### The EEB's ASSESSMENT of the ENVIRONMENTAL PERFORMANCE of the BELGIAN PRESIDENCY of the EU

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The EEB is Europe's largest network of environmental citizens' organisations. We bring together over 180 member organisations from 41 countries. Together, we work for a better future where people and nature thrive together.

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### Introduction

This is an assessment of the Belgian Presidency of the Council of the European Union by the European Environmental Bureau (EEB), the largest network of environmental citizens' organisations in Europe, with thanks for inputs from Seas at Risk and signed off by the EEB Board and EEB Council with members from across Europe. The assessment encompasses all environmentrelated issues, a broad agenda comprising 'traditional' environmental issues as well as sectoral and horizontal policies with a direct or potential environmental impact, sustainable development, and participatory democracy.

The Belgian Presidency came at a critical juncture of the European Green Deal (EGD), as the last Council Presidency before the EP elections in June 2024 and last of this legislative period. While there was significant progress during the Spanish Presidency, the tasks remaining for the Belgian Presidency has led to an intense agenda, added to by the additional complications around the Farmers protests and increased pushback on the European Green Deal, despite the many fundamental benefits of the EGD and the reminders from flooding, storms and heatwaves, and the evidence of health and pollution impacts and biodiversity loss, of the clear need for more ambition.

During the Belgian Presidency, there have been unprecedented and shocking efforts by anti-regulation ideologues, political power interests, and lobbying by shortterm vested interests to drop, delay or degrade environmental and social protections that run counter to the EU's medium- and long-term needs for a just transition. This risks undermining trust in the "community method" and hence in EU institutions and the EU project itself. This erosion of trust doesn't have to be accepted as a new norm.

The farmer strikes and their instrumentalisation by vested interests have proven problematic for the EGD. While many farmers are among the first victims of our broken food system, struggling to make a living from their work, and suffering from the impacts of climate change and biodiversity loss on their yields and activity, the EGD focus of the complaints arguably miss the most important drivers of farmer hardship and are not only false solutions to the problem but will exacerbate them. Farmers are price takers and victims of power concentration in the value chain. Public subsidies are unfairly distributed with 80% of the CAP budget going to 20% of the farmers, so it is a question of farmer's power in the value chain, fair prices and decent income not a question of environmental rules implementation. Unfair trading practices also have to be found outside of the value chain via imports, though the agri-food trade balance in 2023 reached record number of 70 billion EUR, so a number of large agro-industrial farmers benefitted strongly. As regards the deregulation solutions offered in haste, such as the scrapping of CAP environmental safeguards, this will not address the key drivers but undermine the viability of the agro-ecological practices Europe needs. A reformed CAP, a well-designed Sustainable Food Systems law and sustainable public procurement, could offer true sustainable livelihoods.

A Council Presidency is clearly not responsible for all developments and furthermore, even its sphere of responsibility, cannot make decisions on its own. It needs the cooperation of the European Commission, European Parliament, and other Member States on files under Presidency responsibility. Nonetheless, the Presidency can still have considerable impact and influence, for example through the priority and profile it gives to specific issues and through the way in which it chairs discussions, prioritises practical work and engages with other Member States to enable progress. The Belgian focus on the just transition, on circular economy, on climate adaptation and resilience have been valuable.

The assessment is not an overall political assessment of the Presidency's performance, nor is it an assessment of the Belgian national political or environmental situation or its domestic policies, except to a limited degree linked to its role in leading or failing to lead by example. We are not assessing its role on foreign affairs issues, internal security matters or migration policies, for example, except insofar as such issues have a direct bearing on the environment.

On the other hand, the assessment is not limited to the activities and outcomes of the Environment Council. It covers all Council configurations to the extent that they deal with topics that affect the environment, as well as the European Council, which is not formally under the Belgian Presidency responsibility. Our assessment is based on the <u>Ten Green Tests</u> we presented to the Belgian Government just before the start of its Presidency on 1 January 2024.

We recognise and applaud the very many important efforts made by the Belgian Council Presidency team to maintain ambition levels and we recognise the difficult political context. Nevertheless, we are critical of many areas which do not do enough to meet the challenges Europe and the planet faces, and do not give youth confidence that they will inherit a liveable world. While there has been progress, hopes for intergenerational justice have been undermined.

We are grateful for the openness and collaboration of the whole Belgian Presidency team on the environmental files, for the continuous support for civil society and citizens voices and the role of science, and for the level of engagement of Alain Maron, Brussels minister of the environment, who called for an EGD 2 at the informal reunion of ministers and worked until the last minute to reach a Council agreement on the Nature Restoration Law. We'd also like to thank Federal Minister of the Environment Zakia Khattabi, Federal Minister of the Environment, for her personal commitment and energy to advance on the just transition and the EGD under the Belgian Presidency. Finally, we'd like to thank their Presidency teams and the many collaborations with Bruxelles Environment during the Presidency.

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Patrick ten Brink Secretary General

### Ten Green Tests for the Belgian Presidency: Assessment

The Belgian Presidency made excellent efforts to deliver the Green Deal and promote its continuation into the next legislative cycle. But despite good results in circular economy and environmental justice, and relief at the nature restoration law vote, the overall outcomes were mixed, with poor results in water and particularly agriculture.

In January 1958, Belgium was the first Member State to hold the Council Presidency. This is the twelfth time that Belgium has had the responsibility of the Council Presidency.

Politics is the art of the possible. However, if and where the possible does too little to avoid climate breakdown, halt catastrophic biodiversity loss and ecological tipping points, reduce pollution exposure, or improve governance systems in a way that gives confidence in our governments,

institutions and future, then we cannot assess progress to be good, despite efforts.

