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<u>eeb.org</u> <u>meta.eeb.org</u> 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 ES-BE-HU Presidency Trio starting 1 July 2023 and ending December 2024 will be eighteen essential months to prove and improve the EU's commitment to tackling the crises of climate, biodiversity and pollution, integrate measures of social justice to help address the connected social crisis, and to help make the European Green Deal (EGD) the transformative agenda Europe needs. This is both about responding to crisis and seizing opportunities that will make EU's ecosystems more resilient, support quality of life, wellbeing and livelihoods, and strengthen the basis for economies.

The first two Presidencies of the Presidency Trio – Spain and Belgium - will inherit the responsibility for dozens of key files under the EGD and help "finish" as much of the EGD as possible with the current Commission and Parliament. The <u>Spanish presidency priorities</u> include: reindustrialise the EU and ensure its open strategic autonomy; advance in the green transition and the environmental adaptation; promoting greater social and economic justice; and strengthening European unity. Belgian priorities include promoting: the just transition, the circular economy, and resilience and climate adaptation.

Spain and Belgium also have the opportunity to create a vision for priorities the next Commission and Parliament cycle in their meetings of Heads of State in Granada and Brussels. The third, Hungary, has the responsibility of restarting momentum on those files not completed in time and engaging with the new EP and Commission to develop a partnership to advance a progressive agenda for Europe, and build on the eventual Granada and Brussels Declarations.

The Covid-19 crisis and the illegal Russian war in Ukraine have shown examples of strong EU solidarity and fast and decisive reactions to crisis. These have also shown the fragilities of decision-making processes, the limits to solidarity, the deep inequalities within the EU, and the risks of our current economic model and connections to our health, environment, resilience and political agency. Similarly, the US Inflation Reduction Act (IRA) and dependency on China in the context of tight ties to Russia and own self-interests, has underlined the importance of the EU having a proactive strong vision for a green transition, resilient supply chains, global diplomacy and domestic autonomy.

The energy price crisis – that may return next winter brought home the economic and social challenges of our dependency on fossil-fuels, the risks of this dependency in the context of changing supplydemand (im) balances, affected by the interests and influence of energy suppliers. This has underlined how essential it is to break the dependency on fossil-fuels. It has also shown how important it is to ensure that the social dimension is an integral part of the environmental dimension. Similarly, the health dimension has proven to be deeply connected to environmental concerns - as seen by the inextricable links between health and climate impacts, exposure to air pollution and harmful chemicals, and the health benefits of access to nature. The social-environmentalhealth agendas are deeply intertwined.

Pushing for climate neutrality, zero pollution, zero biodiversity loss and healthy resilient ecosystems can and should be a joint environment-health-social agenda – but strengthened by more integration of social measures so that we create a new EU Pact for Our Common Future that looks at the climate, environment, health, social, and political crisis together as an interconnected whole.

This comes at a time of increasing call for pausing the legislative train, even though the crises will not wait were the EU to pause. It is essential that the Trio Presidency keeps on with the EGD and creates a vision for the agenda for the next Commission and Parliament term that both addresses the interlinked crisis and creates a vision of hope. This is a core opportunity for the next Presidency Trio of the Council of the EU. The decisions taken by the EU over the next two years will define the next ten. They need to catalyse system change.

The EEB, building on consultation with its 180+ members, with its wider civil society partnerships and stakeholder discussions, has developed a series of specific asks across environmental areas – the 'dozen demands' - where ambitious, coordinated Presidency engagement, commitment and solidarity can make a lasting and fundamental difference.

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Patrick ten Brink, Secretary General

A Dozen Demands for the Spanish, Belgian and Hungarian Presidencies

- Advancing the European Green Deal as a transformative peace project & creating a vision for a new EU Pact for the Future (EGD 2)
- Catalyse a just green transition through tax reform and the sustainable use of the MFF
- Step up commitments to address the climate emergency, embrace sustainable mobility and fossil fuel independence
- Reverse the dramatic loss of biodiversity on land, in freshwater and oceans
- Initiate a transition towards sustainable food and agriculture
- Tackle pressures on freshwater and marine environments and ensure clean water for all
- Ensure clean air: towards zero environmental and health impact
- Drive a new industrial revolution towards a zero-pollution industry
- Promote safe chemicals and a toxic-free environment that protects future generations
- Grasp the full potential of the Circular Economy for the environment, jobs 10 and the economy
- Demand democratic accountability, respect for the rule of law and access 11 to justice
- 12 Foster European Solidarity, wellbeing, and social and environmental justice: towards a new social contract for a just transition

The above Dozen Demands for the Spanish, Belgian and Hungarian Presidency Trio, with their range of specific asks, take into account our understanding that policymaking is the art of the possible. However, if and where the possible does too little to avoid dramatic climate change, biodiversity loss and major negative impacts, then the future challenges will be impossible for society to deal with. Appreciating the impossibility of truly being able to deal with climate change and other existential crisis in the future should make us reflect again on what we perceive as possible today and make us reconsider the level of courage and ambition for the decisions to be taken within each Presidency remit. The Dozen Demands 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 eighteen months represent an important, indeed essential opportunity for the Presidency Trio to advance the legislative agenda and lay the foundations for the future.



























1. Advancing the European Green Deal as a transformative peace project & creating a vision for a new EU Pact for our Common Future (EGD2)

The EU has embarked on what has been promised as a fundamentally transformative agenda – the European Green Deal (EGD). It is the top priority of this European Commission and is the first of its kind globally. There are high level commitments for the EU to be carbon neutral and zero pollution by 2050, to protect and restore nature, dramatically reduce health risks from pollution and chemicals, to catalyse a green industrial transformation and a revision of our food and farming systems, to better integrate and implement SDGs, and have money follow the narrative. If these commitments are realised, the environmental, health, climate, economic and societal benefits will be immense, as will be the trust in our decision-making processes, leadership and institutions, and ultimately our political model.

Despite the benefits, these high-level commitments are being increasingly challenged by members of a few political groups in the European Parliament, Member States with different national interests, and short-term business interests. These voices have been pushing to drop, delay or dilute key legislation that is meant to preserve our life support systems. There is a risk that the EGD is undermined, that we miss key opportunities or even allow for greenwashing. The EGD needs to be credible within the EU as well as internationally. It must focus on the transformative needs, resist the temptation to over-protect yesterday's interests, commit to progress and deliver. The climate, biodiversity, pollution and health crisis will not wait if the EU presses the stop button.

It is of the utmost importance that the EGD, with its portfolio of environmental and sustainability objectives, the SDGs and the Paris Agreement, remains the ultimate ship's wheel to guide all EU's policies not only during the next two Presidencies of this Commission and Parliament term, but also for the third Presidency, which will see a new Commission and Parliament. The ES-BE-HU Presidency Trio has an opportunity, and arguably a duty, to not only make the EGD deliver through the numerous specific thematic legislative files and other actions presented throughout this Memorandum as well as through the following horizontal commitments, but to inspire a vision for a continued green and social transition beyond this EGD – and catalyse a new EU Pact for the Future.

