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# THE EEB'S MEMORANDUM

## TO THE **POLISH PRESIDENCY OF THE EU**

## 10 GREEN TESTS FROM CIVIL SOCIETY

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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

The Polish Presidency of the Council of the European Union that takes over from the Hungarian Presidency on 1 January 2025 will be the first Council Presidency with the new European Parliament and European Commission fully in place. It faces a backlog of important European Green Deal files still to finalise. Expectations are high for this crucial Council Presidency, coming in at a very different geopolitical context compared to 2011, the first time Poland had the responsibility of holding the Council Presidency after joining the EU in 2004. Poland will also be the first in the PL-DK-CY Presidency Trio running from 1 January 2025 to the end of June 2026. It therefore has a responsibility to set the tone for the Trio.

The Polish Council Presidency will look at the existing files - the Waste Framework Directive (WFD), Soil Monitoring Law (SML), Green Claims Directive, Priority Substances Directive, regulation on preventing losses of plastic pellets, End of Life Vehicles (EoLV), One Substance One Assessment (OSOA) package (chemicals) - as well as those from the new Commission work programme, including the Clean Industrial Deal expected on the 26th of February, the European Climate Law Revision, the vision on the future of agriculture, circular economy files, water resilience strategy, climate adaptation and climate risk. We welcome the Presidency team's commitment to advance on these files and issues, important opportunities to future-proof the EU.

We also welcome Poland's commitment to engage in disinformation, in particular around climate and environmental action, at the informal meeting of environment ministers in April 2025 in Warsaw. This is a key concern for most environmental files, and for society more widely as disinformation undermines social cohesion and fair democratic processes with associated risks to the EU and its Member States. Disinformation is far beyond what the Green Claims Directive, also on the Polish Council agenda, can address. Similarly, we welcome the proposed informal discussions on the MFF as financing to help implement the EGD – this is essential to ensure the whole of society benefits from investments and the transition.

The Polish Council Presidency will also inevitably be affected by the transatlantic developments and the US elections. It is essential that the model of climate denial, expanded fossil fuel extraction, deregulation and stepping out of international multilateral agreements is not only resisted in the EU, but that the EU actively steps up its leadership for decarbonisation, depollution and the protection of biodiversity and natural resources through a Just Transition. The Polish Presidency's Council role, complemented by innovative measures back home in Poland will be of utmost importance in giving a direction to Europe. Clearly, the EU needs to be a recognised champion of sustainability, competitive in progress and leading the race to the top.

Of course, the other geopolitical context is that of the Russian war against Ukraine and the risk of war with EU Member States. It is doubly essential to step away from fossil fuels as soon as possible to reduce the level of income available to fund Russian aggression and to increase European resilience, strategic autonomy and independence. There have also been increasing attacks on civil society, civic space and citizen's rights across many parts of the EU over the last few years. We welcome Poland's commitment to ensuring those fundamental freedoms that are so important for a resilient and healthy democracy, and for the Presidency's own openness, noted in her Political Guidelines, towards a dialogue with civil society and environmental citizens groups.

Each Council Presidency has the responsibility of being a "neutral broker" facilitating progress by listening to and balancing the positions of the 27 Member States considering the challenges and opportunities the EU faces. It needs to broker progress on the files and international negotiations while it has the freedom to raise topics considered of strategic importance by the Presidencies. Presidencies should also lead by example by showcasing ambitious national-level initiatives and good practices in implementing EU legislation on environment and climate.

The EEB, building on consultation with its over 190 members and wider civil society partnerships, has developed these Ten Green Tests for the Polish Presidency whose engagement, commitment and leadership can make a lasting and fundamental difference. These have been approved by the EEB Board and Council with representatives from all EU Member States and many European networks. The Ten Green Tests include policy dossiers coming from the EGD and wider EU policy and legal frameworks, the international dimension, and where Poland could "lead by example" and inspire other countries. We propose the following Ten Green Tests that present a civil society vision as to what would constitute success by the Polish Presidency of the EU in the context of the challenges the planet and society face.

We look forward to working with the Polish Presidency directly and via our members to support a successful Presidency that can help the EU advance in the transition to living within the limits of our one planet – and ideally embrace a green and social deal for a one-planet economy as a core priority of the next legislative cycle. This will help build a more resilient EU. The Presidency relies upon the cooperation of the entire Council, and we therefore also call upon all Member States to take the Ten Tests as benchmarks for their Council engagement to make the most of the next six months.