It is against needs for climate justice, health, biodiversity and resilient ecosystems, and for today and tomorrow's young who will inherit the earth, not short-term political "realism", that both effort and impact are assessed to determine the Presidency performance against the <u>Ten</u> <u>Green Tests.</u> We reached the following conclusions:

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			Effort	Outcome
	1	Advancing the European Green Deal as a Just Transition agenda for an EU committed to enlargement	$\sim$	_
+	2	Ensure energy security while addressing the climate emergency	$\sim$	-
×	3	Reverse the dramatic loss of biodiversity on land, in freshwater and in oceans	$\mathbf{i}$	-
2	4	Drive a transition towards sustainable food and agriculture, and healthy soils	-	
	5	Tackle pressure on surface and groundwater and ensure clean water for all	-	
<del></del>	6	Ensure clean air towards zero environmental and health impacts	$\sim$	-
Ł	7	Call for a toxic-free environment and the ambitious implementation of the Chemicals Strategy for Sustainability	$\mathbf{i}$	
	8	Shift towards a zero-pollution industry	$\sim$	-
$\bigotimes$	9	Grasp the full potential of the circular economy	$\mathbf{i}$	$\mathbf{i}$
$\mathbf{\lambda}$	10	Strengthen accountability and the rule of law and promote environmental justice	$\mathbf{i}$	$\mathbf{i}$



### **1** Advancing the European Green Deal as a Just Transition agenda for an EU committed to enlargement

### The verdict

on effort

on outcome

The <u>first Green Test</u> called upon the Belgian Presidency to; advance across all remaining EGD files; ensure a Council debate on a new EU Pact for our Common Future; to strengthen the international dimension of the EGD and promote a sustained EGD ambition in the Strategic Agenda of the Council for the next legislative term. In addition, to support the green reconstruction of Ukraine; follow-up on discussions made during the Beyond Growth Conference; advance on policies supporting a Just Transition; push forward the reform of the EU's international trade policy; and finally, to follow up on the EU Voluntary Review of the SDGs, as well as launch a debate on EU enlargement.

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### Key developments

- <u>The Belgian Presidency programme</u> included "**Pursuing a green and just transition**" as one of their six priorities.
- The Belgian Presidency focused their <u>informal meeting</u> of environmental ministers on 15-16 January 2024 on the just transition, circular economy, climate adaptation and resilience, and climate ambition.
- A strong **Just Transition** agenda featured in the 17 June Environment Council Conclusions, which was a priority for the Presidency.

### Good

- The Presidency concluded, without equivocation, of

   the need for an "EGD2" at the informal meeting of
   environmental ministers on 16 January, and to keep up
   the momentum of the EGD into the next legislative cycle.
- This was reiterated in the council conclusions on the 8<sup>th</sup> Environmental Action Programme, which recognised that progress is insufficient in many areas and <u>called for</u> <u>a legislative response by the Commission</u> for the next legislative cycle.
- The Presidency placed the 'just and green' transition agenda as one of their top priorities for their mandate and have followed through via many activities such as the organisation of a two-day European high-level event on Just Transition, where Member States, civil society and trade unions were present.
- <u>The BE Council Conclusions on Just Transition</u> contain explicit references to the importance of and needed strengthening of commitment to gender and intersectionality assessments. This presents an opportunity for designing and demanding just transition policies that integrate an ecofeminist approach.

### Poor

The Belgian Presidency failed to show any leadership to

 improve or to reject the Spanish compromise on the EU
 Economic Governance Framework. The new rules were
 adopted in April and will mean that Member States will
 need to cut their budgets by over 100 billion Euro a year
 from 2027. This will prevent most Member States from
 meeting their social and green investment targets.

- The Parliament and the Council reached an agreement on the reform of the **Stability and Growth Pact**. This was supported by the majority of the EP during the last plenary in April.
- <u>Council Conclusions on the mid-term review of the</u>
   <u>BEAP</u> were agreed at the Environment Council meeting of 17 of June 2024.
- With the ongoing Russian aggression in Ukraine, it was impossible to progress on supporting the green reconstruction of Ukraine.
- The Presidency collaborated closely with the European Just Transition Alliance coordinated by SOLIDAR and endorsed the EESC opinion on Just Transition for which the Alliance was commissioned as lead rapporteur.
- Considering that Europe is currently not on track to achieve most of the SDGs, the Belgian presidency highlighted the **need for transformative policies to intensify and accelerate EU efforts towards the 2030 Agenda**, that is, policies that change the dominant system structurally and radically. The Belgian presidency adopted them as a central theme for shaping the present activities of the Working Party on the 2030 Agenda for Sustainable Development.
- The Presidency collaborated with civil society and international organisations around their environmental priorities, including by co-hosting the EEB's Annual Conference and supporting the launch of the <u>European Pact for the Future</u>, the EEB's blueprint for the EU's political priorities for 2024-2029.
- The Presidency push for the EGD and EGD future were weakened by the position of the Belgian President De Croo's call for a <u>pause on the EGD</u>, wishing to focus particularly on reducing greenhouse gas emissions and weaken the focus on nature, chemical and air pollution, other key aspects of the EGD which are imperative to address the triple climate-biodiversity-pollution crises.

**Overall:** The Belgian Presidency made a clear and significant call to deliver on the EGD and to commit to its continuation into the next legislative cycle, combined with a strengthened just transition, bringing together the green and the social. The core priorities were ambitious and visionary, with personal commitments by Ministers Maron and Khattabi, hence overall, very good on effort, despite roles of others. Given the efforts by a range of Heads of State, EP and the Commission itself to slow the EGD and undermine a range of key files, the overall outcome is quite mixed.

# 2 Ensure energy security while addressing the climate emergency

#### The verdict

on effort

on outcome

The <u>second Test</u> called on the Presidency to; finalise the remaining elements of the 'Fit for 55' package; support the publication of the EU Heat Pumps Action Plan; encourage the Commission to take forward Ecodesign and Energy Labelling for heating technologies. In addition, to promote a progressive debate in the Council on the EU's 2040 climate targets; to lead policy discussions in the Council on the need to adopt a Climate Adaptation Law; to put electricity networks urgently at the top of the energy policy agenda; and to lead by example on the reform of environmentally harmful subsidies. Finally, to promote a realistic assessment of the EU's dependence on Russian nuclear technology; to promote the accelerated development of renewable energy; and to stop the transhipment of gas from Russia to Belgian ports.