- Ensure that the EGD roll out continues and that it becomes the credible transformative agenda that it needs to be to address the climate and environmental crisis facing humanity, that it fully integrates the multiple environment-social-health inter-connections and listens to science, civil society and citizens on the need for a new sustainable norm. Resist the ideological and short-term interests calling to halt progress. This will undermine the future. If duly rolled out, the EGD and its successors can create an agenda of hope, both responding credibly to the crisis and seizing the many opportunities of transformative change (shift to 100% renewables, circular economy, toxic free, efficient repairable products, clean chemicals, sustainable food systems);
- Adopt an EU Sustainable Development Strategy with a roadmap for the implementation of the SDGs to guide the EGD and future policy packages and frameworks;
- 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 counties as part of global solidarity; further ensure that the EGD is at the heart of the implementation of the new 'Global Gateway' initiative launched by the European Commission and the EU High Representative;

- In addition to efficiency and circularity, ensure that sufficiency policies and measures are mainstreamed in all sectoral policies. This will help with meeting objectives, save (public) money, and increase economic resilience;
- Prepare a vision for a new European Pact for the Future which includes a new social contract this could usefully focus on enabling improved implementation of commitments, strengthened integration of social concerns, improved global diplomacy, and commit to strengthening the legislative framework where there are gaps, contradictions and incoherence or insufficient ambitions;
- Make use of the 8th Environment Action Programme to monitor the EGD, SDGs and wider sustainability progress with a commitment for high-level debate and response by all EU institutions including proposing a legislative response in case the mid-term assessment shows that progress is insufficient. In addition, lead by example nationally by committing to the wellbeing economy, subsidy reform, and wider commitments to live within planetary boundaries;
- Promote the further greening of the **European Semester** to fully integrate the EGD, SDGs and fiscal reform with a view to strengthening economic, societal and ecological resilience, revisiting the economic vision at the heart of the Semester and embracing the wellbeing economy and economics of public goods underpinned by healthy eco-systems (see also #12);
- Promote **sustainable digitalisation** for people and planet, supporting transparency and embracing ethical dimensions to guide the integration of sustainable digitalisation across policy areas and use;
- Push forward the reform of the EU's international trade policy to fully align it with the EGD's objectives
 by only pursuing agreements with countries who share the EU's environmental and human rights
 commitments, leading the EU position on a transformative WTO reform, engaging with Member States
 to withdraw from the outdated Energy Charter Treaty and ensuring that the relations with the UK do
 not lead to a deterioration of environmental protection standards;
- Ensure transparency and public participation in the roll out of the **Green Agenda for the Balkans** and the Economic Investment Plan as well as in the implementation of Association Agreements with the Eastern Partnership;
- Push to upgrade the 'better regulation' agenda to become a 'responsible regulation' agenda, though
 changing the objective to focus away from 'burdens' and 'simplification', towards 'responsibilities' and a
 focus on 'implementation and enforcement, away from short term economic cost minimisation to a focus
 on long-term sustainability interests;
- Strengthen EU measures to promote EU green transition to drive transformative change and mitigate risks from the US Inflation Reduction Act (IRA) combining progressive regulation, targeted investment with conditionalities, and a commitment not to roll back the rule of law;
- 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;
- Develop 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 and the Multi-agency Donor Coordination Platform for Ukraine. Environmental CSOs should be given a clear role in RebuildUkraine for planning, implementation, monitoring and assessment, and relief and recovery measures.

More information: Calls for pause on green laws threaten EU's future • How to promote green industry beyond subsidies • Mid-term assessment of the European Green Deal (with input) • Mid-term assessment of the European Green Deal • Responsible Regulation' instead of 'Better Regulation' – is the European Commission's better regulation proposal fit for future? • European Green Deal: One Year In • Turning fear into hope: Corona crisis measures to help build a better future' • Reprotecting Europe: The EU Green Deal v The War on Regulations



2. Catalyse a just green transition through tax reform and the sustainable use of the MFF

Europe faces serious environmental, economic and social challenges that require a rethink of the role, focus and priorities of public intervention. The existing self-imposed maze of **economic governance** rules are built on a series of debatable conceptions about public debt and the role played by the state. They need to be reformed to ensure that necessary public spending is possible for the transition to a just and sustainable economy.

There are increasing calls for a system of fair and efficient taxation and pricing in the EU – within the European Green Deal (EGD), at national level, and by the research community - underlining the need for ecological tax reform to put more burdens on resources and pollution and less on labour. There is a growing recognition that without addressing pricing and subsidies, the economy will not support sustainability needs. A fair and efficient pricing system is one where, *inter alia*, there are no harmful subsidies and where pricing reflects, *inter alia*, environmental externalities (such as climate change, air pollution, discharge to water bodies, or marine litter polluting the oceans) as well as resource costs (such as water, materials) and service provision (such as waste management costs), while also considering affordability and distributional issues.

The opportunities during the Trio Presidencies to advance pricing include: the reform of the Energy Taxation Directive, policy reforms in the context of the European Semester, the ongoing negotiations on waste and circular economy policies, water policy, as well as regarding the use of dissuasive fees and fines. It will also remain crucial to ensure that the spending linked to the EU recovery instruments avoids lock-in of unsustainable, polluting and damaging practices. It is therefore essential that good investments promised in the National Recovery and Resilience Plans (NRRPs) and Partnership Agreements to promote transformative change are prioritised and realised and that harmful, not forward looking, sustainable investments are cancelled. Linked to the MFF is the proposal for a Climate Social Fund (see Dozen Demand #3).

Proposals for a review of the functioning of the **EU Multiannual Financial Framework**, including a basket of **new EU own resources**, are due by 1 January 2024. This review offers a precious opportunity to assess the revenue side of the EU budget and deploy new green financing sources. The Council under the leadership of its Presidencies will play a pivotal role in this reform process. As requested by the European Parliament in its resolution "Own Resources: A new start for EU finances. A new start for Europe", we advocate for the rapid introduction of new green own resources as additional sources of income for the EU budget. The fourth key element is the **taxonomy**, which has become one of the most fought-over areas of EU policy that can either support the EGD or undermine it, depending on whether the expert inputs are heeded, or political pressures brought to bear, weakening the credibility of the EU Sustainable Finance agenda. Setting an ambitious Sustainable Finances Taxonomy, rewarding truly sustainable activities in line with the EGD and defining 'do no significant harm' criteria beyond simply complying with EU law would be necessary to act as a reference for national and EU plans. The taxonomy should not be derailed to become a tool mainly accompanying incremental 'business as usual' progress.

