

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

Re: Input to the EU Environment Council Meeting, Brussels, 25 March 2024

Brussels, 15 March 2024

Dear Minister,

On behalf of the European Environmental Bureau, I am writing to share with you our views on some of the issues on the agenda of the forthcoming EU Environment Council, an important moment in advancing on European Green Deal promises and wider commitments, in this, the last Council Presidency before the EP elections in June.

As noted in the last letter to you before the Environment Council meetings, there has been a considerable increase in the level of opposition from certain political forces to a growing number of European Green Deal (EGD) files, generally focusing not on facts, but choosing instead to issue misleading statements driven by ideology and political point scoring, with EGD progress the victim of this strategy. This resistance to progressive and science-based regulation has grown despite the undeniable evidence of the benefits of legislation and the cost of inaction it is seeking to tackle, despite the EEA evidence and wider facts emerging that Europe is simply not progressing fast enough on its commitments. Furthermore, the resistance runs counter to the evidence that regulation spurs innovation and competitiveness, and strengthens Europe's productive ecosystems, while helping with health, justice and the environment. It should be a natural agenda to support, with energies focused on how to enable progress, rather than undermine it.

Ministers are asked to help ensure that the EGD be a truly transformative moment in Europe's history and commit to more needing to be done in the next legislative cycle. Climate, biodiversity, pollution, the just transition and justice need to be recognised in the Strategic Agenda, the next Political Guidelines and the work under the next legislative cycle. Weakening the transition will create missed opportunities for change and undermine Europe's potential leadership and first mover advantages.

I invite you to take our concerns into account during the final official level preparations, as well as at the meeting itself. Many files will of course remain active under the Hungarian Presidency and potentially Polish Council Presidencies, and the issues on many specific files are also relevant to the wider Community Method of policy making and good governance. We have structured the letter according to our understanding of the 25 March Council Agenda.

1. Directive amending Directive 2008/98/EC on waste

The EEB welcomes the commitment of the European institutions to address the issues of wasted food and skyrocketing levels of textile waste, by introducing legally binding food waste reduction targets and a mandate for Member States to set up national Extended Producer Responsibility (EPR) schemes for textiles. However, more ambitious targets are essential to tackle the magnitude of the food waste challenge effectively and to respect the commitments made in the 2018 revision of the Waste Framework Directive and under Sustainable Development Goal 12.3 in 2015. At the same time,

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ambitious EPR schemes are vital to bring down overproduction and increase accountability for the impact of textile exports.

We therefore call upon the Environment Council to:

- Ensure that introduced **food waste reduction targets collectively achieve a 50% reduction in all EU food loss and waste by 2030**, including food left unharvested or used on farms at primary production;
- Support a **Textile Waste Reduction target** for 2030 of 10-15%, based on the volumes placed on the market in 2020 as a baseline year;
- **Align eco-modulation and the new ecodesign requirements for textiles**, so that both measures ensure textile products remain in continuous active use;
- **Ringfence funding for reuse and repair** through a specific fund;
- **Protect social enterprises and re-use operators** in the governance of EPR schemes;
- **Strengthen provisions on e-commerce** to ensure that a mandatory 'producer register' for brands means online platforms do not sell products from unregistered companies;
- **Ensure more concrete measures to reduce how much is exported** and ensure there are no loopholes in criteria to define what is waste and what is second-hand (in the EOW criteria);
- **Ensure Member States put in place EPR no more than 18 months after the Directive comes into force**, a longer transition period would put an unfair burden on taxpayers.

2. Regulation on preventing plastic pellet losses to reduce microplastic pollution

The EEB welcomes the proposal to tackle plastic pellet pollution at source, through a comprehensive legal framework focusing on the supply chain. However, to ensure the effectiveness of the Regulation and protect communities from bearing the cost of pollution, additional measures should be considered.