### Key developments

- The Presidency oversaw the formal adoption of the Energy Performance of Buildings Directive (EPBD), managing to steer a tight qualified majority to green light the legislation.
- The Presidency further oversaw the formal adoption of the **Electricity Market Design (EMD)** reform and the revised **Methane Emissions Regulation.**

#### Good

- The Presidency worked well in steering the Council towards an agreement on conclusions on Advancing Sustainable Electricity Grid Infrastructure. The commitment of the Belgian Presidency to unlock this key part of an energy system based on renewables is also reflected by the signing of a joint statement on a new interconnector linking Belgium, Ireland, and the UK.
- While a total ban on Russian LNG imports was unlikely to receive unanimous support, the proposal to ban the trans-shipment and reloading of Russian LNG in European ports is a positive step.
- 23 Member States, the Commission and solar industry signed a <u>Solar Charter</u> under the leadership of the

#### Poor

- Despite the efforts of the Belgian Presidency to steer the Council towards a general approach, the negotiations on the **Energy Taxation Directive** ended in stalemate and will be postponed to the next legislature.
- The hosting under the Belgian presidency of a **nuclear energy summit** in Brussels was disappointing. New Nuclear power plants are too costly and slow to make a timely contribution to EU's decarbonisation needs. They also risk diverting precious funds and political attention from much needed renewables and grids that would make more cost-effective contributions.

- The Presidency steered the process of the EU exit from the **Energy Charter Treaty**, overcoming the disagreements that held back a decision for months.
- The Presidency managed to broker a trilogue deal on the Carbon Removal Certification Framework (CRCF) Regulation.

Belgian Presidency to protect and promote the European solar sector and contribute to REPowerEU objectives.

- The Presidency <u>oversaw</u> the publication of the first European Climate Risk Assessment (EUCRA) report by the European Environment Agency and led by example by inaugurating the Belgian Centre for Climate and Environmental Risk Assessment (CERAC), the first in the EU.
- Despite a disappointing final outcome on the CRCF Regulation, which falls short of being the enabling finance and climate instrument it should be, the Presidency provided commendable coordination and led the negotiations with ambition.
- The agreement reached on the reform of **fiscal rules** is weak and will not allow for proper implementation of the Fit for 55 measures.
- The Council did not manage to push the Commission to put forward the EU heat pump action plan, nor advocated for a prompt adoption of Ecodesign and Energy Labelling on heating technologies.
- The revised Electricity Market Design rules include provisions that extend support for old, polluting coalfired power plants, ignoring emission standards and failing to ensure future compliance.

Overall: The Belgian Presidency showed great dedication to the climate and energy files and worked hard to promote the Fit For 55 agenda, though the promotion of nuclear risks slowing down investments today on nature and people-positive renewables as well as on energy and material efficiency. The lack of a coherent energy taxation policy will still allow fossil fuels to unfairly compete with renewables, thus making the transition much slower in many sectors, such as fisheries, agriculture or heating. It must be recognised, though, that the lack of agreement on this final piece of legislation is not due to a lack of effort by the Presidency, but the more general hurdle of unanimity in the Council vote.



# 3 Reverse the dramatic loss of biodiversity on land, in freshwater and in oceans

### The verdict

on effort

on outcome

The third Test called on the Belgian Presidency to finalise the adoption of the Nature Restoration Law and advance Council deliberations on the Soil and Forest Monitoring Laws; support the review and implementation of the EU Biodiversity Strategy; reject the European Commission proposal to lower the protection status of the wolf under the Bern Convention; and demonstrate action to reverse the increasing degradation of marine and coastal ecosystems.

### Key developments

- The European Parliament adopted the negotiated deal
   on the Nature Restoration Law (NRL) on 27 February, following the invitation from the Council to finalise the first reading agreement. Unfortunately, due to the last-minute withdrawal of support from Hungary, the Council failed to honour its promise to confirm the negotiated deal at the Environment Council in March, undermining Council's credibility as a responsible co-legislator. Fortunately, mainly due to a responsible decision of the
   Austrian Environment Minister, the NRL was finally adopted by the Council at the meeting of the Environment Ministers on 17 June.
- The Presidency held regular working party meetings on the Soil Monitoring Law (SML) and succeeded in leading the Council to reach the General Approach on the Soil Monitoring Law at the Environment Council on 17 June;
- The Presidency held a debate on the **Forest Monitoring Law (FML)** at the AGRIFISH Council on 24 January and set up a joint Working Party on forest monitoring that continued deliberations on the FML.

- The Presidency gave prominence to the important topic of **resilience and climate risks** including at the informal meeting of the Environment Ministers on 15-16 January, and at the conference on 8 and 9 February in Liege, culminating in specific Council recommendation for climate resilience to be a priority under the next legislature, adopted at the Environment Council on 17 June.
- The Presidency organised the negotiations on the Council position on the **EC proposal to lower the protection status of the wolves** in the competent Council formation but was not able to secure the rejection of the unscientific and politically motivated proposal.
- The Council Conclusions on 8th EAP adopted on 17 June include **key recommendations on biodiversity in the next legislature**. The Presidency organised back-to-back meetings of the EU Forest and Nature Directors in May focusing on **implementation of the EU Biodiversity Strategy**. The meetings allowed participation of the stakeholders and NGOs.

### Good

- The Presidency made significant and additional efforts to negotiate with all Member States on the NRL enabling, its adoption, benefitting from a change in the Austrian position the day before the Council meeting. This was a major success for biodiversity and for the EGD overall.
- The Presidency succeeded in reaching the General Approach on the **SML** albeit an insufficiently ambitious one.
- The Presidency acted as the honest broker in negotiating the Council's position in relation to **proposed**

### Poor

- On several occasions, Prime Minister de Croo did not
   defend the priorities of the Presidency in relation to the
   NRL or wolf protection status and even made personal
   statements that were counterproductive to the efforts of
   the Presidency. Unfortunately, Presidency itself
   abstained in the crucial votes on the NRL.
- The General Approach on the SML negotiated by the Presidency missed a crucial opportunity to raise the ambition of the law and develop a legal tool capable of bringing degraded soils back to health by 2050.

downlisting of the protection status of the wolves and resisted pressure from both European Commission President and Agriculture Ministers to adopt the unscientific and politically motivated EC initiative without due decision-making process.