- Lead the Council in negotiations and trilogues on the fiscal reform initiatives in the Fit for 55 Package (Energy Taxation Directive) and in sectorial legislation with clear links to the pricing of environmental externalities (waste, circular economy, water);
- Commit to a clear and timely roadmap for the introduction of **new green own resources** to the EU budget, as part of the process to **review the MFF that should have sustainability and just transition at its core**:
- Promote compliance with the 'do no significant harm' (DNSH) principle in the use of EU Funds and secure ambition in the ongoing development and application of the Sustainable Finance Taxonomy criteria, ensuring that the DNSH principle is fully embedded in all Taxonomy Delegated Acts. Furthermore, make sure that the Commission does not deviate from the advice of the Technical Expert

Group. Any decision made which does deviate from it must be backed by solid scientific evidence and increase the transparency of the process of governance, to take into account the recommendations put forward by civil society organisations represented in the Platform;

- Promote increased and early use of the social fund and complementary funding to promote energy efficiency and renewable energy in buildings, through regular reviews of NRRPs, through the Semester and by leading by example;
- Promote the use of financial signals to implement the **polluter pays principle** within EU legislation, notably in the **Environmental Crime Directive** revision and through discussions on the evaluation of the **Environmental Liability Directive** (see #10) and lead by example in national legislation and action so that financial signals for non-compliance are sufficiently strengthened to be dissuasive;
- Lead the Council discussion on an ambitious reform during the trilogues on the EU Economic
 Governance Reform, ensuring that a reformed Stability and Growth Pact is an enabler of a just
 transition and a catalyser for transition towards wellbeing economies. Reform needs to be
 complemented with a commitment towards a fair and sustainable tax reform and the establishment of
 a permanent EU fiscal capacity. The latter is needed to create more fiscal space to fund essential
 investments for Europe's future where solidarity is particularly important across the Member States as
 well as to close green and social funding gaps;
- Lead by example in implementing the EGD in the Partnership Agreements (PAs) for use of the **MFF** and in **NRRPs** through targeted investments and transformative policy reform including the greater use of carbon taxes, green public procurement and environmentally harmful subsidy phase-out.

More information: The EEB's main asks for the Fit for 55 Package- A package fit for the planet and fair to society • Joint NGO statement on the Carbon Border Adjustment Mechanism • National Recovery and Resilience Plans – EEB Position • EEBs submission on the review of the EU Economic Governance Framework • Letter on State aid Guidelines on climate, environmental protection and energy 2022 • Circular Taxation report • EEB's Feedback on the EU Taxonomy Delegated Acts • Do No Significant Harm to Circular Economy in the Climate Taxonomy



3. Step up commitments to address the climate emergency, embrace sustainable mobility and fossil fuel independence

This decade will be a turning point for climate policy in the history of the European economy. The European Green Deal (EGD) and the EU's commitments under the UNFCCC make it clear that many of the unprecedented changes we need to make to our energy production and consumption patterns must take place or begin within this decade. The Presidency Trio is called upon to promote ambition and coherence in the implementation of the EGD and in particular the 'Fit for 55' package.

In addition, the Presidency Trio will be in charge of bridging the transition between the von der Leyen Commission and the incoming Commission, and to ensure that the various climate and energy dossiers continue to receive support and cohesive action. Among other important high-end objectives, the energy efficiency first principle needs to be implemented in practice. This is a key enabler for the decarbonisation of our economy and one of the pillars of the SER framework (sufficiency, efficiency, renewables) to increase the EU's energy independence.

Building on the decisions taken in the framework of the Fit for 55 package, the Presidency Trio will be called upon to mark the end of new investment in fossil fuel infrastructure and fossil fuel subsidies. After struggling to keep Europeans warm in the winter following sanctions against Russia and the explosion of the Nord Stream gas pipeline, the time is ripe to redirect spending that has so far been geared towards supporting the payment of bills into strategic investments in efficiency and renewable energy that can meet our energy needs while ensuring equity and fairness while leaving no one behind. This is particularly important in the housing and transport sectors, where the pace of change is faster and the technology is more mature, building on the carbon price for all energy uses and making the best use of the Social Climate Fund. At a key moment for meeting the 2030 targets, the Presidency Trio is called upon to give a strong boost to renewables in these sectors. Transport is a key driver of the green transition: investing in railways and discouraging short-haul flights are priorities in the run-up to the EU's 2030 decarbonisation targets, along with promoting a general modal shift towards rail-based public transport, walking and cycling.

In terms of hydrogen deployment, there is an urgent need to direct regulatory and financial support to targeted, no-regret uses of renewable hydrogen only - i.e. applications in industry and transport that cannot be directly electrified in the foreseeable future. In particular, hydrogen production capacity needs to be reserved to rapidly decarbonize aviation and long-haul maritime transport in absence of options for direct electrification. Broad adoption of hydrogen for other transport uses will delay decarbonization in these hard-to-abate sectors.

The Presidency Trio will also need to strengthen the link between the climate and biodiversity goals of the EGD by ensuring that natural sinks play a key role in climate change mitigation and adaptation.

- Ensure that the Social Climate Fund is fully operational, well financed, and effectively relieves lowincome households across Europe. Social Climate Plans need to be developed by EU countries as soon
 as possible and include not only subsidies targeted at developing renewable energy and efficiency
 solutions to tackle energy poverty, but also direct payments for tangible, transparent redistribution of
 carbon pricing, thereby contributing to the credibility of EU climate policy;
- At both EU and national level: Promote further measures needed to tackle fuel poverty in the context
 of next winter, given the ongoing conflict in Ukraine and the likely use of energy as an instrument of
 war and to weaken the EU. EU countries must prioritise building renovation, energy efficiency and

- renewable solutions where feasible to increase energy savings, self-production and resilience, and limit the need for price support which can drain public funds and lock in fossil fuel dependency;
- Finalise the Energy Performance of Buildings Directive (EPBD) in accordance with the related Ecodesign and Energy Label for heating and cooling implementing acts, thereby giving clarity to both investors and citizens on the future of European buildings and contributing to curbing the fastest growing source of emissions of the European economy. This decision must not come at the cost of those households that struggle to pay their energy bills, rather it is crucial to provide solutions that enable everyone to be on board and to decrease energy poverty across the continent;
- Commit to a robust Carbon Removals Certification Framework (CRCF) which delivers genuine climate action and fully integrates biodiversity, resilience, and other environmental and social considerations by focusing on ecosystems restoration. Ban the use of removals as a greenwashing tool, including on voluntary offsetting markets. Swiftly approve the revision of the F-Gas regulation by supporting the phase out of both use and production of the climate harmful HFCs by 2050 and the ban on PFAS refrigerants so as to prevent further pollution of air and water. This will also facilitate the achievement of REPowerEU heat pump targets. Maintain EU's leading role in curbing emissions in the refrigerants sector by promoting ambition in the framework of the Montreal protocol as to align it with most ambitious provisions of the EU's F-Gas regulation;
- Adopt the Renewable Energy Directive (RED) without delay once the agreed text is approved by the
 European Parliament plenary. Time is of the essence as both public authorities and project developers
 need regulatory certainty to accelerate the development of renewable energy projects and grids. Lead
 by example by investing in administrative capacity and data to enable swifter permitting for renewables
 while maintaining assessment and consultation processes to help identify suitable location and get buyin from populations. Local energy communities should be supported with incentives and administrative
 assistance as they are key to the energy transition;
- Use the Council discussions to push for a **nature-friendly and socially equitable approach to accelerated renewable energy development** and urge the Commission to publish detailed guidance on the integrated mapping and designation of renewable energy 'acceleration areas' to be implemented by Member States once the RED enters into force;
- Advance on sustainable mobility by reaching a deal on CO2 standards for heavy duty vehicles, including 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;
- Agree 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;
- Explore and support options to increase both freight via rail and public transport, by increasing rail connectivity across Europe, including promoting night trains to meet growing citizen demand for increased use of rail over aviation. For Spain, lead by example by investing in direct connectivity between Madrid and Lisbon;
- 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 by pushing for strict regulation on conflict of interests in the UNCFCCC process, removing access of fossil-fuel lobbyists to ensure full transparency and improve MEA governance. And demonstrate EU leadership at the COP29 in November 2024 by showing real progress on EU own implementation, on EU financing and cooperation commitments and demonstrating strengthened commitment to climate mitigation;

