environments have had for some time, ensuring that the soils continue to perform their ecological functions, on which we rely so heavily.

We therefore call upon the Spanish Presidency to:

A. Finalise the negotiations both in the Council and in the trilogues on a strong NRL by:

- **Building upon the EC proposal as the minimum ambition level for nature restoration** across the EU and ensuring that all Member States contribute in a fair and proportionate manner to the overarching objective to restore at least 20% of the EU's land and 20% of sea area by 2030.
- **Keeping no-deterioration obligations outcome-based** to ensure restored areas are not degraded again.
- **Guaranteeing implementable marine restoration targets** by avoiding situations where Member States can block or water down restoration measures from another Member State through the joint recommendations process under the Common Fisheries Policy.
- **Increasing quantified and time-bound restoration targets to make rivers free-flowing** and to restore floodplains by 2030.
- **Ensuring that all non-residential drained peatlands are fully rewetted by 2040** to enable restored peatlands to contribute to the EU's 2050 climate neutrality targets.
- **Promoting forest restoration that focuses on key biodiversity indicators** as an important target for more resilient forests and the long-term sustainability of EU's forestry.
- **Ensuring a strong governance framework** with real public participation in the National Restoration Plans (NRPs), including powers to reject inadequate NRPs, provisions for access to justice, monitoring measures and the enforceability of national contributions.
- **Requesting dedicated nature restoration funding** as part of the next Multiannual Financial Framework.



- B. Actively lead the discussions in the Council and in Trilogues for a reliable and trustworthy Carbon Removals Certification Framework (CRCF) by:**
- **Preventing this regulation from creating a legal greenwashing tool** that would lead to perverse incentives and would severely undermine the EU's climate ambitions. It is essential that **the use of the generated certificates on voluntary offsetting markets is banned**.
 - **Recognising that highest levels of ecosystem integrity and biodiversity enhancement are a prerequisite for high-quality removals** that vastly increase the resilience of our land to the existing and future climate change and establishing this condition as a basic sustainability criterion.
 - **Leaving emission reductions completely out of the scope of this framework since** they are fundamentally different from removals and should not be certified as such.
 - Setting up a transparent and effective governance system, including by **establishing stringent monitoring and reporting requirements and liability rules**, which are essential for such a certification system, as part of the basic act.
 - Designing a framework that will **support Member States in fulfilling their climate and nature restoration obligations**.
- C. Ensure that the Council negotiations on the Soil Health Law start without delay** after the publication of the EC proposal and **push for the adoption of a progressive Soil Health Law** that establishes a strong legal framework that includes measurable and legally binding targets, is based on a scientifically-robust definition of healthy soils, sets an EU-wide monitoring system as well as provides for a range of effective instruments to protect, restore and use our soils sustainably;
- D. Prioritise negotiations on the Forest Monitoring and Planning Law (FMPL)** since its adoption will help establish a comprehensive picture of the state and use of forests in the EU and facilitate targeted decision-making for better forest management including via closer to nature forestry approaches;
- E. Reverse the increasing degradation of marine and coastal ecosystems** and achieve a healthy ocean by:
- Leading the negotiations of an Environment Council reaction to the EC's **action plan to conserve fisheries resources and protect marine ecosystems** that calls for the elimination of bycatch of sensitive species and fading out the most destructive fishing gear in Marine Protected Areas (notably bottom trawling) and ensure the timely implementation of the Action Plan.
 - **Ensuring that all Total Allowable Catches (TACs)** set for 2024 follow scientific advice, meet the objectives of the Commons Fisheries Policy and the ambition of the EGD.
 - Adopt science-based threshold values for **seabed integrity**, including 10% of areas without disturbance, under the Marine Strategy Framework Directive.
 - Following the implementation of the **Biodiversity Strategy commitments** and encourage Member States to define their 30% Marine Protected Areas, including the 10% strictly protected marine areas by presenting their pledges.
 - Ensuring the exclusion of deep-sea mining from the scope of the **Critical Raw Materials Regulation** and inclusion of binding EU material-footprint reduction targets for the next decades.
 - Building consensus among EU member states in support of an international **moratorium on deep-sea mining** at the International Seabed Authority and a ban in European waters.
 - Pushing for swift ratification of the new **High Seas Treaty** to protect marine biodiversity in areas beyond national jurisdiction (BBNJ) by the EU and its Member States as well as other members of the BBNJ High Ambition Coalition, to ensure entry into force as soon as possible.