- **Council Conclusions on 8<sup>th</sup> EAP** negotiated by the Presidency included several recommendations for the direction of the EU biodiversity and climate resilience policies.
- The Presidency made progress on the Forest Monitoring Law, however, the involvement of the environment authorities in the ad-hoc group on the FML needs to be increased.
- Under the Belgian Presidency, the Council requested Parliament to deliberate on an "urgent procedure" a **revision of the Multiannual Plan for Fisheries Management**, before the end of the consultation period and with an extremely short time given for Parliament scrutiny.

Overall: The Belgian Presidency is to be congratulated on advancing and concluding Council negotiations on several important files such as the Soil Monitoring Law, and especially on securing Council's endorsement of the negotiated deal on the Nature Restoration Law. This has allowed Council to maintain its credibility as a responsible co-legislator as well as ensure that the EU can meet its biodiversity commitments at home and globally. Unfortunately, the Presidency itself abstained in the crucial NRL vote and has not succeeded in securing the Council's rejection of the unscientific and politically motivated EC initiative to downgrade the protection status of the wolves, thus the ranking for the Presidency is good on effort, mixed on outcome.

# **4** Drive a transition towards sustainable food and agriculture

### The verdict

on effort

on outcome

<u>This Test</u> called on the Belgian Presidency to urge the Commission to deliver the remaining legislative proposals announced in the Farm to Fork Strategy; lead and finalise trilogue negotiations on the Sustainable Use of Pesticides Regulation (SUR); call on the Commission to ensure that the Strategic Dialogue on the future of Agriculture is inclusive, transparent and meaningful; and to lead by example by pursuing a close dialogue with environmental stakeholders.

### Key developments

- The Council waved through a drastic reform of the
   Common Agriculture Policy (CAP), removing core conditionality requirements through the urgency procedure without an impact assessment, a proper public consultation or a debate in the Parliament.
- The Commission has failed to deliver on the promised legislative proposals of the Farm to Fork Strategy, including the Sustainable Food Systems Law and the revision of Animal Welfare Legislation.

### Good

• The Presidency organised two high-level conferences on the future of food and farming, which provided a

### Poor

- The Belgian Presidency did not stop the instrumentalisation of farmers' protests to push through the removal of environmental strings of one third of the EU budget under the CAP. Those safeguards were negotiated over years and were dismantled in a matter of weeks, fundamentally undermining the democratic decision-making process, failing to address farmers' actual concerns and putting the urgent transition towards sustainable agriculture and food systems further out of reach.
- The Presidency did not put the necessary pressure on the Commission to adopt the promised legislation under the Farm to Fork Strategy, including the Sustainable Food Systems Law and the revision of Animal Welfare Legislation.

- The Commission launched a **Strategic Dialogue on the future of EU agriculture**, bringing 29 key stakeholders together to overcome the polarisation of the political debate on agriculture and food.
- The Sustainable Use of Pesticides Regulation, after rejection from the European Parliament, has been withdrawn.

meaningful space for exchange on the future of the EU agri-food system between key stakeholders.

- Similarly, the Presidency did not put enough pressure on the European Commission to keep the **Sustainable Use of Pesticides Regulation** on the table.
- The Belgian Presidency did not lead by example by offering equal treatment to environmental and industrial farming representatives, continuing instead to give priority access to intensive agricultural lobbyists.
- The same applied for the consideration of different farmer and stakeholder voices beyond intensive industrial farm representatives on the CAP reform, which effectively resulted in the revocation of all environmental conditionality from the policy.

Overall: The Belgian Presidency started its term stating a clear focus on the transition to more sustainable agri-food systems was needed. However, save for two high-level conferences and a few declarations, it failed to adhere to a systemic perspective on policy making related to agriculture and food, lending its support to limited techno-fixes and powerful agro-industry actors with vested interests in maintaining the status quo. Although the Presidency did engage in various activities and public communications giving visibility to the need for a systemic transition to sustainable agrifood systems across the EU, in concrete policy terms the Presidency was unable or unwilling to act as a driving force for concrete policy advancement towards the transition and did not manage to stop dangerous rollback. The verdict is therefore mixed on effort and poor on outcome.

# **5** Tackle pressures on surface and groundwater and ensure clean water for all

### The verdict

on effort

on outcome

<u>This Test</u> called upon the Presidency to prioritise Council negotiations on the Commission's proposal to update the list of water pollutants of surface and groundwater; finalise the Council negotiations on the recast of the Urban Wastewater Treatment Directive; support the European Commission in the delivery of the EU Water Resilience Initiative.

### Key developments

- The Presidency advanced the negotiations on the Council's position on updated lists of priority water pollutants and EU ambassadors adopted the Council mandate on 19 June. Unfortunately, the previous delays in the Council mean that the EU missed the legal deadline to update priority water pollutant every 6 years.
- A trilogue deal was reached in January on the recast of the Urban Wastewater Treatment Directive (UWWTD). It was formally adopted by the Parliament on 10 April and is awaiting formal endorsement by the Council.
- The Commission postponed the publication of its promised flagship initiative for Water Resilience and shelved the Integrated Nutrient Management Action

#### **Plan**, mainly due to farmers protests. The Presidency did raise the important topic of climate and water resilience at the informal meeting of the Environment Ministers on 15-16 January, as well as at the Conference on Water Resilience on 12 March in Leuven, and the **Council Conclusions on 8<sup>th</sup> EAP** adopted on 17 June made several recommendations for the EU to prioritise climate and water resilience in the next legislature. The European Commission has initiated the fitness check evaluation of the **Nitrates Directive.** However, without waiting for the outcome of the fitness check, it introduced exemptions from the current limit for manure application under the Directive to allow the use of certain RENURE products, further risking achievement of good water status in EU's waters by 2027.