- Lead by example on the use of **carbon taxation**, documenting and reforming environmentally harmful subsidies, on making use of Green Public Procurement to increase incentives for decarbonisation and by raising revenues for the green transition;
- Lead by example by **stopping subsidies** for fossil fuels heating and setting a date for the phase out of fossil fuel-based heating technologies;
- In line with the EU Offshore Renewable Energy Strategy, ensure that the acceleration of offshore renewable energy is planned and coordinated at regional sea basin level. Ecosystem-based marine spatial planning is key, taking into account the healthy ocean objective of the Marine Strategy Framework Directive and avoiding the designation of marine protected areas as 'acceleration areas'. Furthermore, ensure that biodiversity and circularity criteria are included in tender requirements.

More information: EEB's main asks for the Fit for 55 Package- A package fit for the planet and fair to society • Building a Paris Agreement Compatible (PAC) energy scenario and associated policy brief • EEB's views on a Carbon Border Adjustment • 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 letter on Ensuring ETS and IED consistency within upcoming "Fit for 55" Package • 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 • Joint NGO letter on the Sustainable Carbon Cycles Communication • Joint NGO letter on the Effort Sharing Regulation / Climate Action Regulation for Europe • Press Release: Second FitFor55 Package is a Christmas gift to fossil industry, NGOs say • EEB Policy Recommendations for a reliable Carbon Removal Certification • EEB Analysis of the Commission's legislative proposal for Carbon Removal Certification • Nature-Positive Renewables: Summary for policy makers • EEB policy brief on the EU emergency regulation to accelerate renewable energy • Policy brief: A sustainable hydrogen strategy for the EU • Policy brief: EC delegated act on renewable hydrogen production • EEB and Better Without Boilers "The gas lobby's boiler battle" • Renewables best practices: Solutions for nature-positive, community-led renewable energy in Europe • Saving Energy for Europe report – Spring 2023 update • Joint letter: Industry, consumers and NGOs urge final adoption of the Renewable Energy Directive • EEB and Ember's Power in Unity: Doubling electricity interconnection can boost Europe's green transition



4. Reverse the dramatic loss of biodiversity on land, in freshwater and

oceans

Our lives, health, wellbeing and our ability to mitigate and adapt to the climate crisis depend upon healthy and biodiverse ecosystems. However, our nature, forests, freshwater, oceans, and soils are in alarming decline and more than 80% of habitats are in poor condition. The Presidency Trio must lead the Council's deliberations during the next eighteen months on the key European Green Deal laws offering solutions to the biodiversity and climate crises. Improving ecosystem resilience and building on nature's role in climate adaptation is also key for the eighteen months The Trio must represent the common European interest in the negotiations on EU laws and resist orchestrated misinformation campaigns by conservative politicians and vested interests who are now blocking the progress on the European Green Deal as the European elections are approaching.

The EU must adopt a strong Nature Restoration Law (NRL) as an essential pillar of the European Green Deal and set up the governance and implementation mechanisms so that the implementation of the NRL can start without delay and result in a large-scale nature restoration across the EU by 2030. The Presidencies must be guided by the scientific urgency to address the biodiversity and climate crises in a synergistic way while bringing numerous benefits for human health and wellbeing. This will also allow the EU to maintain its credibility and the needed leadership in the global biodiversity negotiations including at the upcoming **Conference of the Parties under the Convention on Biological Diversity (CBD COP 16)**. In addition, the Trio should also use their Presidencies as an opportunity to take a lead on the implementation and contribute to the mid-term reviews of the EU's Biodiversity Strategy, as well as to significantly step-up implementation and enforcement of obligations under existing nature and water laws. For example, next year, the EU Member States are due to finalise the pledge and review process towards establishing a truly coherent Trans-European Nature Network including progress to meet targets for protected areas and status improvement of protected species and habitats on land, in freshwater and in oceans as a key deliverable under the EU Biodiversity Strategy and an important contribution to the implementation of the Kunming-Montreal Biodiversity Agreement.

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 Trio Presidency have 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 so heavily rely.

The strong EU action on protecting and restoring nature is supported by citizens, scientists, civil society, mayors and businesses among others and provides for a progressive political agenda that wide sections of society can rally around.

- Resist misinformation campaigns and become a champion for the strong Nature Restoration Law
 including finalising its adoption and setting conditions and governance for its speedy implementation in
 order to tackle biodiversity and climate crisis. Ambitious EU action on large scale nature restoration is a
 pre-requisite for achieving the Belgian Presidency priority to step up EU's action to increase resilience
 and adaptive capacity to climate change;
- Shape implementation mechanisms under the Kunming-Montreal Global Biodiversity Framework at
 the next Conference of the Parties under the Convention on Biological Diversity, backed-up by clear
 progress in the EU including adopting the strong Nature Restoration Law and achieving the commitment
 to establish a coherent Trans-European Nature Network by 2024;

- Contribute to the mid-term review of the EU Biodiversity Strategy for 2030 to ensure it becomes a key
 pillar of EU's action to protect and restore nature as well as to meet EU's international commitments on
 biodiversity and climate action. Ensure the needed gear change in the implementation and enforcement
 of the long-standing obligations under the EU's nature and water directives to really put biodiversity
 on a path to recovery;
- Ensure that the Council negotiations on the Soil Health Law start without delay after the publication of the EC proposal and ensure substantial progress in the Council negotiations towards the adoption of a progressive Soil Health Law 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 sustainably use our soils;
- Prioritise negotiations on the Forest Monitoring and Planning Law (FMPL). The Law's 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;
- Reverse the increasing degradation of marine and coastal ecosystems and scale up ambition to achieve a healthy ocean by ending extractive and polluting practices (industrial fishing, mining littering etc.) and support a climate resilient, regenerative and sustainable blue economy that respects planetary boundaries;
- Continue the effort to fight marine pollution from plastics, chemicals and nutrients, notably through addressing the multiple sources of microplastic pollution in the relevant proposals of the EU Green Deal (SHL, Euro 7, ESPR, Textile strategy);
- Prioritise Council's work on the revision of the Bathing Waters Directive, which should ensure good quality and safe access to coastal and marine waters with high environmental and health standards;
- Support the implementation of the Commission's Action Plan: Protecting and restoring marine
 ecosystems for sustainable and resilient fisheries, notably by taking measures to prevent bycatch of
 sensitive species and work to transition from bottom-trawling in Marine Protected Areas;
- Ensure that all **Total Available Catches (TACs)** set for 2024 and 2025 follow scientific advice to meet the objectives of the Common Fisheries Policy and the ambition of the EGD;
- Push for the 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 members of the BBNJ High Ambition Coalition, to ensure its entry into force as soon as possible.