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

# Ten Green Tests for the Polish Presidency


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The above Ten Green Tests for the Polish Council of the EU Presidency reflects our understanding that politics is the art of the possible. However, if we do too little now to avoid climate, biodiversity and pollution crises, then the challenges in 2030, 2040 and 2050 will be impossible for society to deal with. The impossibility of living well in the future with unabated crises should make policy makers reconsider what is possible to negotiate today and up the level of ambition in policy formulation and subsequent negotiations. It is in this context that we have designed the Ten Green Tests. They may seem ambitious, but they are fundamentally necessary for the future we need, and that young people deserve to inherit. Progress on these areas will also support the commitment to competitiveness for sustainability, strategic autonomy and resilience, and of course, health.

# 1 Implement and advance the European Green Deal – to become a full green and social deal for a one-planet economy

**The ongoing climate, biodiversity and pollution crises, Russia's fossil fuel funded invasion of Ukraine, the ever-starker evidence of poverty and inequalities in Europe and impacts of EU consumption and actions abroad have exposed the deep flaws and dependencies in our energy, economic and governance systems.** The power of corporate lobbies, the prioritisation of profit-making in the short term and political ideologies against environmental and social protections have manifested themselves increasingly in 2023 and 2024. The EGD, in helping push for fossil fuel and resource independence, for savings and efficiency, must be the driver to social and economic resilience. The EGD, including new files expected to emerge under the new Commission mandate, if sufficiently transformative, will constitute a peace project and a visionary investment in future Member State and EU resilience, stability and economic prosperity. It should be promoted and progressed and not undermined by erroneously heeding false arguments.

Furthermore, the increase of **energy prices and inflation levels have brought into stark focus the level of poverty and inequalities in Europe** – energy poverty in particular, but also mobility poverty and the lack of affordable housing and general difficulties in making ends meet. Poverty often goes hand in hand with environmental inequalities where disadvantaged communities are, for instance, more exposed to environmental health threats. This underlines the need for greater social, environmental and economic justice and improved fair governance where short-term private interests do not trump the need to ensure wellbeing for all in Europe and beyond.

At the same time, **the facts underline that progress is too slow and risks too high** – the EU Climate Risk Assessment (EUCRA) paints a stark picture of climate impacts on Europe and their conclusions are clear 'If decisive action is not taken now, most climate risks identified could reach critical or catastrophic levels by the end of this century'. The EEA's progress report on the 8th EAP concluded that many commitments for 2030 are very unlikely to be met. The World Economic Forum's Global Risks Report 2024 warns that the top four risks in ten years' time are extreme weather events, critical changes to earth systems, biodiversity loss and ecosystem collapse, and natural resource shortages. With severe floods, droughts and wildfires increasing every year, the cost of inaction is becoming ever more evident. It is essential that EU leaders keep going with their commitment and, indeed, go further by embracing a green and social EU for a one-planet economy.

**While the scientific facts and the impacts on the ground are real, disinformation** is unfortunately **playing an ever-greater role in the EU** – affecting discussions on specific files, fomenting opposition to the EGD, undermining democratic processes and putting the European Project itself at risk. In this era of disinformation – where fake news, false facts, misleading claims and narratives, buried information, and other efforts to undermine progressive policies are launched by short-term vested interests, political point scoring, the far right pushing anti-progressive narratives, and foreign destructive interference – it is essential for decision-making, for the health of democracies, for the European Project and for protecting and empowering people, to enforce political promises, to fight disinformation at every level to ensure fact-based decision-making.

There are **increasing calls for a competitiveness and autonomy agenda** based on the concern that China and the USA will benefit most from attracting investment and accessing markets in the transition to a carbon-neutral economy and, indeed, profit more from the opportunities present in the ecological transition. The EU cannot match US subsidies, nor indeed Chinese state aid, but has a different toolkit to promote innovation. Regulation has proven to be a powerful catalyst for innovation and competitiveness. Investment in infrastructure, research and education, all strengthen "locational quality" and hence the pull factor for investments. A commitment to implementing and

building on the European Green Deal, with its mix of legislation, incentives guided by conditionalities, finance and, where strengthened by investment in skills and training, should prove a winning package.