As recognised in the proposed regulation, currently, between 52 and 184 thousand tonnes of plastic pellets (typically 1 to 5 mm in size) manufactured by petrochemical industries are accidentally released into the environment each year due to mishandling throughout the supply chain. This adds to the local to global problem of plastic pollution in our rivers, seas and oceans (for examples in Europe including Belgium, France, Netherlands, across the North Sea and Spain, see the [Surfrider report](#)).

The plastic pellets, either directly or after break up into micro- and nanoplastics, can be taken up by marine biota throughout the food chain. Plastic polymers may contain chemical additives and contaminants, including known endocrine disruptors that may be harmful even at extremely low concentrations for marine biota. They pose potential risks to marine ecosystems, biodiversity and food availability.

The proposed regulation requires that all operators handling pellets in the EU take necessary precautionary measures, with a view of reducing total pellet release in the EU by three quarters. Common EU-wide measures will also help level the playing field.

We call upon the Environment Council to:

- **Support the Proposal on Preventing Pellet Losses to reduce Microplastic Pollution**, which should use a comprehensive supply chain approach and ensure all economic operators handling pellets take steps to prevent avoidable losses of plastic feedstock through binding actions at EU level;
- **Ensure certification requirements for the entire pellet supply chain**, without exception based on size or volume of pellets handled;
- **Extend the scope of the regulation to include maritime transport** and establish labelling requirements for containers;
- **Strengthen the implementation and enforcement mechanisms** to ensure compliance, including due measures in response to non-compliance to uphold respect for the rule of law, better implementation and make certain that companies embrace their responsibilities. This is part of their license to operate;
- **Push for a mid-term assessment of the regulation to test effectiveness**, and, in the event of poor implementation or additional insights on impacts, review and strengthen the legislation;
- **Continue the effort to fight marine pollution** from plastics, chemicals and nutrients, notably through addressing the multiple sources of microplastic pollution with binding measures in the relevant proposals of the EU Green Deal and, in due course, implementation (EGD relevant files include Pellet Loss Proposal, Soil Monitoring Law, Euro 7, ESPR, Textile strategy and complementary REACH restriction on microplastics intentionally added to products);
- **Monitor the state of plastic litter and microplastic in your countries**, implement measures to minimise risks of releases and ensure accountability by those responsible.

3. Proposal for a Regulation on a monitoring framework for resilient European forests

Forests play a vital role for biodiversity and the climate, yet there is a significant deficit in public information about their status, the impact of management practices and their ecological condition. Consequently, there is a strong need for a harmonised and legally binding forest monitoring framework that ensures public, accessible, comparable data and information on EU forests.

For this reason, we strongly welcome the EC proposal for a Regulation on a monitoring framework for resilient European forests (Forest Monitoring Law, FML) as it constitutes an essential building block for realising the EU's climate and biodiversity objectives, while also bolstering socio-economic and ecosystem resilience in forests. While acknowledging the proposal's merits, we would also like to highlight some notable shortcomings that we urge the Council to improve upon, in order to transform it into an effective regulation:

We therefore call upon Environment Council to:

- **Make the strategic forest planning conditional for accessing EU funding**, as well-designed governance instruments must be at the heart of the strong FML;
- **Prioritise a strong participatory process** for the development of methodologies and analysis of data quality as well for co-decision, implementation and review processes;

- **Recognise the important financial benefits for forested countries to track the health of forest ecosystems.** Countries with a large forestry sector and existing monitoring systems can benefit from harmonized and remote sensing-based monitoring, in a way that reduces the costs for monitoring;
- **Improve the indicators and include those that are currently missing** to make the Forest Monitoring Law a one-stop shop for assessing progress on European Green Deal related forest objectives. This includes improving social and economic indicators, such as wood traceability and non-wood resources, that are important for the forest-based bioeconomy such as ecotourism;
- **Enhance the alignment between the indicators and descriptors used in the FML and the Soil Monitoring and Resilience Directive** and ensure that the datasets are used for the implementation of both.