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. Advance the transition towards sustainable food and agriculture

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

2023 and 2024 are the first two years of implementation of the new Common Agricultural Policy (CAP) through national CAP Strategic Plans (CSPs) – a crucial period to learn and refine these Plans. Debates will also continue on the EU's climate policy and the role of the agriculture sector therein. More work remains to deliver on key agriculture-related Green Deal commitments and targets, including through an ambitious Sustainable Use of Pesticides Regulation (SUR). In the wake of the Farm to Fork Strategy, key discussions around policies for healthier and more sustainable diets will also take shape in the second half of 2023 and in 2024, notably on sustainability labelling of food, public procurement, the EU's agri-food promotion policy, and the forthcoming legislative framework for sustainable food systems.

- Make a transition to sustainable food systems in the EU a top political priority, including by urging the Commission to publish an ambitious proposal for a Sustainable Food Systems Law without delay, then ensuring constructive debates in the Council under the leadership of Environment, Public Health, and Consumers Affairs Ministers, in close dialogue with civil society, to achieve prompt progress in the development of a meaningful Sustainable Food Systems Law that includes effective policies for healthier and more sustainable diets;
- Lead Council negotiations and trilogues on the **revision of Animal Welfare legislation**, ensuring a high level of ambition for the protection of farmed animals on farm, during transport, and at slaughter, including setting a strict deadline for ending the use of cages in farming by 2027;
- Urge the Commission to publish its proposal for a revised **EU promotion policy for agricultural and food products in line with the objectives of the Farm to Fork Strategy** without further delays, and lead deliberations in the Council and in trilogues for its prompt completion;
- Lead Council negotiations and trilogues on the Sustainable Use of Pesticides Regulation ensuring that
 co-decision is finalised by Spring 2024 and that the highest level of protection for human health and
 the environment is achieved, including through legally binding EU and national targets for halving
 pesticides use by 2030 and stronger requirements for Integrated Pest Management (IPM);
- Foster discussions in the Council in favour of **better data collection in agriculture**, including through an ambitious reform of the Farm Accountancy Data Network into the Farm Sustainability Data Network;
- Lead by example in the implementation of the 2023-2027 CAP by continuously scaling up the ambition of your CSP to support the transition to agroecology and the implementation of new or revised legislation (such as the new climate targets, SUR), by strengthening the role of environmental authorities in CSPs, engaging environmental NGOs on the same basis and frequency as farmers' unions;

• Lead by example in the implementation of the Common Fisheries Policy, notably in its environmental and social aspect following up on the Commission's publication of a Communication "The Common Fisheries Policy today and tomorrow" and ensure a full transition to low impact EU fisheries.

More information: • 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' • 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 comments on the Integrated Nutrients Management Action Plan • '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'



6. Tackle pressures on freshwater and marine environments and ensure clean water for all

Most of the rivers, lakes and groundwater aquifers across the EU are not healthy, thus undermining our health and 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. Climate change intensifies these pressures and often manifests itself through water for example through extreme events such as floods and droughts, thus making it imperative that the EU increases resilience to climate change and achieves ecological and climate resilient water management.

The EU Water Framework Directive (WFD) including its daughter Directives on groundwater (GWD) and priority water pollutants (EQSD) is a holistic legal framework that aims to achieve good status for 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 including climate change, 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, thus delaying the needed transformative change in how we manage and value water, our most precious natural resource.

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 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 in the Council on priority substances has been slow, risking that these important legislative updates, will not be concluded under the current legislative mandate.

In addition, following the recent calls from the European Parliament and others, the EU is to develop a Water Strategy in the broader context of reducing vulnerability and building resilience to climate change impacts that often manifest themselves through water.

Interrelation between freshwater and marine environment and joint pressures should be tackled, among which plastic and microplastic pollution is most relevant and is expected to quadruple by 2024 proportionally with global plastic production increase.

- Prioritise Council negotiations on the Commission's proposal to update the list of water pollutants of surface and groundwater. Keep 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 updating;
- Finalise the Council negotiations on the recast of the Urban Wastewater Treatment Directive (UWWTD) by supporting the proposed updates and deadlines as a minimum framework to bring EU rules on urban wastewater treatment up to date and fit for the next two decades and contribute to address microplastic pollution from sewage water;

- Lead the Council's work including as a co-chair of the Common Implementation Strategy of the Water Framework Directive as well as at the Water Directors and Ministerial level on EU's action to step up implementation and enforcement of the WFD to ensure that the environmental objectives of the WFD are met by 2027. Discourage the construction of new dams and other damaging infrastructure given their negative biodiversity impacts and focus instead on barrier removal to restore free flowing rivers;
- Contribute to the development of the upcoming EU's Water Strategy focused on building resilience through enhanced contribution of healthy freshwater ecosystems to manage water scarcity and droughts and achieving climate resilient water management in the EU.

See also the Circular Economy section (11) for policy responses to freshwater and marine environment pressures from micro-plastics and wider marine litter.

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 Joint NGO assessment of the Commission's proposal for revised UWWTD • Joint NGO assessment of the Commission's proposal for updated surface and groundwater pollutants • Joint Statement in support of an EPR scheme under the UWWTD • Conference report: Under the surface • How EU Policy can Tackle Microplastic Pollution



7. Promote clean air measures for zero environmental and health impact

Air pollution is the number one environmental health risk in the EU, causing both chronic and serious diseases such as asthma, cardiovascular problems and lung cancer. Air pollution is responsible for some 400,000 premature deaths in the EU every year and for damage to ecosystems and biodiversity through eutrophication, acidification and excess ozone levels. Air pollution is largely preventable and EU air quality standards, especially legally binding limit values, have proven to be vital in cleaning up the air.

The 2008 EU Ambient Air Quality Directives (AAQD) is one of the cornerstones of the EU's clean air policies, setting standards for air quality for the protection of people's health and the reduction of environmental damage. However, current air quality standards are insufficient and outdated, i.e., they do not reflect the latest available science. In September 2021, the World Health Organisation (WHO) published its updated recommendations for air quality, based on a thorough scientific review process. EU air quality standards should urgently be updated in line with these recommendations. For this reason, following a Fitness Check process, the European Commission has put forward a proposal for a revised Ambient Air quality Directive on 26 October 2022.

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

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

Emissions from transport remain another major source of concern and the post-Euro 6/VI emission standards for air pollution from light-duty vehicles (cars and vans), and post Euro VI standards for heavy-duty vehicles (trucks, buses and coaches) are expected to be agreed under this Presidency Trio.

Effective policy action to quickly and drastically reduce the health and environmental damage caused by air pollution is urgently required. The actions within the next 18 months of the ES-BE-HU Presidency Trio are key to support an update of the EU policies to the latest science. The long-awaited revision of the AAQD, together with the possibility to secure the definition of many relevant pieces of source legislation, provide a golden opportunity for the Presidency Trio to ensure cleaner air and to work to achieve a high level of protection for citizens and ecosystems, in line with the EU's zero-pollution ambition.