### Good

- The Presidency organised several meetings of the Council's Working Party for the Environment on the Commission's proposal for **updated lists of water pollutants**, ensuring progress on the file. However, the Council's negotiated position has substantially weakened the Commission's proposal, for example by weakening groundwater protection, and it even went beyond the limited character of the revision (see below).
- The Presidency secured the trilogue agreement of the negotiated **UWWTD**, paving the way for the Directive to enter into force.

### Poor

- The Council position on the revised UWWTD has weakened several standards proposed by the EU and extended deadlines.
- The delayed Council's mandate on the update of priority water pollutants has substantially weakened the Commission's proposal by pushing compliance date for new water pollutants to 2039 and by weakening groundwater protection. The Presidency overstepped the limited character of the revision and took onboard suggestions to weaken key principles of the Water Framework Directive. This falls outside of the scope of

- The Presidency stressed the need for EU to become more water resilient at the Conference on Water Resilience on 12 March in Leuven, as well as in the Council Conclusions on 8<sup>th</sup> EAP.
- Wallonia is to be congratulated on leading by example by issuing a **guideline to regulate PFAS in drinking water** (following the recommendations from the European Food Safety Authority on maximum intake of PFAS via food and drinks.

the ongoing update, that should be limited to adapting environmental quality standards following scientific advances and also goes against the outcome of the WFD fitness check evaluation, which concluded that the WFD was fit for purpose.

The Presidency made no effort to push the Commission to deliver on the promised zero pollution commitments such as **INMAP** nor intervened to stop the dismantling of the environmental safeguards, such as proposed **exemptions from the Nitrates Directive for manure.** 

Overall, despite some efforts to advance the Council negotiations on water files such as revised UWWTD or updated standards of the priority water pollutants, the Belgian Presidency proactively pushed to expand the limited character of the update and took onboard suggestions to amend key principles of the WFD. Additionally, despite PFAS water pollution scandals in both Flanders and Wallonia, the Council weakened the provisions to address the emerging and huge societal costs linked to water pollution, including from PFAS. Thus, the ranking is mixed on effort, and poor on outcome.

# 6 Ensure clean air towards zero environmental and health impacts

### The verdict

🥑 on effort

on outcome

<u>The sixth Test</u> called on the Presidency to secure air quality as a key priority for the semester, secure the Council's support for the new Ambient Air Quality Directive and make any possible effort to deliver a final agreement within the Presidency's mandate. In addition, the Test asked to the Belgian Presidency to prioritise the inclusion of some key elements in the updated legal instrument, such as access to justice, compensation, clear monitoring rules and a solid recognition of the role of the available scientific evidence. The Test also called on the Belgian Presidency to engage in the process of revision of the Gothenburg Protocol and to support a timely implementation of the existing National Emission Ceilings Directive.

### Key developments

- The Presidency has secured, within its mandate, the 

   definition of a final agreement for the updated Ambient
   Air Quality Directive (AAQD).
- The process of review of the National Emission Ceilings
   Directive has started.

### Good

- The Presidency has privileged working on the finalisation of the co-decision process aiming at defining the new Ambient Air Quality Directive within the Presidency mandate. The necessary discussion time was secured.
- The final agreement for a new Ambient Air Quality Directive includes some of the civil society's demands, such as monitoring requirements for still uncovered

### Poor

- Despite the efforts of the Belgian Presidency, some Member States were determined to dilute the European Commission's proposal for a new **AAQD**. They have unfortunately managed to secure the inclusion of unacceptable flexibility rules: in particular, the possibility to postpone the deadline to comply with the new air quality standards for a further 10 years, from 2030 to 2040. The conditions under which such flexibility can be demanded have also been made less stringent.
- The level of ambition of the new air quality standards, to be achieved by 2030, do not reflect the latest World Health Organisation Global Air Quality Guidelines. Scientific evidence has therefore not been fully considered.
- A regular review mechanism is included in the new legislative text, but unfortunately the first review is going to happen in 2030 instead of 2028, as was initially proposed by the European Commission.

- The process of revision of the UNECE Gothenburg Protocol, to the Long-Range Transboundary Air Pollution Convention has started.
- The European Commission has put forward the proposal for a new **Common Agricultural Policy**, which had been agreed in few weeks.

pollutants, clearer rules on monitoring networks, air quality plans and potential measures to be considered.

- Discussion time was also dedicated to identifying Member States positions regarding the ongoing revision of the **Gothenburg Protocol**.
- Efforts were made to keep the provisions related to the right to compensation, unfortunately its capacity to deliver will very much depend on the will of Member States; with transposition playing a fundamental role for this and other key provisions (some Member States having been barely opposed to a more detailed text).
- No air quality standards had been agreed for pollutants that are mainly generated by the agricultural sector. No specific agricultural measures had been included, and therefore suggested, in Annex VIII – the Annex offering support to the competent administrative authorities responsible for to preparing air quality plans.
- No open debate had been held regarding the positioning of the European Union and its Member States within the process of revision of the Gothenburg Protocol to the UNECE Long-Range Transboundary Air Pollution Convention.

Overall: The Belgian Presidency has secured enough discussion time in the Council agenda to allow for the final AAQD agreement to be defined within its mandate. Efforts were made to keep and safeguard some important elements of the text. Unfortunately, due to some key Member States attitude and low ambition, the text does not reflect the available scientific evidence and the urgency to act to cut air pollution is diluted through the allowed flexibility (postponement). EEB has appreciated working under the Belgian Presidency when it comes to air quality. The verdict is therefore good on effort but mixed on outcome.

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

### The verdict



on outcome

<u>The seventh Test</u> urged the Presidency to: develop strong general approach to 'One Substance, One Assessment' (OSOA); organise a high-level event on the EU Chemicals Strategy for Sustainability (CSS); call for a ban on the export of non-authorised hazardous chemicals; and demonstrate leadership on PFAS. On mercury, the test called upon the Presidency to ensure EU leadership in strengthening implementation and enforcement of the Minamata Convention on Mercury; ensure that a wide scope, and robust revised EU Mercury Regulation is adopted; and to promote a strong legal framework that holds e-platforms that sell illegal and dangerous chemicals, and products containing them, accountable.