See the Joint Briefing [‘How Could European Forests Best benefit from the EU Forest Monitoring Law’](#) for more information.

4. EU climate target for 2040

The EEB welcomes the Commission presentation on the 2040 climate targets but remarks that the proposed 90% net reduction of greenhouse gas emissions by 2040 is a narrowly competent effort towards climate action. Furthermore, the Industrial Carbon Management plan introduces a necessary framework for dealing with carbon emissions, an essential part of reaching climate neutrality by 2050.

However, the proposals raise concerns due to the overreliance on expensive and unproven technologies. The Commission plan relies heavily on carbon capture and carbon removals to be ready at scale, without questioning the actual effectiveness of such technologies. Additionally, it fails to prioritise emission reductions through other more cost-effective means, such as energy and material efficiency, sufficiency and circularity practices.

In following this approach, the EU risks failing to meet its own climate targets while squandering time and taxpayer money. Reliable, affordable solutions such as renewable energy, smart grids and heat pumps are already available and being deployed. Carbon capture must be the last-resort tool to seize emissions for when no other decarbonisation options are available. Spending Europe’s limited time and public money on proven solutions is the only way to achieve decarbonisation on time.

We therefore call upon the Environment Council to:

- **Call for a triple target framework**, building on 2030 targets experience, and thus one that would single out efforts on energy efficiency and renewables as necessary enablers of the climate target;
- **Refrain from supporting any target on unproven technologies** or technologies whose cost far exceeds the benefit that they might bring to the achievement of climate neutrality by 2040, such as Nuclear and Carbon Capture and Storage (CCS);
- **Separate emissions reduction and emissions sequestration efforts and targets** in order to prevent a message that could lead to inaction, based on future action to be carried out via unproved sequestration technologies;

- **Call for timely and targeted use of both CCS and Hydrogen for those hard-to-abate sectors that cannot resort to electrification via renewables**, prioritising the on-site production of hydrogen, and nature-based carbon sink solutions.

In addition, as underlined by the Belgian Presidency at their Just Transition conference in March, and at the Informal Meeting of Ministers in January, **integrating the social dimension in the climate agenda (mitigation and adaptation) is essential**. All of society must be able to be part of the just transition and solutions cannot only be feasible for the rich, as this would lead to a growing divide, opposition to the EGD and missed opportunities for improving the wellbeing of millions of Europeans. In light of this, we call upon ministers to:

- **Make housing renewable heating & cooling and energy insulation available and affordable** - this is about implementing the Social Climate Fund and ensuring that the ETS2 revenues flow to poorer households. It is also about launching additional measures to enable the middle classes to be fully engaged, as they will be important multipliers of engagement and buy-in to the transition;
- Similarly, invest in public transport and active transport, and explore ways of adjusting public transport prices so that **public transport becomes the easy, default choice**. People need to see that governments and the EU are investing in their mobility. People living in rural homes should be able to access alternative vehicles than fossil cars;
- **Encourage the European Commission to put the Heat Pump Action Plan back on the table** and ensure affordability issues are tackled;
- **Support renovation in rented accommodation, with conditions on government support to avoid landlord-tenant issues**, to ensure that those renting have affordable energy bills linked to energy efficient lodgings, and that rents do not go up in the process or tenants lose their homes;
- **Communicate the multiple benefits of climate mitigation to households and the public**; there are important benefits in terms of energy saving and hence reduction in fuel bills that help to address the cost-of-living crisis, improve indoor air quality and hence health. This information can help encourage engagement in the solutions and commitment to be part of the transition beyond fossil-fuels. A whole of society engagement in decarbonisation is essential to tackle the climate crisis and achieve fossil-fuel independence.