- Lead in the adoption of an ambitious revised Ambient Air Quality Directive (AAQD) which reflects
 science and lead the Council through AAQD trilogues to ensure that health and nature protection are
 given the priority they deserve, in particular by:
 - Ensuring that EU air quality standards, included in the revised AAQD, are fully aligned with the new WHO guidelines by 2030;
 - Ensuring that air quality standards in the form of binding limit values continue to be a key driver towards clean air;

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

More information: <u>Civil Society Vision for a Zero Pollution Future</u> • <u>EEB Submission to AAQD review</u> • <u>Airy promises:</u> how EU governments are failing to cut air pollution and what to do about it • Six necessary steps <u>for cleaner air</u> • <u>Views on the review of the Gothenburg Protocol and expectations on a revised Protocol</u>



8. Drive a new industrial revolution towards zero pollution industry

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

However, the focus so far has been based on an end-of-pipe approach, and the negative impact of industrial emissions is still very significant (e.g., the European Environmental Agency estimated that air pollution cost society €433 billion in 2017 alone). Aspects linked to preventing wider negative pollution footprints (such as from resource consumption and substitution of chemicals of concern) will need to be strengthened, as a revised IED will need to speed up 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 on 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 of the Directive. 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) (Proposal for a Regulation establishing the Industrial Emissions Portal (IEP-R)), and its parent UNECE Kiev Protocol, relating to reporting on industrial activities, which is also undergoing a revision.

Finally, in response to the US Inflation Reduction Act (IRA), the European Commission launched the Net Zero Industry Act (NZIA) on 16th March 2023. At the 29-30 European Council meeting, the European Council invited co-legislators to reach agreement on the NZIA within the current legislative cycle.

- 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, namely by ensuring an ambitious position of the Council during the negotiations of the NZIA;
 - Complete, within this Commission and Parliament cycle trilogues on the NZIA. Embrace a package of measures of subsidies with sustainability conditionalities, reiterate commitment to the EGD and environmental acquis communautaire with its environmental and social protections, and exclude any deregulation measures, notably around facilitated permitting. Support should focus on industries that offer cost-effective options for the transition to net zero and explicitly exclude industries that may contribute to diverting resources from swift decarbonization: new nuclear power plants, hydrogen for domestic heating, and carbon capture and storage. Timely permitting should be ensured by investing in assessment capacity and data, and not by cutting corners on the assessment and consultation processes. This will undermine the trust in governments and the rule of law in Europe and create conditions for social strife, potentially delaying the advances being sought and weakening democracy.
- Ensure an ambitious overhaul of the IED, so that it delivers in a timely manner on the zero-pollution,
 climate, and circular economy ambitions focusing on:
 - Extending its scope to capture major pollution sources and issues, e.g., intensive cattle rearing, mining, and emissions of greenhouse gases;

- Extending and updating the EU 'safety net' requirements to prevent 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. Replace Article 9(1) to require the setting of dedicated decarbonisation measures; ensure that the energy efficiency Best Available Techniques (BAT) conclusions remain binding (delete Article 9(2));
- Ensuring the timely uptake of the Best Available Techniques, by allowing a maximum 4-year compliance transition period for the strengthened provisions of Article 15, notably regarding the setting of the strictest, technically achievable, emission limits (Article 15.3);
- o **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.
- Encourage policy initiatives for an integrated industrial transformation in all relevant EGD files, particularly by:
 - Speeding up and striving for 100% renewable energy supply for the electrification of most industrial processes, phasing out fossil fuel use and production;
 - Defining and focusing the use of both renewable hydrogen and sustainable biomethane to hard-to-abate industrial emissions and creating a coherent infrastructure framework;
 - Supporting resilience and material efficiency throughout the value chain, namely by improving closed-loop recycling of carbon-intensive products;
 - o Developing **demand-side measures** for low carbon, zero-pollution products;
- Ensure internalisation of external costs, notably through an early Environmental Liability Directive review extending liability to recover all effects of activities causing harm, irrespective of a permit defence, and lead by example at national level on pricing negative impacts;
- Demonstrate that the EU walks the talk around the 'green' digital age and re-designs reporting
 obligations to serve progress on environmental performance and accountability of decision making,
 notably by:
 - Providing single access platforms and databases for environmental information serving various purposes such as compliance promotion, benchmarking of performance, improved information exchange for EU standards-making and more up to date and complete access to information to the public (e.g., 'product passports') as part of the EU PRTR review (the IEP-R);
 - Reviewing the Commission Expert Groups Rules and Council work practice to ensure full transparency and accountability to the 'Green Oath', improving the balance of public vs private interest stakeholder representation, setting Key Performance Indicators to track progress and supporting accountability in decision-making to help deliver EGD goals;
- Ensure the Presidencies send a strong and coherent signal regarding the improvement of the UNECE PRTR Protocol Development, the E-PRTR (IEP-R) and associated IED review with a view to:
 - Strengthening the provisions on public access to information and participation in the permitting procedure as well as on access to justice;
 - Overhauling reporting requirements and harmonising reporting formats for key IED documents
 e.g., IED Electronic Permit Template (EPT) allowing centralised reporting on relevant permit conditions;

- Developing a centralised and powerful database allowing for the better benchmarking of realtime environmental performance and better use of information for other purposes e.g., BREF reviews (e.g., by including site-specific resource consumption data and production volumes);
- Improving reporting on diffuse emissions from products and enabling progress tracking towards SDG achievement, with systematic and formalised consultation of end-users;
- Lead by example and implement recommendations made in the reports of the UNECE PRTR Bureau and ensure that the Council Working Parties systematically allow for early and effective preconsultation with civil society interest groups such as the EU ECO Forum.

More information: How to promote green industry beyond subsidies • EIPIE/review of the IED section and detailed position to IED review • IED Review EEB Targeted Stakeholder Survey • EEB's input to targeted Stakeholder Survey on E-PRTR review • EEB input to E-PRTR inception assessment / UNECE PRTR review • Statements made by the European ECO Forum at the MoPP4



9. Promote a toxic-free environment that protects future generations

Citizens are <u>widely exposed</u> 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 <u>have been warning</u> for some time that <u>toxic pollution</u> has crossed the '<u>planetary boundary</u>, threatening the entire Earth operating system, along with humanity'. Doctors describe babies as born 'pre-polluted', with '<u>Forever chemicals</u>' in all umbilical cords in nearly 30,000 samples analysed, as well as <u>microplastics</u> in human breast milk. <u>Polling</u> 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 in the past.

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 extremely 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. The upcoming eighteen months will be crucial to set the scene for these reforms.

Mercury and its compounds are highly toxic, can damage the nervous system and are particularly harmful to foetal development. Mercury 'travels' globally, bioaccumulates up through the food chain, especially in certain predatory fish, and presents a human exposure risk. 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, and then shifted to Spring 2023, it is still not out by the end of June 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 and the General Product Safety Regulation completed, 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 the 30/10-3/11 2023 in Geneva. Important decisions are expected to further strengthen the Convention by, among other steps, phasing out more mercury-added products and processes; developing clear mercury waste management requirements and release guidance. The relevant EU

legislation would need to be robust and future orientated, to ensure further opportunities to push the global debate.