- F. Ensure the success of the pledge and review process towards establishing a truly coherent Trans-European Nature Network** including revising pledges to meet targets for protected areas and status improvement of protected species and habitats as a key 2023 deliverable under the EU Biodiversity Strategy and an important contribution to the implementation of the Kunming-Montreal Biodiversity Agreement. **Engage constructively with the European Commission in carrying out the mid-term review of the EU Biodiversity Strategy for 2030** and making sure it is aligned to the Global Biodiversity Framework;
- G. Lead by example** in the showcasing nature friendly planning for upscaling of the renewables energy while implementing the Emergency Regulation for renewables, as well as on the implementation and enforcement of the long-standing obligations under the Nature Directives.

More information: [At Full Speed: EEB Policy Brief on the EU emergency regulation to accelerate renewable energy](#) • [Proposal for a Regulation on Nature Restoration – NGO analysis](#) • [Fact sheet on Peatland restoration](#) • [River restoration briefing](#) • [Joint marine NGO position paper on the Nature Restoration Law](#) • [Food security fact sheet](#) • [Policy Brief on Nature-Positive Renewables](#) • [EU restoration targets for rivers and freshwater ecosystems – NGO position](#) • [The Final Sprint for Europe’s Rivers](#) • [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](#) • [Certification of Carbon Removals: EEB Policy Recommendations](#) • [EEB Analysis of the Commission’s legislative proposal for Carbon Removal Certification](#) • [EEB Position Paper on the Soil Health Law](#) •



5 Tackle pressure on surface and groundwater and ensure clean water for all

Most of the rivers, lakes and groundwater aquifers across the EU are not healthy, thus undermining our livelihoods and causing alarming biodiversity decline: one in three freshwater fish species in Europe are currently threatened with extinction and migratory freshwater fish populations have seen a 93% collapse since 1970. Pollution, including from chemicals and nutrients, is one of the main reasons for this, as well as the fact that our rivers, lakes and wetlands have often been dammed and canalised to enable production of energy from hydropower, transportation of goods by inland navigation, or water storage for agriculture.

The EU Water Framework Directive (WFD) is a holistic piece of legislation that aims to achieve good status of Europe's freshwater bodies by 2027 at the latest. Where political will exists, the WFD has proven to be an effective framework for addressing the main pressures facing freshwater ecosystems, but efforts and resources for better implementation and enforcement of the WFD need to be significantly stepped up. In general, the ambition of the 3rd generation River Basin Management Plans remains low with excessive use of exemptions from the WFD's environmental objectives, delaying the needed action and reforms beyond 2050.

Moreover, there is overwhelming evidence that our freshwater ecosystems are suffering from pollution from chemicals of emerging concern, such as pharmaceuticals, (micro)plastics and PFAS, and from the combined effects of chemical mixtures. The European Commission has proposed to update lists of water pollutants to be more strictly controlled in surface waters and groundwater as well as to revise the Urban Wastewater Treatment Directive (UWWTD) by *inter alia* setting new standards for micropollutants removal, tightening the nutrient removal requirements, and introducing new monitoring requirements for microplastics, as well as making wastewater treatment more energy effective. Both proposals are part of the EU's Zero Pollution Action Plan (ZPAP), but, unfortunately, the progress of the Council negotiations on revising lists of priority water pollutants has stalled during the Swedish presidency, risking that this important legislative update, which is several years overdue, will not be concluded under the current legislative mandate.

We therefore call upon the Spanish Presidency to:

A. Prioritise Council negotiations on the Commission's proposal to update the list of water pollutants of surface and groundwater by:

- **Keeping the scope of the legislative update of the EU water Directives (WFD, EQSD, GD) limited to priority pollutants of surface and groundwater**, recognising the conclusions of the fitness check evaluation of the EU water policy that only chemical aspects of the WFD need a legislative update;
- **Supporting listing of the proposed pollutants of surface water and groundwater** including PFAS as a group, as well as supporting the proposed environmental quality standards (EQS) for newly added substances and tightening the standards for already listed pollutants;
- **Ensuring that the final SCHEER opinions inform setting the final EQS values;**
- **Introducing threshold values for sub-group of substances**, such as bisphenols, to better address combined effects of chemical mixtures;
- **Ensuring there is no weakening of the existing obligations to address pollution**, in particular the phase out obligation of priority hazardous substances;
- **Supporting the proposal from the European Parliament Rapporteur to introduce an Extended Producer Responsibility to cover the monitoring costs of substances of emerging concern** and decrease the pressure on public budgets;
- **Effectively preventing or reducing pollution at source** (for essential activities or uses), reducing the use of hazardous chemicals and plastics, aiming towards zero harm from pollution to people and planet.