5. Climate risk management

The European Commission has recently published its Communication on managing climate risks in Europe in response to the **first European Climate Risk Assessment (EUCRA)** by the European Environment Agency. Together, they set out how all major sectors and policy areas are exposed to climate-related risks, how severe and urgent the risks are, and how the EU must take action to get ahead of the risks and build greater climate resilience. Unfortunately, the EU actions put forward in the Communication lack ambition, in particular, those related to food, water and marine ecosystems. For instance, while it acknowledges the severity of water risks and the urgency to improve water management, the Commission only announces that it will “take stock of water issues comprehensively”. Moreover, the highly anticipated **EU Water Resilience Initiative** that was promised to be published as part of this climate resilience package has been put on hold.

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We therefore call upon the Environment Council to:

- **Act now to reduce climate risks** both by rapid emission cuts and by strong adaptation policies and actions in order to ensure the resilience of our societies. Work with the European Commission to **propose the Climate Resilience Law** that prioritises nature-based solutions, the law can be adopted under the next legislature, filling the few remaining legislative gaps in the European Green Deal.

For more information on the EU Water Resilience Initiative see the EEB's open letter '[Nature-based water resilience cannot wait](#)' concerning the need for nature based water resilience.

6. Mid-term review of the 8th Environmental Action Programme

Evidence is growing that there is insufficient progress on the commitments made by the Council, European Parliament and Commission in the 8EAP. The [EEA's progress report on the 8th EAP](#) presents clear concerns that unless there are major changes, commitments for 2030 are very unlikely to be met in many areas, including: GHG emissions from land-use, land-use change and forestry; energy consumption; circular material use; areas under organic farming and the wider consumption footprint. They also warn that it is unlikely that a wider range of other commitments will be met, including in the areas of climate adaptation, raw material consumption and waste, water pollution, protected areas, species, forest connectivity, share of renewables, share of public transport, fossil fuel subsidy reform, land take, water exploitation and environmental inequalities. Even in area of stated progress (e.g. avoided early mortality from exposure to air pollutants expected to go down by 55% by 2030), the levels of death (and wider range of other health impacts) are still clearly unacceptable. This is a long list of things that need to be addressed.

The **European Commission's Mid-Term Review of the 8EAP**, published on 13 March 2024, recognises a wider range of challenges, including on land-based emissions and the implementation of the LULUCF Regulation and carbon removals, a need for a tripling of the pace of emissions reductions, the high number of human fatalities linked to the climate crisis, that can only be expected to increase, the impacts on agricultural productivity due to drought and floods, the need to decouple growth from the use of natural resources and unsustainable material footprints, acknowledge that the likelihood that the 2030 target to reduce transport noise by 30% will not be met, that reducing nutrient losses into groundwater by at least 50% is highly unlikely, challenges with plastics, erosion and soil quality, pesticide use, the rise of fossil fuel subsidies despite commitments to end harmful subsidies, the tragic reality of one in ten premature deaths being linked to pollution and that over a quarter of a million cancer deaths are linked to environmental causes, and reprotoxic and developmental health problems from exposure to chemicals. This list is long and goes on.

The EGD has, of course, launched a range of measures to address a number of the above recognised and unacceptable impacts and insufficiencies of progress, but there are many important gaps – both in the range of files still needed but that were either not tabled, stalled or withdrawn, and hence left for the next Commission (SFS law, REACH revision, sustainable use of pesticides regulation, water resilience initiative) and those not yet tabled (e.g. regulation on noise). There are also a wider range of barriers to progress – political (as seen by the politicisation of many EGD files and the use of

disingenuous arguments to undermine them, often blatantly ignoring the benefit of action and the cost of inaction), economic and financial, inspections capacity, system lock-ins. There are also clear needs for higher ambition and a need for real commitments to enabling measures. The Mid-Term Review concludes it is too early to assess their full impact. While it is true that it is not possible to determine the exact impact of the measures, it is patently clear - from the EEA work, the nature of the measures launched, the very real and significant gaps, and the insufficiency of enabling measures - that they will not be enough. The commitments in the 8EAP made by the Commission, Council and Parliament, will unfortunately not be met without real commitment for significant additional measures, including laws, and political attention.