### Key developments

- In December 2023, the Commission introduced three legislative proposals under the **OSOA** framework. These proposals are being scrutinised by the European Parliament and the Council. A negotiating mandate has been adopted by COREPER on 14 June.
- In March 2024, the European Parliament and Council reached a provisional agreement on the Packaging and Packaging Waste Regulation (PPWR). The European Parliament has adopted its position at first reading on 24 April, while formal approval by the Council remains pending.
- The revision of the **Toys Directive** was launched in July 2023 by the Commission. In March 2024, the European Parliament supported this proposal and introduced group restrictions on PFAS and bisphenols. On 15 May, the Council adopted its position (negotiating mandate). Negotiations will start as soon as the newly installed Parliament adopts its position.
- In February 2024, the Commission released a draft proposal to ban bisphenol A (BPA) in plastic food

### Good

- The Presidency quickly advanced on the **OSOA package** file and reached an ambitious provisional agreement on **PPWD**, which not only restricts endocrine disruptors, but also plans for a PFAS ban.
- Under the auspices of the Belgian Presidency, Council conclusions were adopted by the Ministers on 17 June, in which the Member States stressed the importance of implementing the Chemicals Strategy and called for a review of the REACH Regulation, while reiterating the importance of taking action on PFAS.

### Poor

 On 20 February, the Belgian Prime Minister Alexander De Croo, representing the nation's Presidency of the EU Council, hosted an industry summit in collaboration with the chemical industry in Antwerp. Taking place in one of the most polluted regions in the world, in the house of BASF, an international chemical giant and a major contact materials and others, including varnishes, coatings, printing inks and adhesives, planning to adopt this in the first quarter of 2024.

- Negotiations on the Green Claims Directive ended with the adoption of a general approach by the Council on 17 June. It includes a revision clause to introduce a ban on explicit environmental claims or environmental labels for products containing the most hazardous substances.
- The revised **EU Mercury regulation was** adopted on 30th May 2024. The revision included provisions relevant to the decisions taken at the fifth Conference of the Parties (COP5) of the Minamata Convention (November 2023).
- The EU was not able to advance on the revision of the Cosmetic Products legislation due to the delayed proposal by the Commission, still unpublished at this stage and originally planned for Q4 of 2022.
- The Belgian Presidency hosted an important **event on the CSS implementation**, that included critical discussions on the REACH revision, the exports ban, the polluter pays principle.
- The Presidency also **addressed PFAS pollution problem** by organising and hosting three events on the topic.
- The Belgian Presidency was responsive and open to consultations with the NGOs, in view of the revision on the **EU Mercury Regulation**. It also committed to finalising the revision process before the end of the legislature and successfully did so.

contributor to global pollution, this closed-door event put polluters' profits over public health and the environment and disregards the welfare of citizens.

The Council's general approach on Toys dismissed the group restrictions on PFAS and bisphenols introduced by the Parliament.

 Under the discussions on the EU Mercury Regulation, the Council did not succeed in agreeing on the earlier dates proposed for implementation, which will result in delayed implementation of several months or years. Sectoral legislations have so far failed to effectively address the lack of liability of online platforms.

Overall: The Belgian Presidency made significant progress on chemicals by concluding negotiations on the 'One Substance, One Assessment' package, agreeing on the Packaging and Packaging Waste Directive, and hosting key events on the EU Chemicals Strategy and PFAS pollution. However, it faced criticism for hosting a controversial industry summit in Antwerp, and for the Council's failure to adopt group restrictions in toy safety legislation. While the Presidency succeeded in completing the mercury file within this legislature, no evident effort was made to ensure earlier implementation dates. Overall, efforts were commendable, but the outcome was mixed.

### 8 Shift towards a zero-pollution industry

### The verdict

on effort

on outcome

<u>This Test</u> called upon the Belgian Presidency to commit to production and generate transformative change towards a zero pollution industry; to finalise the review of the Directive on Integrated Pollution Prevention and Control – revised Industrial Emissions Directive (IED 3.0), the Regulation establishing the Industrial Pollution Prevention Portal (IEP-R), the negotiations on the Net-Zero Industry Act (NZIA) and to lead discussions in the Council on a Proposal on Prevention Plastic Pellet Losses to reduce Microplastic Pollution.

### Key developments

- European Parliament adopted the provisional agreement
   on the IED 3.0 and the IEP-R on 12 March 2024. A lastminute attempt by the intensive rearing of pigs and poultry industry (COPA-COGECA) to further weaken regulatory backtracking on intensive livestock rearing and likely torpedo the political compromise <u>luckily failed</u> <u>because of 13 votes</u>. Council endorsed the political compromise on the IED 3.0 and the IEP-R on 12 April 2024. For the IED 3.0 Only Italy voted against, Austria, Bulgaria and Romania abstained (equals to rejection). The IEP-R was supported unanimously.
- The IEP-R -Regulation (EU) 2024/1244- was published in the OJEU on 2 May 2024, publication of the IED 3.0 is expected in June/July 2024.
- A provisional deal was reached on the NZIA on 6 February 2024 and came into force on 29 June 2024.