- B. Finalise the Council negotiations on the recast of the Urban Wastewater Treatment Directive by:**
- **Supporting the proposed updates and (interim) deadlines as a minimum framework** to bring EU rules on urban wastewater treatment up to date and fit for the next two decades,
 - **Maintaining the ambition to make the wastewater sector energy neutral** by 2040 via energy-efficiency measures and by utilising the energy contained in wastewater;
 - **Ensuring that producers pay for the cost for removal of any harmful substances** related to the products they bring to market;
 - **Supporting the provisions to abate pollution at source and upgrade selected wastewater treatment plants to remove micropollutants**, as well as the extended requirements for selected wastewater treatment plants to remove nutrients;
 - **Ensure that the new rules do not exclude the use of well-functioning individual systems and decentralised solutions;**
 - **Support the introduction of integrated urban wastewater management plans** to make cities climate change-resilient and strengthen them by including a legally binding cap on sewer overflows.
- C. Organise Council's work including in the context of the Common Implementation Strategy of the Water Framework Directive and- at the Ministerial level on EU's strategic approach to ecological and climate resilient water management** and to ensure that the environmental objectives of the WFD are met by 2027, recognising that the 3rd generation River Basin Management Plans indicate that most EU rivers, lakes and groundwater aquifers will remain unhealthy in 2027 and that Member States continue excessive use of exemptions from the WFD environmental objectives;
- D. Lead by example in stepping up the implementation and funding of the WFD in Spain** 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](#) • [When the exception become the rule – Overuse of exemptions from reaching the objectives of the WFD due to coal mining and combustion](#) • [Joint Statement on the revision of the lists of surface and groundwater pollutants](#) • [Joint NGO analysis of the European Commission's proposal for a revised UWWTD](#) • [Joint NGO analysis of the European Commission's proposal for revised list of priority substances for surface and groundwater](#) •



6 Drive a just transition towards sustainable food and agriculture

The way we produce and consume food is driving multiple environmental and health crises, while the climate and biodiversity crises are also huge threats to our ability to produce food, as is becoming increasingly apparent in Europe and across the globe. We must urgently transform our food systems, addressing how we produce, distribute, and consume food, to make them sustainable, equitable, and resilient. From nutrient 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 Spanish 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 and sustainable food systems. Negotiations on the Sustainable Use of Pesticides Regulation must be accelerated to address the environmental and public health impacts of pesticides use without delay. The Presidency should also nudge the Commission to published delayed Farm to Fork initiatives promptly, including the revision of the EU's agri-food promotion policy and the new Integrated Nutrients Management Action Plan, and stand ready to advance work on these files in the Council. Furthermore, in light of the increasing and worrying polarisation of society, which also crystallises around agricultural issues, for example with regards to water use, we encourage the Spanish Presidency to pursue closer dialogue between the environmental and agricultural communities.

We therefore call upon the Spanish Presidency to:

- A. Increase the dialogue between the Agriculture and Fisheries Council (AGRIFISH) and Environment Ministers and stakeholders**, including by inviting environmental NGOs to the Informal Agriculture Council and meeting with environmental representatives in the margins of Agriculture Council meetings, as is already customary with some agricultural and fisheries representatives;
- B. Uphold the ambition and commitments of the Farm to Fork Strategy** for a transition to sustainable and healthy food systems and reject attempts to undermine this agenda based on flawed and misleading “food security” arguments;
- C. Support a transformative Sustainable Food Systems (SFS) Law** and initiate Council discussions in close collaboration between Environment, Public Health, and Consumers Affairs Ministers; with a view to unlock a just transition towards healthy, fair, and sustainable food systems by creating a robust governance framework, setting evidence-based, quantified and time-bound targets, and taking ambitious measures to shape healthy and sustainable food environments.
- D. Prioritise the Sustainable Use of Pesticides Regulation (SUR) so that it sets EU on track to halve pesticides use by 2030** to protect the environment and human health, by taking an “all hands on deck” approach towards the prompt adoption of a strong Council position that solves the implementation problems of the current Directive, including by setting legally binding reduction targets and large chemical pesticide-free areas;
- E. Respond to the Commission's Integrated Nutrients Management Action Plan by adopting Council Conclusions** that support an integrated and system-wide (including consumption consideration) approach to bringing nutrient flows within planetary boundaries, in dialogue between Agriculture and Environment Ministers;
- F. Urge the Commission to publish its long-awaited proposal for a reform of the EU's agricultural and food promotion policy** and lead a constructive debate in the Council around the policy changes needed to create enabling food environments for healthy and sustainable diets;



- G. **Organise a debate on emissions reductions in the agriculture sector** involving scientists and civil society, in light of the increased Effort Sharing Regulation (ESR) targets and the ongoing revision of National Energy and Climate Plans (NECPs);
- H. **Lead by example in continuously improving the environmental and climate ambition of the Spanish CAP Strategic Plan** by submitting an amendment to the Commission by the end of 2023 to increase action towards the new climate targets and the objectives of the Farm to Fork and Biodiversity Strategies, and the Zero Pollution Action Plan (ZPAP).