We therefore call upon the Environment Council to:

- **Demand a plan of action for the 8EAP to meet the joint Commission, Council and Parliament commitments made for 2030.** Given the above gaps and insufficiencies and needs, this should include legislative measures for the next legislative cycle. The Council Conclusions should state that this **Plan of Action for the 8EAP for 2030** be a Commission commitment for the first 100 days of the next Commission and make specific requests for the Commission to:
- Develop a **new Climate Resilience Law** that builds in the adaptation benefits from ecosystem restoration and land management. A new Climate Resilience Law should prioritise nature-based solutions, including flagship measures on water and climate adaptation aiming at making water available for nature and for people, as well as diet shifts with a move to more plant-based diets, to help with the adaptation strategy (and to support public health);
- **Table the REACH Revision to give a regulatory push for safe and green chemicals.** Reform the REACH regulation so as to ensure that chemicals are proven to be safe before they are allowed on the market. Fulfilling the promises of the REACH Revision, as outlined in the CSS, is essential to safeguard our health, environment, climate and biodiversity. This will provide stability, predictability and a level playing field for businesses, while fostering innovation and global competitiveness. This will also support the internal market and support the shift to competitive sustainability. Enforcing the 'no data, no market' principle is essential; chemicals should only enter the market with proven safety;
- **Table the Sustainable Food Systems Law** that should help promote the needed system change and enable sustainable food and sustainable farming that work within ecosystem limits. To achieve sustainable food systems, we must restructure production, processing, distribution, marketing and consumption processes so that they ensure easy access to healthy, nutritious, environmentally sustainable and culturally appropriate diets to everyone at all times, while keeping us safely within planetary and social boundaries. Our food system must, at the same time, support viable livelihoods and dignified working conditions for all workers involved in it, wherever they are. We must also ensure the animals involved in the system enjoy the highest welfare standards;
- Overhaul the **Common Agricultural Policy (CAP)** to make it an instrument of the transition and ensure farmers committed to agroecological practices are duly supported, and their engagement in climate adaptation and prioritisation of natural pest control mechanisms

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through Integrated Pest Management (IPM) are rewarded. The range of challenges noted in the EEA report and the mid-term assessment, and the challenges faced by small farmers, cannot be addressed without a CAP overhaul to make sure funds flow to those in need for sustainable practices;

- Put the **Regulation on Sustainable use of Pesticides** back on the table – this is essential for water quality and farm worker health. In addition, deliver on the promised **Nutrient Management Action Plan** that should lay out how the EU should reach its objective of cutting nutrient losses as well as hazardous pesticides use and hazardousness in half by 2030. This should be complemented by measures to support agroecological farmer income and markets to support income and livelihoods;
- The European Commission should look into **mandatory sustainable public procurement** to enable agroecological farmers and strengthen wider market development through financial support for sustainable goods and help implement the green oath to do no harm;
- Prepare an **Ocean policy package** to help safeguard these rich and fragile ecosystems from the multiple pressures undermining their condition – supported by integration of oceans issues across policy files (mainstreaming and supporting coherence), and enabling measures, including financing;
- As a follow-up to the already conducted review, and in line with its result, initiate the revision process of the **Environmental Noise Directive** to tackle the failure of existing instruments to address noise pollution and its impact on human health and ecosystems;
- Ensure sufficient **enabling measures**, including asking that the next **EU budget** includes **dedicated nature funding, including a specific focus on oceans (an EU Ocean Fund)**.

In addition, it is essential to conclude the last formal step in the adoption of the **Nature Restoration Law** with the final endorsement in the Council of the deal struck with other institutions enabling the law to enter into force without delay.

7. Other issues of concern: EU fiscal rules

The EEB is deeply concerned about the political agreement on the revision of the EU fiscal rules. The reformed rules focus on achieving arbitrary debt and deficit-to-GDP ratios, while reforms and investments remain an afterthought. They do not constitute an adequate response to the challenges ahead. Without these massive investments, there is a risk of escalating climate crisis costs, economic decline and rising inequalities, as well as new dependencies if these economic sectors of the future are not (also) promoted more strongly in the EU. As only 60% of all green investments needed by 2030 have a business case, public investments are crucial.