There are also **increasing calls for a system of fair and efficient taxation and pricing in the EU** – within the European Green Deal (EGD), at national level, and by the research community – underlining the need for ecological tax reform to put more burden on resource use, wealth and pollution and reduce the cost of labour. There is a growing recognition that without addressing windfall taxes and tax loopholes, pricing and subsidies, the economy will not support sustainability needs. Fiscal rules must be designed to achieve macroeconomic stability and to lower the burden of future generations. Today, this means investing in the just transformation of our economies and societies and implementing the EGD.

**We therefore call upon the Polish Presidency to:**

A. **Reaffirm commitment to the European Green Deal** by progressing all files in the spirit of the commitments made by the Council, Parliament and Commission of *Living Well within Planetary Boundaries* as made in the 8EAP, in the spirit of commitments to a carbon neutral, zero pollution Europe. In addition, debate what elements of *The European Pact for the Future: a green and social deal for a one-planet economy* can be embraced as practical priorities for further policies and for implementation.

B. **Strengthen the international dimension of the EGD and EU diplomacy to find global solutions to the triple planetary crisis** ensuring the EU's global credibility, position, and influence. Support ambitious conclusions of the on-going negotiations of a legally binding instrument to curb plastic pollution at the next INC and push high ambitions for COP30 in Brazil.

C. Ensure a strong follow up in the Council regarding the **implementation of the SDGs** in and by the EU asking the Commission for an **action plan to upscale SDG implementation** in the last political mandate to fulfil the Agenda 2030, addressing the full spectrum of sustainable development as the main instrument to achieve EU targets for 2030, reducing negative spillover effects and leading by example with **positive support for a second European Voluntary Review**.

D. **Encourage the development of an EU strategy and practices to combat disinformation,** to weed out inappropriate influence by foreign state actors, vested interests that are not aligned to public interests and science and strengthen public accountability and civic space. It is essential that decision-making has access to correct facts and is not biased by false information, and that civil society has the space and ability to communicate citizens' concerns. For this, the Presidency should push for European debate and commitments, as well as lead by example on:
    - Ensuring appropriate **communication of the EGD** across the EU at national, local level starting with schools and universities;
    - Catalysing the development of a **fact-checking portal and service**, also open to industry and civil society requests to immediately debunk false claims;
    - Ensure good **media balance**;
    - Better communicate **environmental scientific consensus** and ensure scientific consensus remains at the centre of any expert groups, discussion groups, civil society exchanges organised by the EU Institutions;
    - Implement and enforce the **green claims legislation** to ensure a more fairly and correctly informed public and prevent greenwashing;
    - Finally, promote the systematic communication of the **benefits of action** (including cumulative benefits of action against the **cost of inaction**) of policies and measures.

E. **Debate and embrace an agenda on competitive sustainability** that serves the people's and future generations' interests for a prosperous future and empowers the EU for a "race to the top" in sustainability.

- Insist on a broad framing that looks not just at short-term commercial interests but also at long-term needs and opportunities for the sector as a whole.
- Factor into the competitiveness debate issues of cost-effectiveness of public support, as well as limits of availability of public finance as the costs of support in one area can diminish the potential for support and competitiveness in other areas.
- Integrate reflections on the importance of nature and ecosystem services, as healthy ecosystems, for example, can provide available, clean water, saving input costs and enabling water-input related activities. Healthy ecosystems don't hinder industry but help.

F. **Support the need for increased public investment capacity** for productive investments as a cornerstone of a more sustainable and resilient economy by **Preparing MMF negotiations for the 2028 to 2035 cycle that commits to an EU budget enabling a green and just transition –** by initiating discussions with EC, member states, CSOs and social partners.

- The next MFF needs sufficient funding to advance decarbonisation, depollution, a circular economy, nature protection and restoration and a dedicated Oceans Fund, with clear environmental, climate and social conditionalities across all funding programmes.
- If the current model for the MFF reform with its three pillars is adopted – Pillar 1 for Member States via RRF-inspired funding linked to priorities and national policy reform; Pillar 2, a competitiveness fund at the European level; and Pillar 3: the international dimension – then it is essential to have the Pillar 2 a "Competitiveness for Sustainability Fund" or "Clean Competitiveness Fund" to clearly support the Clean Industrial Deal.
- The LIFE programme, representing 0,3% of the EU budget, has proven to offer significant added value and should be maintained, indeed strengthened.