More information: • [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?'](#) • [Briefings assessing draft CAP Strategic Plans: Space for nature; Peatlands and Wetlands; Grasslands; Soils; and Pesticides](#) • [EEB-BirdLife-NABU report 'CAP unpacked... and unfit'](#) • [EEB comments on the Integrated Nutrients Management Action Plan](#) • [EEB report 'Hungry for Change – An EU Sustainable Food Systems Law for People and Planet'](#) • [Joint report 'Sustainable Food Systems Law – Policy Recommendations for a Meaningful Transition'](#) •

7 Ensure clean air towards zero environmental and health impacts

Air pollution is the first environmental health risk in Europe, responsible for around 300,000 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 published its Zero-Pollution Action Plan (ZPAP) 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 are establishing 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 recent 2021 Guidelines and even compared to 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.

Following the publication of the European Commission's proposal for a revised Ambient Air Quality Directive on 26 October 2022, the Council, guided by the Spanish Presidency, will play a fundamental role to ensure that the revision deliver both in terms of ambition – the need for achieving WHO's Air Quality Guidelines and defining air quality standards and monitoring requirements for additional pollutants – and the enabling framework - avoiding flexibilities, loopholes, and establishing clear provisions on penalties and compensation if and when the law is breached.

Important decisions also need to be taken 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 Spanish Presidency to:

A. Promote Member States engagement towards an ambitious revision of the Ambient Air Quality Directives by:

- **Promoting the full alignment of EU air quality standards with WHO Guidelines** and comply with them by 2030 turning them all into limit values, including those for ozone;
- **Supporting the definition of additional air quality standards** and monitoring requirements for pollutants that are not covered by the WHO Guidelines, including black carbon, ultrafine particles and ammonia (for which evidence within the European context already exists);
- **Ensuring the definition of a solid and coherent enabling framework within the new AAQD:** limit values must be the driving tool, together with the establishment of clear monitoring requirements and bold provisions on access to information, access to justice, penalties and compensations;
- **Recognising the prominent role that science must have** compared to fake-news and short-term political fixes;
- **Listening to the civil society call for a tough, comprehensive and credible action to reduce air pollution;**
- **Committing to prioritise the work on air quality,** and the revision of the Ambient Air Quality Directives, in the Presidency's agenda.

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

- Supporting the inclusion of legal requirements within the now under revision **Industrial Emissions Directive** to reduce methane and ammonia emissions from agriculture, including from cattle;

- Increasing cooperation among national ministries to push for wide support for **air quality objectives**;
 - Referring to the **zero-pollution ambition** and existing air quality objectives in ongoing decision-making processes and policies related to energy, buildings, transport, products and food which must deliver on cutting air pollution at source (e.g., REpowerEU, Renewable Energy Directive, EcoDesign Directive, Euro 7, IED).
- C. Support the needed revision of the Gothenburg Protocol to the UNECE Long-Range Transboundary Air Pollution Convention** by positioning the European Union accordingly, especially during the Forty-third session of the Executive Body in Geneva, 11-14 December 2023; in that framework, support the broadening of the scope of the Protocol to cover mercury, methane and black carbon emissions and agree on more ambitious targets for the already covered pollutants.
- D. Lead by example by swiftly revising Spanish's National Air Pollution Control Programme to deliver, at the minimum, on the National Emission Reduction Targets established by the National Emission Ceilings Directive**, making sure that effective public participation is secured, and the revised Programme is finalised as soon as possible (having the deadline of the 1 April 2023 already expired).
- E. Foresee a Council debate on the need for revising the Environmental Noise Directive** – such revision also having a great potential for contributing to air pollution reduction objectives (through the promotion of beneficial measures).

More information: • [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](#) • [Air Pollution is not invisible](#) •



8 Fast track negotiations on the REACH, CLP and Mercury Revisions to promote a toxic-free environment

Citizens are widely exposed to chemicals used in a wide range of products, from toys and childcare products to food containers, cosmetics, furniture and textiles. Daily exposure to a mix of toxic substances is linked to rising health, fertility and developmental threats, as well as to the collapse of insect, bird and mammal populations. Scientists have been warning for some time that toxic pollution has crossed the 'planetary boundary, threatening the entire Earth operating system, along with humanity'. Doctors describe babies as born 'pre-polluted', with 'Forever chemicals' found in all umbilical cords in nearly 30,000 samples analysed, as well as microplastics in human breast milk. Polling from late 2019 found that almost all Europeans are worried about the impact of chemicals in everyday products on the environment, a high level of public concern that echoes similar polls throughout the 2010s.