We therefore call upon the Presidency Trio to:

- Support an ambitious and timely delivery of the central elements of Chemicals Strategy for
 Sustainability, by engaging with civil society and contributing to the dedicated high-level roundtable.
 Some key commitments of the strategy are to halt the export of banned/non authorised chemicals,
 including chemical pesticides; a safe and sustainable by design network that supports downstream
 users to substitute hazardous chemicals; and an early warnings system that prevents and swiftly
 addresses emerging risks;
- Lead the Council to support ambitious revisions of the REACH and CLP regulations, simplifying and speeding up the regulatory processes, extending the generic approach to risk management and regulating groups of chemicals in order to ban all of the most hazardous chemicals from consumer products and articles, by 2030 the latest;
- Protect the population and environment against harmful chemicals by supporting the ambitious implementation of existing regulations and through a **zero tolerance to non-compliance** approach;
- Promote the implementation of a horizontal Zero Pollution Action Plan that **tackles pollution at source**, including through the phase out of the use of the most hazardous chemicals and plastics, implements the polluter pays principle and establishes financial instruments to promote clean production;
- Promote EU leadership in strengthening the Minamata Convention on Mercury by, among other steps, 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;
- 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;
- Promote a Product Liability Directive and a Cosmetics Regulation that holds e-platforms accountable
 for selling illegal and dangerous chemicals and other products containing them, such as mercury added
 skin-lightening creams, 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 • 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



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

The next three Presidencies will play a critical role in adopting much of the legislative proposals linked to the European Green Deal and the second Circular Economy Action Plan.

The list of circular economy policies which could be adopted during this Trio includes:

- The Ecodesign for Sustainable Products Regulation
- The Waste Shipment Regulation
- The Construction Products Regulation
- The Green Claims Directive
- The Empowering the Consumer for The Green Transition Directive
- The Energy Performance of Building Directive

- The Directive on Common Rules for Promoting the Repair of Consumer Goods
- The Packaging and Packaging Waste Regulation
- The End-of-Life Vehicles Directive
- The Targeted Revision of The Waste Framework Directive

These measures under negotiation can all play a role in steering the EU's economy away from our dependency on natural resource use, as well as the associated environmental impacts and waste from unsustainable levels of production and consumption. In this context, the Presidency Trio have a unique opportunity to finalise much of the political work which has been under development for several years, thus supporting Europe's transition towards a more sustainable, more resilient and more inclusive economy.

- Adopt an ambitious 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 ensures there is an economic operator located in the EU liable for products sold online;
- 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 seven Member States for more ambition;
- 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 European Parliament on banning the export of all plastic waste and on transposing fully the Basel convention, including for intra EU shipments;

- Adopt a robust Green Claims Directive assuring coherence between this legislation and the Directive
 on Empowering Consumers for the Green Transition to tackle greenwashing and ensure that green
 claims are reliable. 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 also reinforce the ISO Type I Ecolabels, such as the EU
 Ecolabel and the Nordic Swan, as robust instruments demonstrating products' environmental
 performance;
- Finalise 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;
- Swiftly adopt 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;
- Reach an agreement 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;
- Complete the negotiations for the Critical Raw Materials Regulation for the circularity elements of
 the Regulation and advance the circularity initiatives beyond waste management and recycling to
 repairability, reuse, and substitution. Push for a materials passport provision, as indicated by the
 articles on permanent magnets, so that material information and potential recyclability is included
 across more products. 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;
- Engage with the European Commission and Parliament to secure ambitious legal framework and upcoming legislative proposals to reduce microplastic releases into the environment, and in particular the proposal to tackle emissions of production plastic pellets into the environment and the eco-design requirements for sustainable products regulation (ESPR). Ensure Europe leads the globe towards and signs an international legally binding agreement to address to curb plastic pollution through a life-cycle approach by 2024, following the commitment made at UNEA-5 in Nairobi.

More information: Detailed position paper on batteries, shared by more than 40 organisations • A joint statement on removable, replaceable and repairable batteries • NGOs open letter on the Battery Regulation • Waste Shipment Regulation (WSR): Feedback on the inception impact assessment • Waste Shipment Regulation – recommendations by Rethink Plastic alliance • META article on Waste Shipment Revision • NGOs open letter for an ambitious EPBD revision • Brief on introduction of social and due diligence criteria in Sustainable Product Initiative • EEB Position paper on Sustainable Product Policy • Briefing on prohibiting the destruction of unsold goods • EEB position on legislative proposal on substantiating green claims • EEB position on empowering the consumer for the green transition • EU strategy for sustainable textiles – EEB response

11. Demand democratic accountability and rule of law and better access to justice

With the rule of law challenged throughout Europe and economic pressures still mounting, it is crucial that the Trio stays strong on the EU commitment to the rule of law and accountability. This is especially pertinent in environmental policy, where civil and criminal accountability mechanisms face high burdens of proof and where the environmental rule of law is underpinned by climate and renewable energy targets. Across Europe, the avenues to challenge failures of national public authorities in national courts are still few and far between. This does not only run contrary to international commitments and obligations of the Aarhus Convention, but also weakens the implementation and enforcement of all European environmental legislation. The last years have seen one missed opportunity after the next of introducing access to justice obligations in EU environmental laws. However, the most recent proposals of the Commission and negotiation positions of the Parliament allow room for hope. This Trio of presidencies will be decisive on the question of whether the 2019 – 2024 legislature strengthened or weakened the environmental rule of law.

After the European Commission's embarrassment at the 7th Meeting of the Parties of the United Nations Economic Commission for Europe's Aarhus Convention in October 2021, the EU institutions still do not fulfil the Aarhus Convention Compliance Committee's (ACCC) findings on allowing access to justice on decisions on state aid (case ACCC/2015/128). While the Commission is still lagging behind in delivering a viable plan to come into compliance with the EU's international legal obligations, it will be up to the Presidency to hold the Commission accountable and to lead by example through promoting access to justice in environmental matters in the Member States. On 24 June 2022, the Parties to the Aarhus Convention elected the first Special Rapporteur on environmental defenders, Michel Forst. The Aarhus Convention compliance framework (including the ACCC and the special rapporteur's mandate) is worryingly underfunded as pointed out also by the Aarhus Convention's Bureau. The trio presidency must do its utmost to support the Aarhus Convention's compliance mechanism via increased and reliable additional contributions.

Following a disastrous approach in the Council so far on protection from **Strategic Lawsuits Against Public Participation (SLAPPs),** it will be up to this Trio to put the Council back on track and guarantee protection of journalists and human and environmental defenders. On top of that, the EU institutions should put their own house in order through increasing accountability and transparency of EU level decision-making of Commission Expert Groups and Council preparatory bodies.

During the Presidency Trio, three major files on environmental liability are expected to progress. The **Environmental Crime Directive** and the **Corporate Sustainability Due Diligence Directive** in trilogues and the **Environmental Liability Directive** via its evaluation. The presidencies will have a historic role to play in setting the foundations for accountability in environmental policy for the future.