G. **Facilitate debate at EU level on EU mechanisms to reform taxation and pricing to ensure fairness and distribution,** putting in practice the polluter pays principle, including advancing discussions on new own resources i.e. progressive taxes including a tax on extreme wealth, a frequent flyer levy, taxes on resource use, an excess profit tax on fossil fuel and a financial transaction tax to support the EU and governments to plug green and social investment gaps. This is essential given the needed level of investment in decarbonisation, depollution, and nature restoration that each support EU competitiveness for sustainability and avoids the increased flow of funding to military defence undermining funding in these areas.

H. **Start discussions to establish a long-term EU just transformation fund post-2026** to create a dedicated and long-term EU public investment fund to finance green and social investments – with a careful look at the social dimension to ensure that **all segments of society benefit from the transition**, which supports both the EGD and social justice.

I. **Lead by example: ensure that clear, convincing implementation measures and enabling mechanisms** are in place in Poland to fast track the ecological, economic transition, and ensure these respond to the needs and lead to benefits and encourage engagement across rich, middle class and poor, so that it is a real green and social deal for a one-planet economy.

**More information:** The European Pact for the Future: a green and social deal for a one-planet economy • EU leaders may miss a rendezvous with history • NGOs call for a social and green investment plan for a prosperous and just transition • OpEd in Euractiv: Our Choice • Mid-term assessment of the European Green Deal • European Green Deal: One Year In • A Feminist European Green Deal • Turning fear into hope: Corona crisis measures to help build a better future' • Reprotecting Europe: The EU Green Deal v The War on Regulations • Towards a wellbeing economy that serves people and nature • EEB's Feedback on the EU Taxonomy Delegated Acts • Beyond Growth Conference: Open Letter • EEB Briefing on a Post-Growth Industrial Policy

# 2 Catalyse a clean industrial transition to make the EU a global frontrunner on decarbonisation, detoxification, de-pollution and restoration

**The Clean Industrial Deal** (CID) is expected within the first 100 days of the new Commission (planned for 26 February 2025), falling under the Polish Presidency. The Presidency will have the unique opportunity to lead Council discussions on the future of EU industry and ensure that an ambitious vision is reflected, not only in the 'Clean' Industrial Deal (but also in the work plan of the new Commission and any related industrial policy initiatives. Europe (and the world) is threatened by a triple climate, biodiversity and pollution crisis. Industry's sustainability and competitiveness cannot be secured by degrading further our climate, environment, health and society or disregarding public acceptance. We must, therefore, harness climate and nature-positive frontrunner solutions and boost industrial innovation through regulation to make the Clean Industrial Deal underpin the Green Deal.

Moreover, we need to ensure that the updated rules on industrial emissions - the **revised Industrial Emissions and livestock rearing activities Directive (IED 2.0)** and the Regulation establishing the **Industrial Emissions Portal (IEP-R)** - that regulate pollution impacts of large-scale industrial activities, as well as reporting requirements to that end are soundly implemented and enforced. The work on secondary legislation has already started with the update of the rules for the review of the **EU Best Available Techniques reference documents (BREFs)** and the launch of new EFs e.g. mining sector, landfills and soon Batteries. According to the revised framework, **Best Available Techniques (BAT)** performance standards shall take a forward-looking and more integrated approach, notably by accelerating the decarbonisation and "deep transformation" of large-scale industrial production. Concrete delivery on the zero-pollution ambition will depend on the robustness of these acts and the coherent EU policy framework conditions, where the Council has a key role to play as to uphold integrity on the zero-pollution ambition. Further key acts expected, include guidelines for drafting installation-level transformation plans for the energy-intensive industries, and operating rules for livestock rearing.

Progress is further expected in the early implementation of the **IEP-R** – through the upcoming review of the pollutants list and reporting thresholds as well as clarifications on what is considered as contextual information and relevant raw materials. It is crucial to ensure that digital reporting obligations serve progress on environmental performance benchmarking and accountability of decision making. Similar political signals are expected in relation to the review of the **UNECE Pollutant Release and Transfer Register (PRTR) Protocol** on reporting on industrial activities. We expect the Presidency to steer the political discussions to an outcome-oriented approach and improve on public accountability in decision-making on environmental matters, including, through the review of Council work procedures and COM expert group rules.

