

To: Environment Ministers of EU Member States

Cc: Commission President, Executive Vice-President for the European Green Deal and Commissioners for Environment, Transport, Energy, Industry, Agriculture, Health and Food Safety and the Chair of the European Parliament Environment Committee

Re: Input to the EU Environment Council Meeting, Luxembourg, 20 June 2023

Brussels, 8 June 2023

Dear Minister,

On behalf of the European Environmental Bureau, I am writing to share with you our views on some of the issues on the agenda of the forthcoming EU Environment Council. The current context for advancing with a progressive agenda is being pulled in two directions: towards ambition as the facts of the climate, biodiversity and pollution crises and impacts on people and the planet are ever more evident and concerning, and, on the other hand, by [calls for pause on green laws that we fear will threaten EU's future](#), and calls to delay or dilute the ambition of files. Climate change will not wait were the EU to press the pause button. Weakening legislation will just extend the negative impacts, miss opportunities for change, and push the need for action to an unclear future date. In addition, Russia's recent destruction of Ukraine's Kakhovka dam brings new and severe environmental damage. [The EEB expresses its solidarity with Ukraine](#) and calls on the international community to ensure those responsible are brought to justice.

With respect to the specifics of the 20 June Environment Council agenda, we are particularly concerned about the substantial attempts of conservative groups to undermine the European Green Deal including its flagship Nature Restoration Law on the grounds of misleading arguments. The recent votes in the European Parliament's AGRI and PECH Committees to fully reject the Nature Restoration Law and the polarising positioning in the Parliament's negotiations send out a very troubling signal that we can continue with business-as-usual at the expense of promises made to Europe's citizens and global partners to tackle the ongoing environmental and socio-economic crises. Rejecting the Nature Restoration Law would undermine the health, resilience and productivity of agricultural land, forests and fisheries in the future and undermine the prospects of those working in those sectors. Ironically, politicians pushing to reject the Nature Restoration Law would weaken the future of those they claim to support. In reality, it is political point scoring and ideology, combined with short termism, rather than an evidence-based position that adequately takes future needs into account.

I invite you to take our concerns into account during the final official level preparations, as well as at the meeting itself. Many files will of course remain active under the Spanish Presidency and a few during the Belgian Presidency. We have structured the letter according to our understanding of the 20 June Council Agenda.

1. Regulation on nature restoration – General approach

The Nature Restoration Law (NRL) is a key pillar of the European Green Deal that is crucial to meeting EU's international climate and biodiversity commitments. The facts are that climate action, nature

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restoration, renewable energy uptake and food production go hand in hand. Growing numbers of [citizens](#), [civil-society organisations](#), [scientists](#) and [progressive businesses](#) across Europe have called on you to adopt a strong Nature Restoration Law as a matter of priority. Nature restoration is our best insurance policy for both climate mitigation and adaptation through increased resilience to droughts, floods and other extreme weather events. It is one of the best investments the EU can make and is much lower than the cost of inaction.

We thus ask you to express your dedicated support for adoption and implementation of the ambitious Nature Restoration Law and particularly to agree on the Council's general approach at the meeting, whilst ensuring the law maintains the level of ambition that is needed to tackle the interrelated climate and biodiversity crises. This will require strengthening key aspects of the Commission's proposal to ensure that its immense potential for synergistic biodiversity and climate solutions is seized.

We therefore call upon the Environment Council to:

- **Reach agreement on the Council's general approach** on the basis of the Commission's proposal as the minimum ambition level for nature restoration;
- **Maintain the original wording of the Commission's proposal on the non-deterioration requirement** as an essential element of the Regulation. Making provision for non-deterioration based on efforts rather than outcomes would undermine the objectives of this crucial obligation;
- **Avoid legal uncertainty by applying a blanket exemption** under the derogations clauses, as they currently risk undermining the objectives of the Regulation. Derogations are exemptions to a general rule and should thus be interpreted strictly and their applicability should always be centered on a case-by-case approach;
- **Ensure that large scale restoration takes place before 2030** and avoid postponing the needed action to 2050;
- **Guarantee implementable marine restoration targets** by avoiding deadlock situations where Member States do not agree joint recommendations under the Common Fisheries Policy;
- **Increase the restoration targets to restore free flowing rivers and floodplains by 2030** to tackle aquatic biodiversity loss and increase benefits free-flowing rivers and reconnected floodplains provide;
- **Ensure 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;
- **Endorse forest restoration that focuses on key biodiversity indicators** as an important target for more resilient forests and the long-term sustainability of commercial forestry;
- **Ensure a strong governance framework** with real public participation in the National Restoration Plans (NRPs), Commission powers to reject inadequate NRPs, access to justice, monitoring measures and the enforceability of national contributions to the overarching EU's objective that ensures accountability;
- **Request for dedicated nature restoration funding** as part of the next Multiannual Financial Framework (MFF).