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. On the other hand, the share of hazardous chemicals in the market remains very high (about two thirds) and remains unchanged over the last decade. In fact, the share of chemicals that are hazardous to health is increasing. Recognising the growing threat and widespread public concern, when the EC announced the European Green Deal in December 2019, this included a 'zero-pollution ambition for a toxic-free environment' and a 'green oath: "do no harm"'. The Chemicals Strategy for Sustainability, published by the Commission in October 2020, puts forward important actions to deliver the Green Deal objectives and to ban the most hazardous chemicals from consumer products, in particular the extension of the generic approach to risk management and the grouping of substances becoming the default option for more efficient 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.

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.

At EU level, the process to review the **EU Mercury Regulation** started in 2021. Although the revised legislation was expected by the end of 2022, it is now foreseen to be published in July 2023. It will be mainly looking at restricting mercury use in dentistry, controlling crematoria emissions and exports of mercury added products already banned in the EU. 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 completed and the General Product Safety Regulation (GPSR) about to be finalised, it is the Product Liability Directive, as well as the Cosmetics Regulation which would need strengthening to tackle this issue.



At global level, the Minamata Convention on Mercury was adopted in October 2013, to protect human health and the environment from anthropogenic mercury emissions. The Fifth Conference of the Parties (COP5) to the Convention will take place from 30 October to the 3 November 2023 in Geneva. Important decisions are expected to further strengthen the Convention by, among other things, phasing out more mercury-added products and processes; developing clear mercury waste management requirements and release guidance; and by assisting its effectiveness evaluation. Relevant EU legislation would need to be robust and future looking, to ensure more chances to push the global debate.

We therefore call upon the Spanish Presidency to:

- A. Start negotiations and seek to advance towards a general approach on the revision of the REACH Regulation** that would simplify and speed up procedures to strengthen the protection of people and the environment. The revision should deliver on the Chemicals Strategy commitments to phase out the most harmful substances from consumer products, speed-up regulatory actions, strengthen information requirements to allow the authorities to adequately control chemicals, and on the zero tolerance to non-compliance pledge. It is essential that Spain advances as much as possible to enable the Belgian presidency to conclude the Council position before the EP elections.
- B. Adopt a general approach to expedite inter-institutional negotiations on the revision of the Classification, Labelling and Packaging (CLP) Regulation and conclude the first reading of the legislative procedure.** The General Approach should ensure that the process to classify chemicals is sped up and remains based on intrinsic hazardous properties.
- C. Adopt a general approach to the potentially upcoming legal proposal to ensure that hazardous chemicals banned in the European Union are not produced for export.** If the Commission doesn't make a proposal by 2023 as promised, **launch a discussion** on mechanisms to implement the EU Chemicals Strategy commitment to halt the export of banned/non authorised chemicals, including chemical pesticides.
- D. Promote EU leadership in strengthening the Minamata Convention on Mercury** by, among others, supporting initiatives towards widening the scope of mercury added products and processes to be phased out including on lamps, dental amalgam and sales of cosmetics.
- E. Ensure that the revised EU Mercury Regulation** has a wide scope including a phase out of dental amalgam by 2025, emission limit values for crematoria and large combustion plants and banning the exports of mercury added products which are already banned or restricted within the EU.
- F. Promote a Product Liability Directive** and a Cosmetics Regulation that holds e-platforms that sell illegal and dangerous chemicals and products containing them, such as mercury added skin-lightening creams, accountable and ensures that failure to comply with those requirements results in meaningful consequences.

More information: [Waiting for REACH: The negative impacts of delaying reform of EU chemical laws](#) • [A roadmap to nowhere? The EU's bold plan to quit the most harmful chemicals is a year old. We assess its effectiveness.](#) • [The Need for Speed – Why it takes the EU a decade to control harmful chemicals and how to secure more rapid protections](#) • [Joint Statement: EU-wide ban on the export of banned pesticides](#) • [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](#) • [EEB comments on the EU Mercury Regulation review](#) • [Letter to Director Manfredi](#) • [Joint Statement on Mercury Added Lamps](#) • [Report – Skin lighteners still available online despite mercury findings](#) • [Report – 'Prime' time to Stop Online Sales of Illegal High Mercury Skin Lightening Products](#) •