Furthermore, the revision of the **Public Procurement Directive**, offers a large potential to drive sustainability, circularity and decarbonization of carbon intensive industrial products like steel and cement. Linked to the standards of the **Eco-design for Sustainable Products Regulation** (ESPR), and the **Construction Products Regulation** (CPR), mandatory public procurement of decarbonized industrial products offers a massive incentive to drive competitive advantage for the European industry as well as fast-tracking innovation that will benefit the planet and all its citizens.

**We therefore call upon the Polish Presidency to:**

A. **Urge the European Commission to present an ambitious vision for the EU industry in the Clean Industrial Deal, aligned with the joint industry-NGO 'Vision for a prosperous and sustainable industry: a positive blueprint for the future',** focusing on:

- **Adopting a holistic, zero-pollution-aligned ambition.** The Clean Industrial Deal can live up to its name only if it embeds the zero-pollution objective in its priorities, alongside climate goals and if it recognises the strategic value of pollution prevention and remediation;
- Accelerating the transformation of **energy intensive industries** through integrated push and pull policy approaches (*demand pull* through meaningful product standards and procurement rules; and *transformation push* through ambitious command and control type instruments like ambitious BAT-conclusions, the implementation of the Carbon Border Adjustment Mechanism and a focused Industrial Carbon Management policy);
- **Striving for 100% renewable energy supply and electrification** of industrial processes;
- Accelerating the **phase out of fossil fuels/feedstocks** and **chemicals of concern -** ending the use of all the most harmful chemicals in products is a prerequisite to a toxic free circular economy;
- Prioritising **circular economy strategies** aiming at **sufficiency and efficiency**;
- **Making the transition just and fair**: keep workers and local communities at the centre of industrial transformation. Provide strong social and environmental conditionalities on all support schemes. Respect the EU Pillars for Social Rights and just transition principles.

B. **Ensure ambition in the drafting of secondary legislation stemming from IED2.0**, focusing on:

- **Developing sound rules for the review of the EU BAT reference documents**, as per our Proposals for an EU BREF Process fit for the 2050 goals of climate neutrality, zero pollution and circular economy;
- Developing clear expectations with measurable and comparable **installation-level transformation plans** (e.g. Key Performance Indicators, robust verification schemes and public access to content through the IEP);
- **Robust operating rules for livestock rearing**;
- Ambitious implementation at Member States level on **dissuasive penalties, robust compensation rights** and clear guidelines on cost-benefit assessment methods to prevent granting of derogations.

C. **Ensuring that the Environment Liability Directive is revised to include the internalization of negative externalities, and to extend liability** to cover all effects of all activities causing environmental damage, removing the permit exemption while making financial guarantees mandatory for all polluting activities.

D. **Promote inclusive governance, transparency and public accountability in decision-making** by:

- Ensuring ambition in making the **EEA Industrial Emissions Portal fit for benchmarking and compliance promotion,** notably by integrating permit conditions, real time / annual compliance report information, removing pollutants thresholds and updating pollutants groups in particular PFAS, defining meaning of contextualisation of information including public access to production volumes and operating hours. Ensure consumption data is reported and made public

- Securing political direction for a comprehensive **UNECE Kyiv Protocol (on Pollutant Release and Transfer Registers),** based on the IEP-R improvements (precited), bridging with the digital product passport promoted through EU product policy and incorporating due diligence requirements from other EU acquis; systematically allow for early and effective pre-consultation with civil society interest groups such as the EU ECO Forum.
- Amending the **Commission expert group rules and Council work practices to improve inclusive governance**, to ensure full transparency and accountability to the 'Green Oath' and to improve the balance of public versus private interests.

**E. Ensure an ambitious revision of public procurement directives, by:**

- Demanding **mandatory environmental and socially responsible procurement criteria** in all procurement contracts to prevent the practice of lowest price-based procurement;
- Ensuring that **procurement contracts** only include products or services with the highest environmental performance linked with the product standards being developed in relevant sectoral legislations (e.g. best in class minimal requirements as per ESPR);
- Strengthening the use of **life cycle costing in procurement** contracts, through new or updated methodologies and software tools to calculate negative environmental externalities, customised and simplified for the specific use cases of procurement authorities;
- Revising and improving the **monitoring and reporting frameworks for procurement contracts** to better assess the progress of green public procurement and revising the thresholds related to reporting and monitoring;
- Ensuring additional support for **capacity building and training of procurement authorities** for implementing green public procurement.