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2. Review of the CO₂ emission standards for heavy duty vehicles

Heavy duty vehicles (HDVs) are a significant and rapidly growing source of GHG emissions, air pollution and noise. While trucks and buses accounted for around 2% of the fleet in 2019, they were responsible for [27% share of CO₂ emissions](#), and there is an expectation of a 40% growth in truck activity from 2019 to 2050. While the EEB does not focus on transport emissions, given the importance of the file and the discussions at the 20 June Environment Council meeting, we are sharing here some key asks from [Transport & Environment's April 2023 HDV Position Paper](#) and building upon them.

In order for the EU to meet its commitment to carbon neutrality by 2050 and to achieve zero pollution EU by 2050, **trucks and buses must be fully decarbonised, covering both new and existing vehicles and requiring an overhaul of the entire fleet**. If the world is to stay within the 1.5 degrees target, emissions from transport will have to be reduced faster than would be the case if the measures proposed by the Commission were adopted. There is also a huge **market potential for European firms to lead in electric HDVs**, and regulation that creates a level playing field will help catalyse innovation in Europe and support the wider triple win of climate, air quality and economic development. Russia's illegal war in Ukraine has also underlined the need for fossil fuel independence, hence accelerating progress on HDVs also contributes to an additional political objective and supports the recognised need for the energy transition.

We therefore call upon the Environment Council to:

- **Support the commitment to make all new city buses zero-emission as of 2030.** This will be a win-win in terms of GHG emissions, fossil fuel use and local air emissions, while sending a signal of commitment to citizens' health and to tackling the climate crisis, which is doubly important as the EP elections approach;
- **Increase the global CO₂ target from -45 to -65% for trucks, buses and coaches in 2030.** The availability of zero-emission HDVs on the market is growing rapidly and increasing the ambition can catalyse EU leadership in this economic segment;
- **Increase the global CO₂ target from -65 to -100% in 2035 for trucks, buses and coaches.** Moving away from fossil fuels for HDVs at the same time as phasing out internal combustion engines (ICEs) for cars would strengthen the clear commitment, be consistent, and possible given the rate of innovation.

These will be essential if the commitment to a climate neutral EU by 2050 is to be met, complemented by appropriate measures to tackle emissions from the existing fleet. And in parallel with legislation:

- **Explore and support options to increase freight via rail** to support road safety and address congestion concerns;
- **We also call on ministers to explore options to ensure that all city buses are zero-emission by 2030 or as soon as possible thereafter** through fleet renewal programmes.

For a broader set of asks, and evidence to support the higher ambition, see [Truck CO₂: Europe's chance to lead: T&E's Position paper on the CO₂ standards for heavy-duty vehicles](#).

3. Revision of the EU ambient air quality legislation

Air pollution is the biggest environmental health risk in Europe: it responsible for around 300,000 premature deaths per year and contributes to several health issues such as asthma, dementia, impairment of cognitive and lung development in babies and children, and cancer. In 2021, 97% of the EU population were exposed to air pollution levels above those recommended by the WHO. Air pollution also damages our environment causing acidification, eutrophication and crop yield loss. The cost of action is lower than the cost of inaction, as clearly highlighted in the European Commission's Impact Assessment supporting its proposal for a revised Ambient Air Quality Directive, presented in October 2022.

Although the proposal is a step forward compared to the existing legislation, several important elements need to be strengthened. In particular, the updated legislation must be fully aligned with scientific recommendations, to achieve WHO Air Quality Guidelines levels by 2030, while providing a solid enabling framework with no loopholes or flexibility mechanisms. These are necessary to secure that citizens' right to breath clean air and to live in a clean and healthy environment are respected.