We therefore call upon the Environment Council to:

- **Reject the recommendations by the ECOFIN council** on the revision of the EU fiscal rules;
- **Ensure the establishment of a permanent EU Transformation Fund** to drive a socially just transition to net-zero, provide investor confidence in the transition and ensure that governments can make long-term investments towards social and green objectives as well as

the introduction of new progressive taxes, such as a wealth tax and a financial transaction tax, are at the core of the next strategic agenda.

8. Information from the delegations: Lowering the protection status of wolves and bears

In response to the information note from delegations requesting to lower the protection status of wolves and bears, we would like to stress that environmental and animal protection organisations are united in our opposition to this, especially the European Commission proposal for a Council Decision to lower the protection status of the wolf under the Bern Convention as it appears to be politically motivated, rather than based on reliable scientific evidence and goes against the public opinion. This proposal is clearly intended as the first step in downgrading the protection status of wolves in the EU and will ultimately open the door to the future amendment of the Habitats Directive, and the potential weakening of legal protections for large carnivores and other species in the EU. We maintain that responsible wildlife management and conservation must be driven by science-based data and focus on prevention measures to achieve coexistence with large carnivores.

We therefore call upon the Environment Council to:

- **Reject the EC proposal to lower the protection status of the wolves** under EU and international law, since it is not justified by science and undermines the efforts that have been made to achieve co-existence with large carnivores;
- **Resist attempts to weaken the EU nature acquis** - sacrificing decades of conservation work for dubious political gain, instrumentalising the wolf as a scapegoat for socio-economic problems in rural communities;
- Instead, **ensure that existing legal protections for wolves, as enshrined in the EU Habitats Directive, are upheld and enforced consistently across the Member States** and uptake of coexistence and prevention measures between wolves and local communities is significantly stepped up.

See the open letter [‘Decision on potential modification of the protection status of the wolf’](#) from 300 NGOs urging the EU to uphold existing protections of wolves across Europe.

We would also like to express our regret regarding the slow progress in reaching a Council General Approach on the Commission's proposal for updated **water pollution standards** regulated under the **Water Framework Directive**. The European Parliament adopted their [position](#) in September 2023, but the slow progress in the Council has postponed the trilogues negotiations until after the European elections, further delaying an already overdue update. It is crucial that the proposed new standards are adopted before Member States start planning measures for the next River Basin Management Plans in 2025. We therefore urge the Council to adopt its position under the Belgian Presidency and to maintain ambition, in line with our recommendations in our [joint NGO analysis of the European Commission's proposal for revised list of priority substances for surface and groundwater](#).

Thank you in advance for your consideration of these points which will help address the climate, biodiversity and pollution crises in the EU, and give citizens confidence that their leaders are taking decisions to create the basis for a better future for them than without this legislative progress.

Supporting the measures will also strengthen EU resilience and create a better basis for EU economy and productivity in the future. Your support and engagement on each of these files in the Council, in trilogues and at home, is essential.

Finally, the Heads of State, in developing the Strategic Agenda, will help define the priorities for the next five years of the next legislative cycle. It is essential that the triple climate-biodiversity-pollution/toxics crises is reflected there, that there is a commitment to keep on with and complete the European Green Deal. It is essential that this be a truly just transition, leaving no-one behind, so the social dimension needs to be recognised in the Strategic Agenda, as does a commitment to regulation and other measures to promote competitive sustainability and a race to the top internationally, with a prosperous Europe.

We wish you all the best with your Environment Council Meeting and hope to meet many of you and your teams at the G10-Ministers reception between co-organised by the Belgian Council Presidency team and EEB on behalf of the Green10.

Yours sincerely,



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