We therefore call upon the Presidency Trio to:

Promote the full respect of the rule of law in all Member States, ensuring that civil society can
freely operate and carry out their public interest functions without barriers or harassment and
particularly promote robust EU laws that protect activists, journalists and NGOs from Strategic
Litigation Against Public Participation (SLAPPs);

Lead by example on the implementation and enforcement of EU environmental law. Firstly, via
national compliance with EU infringement proceedings and CJEU rulings, secondly by voluntary
transparency of all infringement letters, and thirdly by holding the Commission to account to
step up its enforcement work with increased capacity and transparency of infringement
processes;

Recognise and support the Aarhus Convention in the year of its 25th Anniversary and beyond, 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;

- Ensure full compliance by the EU with the Aarhus Convention through supporting access to
 justice provisions in all EU environmental legislations to demonstrate the Council's commitment
 to accountability of EU environmental law in national courts and through fully addressing the
 Compliance Committee findings on granting access to justice on the Commission's state aid
 decisions (case C128);
- Lead the Council in the discussions towards an ambitious revised Environmental Crime Directive
 which includes effective sanctions, national strategies, third party rights in criminal procedures,
 and which considers an autonomous environmental crime and the inclusion of the crime of
 Ecocide;
- Lead the Council in discussions on the evaluation of the **Environmental Liability Directive** and argue for the need to revise the outdated legal framework;
- Lead the Council to an ambitious position during the trilogues on the Corporate Sustainability
 Due Diligence Directive, ensuring that mandatory rules on due diligence and Directors' duties are enforceable and that victims and affected communities have access to remedies;
- 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.

More information: EEB Implement for Life report: Crime and punishment • Meta article: MOP-7 Geneva Wrap-Up • Meta article: EU reputation at stake • Protecting Public Watchdogs Across the EU: A Proposal for an EU Anti-SLAPP Law • Joint letter regarding the EU position on the Aarhus Convention • Joint NGO paper: Putting the Environment in Human Rights and Environmental Due Diligence • Joint NGO Demand: The Need for an EU Anti-SLAPP Directive • NGO briefing concerning trilogue negotiations on proposed revision of the Environmental Crime Directive



12. Foster European Solidarity, wellbeing, and social and environmental justice: towards a new social contract for a just transition

In the last decades, the growth of key parameters like Gross Domestic Product (GDP), freshwater use, fertiliser use and greenhouse gas emissions went from a linear to an exponential rise. This <u>Great Acceleration</u> causes an exponential rise of collateral damage, from floods to climate-induced food price inflation. Earth scientists are loud and clear: here in Europe, "green growth" is not a feasible option. Recent scientific evidence indicates that it is not possible to decouple economic growth globally and sufficiently from environmental pressures. The pursuit of endless economic growth by high-income nations reduces or cancels the outcomes of all environmental policies, causing an existential threat to peace, water and food security, and democracy.

Since Europe's pro-growth policy is causing ever more conflicts both in and outside Europe, moving the EU beyond growth is a necessary part of a global peace project. Advancing to a wellbeing economy is not only to survive, but also about the creation of a social- and gender-just economy, rooted in the principles of care, cooperation and solidarity. It is about promoting civil society space and meaningful participation in decision-making processes, with particular attention to the engagement of youth and affected communities. Certain social groups, such as women, and minorities, such as Roma, wider BAME (Black, Asian and minority ethnic) communities and migrants, are disproportionately affected by the negative impacts of our current unstainable economic system. A wellbeing economy must ensure social justice for all and break the exploitative structures that perpetuate inequalities between countries, genders, races and classes. This is supported by scientific evidence, debated during the Beyond Growth conference and supported by over 400 top-level economists and civil society organisations.

- Ensure to keep the momentum after the Beyond Growth conference alive and progress on discussions and policy implications through the following measures;
- Promote the establishment of permanent structures at the Commission, the Council, the
 Parliament, and within Member States to assess post-growth strategies and pathways;
- Promote a new flagship programme shaped around a systemic change approach that aspires
 to create a thriving future within planetary boundaries, with degrowth as a necessary transition
 phase towards a post-growth destination;
- Advance discussions on designing and implementing beyond growth policies based on the four principles of:
 - Biocapacity: A Fossil Fuel Non-Proliferation Treaty, a Resource Justice and Resilience
 Act including a binding material footprint reduction target and real, area-based nature
 restoration.

- o Fairness: fiscal instruments to foster a more equal society such as a carbon wealth tax
- o Wellbeing for all: Universal Basic Services and job guarantees
- Active democracy: citizen assemblies with strong mandates to formulate socially acceptable sufficiency strategies based on biocapacity, fairness and wellbeing for all.
- Push the creation an Intergovernmental Panel on Wellbeing, Inclusion, Sustainability and the
 Economy (IP-WISE) which would provide a governance structure to consolidate the present
 knowledge and drive a process of convergence of methodology and terminology;
- Advance discussions on the importance of acknowledging the interlinkages of environmental
 policies and gender and social justice (especially in a new flagship program) by facilitating
 debates and identifying where policy integration and coherence could be strengthened at EU
 level and at home, leading by example;
- Systematically consult and meaningfully engage **youth as equal partners** in decisions on their future. Where members of the Presidency Trio are engaged in preparing a vision for the next Council and Parliament cycle, consider proposals for governance changes to strengthen the representation of youth and their legitimate concerns e.g. having a Commissioner for youth and next generations. At Council level, consider inviting youth representative to working party meetings relevant to their future and to informal council meetings.

More information: Why energy justice? Towards a new economic and energy framework in Europe • Imagining Europe Beyond Growth Magazine • Reimaging work for a just transition • Investing in our future: seven EU economic governance reforms for a stronger, greener and more resilient Europe • Joint NGO paper: Putting the Environment in Human Rights and Environmental Due Diligence • Joint NGO Demand: The Need for an EU Anti-SLAPP Directive

Abbreviations

AAQD Ambient Air Quality Directives

ACCC Aarhus Convention Compliance Committee

BAME Black, Asian and minority ethnic

BAT Best Available Techniques

BREFs Best Available Techniques Reference Documents

CBD Convention on Biological Diversity

CAP Common Agricultural Policy
COP Conference of the Parties

CLP Classification Labelling and Packaging Regulation

CJEU Court of Justice of the European Union
CSS Chemicals Strategy for Sustainability
DNSH Do No Significant Harm Principle

EED Energy Efficiency Directive

EGD European Green Deal

EPBD Energy Performance of Buildings Directive

E-PRTR European Pollutant Release and Transfer Register

EQSD Environmental Quality Standards Directive

ETS Emissions Trading Scheme

FMPL Forest Monitoring and Planning Law

GD Groundwater Directive

IED Industrial Emissions Directive

ICT Information and communications Technology

IRA Inflation Reduction Act

MFF Multi-Annual Financial Framework
NRRPs National Recovery and Resilience Plans

NZIA Net Zero Industry Act
PAs Partnership Agreements

REACH Registration, Evaluation, Authorisation and Restriction of Chemicals

RoHS Restriction on Hazardous Substances Directive

SDGs Sustainable Development Goals

SHL Soil Health Law
UAE United Arab Emirates

UNFCCC United Nations Framework Convention on Climate Change

UWWTD Urban Wastewater Treatment Directive

WFD Water Framework Directive
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. You can find the <u>Ten Green Tests for the Spanish Presidency here</u> and the <u>Assessment of the Swedish Presidency here</u>.

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