We therefore call upon the Environment Council to:

- **Remember the damage that air pollution causes to human health, especially vulnerable groups, babies and children, and the environment**, including crops. With this in mind, conduct a race-to-the-top debate, aiming to secure an ambitious and swift agreement;
- **Promote the full alignment of EU air quality standards with WHO Guidelines** and comply with them by 2030;
- **Support 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);
- **Ensure 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 compensation;
- **Recognise the prominent role that science must have** compared to fake-news and short-term political fixes used to justify decades of inaction;
- **Listen to civil society calls for a tough, comprehensive and credible action to reduce air pollution**;
- **Commit to prioritising the work on air quality**, and the revision of the Ambient Air Quality Directives, in the Presidency's agenda.

4. Second session of the Intergovernmental Negotiating Committee (INC-2) to Develop an International Legally Binding Instrument on Plastic Pollution, including in the marine environment (Paris, 29 May -2 June 2023)

The EEB welcomes that negotiations of a legally binding treaty to end plastic pollutions are advancing. We welcome that the INC Chair Gustavo Meza-Cuadra (Peru) has been mandated together with the INC Secretariat to prepare a zero draft of a new treaty for consideration at INC-3 in Kenya. We were

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concerned by the lengthy discussions on Rules of Procedure rather than the substance of the treaty. Civil society organisations have been appealing to governments not to allow the use of dilatory tactics and procedural questions to set back progress and lower the ambition of the potential treaty. Such tactics are early attempts by some parties that are under intense pressure from oil and petrochemical industries that are lobbying hard for a weak treaty that allows for fossil plastics production to continue unabated.

We call on the EU and member states to engage with the Chair and the Secretariat in the preparation of the Zero Draft and to **make sure that the treaty results in the clear obligations to reduce the production of virgin polymers and to phase out of hazardous chemicals in plastics.**

We thank the EU together with countries such as Rwanda, Ecuador, Mexico for calling for global reduction targets and disclosure obligations similar to the Framework Convention on Tobacco Control, for referring to the precautionary principle, recognising the right to a health environment and the need for a just transition for workers across the plastics supply chain.

5. UN 2023 Water Conference (New York, 22 - 24 March 2023) - Information from the Presidency and Commission

The first UN Water Conference in 46 years ended with an array of commitments from governments, companies and civil society in the Water Action Agenda - highlighting the urgent need for action on water and freshwater ecosystems. For example, 560,000 people delivered a petition at the conference, demanding governments to restore rivers.

The range of commitments gives a cause for some optimism. There seems to be a significant collective commitment for a new approach to water and to scaling up investment in healthy rivers, lakes and wetlands - although business needs to do much more collectively and the financial world must invest more in initiatives that work with nature. But these commitments need to translate into real action as a matter of priority.

We therefore call upon the Environment Council to:

- **Deliver on the commitments the EU has made for the Water Action Agenda** on zero pollution, climate adaptation and restoration of biodiversity, especially through improved implementation of the Water Framework Directive;
- **Adopt a strong Nature Restoration Law** including increased quantified targets to restore free flowing rivers and floodplains by 2030 to tackle aquatic biodiversity loss and increase benefits free-flowing rivers and reconnected floodplains provide;
- **Advance with Council's deliberations on the zero pollution updates of the EU water legislation**, namely recast of the Urban Wastewater Treatment Directive and especially with Council's position on the Commission's proposal to update the list of water pollutants of surface and groundwater.

While no longer on the 20 June Council agenda, earlier the Regulation on shipments of waste was on a draft agenda of the meeting. In light of this, below is our vision on the key needs for this file.

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6. Regulation on shipments of waste

The revised Waste Shipment Regulation proposal tabled in November 2021 by the European Commission is a welcome step forward, but more needs to be done to reduce the amount and mitigate the consequences of EU waste exports. Europe should reuse and recycle its own waste as close to the source as possible, creating local employment, reducing its dependency on imports through urban mining our own waste. Waste, notably plastic waste, should not be shipped to non-EU countries, being OECD or non-OECD countries, without a prior thorough scrutiny about equivalent environmentally sound management standards and adequate recycling infrastructure able to deal with domestic waste in the first place, rather than only established ways to treat imported waste.