### Good

- Although the main work was carried out by the previous Presidencies (Czechia and Spain), the Belgian Presidency managed to prevent last-minute attempts by certain Member States governments to torpedo the passing of the IED 3.0, due to national interests and other political considerations e.g. livestock rearing industries upset with not gaining further regulatory backtracking beyond all the weakening achieved so far. *Regarding the substance* of the IED 3.0 and the IEP-R, the Belgian Presidency did not change what was agreed under the Spanish Presidency.
- The Presidency organised a high-level conference on PFAS pollution, stimulating political attention and focus

#### Poor

- The Presidency did not change the contents of the IED
   **3.0** and the IEP-R, as this was agreed under the Spanish Presidency. While the Presidency had no real margin of manoeuvre to change a deal between the EU institutions, the overall outcome on these two files is disappointing, as we expressed under our Spanish Presidency assessment.
- The NZIA lacks strategic prioritisation and stretches public support across an extensive list of technologies, including expensive and not readily deployable ones such as nuclear energy and carbon capture use and storage. Scarce public funds and permitting capacity will hence be stretched further and will not be used in priority

Regarding the **Proposal on prevention on Plastic Pellet Losses and Microplastics (Micro-Plastics Proposal)** there were high hopes to see the proposal progress swiftly at the technical level in Council, mainly due to rather supportive stance by the European Parliament (ENVI on 19 March, plenary on 23 April). However, probably due to other key files processed in parallel, the Micro-Plastics Proposal was completely overlooked as a priority topic to reach positioning ahead of the EU elections. Two Council meetings took place so far and a third one is planned for end of May 2024, the file remains in the very early stages of discussion.

on how to depollute the environment and protect human health from these eternity pollutants.

- The **NZIA** recognises the need to accelerate the manufacturing and deployment of renewables and storage solutions, as well as hydrogen production, through electrolysis route and transformative industrial technologies for decarbonisation.
- On the Micro-Plastics Proposal, a number of Member States incl. Denmark, France, Lithuania, Luxembourg, the Netherlands, Slovakia, Slovenia, Spain and Sweden expressed clear support for scope extension to maritime transport and ambition on the proposed measures.

to readily viable and more cost-effective options such as energy efficiency, electrification of industrial processes, heat pumps, batteries, grids and renewable hydrogen production. Similarly, as with the CRMA, **shorter permitting procedures and reduced public participation** may raise conflicts at local community level and pressure national public authorities to rush permit decisions at the expense of qualitative and robust decision-making processes.

 On the Micro-Plastics Proposal, a number of Member States use the ongoing discussions at IMO level for (voluntary) measures as an excuse for inaction at EU level. Overall: The Belgian Presidency managed to keep any attempts at political interference watertight on both the IED and the IEP-R, which were adopted by the Council on 12 April 2024. Regarding the Micro-Plastics Proposal, the file did not progress as it should have. Overall, our assessment of the Presidency is good on effort and mixed on outcome.

### 9 Grasp the full potential of the circular economy

### The verdict





In <u>this Test</u> we called upon the Belgian Presidency to adopt Council conclusions demanding the Commission to propose sciencebased binding EU targets for the reduction of primary raw materials consumption and related environmental impacts; finalise the trilogues on common rules promoting the repair of goods and on the Packaging and Packaging Waste Regulation; define ambitious Council general approaches on the Regulation on Circularity Requirements for Vehicles, on the Green Claims Directive as well as on the revision of the Waste Framework Directive for food and textiles. Finally, when defining the Council position on the Critical Raw Materials Act, we called for the inclusion of demand-side solutions, ensuring the effective involvement of affected communities and that existing environmental impact assessments and requirements are upheld in strategic projects.

### Key developments

- The Presidency made major progress on the targeted revision of the **Waste Framework Directive** and reached a general approach in the last ENVI Council in June.
- The Presidency failed to reach a general approach or Council position on the proposed **Regulation on Circularity Requirements for Vehicle Design and on Management of End-of-Life Vehicles**.
- The Presidency and the European Parliament's representatives reached a provisional political agreement on the Packaging and Packaging Waste Regulation (PPWR) on 4 March. On 15 March the provisional agreement was endorsed by the Member States' representatives in COREPER.
- The Presidency managed to reach a general approach on the Green Claims Directive.

#### Good

- The Presidency made considerable efforts in initiating
   the move towards effective resource management by suggesting the introduction of EU targets to reduce material and consumption footprints in line with planetary boundaries. This was reflected in the Council conclusions on the 8th Environment Action Programme which also underline that policy action to reduce EU material footprint is a key priority for post-2024.
- The Presidency was instrumental in ensuring that the negotiations on the Packaging & Packaging Waste Regulation could be finalised before the European elections. Considerable efforts were made to swiftly advance the trilogues and to reach an agreement on a text which, overall, maintains the focus on waste prevention and reuse despite loud opposition from vested interests and aggressive lobbying from throwaway industry, which resulted in a number of regrettable loopholes and exemptions.

### Poor

 While the Presidency has made considerable efforts to reach a General Approach on the targeted revision of the WFD and paved the way for a broader reform beyond its Presidency, the position agreed by the Council falls short of the necessary, maintaining ambition on ecomodulation, repair, and the inclusion of online marketplaces for textiles, but not ensuring an increased

- On the **Critical Raw Materials Act**, measures to address raw materials consumption were included in the Act in December as being of importance but were not defined in more detail and no binding targets were included. On the diversification of supply chains and Strategic Partnerships, Belgium did play a role in bringing stakeholders together to identify obstacles and to progress discussions such as on value addition measures.
- The trilogue negotiations on the **Right to Repair Directive** were concluded under the Belgian Presidency with a provisional political agreement.

The Presidency endeavoured to shape the future agenda of the post elections EU Institutions notably towards a reinforced Circular Economy.

- The Presidency has made considerable efforts to reach a General Approach on a targeted revision of the **Waste Framework Directive** and pave the way for a broader reform beyond its Presidency. On **textiles**, the Presidency maintained ambition on eco-modulation, repair, and the inclusion of online marketplaces.
- The Presidency has successfully concluded the trilogue negotiations on the **Right to Repair Directive**, which takes important steps towards improving the accessibility of repair and affordability of spare parts, as well as addressing anti-repair practices.
- The Presidency gave a lot of visibility to Circular Economy and resource use reduction through high-level events on Circular Economy and co-organised events such as with UN Environment on sustainable and circular textiles.

ambition concerning food waste reduction targets, missing the last chance to progress this specific dimension of sustainable food systems under the current mandate.

The Presidency did put a lot of effort into reaching a general approach on the **Green Claims Directive**. Unfortunately, the position opens the door to a short-

track verification procedure without independent oversight for certain claims, allows climate related claims based on offsetting, and softens the list of penalties in case of non-compliance.