9 Shift towards a zero-pollution industry

The Industrial Emissions Directive (IED) - Integrated Pollution Prevention and Control Directive Recast - regulates the pollution of the industrial installations with the highest environmental impact in the EU. The IED is currently under review. The Council has examined the Commission proposal and adopted its General Approach on 16 March 2023; once the Parliament adopts its own position (EP ENVI Committee vote on 24 May, Plenary vote expected in July 2023), the interinstitutional negotiations (Trilogue) will take place. The IED 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 cost 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 demonstrates the need for a deep overhaul, as is the need to provide better synergies without risking achievement of relevant environmental quality standards (EQS). 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 is progressing hand in hand with the review of the EU Pollutant Release and Transfer Register (E-PRTR) - the Proposal for a Regulation establishing the Industrial Emissions Portal (IEP-R). The IEP-R proposal misses the opportunity to make the best use of information for other purposes such as benchmarking (of operators and permit writers permitting ambition) and compliance promotion. It is crucial to ensure that digital reporting obligations serve progress on environmental performance benchmarking and accountability of decision making and to send a strong and coherent signal regarding the improvement of the UNECE PRTR Protocol on reporting on industrial activities.

We therefore call upon the Spanish Presidency to:

A. Commit to clean up industrial production and generate transformative change towards a circular, decarbonised and zero-pollution industry while not side-lining nature protection and public participation, notably through progressing towards an ambitious position of the Council on the *Net Zero Industry Act*,

B. Lead discussions in the Council in Trilogue negotiations, aiming at an ambitious reform of the IED that fully reflects the zero-pollution, climate and circular economy ambitions, and that promotes the uptake of the Best Available Techniques (BAT) performance standards without delay by:

- **Extending its scope to capture additional major pollution sources and issues**, such as intensive cattle rearing, mining, and emissions of greenhouse gases;
- **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;
- **Ensuring for a "combined approach" of strong carbon pricing via the EU Emissions Trading System (ETS)** to deliver in combination with performance-based standards under IED. Replace IED Article 9(1) to require the setting of dedicated decarbonisation measures; ensure that the energy efficiency BAT conclusions remain binding (delete IED Article 9(2));
- **Providing for effective and enforceable Transformation Plans** (IED Article 27d) to be made at site level. The Plans should provide for concrete actions on pollution prevention measures by 2025 and



should include milestones and headline key performance indicators on all EGD objectives set in the Directive. Their content shall be further clarified at sector level through an inclusive multi-stakeholder process. The targets and obligations of the Plans should be part of the permit conditions, subject to regular review and verification to ensure progress monitoring and enforceability;

- **Strengthening further the conditionalities for compliance with Environmental Quality Standards** e.g., by explicitly referring to the WHO air quality guidelines, the National Emission Control Programmes, and climate protection;
- **Further tightening up the new default approach to the strictest technically achievable possible emission limit / environmental performance limit values** by ensuring a maximum 4-year compliance transition timeline and a deadline by 2026 for making the non-feasibility assessment of operators publicly available, by strengthening the provision on derogations (IED Art 15.4), with a zero-tolerance approach on pollutants subject to EQS, and by setting a maximum 4-year derogation validity period;
- **Strengthening relevant provisions on the Environmental Management System (EMS)** and on public access to information and participation in the permitting procedure (incl. the permit summary);
- **Improving the provisions on sanctions** (minimal sanctions), support a strong compensation regime with maintaining the presumption of “guilty of harm caused by industrial pollution” on the operators but also vis à vis the authorities in case of implementation shortcomings.

C. Represent the Council at Trilogue negotiations, aiming at an ambitious reform of the IEP-R and at the strengthening of the UNECE Kiev Protocol by:

- **Providing a strong mandate to the European Environment Agency to develop a centralised and powerful EU-level Portal**, allowing for the better benchmarking of real-time environmental performance, and the better use of information for other purposes e.g., BREF reviews (e.g., by directly integrating in the Portal site-specific resource consumption data and production volumes, information generated under other IED provisions, such as the EMS, and the permit conditions applied));
- **Clarifying the meaning of “contextual information”**. Allow benchmarking of the operator versus state of the art in the sector (e.g., metric of impact on environment v. useful outputs of the industrial activity), pollution intensities (e.g., mass of pollutant per amount of service/product provided) or by other metrics such a depollution / substitution index, carbon intensity but also enabling comparing of stringency of permit conditions applied;
- **Providing online input forms for harmonised reporting for key IED documents**, notably on the annual compliance report and permit conditions (i.e., by setting obligations on operators to report directly that information according to well defined harmonised and mandatory templates.
- **Deleting reporting thresholds from its Annex II and extending the list of pollutants in its Annex II**. The generic Annex II of the IED group entries should be retained and, where missing, added such as Persistent Mobile Organic Chemicals (PMOCs), pollutants listed under Article 14(2b); the REACH (candidate list) and “substances of concern” such as proposed under the Proposal establishing a framework for setting eco-design requirements for sustainable products;
- **Ensuring a high level of data quality and comparability**: providing for powerful search filters to enable faster access to relevant information.