Strict enforcement of the new amendments to the Basel Convention is crucial even within the EU, and we cannot maintain materials being listed for potential future restrictions such as PVC or PFAS-containing materials on the EU green list of waste.

The text also rightly aims to bring EU waste shipment policy more in line with the waste treatment hierarchy and sound environmental waste management, two guiding principles of EU waste policy. However, derogations and insufficient distinction between material recycling and lower forms of recovery represent a significant risk of watering down this intention.

Finally, the Commission proposal plans to better address the possible confusion between waste and reuse. While this is a much-needed action to mitigate the potential loophole of using fake reuse status to illegally export waste, this remains blind to the consequences of the end-of-life stage of legally exported products for reuse in receiving countries, if those are deprived of Extended Producer Responsibility schemes or if fees paid by EU consumers under EPR schemes do not follow the products shipped for reuse.

We therefore call upon the Environment Council to:

- **Ensure the Swedish Presidency will finalise this file** through engaging in a constructive and ambitious dialogue with the EU Parliament;
- **Confirm a ban by default on EU waste export**, starting with plastic waste, and condition any shipment to OECD or non-OECD countries to a prior scrutiny process, as suggested now only for non-OECD countries, and involving local stakeholders and CSOs of destination countries;
- **A stricter application of the Basel Convention amendments on plastic waste**, even for intra-EU shipment. It is counter-productive and provides a bad precedent at international level to create a specific EU48 entry, instead of the Y48 entry planned by the Basel Convention. It is also contradictory to maintain on a green list (EU3011) very problematic plastic waste such as PVC and PTFE, which are in parallel listed for future chemical restrictions under [the list established by the EU Commission services](#);
- **A complete public traceability for waste trade within and outside the European Union.** No waste should ever be shipped, either for disposal, recovery or recycling, without having its journey and the relevant shipment actors involved made publicly available. No shipment should be allowed if a full traceability is not enforced, while keeping confidential pure commercial transactions that do not affect the shipment information;
- **A strict application of the waste hierarchy to European waste shipments.** In order to serve a genuine circular economy: the European Union should apply the same guidelines it

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has for waste management to its waste shipment procedures. There should be a better division of waste shipments according to the type of operation for which it is destined. Prioritising and facilitating shipments for reuse and recycling and conditioning better shipments for energy recovery, as well as other types of low recovery forms, should be considered.

- **The facilitation of intra-EU shipments for reuse or repair, based on strong evidence and EPR fees following the items shipped for reuse outside EU.** Those shipments should be eased, provided there is clear evidence that shipped items will actually be reused (e.g. functionality test) or repaired (e.g. warranty period, part of after sales contract, reaching a registered repairer/charity organisation). Shipments for reuse and repair outside the EU should be allowed under even stricter conditions. The potential EPR fees associated with the products shipped for reuse to ensure a sound end of life management should remain associated with the products shipped for reuse, to help secure a sound waste treatment in the receiving countries.

For more information, see the CIL and EEB [Study on items shipped for reuse and Extended Producer Responsibility fees](#) and Footprints Africa and EEB [Case studies for used electronics & used cars](#).

Finally, while not on the council agenda, the strain on resources currently faced by the Aarhus Convention's compliance mechanism, consisting of the **Aarhus Convention Compliance Committee** and the new **Rapid Response Mechanism**, has reached a tipping point this year. The Compliance Committee has faced a steady increase of cases, but this has not been met by an adequate increase in voluntary financial contributions to the Convention and its Secretariat. The Compliance Committee performs a key function in supporting the effective rule of law and hence underpins each of the above legislative acts. We call on all Member States to increase their voluntary contributions to the Aarhus Convention in the interest of the rule of law and trust in our institutions.

Thank you in advance for your consideration of these points which will help address the climate, biodiversity and pollution crises in the EU, and give citizens confidence that their leaders are taking decisions to create the basis for a better future for them than without this legislative progress. Supporting the measures will also strengthen EU resilience and create a better basis for EU economy and productivity in the future. Your support and engagement on each of these files in the Council, in trilogues and at home is essential.

Yours sincerely,



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