• Despite the Presidency efforts, the original **PPWR** proposal to tackle the packaging waste crisis, was

watered down by a series of derogations introduced under the pressure of throwaway lobbies which risk undermining the regulation effectiveness (unjustified exemptions for single-use paper-based packaging & exclusion of cardboard from reuse targets for transport).

Overall: The Belgian Presidency prioritised and advanced work on circular economy initiatives, including on the Green Claims and Waste Framework Directives. It also managed to finalise important files, notably concluding the negotiations on the new UE rules to tackle packaging waste and on the Right to Repair initiative. The Belgian Presidency is also to be congratulated for advancing the proposal of a legislative framework on sustainable resource use (including material footprint targets) as a priority or the post-2024 period as part of the Council conclusions on the 8EAP. Despite some missed opportunities in terms of ambition, the assessment is therefore positive in terms of efforts and, overall, also good in terms of outcomes.

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

### The verdict



on outcome

Our <u>final Test</u> called upon the Presidency to work towards full compliance by the EU with the Aarhus Convention; to ensure the inclusion of several access to justice provisions in a host of environmental files; to support the Commission towards ambitious proposals for a revised Environmental Liability Directive and a revised Governance Regulation; proactively lead the Council through the bumpy trilogues on the Corporate Sustainable Due Diligence Directive; and to promote civil society voices and meaningful participation throughout the decision-making processes of the EU.

### Key developments

- The **Corporate Sustainability Due Diligence Directive** was finally approved by the Council on 24 May.
- An agreement was reached on the **Ambient Air Quality Directive** and the **Urban WasteWater Treatment Directive**.
- The Council adopted the **Anti-SLAPP Directive** on protection of journalists and human rights defenders

### Good

- Overall, the Presidency emphasised accountability and

   justice throughout its work, having made "defending rule of law, democracy, and unity" a top priority and by displaying a vast understanding and strong commitment to these terms beyond the often-seen empty rhetoric.
- The Presidency led the trilogues on the Urban Waste Water Treatment Directive towards an agreement on access to justice which is limited in scope but contains most necessary relevant procedural elements.
- The Presidency led the trilogues on the **Ambient Air Quality Directive** towards an agreement on access to justice which is focused on the planning obligations within the Directive.

### Poor

- Despite the creative efforts of the Belgian Presidency to circumvent the impasse on the **Corporate Sustainability Due Diligence Directive**, the final text falls short of major <u>civil society demands</u> or even the original Commission proposal on both scope and protected rights.
- The Presidency did not push the Commission towards compliance of its two ongoing non-compliance issues

from manifestly unfounded or abusive court proceedings on 19 March.

- The **Aarhus Convention** Compliance Committee negatively reviewed the European Commission's compliance progress reviews on 19 February concerning access to justice and on 10 June concerning public participation.
- The Presidency oversaw the final approval of the **Anti-SLAPP Directive** by staying on track of the agreement reached.
- The Presidency actively facilitated the exchange between civil society and the **Working Party on International Environmental Issues** in 2024 thereby honouring a tradition and displaying openness to civil society.
- Even after the trilogue negotiations were concluded, the Presidency persevered on the **Corporate Sustainability Due Diligence Directive** and proposed compromises so that some disruptive Member States in the Council could agree to a final text.

(MOP decision VII/8f, and MOP request ACCC/M/2021/4) under the Aarhus Convention, which will make compliance in time for the 8<sup>th</sup> Meeting of the Parties of the Aarhus Convention in 2025 unlikely.

During the Belgian Presidency's leadership, the Council did not support access to justice provisions in the **Packaging and Packaging Waste Directive**.

Overall: The Belgian Presidency clearly understood and prioritised justice and accountability issues and delivered on major historic files. The Presidency also did its best to engage in dialogue and be open with civil society on most topics. While the final results are tainted by the disappointment on the **Corporate Sustainability Due Diligence Directive** and the Presidency's inability to encourage the Commission towards reliable action on compliance with the **Aarhus Convention**, a fair assessment must be made that without the Belgian efforts, things could have been much worse. The verdict is therefore good on effort and outcome.

### Abbreviations

8EAP	8th Environmental Action Programme	
AAQD	Ambient Air Quality Directives	
CAP	Common Agricultural Policy	
CERAC	Climate and Environmental Risk Assessment Centre	
COREPER	Committee of the Permanent Representatives of the Governments of the Member	
	States to the European Union	
CSS	Chemicals Strategy for Sustainability	
CRCF	Carbon Removal Certification Framework	
EAP	Environmental Action Programme	
EC	European Commission	
EEB	European Environmental Bureau	
EESC	European Economic and Social Committee	
EGD	European Green Deal	
EGD2	European Green Deal 2.0	
EMD	Electricity Market Design	
EPBD	Energy Performance of Buildings Directive	
EUCRA	European Climate Risk Assessment	
FML	Forest Monitoring Law	
IED	Industrial Emissions Directive	
IEP-R	Industrial Emissions Portal	
INMAP	Integrated Nutrient Management Action Plan	
NGOs	Non-Governmental Organisations	
NRL	Nature Restoration Law	
NZIA	Net-Zero Industry Act	
OSOA	One Substance, One Assessment	
PFAS	Per- and polyfluoroalkyl substances	
PPWR	Packaging and Packaging Waste Regulation	
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals	
RED	Renewable Energy Directive	
RENURE	REcovered Nitrogen from manURE	
SGP	Stability and Growth Pact	
SML	Soil Monitoring Law	
SLAPP	Strategic Lawsuits Against Public Participation	
SUR	Sustainable Use Regulation (Pesticides)	
UNECE	United Nations Economic Commission for Europe	
UWWTD	Urban Waste Water Treatment Directive	
WFD	Water Framework Directive	



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The EEB and its members welcome continued engagement and cooperation with the Presidencies of the Council of the European Union.

We develop a paper before each Presidency. The Memorandum addressed to the Belgian Presidency can be read <u>here</u>.

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