More information: [Joint NGO statement prior to IED/IEP-R proposal](#) • [Civil Society support for revising the IED to limit pollution from intensive livestock activities](#) • [Preliminary assessment by the NGOS on IED and PRTR review](#) • [Briefings on IED and IEP-R review](#) • [Briefing on IEP-R](#) • [EEB's input to 24 October 2022 Environment Council meeting](#) •



10 Grasp the full potential of the circular economy

Europe's over dependence on natural resource depletion is a major threat to our environment and strategic stability. Half of our greenhouse gas emissions, 90% of biodiversity loss, and water stress result from our resource extraction and production. Though ambitious circular economy measures offer a clear opportunity to reduce this dependency – systemic changes in our production and consumption models are still far from being realised. It is estimated that Europe's circular material use rate is still below 12%, showing limited progress. Additionally, the indicators Material Footprint and Consumption Footprint, which describe the scale and impact of overconsumption, show that our exhaustion of resources has remained relatively stable in absolute terms and still exceeds a number of planetary boundaries.

The European Green Deal still offers key opportunities to support a transition to a circular economy which respects the limits of our planet. Policies proposed addressing key areas such as packaging, buildings and construction, green washing and a new ecodesign framework must be adopted in a timely manner. Critically, these new measures must take us far beyond recycling and efficiency and towards systemic changes which prioritise waste prevention, reuse, refurbishment and repair. Many environmental policies of the past have failed to address rebound effects and a continuing growth in our absolute environmental footprint. Furthermore, it is critical that new tools support citizens to make the right choices, enabling them to reduce unnecessary bills and waste, and preventing confusing or misleading practices which hamper environmental protection.

Lastly, Europe must be more conscious of its interaction with the rest of the world – including in relation to its circular economy policies. This includes preventing the export of waste, notably hazardous waste and of products not complying with EU requirements outside of Europe, but also recognising the challenge of creating a level playing field for European companies and ensuring proper enforcement, particularly for imported products sold online. Overall, the Spanish presidency has a huge opportunity to make progress on a number of pivotal policies as we come to the end of this political term.

We therefore call upon the Spanish Presidency to:

- A. Finalise the trilogues for the **Ecodesign for Sustainable Products Regulation**, ensuring that the new product policy framework prioritises high impact sectors: textiles, furniture, ICT, and intermediary products (steel, cement and chemicals), removes the possibility for self-regulation, immediately bans the destruction of unsold goods, includes social and due diligence aspects when preparing EU legal acts, supports full disclosure and where necessary restriction of substances of concern, establishes the digital product passport, and make sure there is an economic operator located in the EU liable for products sold online.
- B. Finalise the Trilogues for the **Energy Performance of Buildings Directive (EPBD)** with the aim to increase ambition of the Minimum Energy Performance Standards (MEPs), the confirmation of the phase out of fossil fuel heating appliances and the establishing of reporting, and performance requirements on building whole lifecycle global warming potential, including for renovations. The Presidency should aim to increase ambition from the general approach, building on calls from the progressive coalition of 7 Member States for more ambition.
- C. If not performed under the Swedish Presidency, finalise the revision of the **Waste Shipment regulation**, confirming the sound provisions to digitalize the monitoring system, to ensure public transparency for all waste shipments and to reinforce enforcement activities; as well as aligning with the EU Parliament on banning the export of all plastic waste and on transposing fully the Basel convention, including for intra EU shipments.
- D. Reach a general approach for the **Green Claims Directive** and finalise the trilogues for the **Directive on Empowering Consumers for the Green Transition**, assuring coherence between these two pieces of



legislation, tackling greenwashing, and establishing clear rules for reliable green claims and labels. It should introduce a pre-approval process for green claims with clear assessment and communication rules, improve the robustness of the requirements substantiating green claims, including on aspects not sufficiently addressed by life cycle assessments, such as the presence of hazardous substances in products. It should reinforce the ISO Type I Ecolabels such as the EU Ecolabel and the Nordic Swan as robust instruments demonstrating products' environmental performance.

- E. Advance the Trilogues for the **Construction Product Regulation** to ensure environmental, safety and functional performance requirements are swiftly established and communicated with full transparency and legal certainty, according to a harmonized methodology and equipped with digital product passport schemes as other products covered by Ecodesign, Environmental performance should cover carbon footprint, recyclability and recycled content as a minimum.
- F. Reach a General Approach for the **Packaging and Packaging Waste Regulation**. Supporting ambitious measures on waste prevention, reuse, design for recycling, recycled content, and the elimination of overpackaging in line with the Commission objective to make all packaging reusable or recyclable by 2030. It is critical that ambition for reuse is retained in the food and drinks sector, additionally that a robust approach is taken to reduce the presence of substances of concern in packaging used for food contact applications.
- G. Define a general approach for the **Directive on common rules promoting the repair of consumer goods**, Critical for the success of this policy will be to effectively promote repair and refurbishment solutions over replacement both during and after the warranty period for all products, including ensuring affordable repair options are available, the repair market remains accessible, transparent and competitive (including for independent and community repair actors), and that practices which hinder third party repair are prohibited.
- H. Start negotiations and define a general approach for the **Critical Raw Materials Regulation** for the circularity portions of the Regulation and advance the circularity initiatives beyond waste management and recycling to reparability, reuse, and substitution. Push for a materials passport provision as indicated by the articles on permanent magnets so that information material information and potential recyclability is included across more products. **Push for a material use reduction target** to mitigate the demand of raw materials as a fundamental strategy to lower the criticality of materials. Additionally, strengthen the language on transparency and the sharing of information so that this does not get weakened during the trialogues as data information is crucial for circularity.

More information: [EEB recommendations for amendments on the ESPR](#) • [Checklist for a successful EPBD Recast](#) • [NGO recommendations for the trilogues on Empowering Consumers for the Green Transition](#) • [EEB feedback on the proposal for a directive on empowering consumers for the green transition](#) • [EEB comments on provisions on sustainability labels and green claims in the proposal for empowering consumers](#) • [EEB Comments on the Construction Products Regulation](#) • [Coalition letter in support of Packaging and Packaging Waste Regulation](#) • [Waste Shipment Regulation: 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](#) • [Due diligence in EU product rules – Policy Briefing](#) • [Sustainable product policy initiative – EEB discussion paper](#) • [Prohibiting the destruction of unsold goods](#) • [EEB position on legislative proposal on substantiating green claims](#) • [Right to Repair coalition response to sustainable consumption of goods impact assessment](#) • [EEB report and joint statement on online imports in ESPR](#) • [EEB position paper on priority products in the ESPR](#) • [Rethink Plastic alliance: feedback on the Packaging and Packaging](#) • [Waste Regulation proposal](#) •

Abbreviations

AAQD	Ambient Air Quality Directives
BAT	Best Available Techniques
BREFs	Best Available Techniques Reference Documents
CAP	Common Agricultural Policy
CLP	Classification, Labelling and Packaging
COP	Conference of the Parties
CRC	Carbon Removals Certification
CSOs	Civil Society Organisations
CSS	Chemicals Strategy for Sustainability
EC	European Commission
ECT	Energy Charter Treaty
EED	Energy Efficiency Directive
EGD	European Green Deal
EMS	Environmental Management System
EP	European Parliament
EPBD	Energy Performance of Buildings Directive
EPC	European Political Community
E-PRTR	European Pollutant Release and Transfer Register
EQS(D)	Environmental Quality Standards (Directive)
ESR	Effort Sharing Regulation
ETS	Emissions Trading System
ETD	Energy Taxation Directive
EUCO	European Council
FMPL	Forest Monitoring and Planning Law
GD	Groundwater Directive
GDP	Gross Domestic Product
GPSR	General Product Safety Regulation
IED	Industrial Emissions Directive
IEP-R	Industrial Emissions Portal
JRC	Joint Research Centre
MEPs	Minimum Energy Performance Standards
NECPs	National Energy and Climate Plans
NRL	Nature Restoration Law
NRPs	National Restoration Plans
NRRPs	National Recovery and Resilience Plans
PFAS	Per- and polyfluoroalkyl Substances
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
RED	Renewable Energy Directive
RoHS	Restriction on Hazardous Substances Directive
SCHEER	Scientific Committee on Health, Environmental and Emerging Risks
SDGs	Sustainable Development Goals
SFS	Sustainable Food Systems Law

SHL	Soil Health Law
SLAPPs	Strategic Lawsuits Against Public Participation
SUR	Sustainable Use of Pesticides Regulation
TACs	Total Allowable Catches
TEN-E	Trans-European Networks for Energy Regulation
UNECE	United Nations Economic Commission for Europe
UNFCCC	United Nations Framework Convention on Climate Change
UWWTD	EU Wastewater Treatment Directive
WFD	Water Framework Directive
WHO	World Health Organisation
WTO	World Trade Organisation
ZPAP	Zero Pollution Action Plan



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The EEB and its members welcome continued engagement and cooperation with the trio Presidencies.

We develop Ten Green Tests before each Presidency and assess the Presidency performance against these tests. The Ten Green Tests for the Swedish Presidency [can be found here](#) and for the associated assessment see eeb.org. We also develop a paper before each Presidency Trio. The 2022-2023 paper, addressed to the Spanish, Belgian and Hungarian Presidencies which can be [read here \(coming soon\)](#).

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