**More information**: Joint Industry-NGO vision for a prosperous and sustainable industry: a positive blueprint for the future • Open letter on the Clean Industrial Deal • Briefings on IED and IEP-R review • Briefing on main outcomes / opportunities on IED and IEP-R • Proposals for an EU Process for the 2050 goals of climate neutrality, zero pollution and circular economy Aarhus ECO Forum statement on PRTR Protocol modernisation

# 3 Advance towards fair and sustainable food systems, underpinned by farming and fisheries that are environmentally and socially sustainable

The way we produce and consume food is driving multiple environmental and health crises, while the climate and biodiversity crises are also huge threats to our ability to produce food, as is becoming increasingly apparent in Europe and across the globe. The science is clear: we must urgently make our food systems sustainable, equitable and resilient by addressing how we produce, distribute, and consume food. From nutrient pollution to biodiversity loss and climate change, 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 Polish Presidency will have a crucial role to play in the implementation of the consensus from the Strategic Dialogue on the Future of Agriculture. The first step will be the Commission's Vision for Agriculture and Food, expected by March 2025, while throughout the first half of 2025, preparations for the next reform of the Common Agricultural Policy (CAP) will also gather speed. Outside the strictly agri-food sphere, the development of the 2040 Climate targets which be a crucial opportunity to discuss the role of agriculture in climate mitigation, while the Water Resilience initiative should also initiate important reflections about climate adaptation and nature-based solutions in agriculture.

The Polish Presidency will have a crucial opportunity to initiate reflection regarding the Vision for the Fisheries sector with a 2040 perspective, which should focus on a just transition to a low impact fishing practices that respects ecological limits and supports sustainable livelihoods.

**We therefore call upon the Polish Presidency to:**

A. **Request a scientific review and updated impact assessment of the Common Agricultural Policy (CAP)** following the 2024 "CAP simplification" reform, which removed any meaningful environmental conditionality;

B. **Uphold the ambition and commitments of the Farm to Fork Strategy and support the Commission in implementing the recommendations of the Strategic Dialogue** for a transition to sustainable and healthy food systems, with a particular focus on the consensus recommendations for the future of the CAP and for policy action at EU and national level to support healthier and more sustainable diets;

C. **Work with the Commission to set ambitious science-based emissions reduction goals for the agriculture sector** under the umbrella of the 2040 climate targets, as recommended by the Strategic Dialogue;

D. **Critically follow the development of the Delegated Acts stemming from the Carbon Removals and Carbon Farming Regulation** to ensure they have a positive impact on the climate and on biodiversity, while preventing any risk of greenwashing, and clarify the unanswered question of the use case for the generated units;

E. **Increase the dialogue between the Agriculture Council and Environment Ministers and stakeholders**, including by inviting environmental NGOs to the Informal Agriculture Council and meeting with

environmental representatives in the margins of Agriculture Council meetings, as is already customary with some agricultural representatives;

F. **Urge the new Commission to publish the long-awaited proposals for the revision of the EU's animal welfare legislation** and in particular to ban the use of cages in animal farming, as called for by 1,4 million European citizens.

G. Support adequate implementation of the **Sustainable Use of Pesticides directive (SUD)** and encourage the development of further **regulation to effectively reduce pesticide use,** particularly pushing for a ban on **("forever chemicals").** Explore **means to give farmers adequate support to reduce or eliminate pesticide use**.

H. Strengthen the implementation of the **Common Fisheries Policy**, notably regarding Article 17 on quota allocation, and of the **Marine Action Plan** regarding the preservation of ecosystems.

**More information:** EEB - BirdLife - WWF policy vision 'A brighter future for EU food and farming • EEB position paper 'Breaking Free. Europe's animal welfare crises and the brighter future within reach • EEB position paper 'Revision of the Sustainable Use of Pesticides Legislation – "Reduce Use" Proposal (RUP)' • EEB comments on the Revision of the Sustainable Use of Pesticides Directive • 'EEB - Birdlife - WWF Report 'Will CAP eco-schemes be worth their name?'' • Briefings assessing draft CAP Strategic Plans: Space for nature; Peatlands and Wetlands; Grasslands; Soils; and Pesticides • EEB-BirdLife-NABU report 'CAP unpacked... and unfit' • EEB comments on the Integrated Nutrients Management Action Plan • EEB report '*Hungry for Change* – An EU Sustainable Food Systems Law for People and Planet'' • Joint report 'Sustainable Food Systems Law – Policy Recommendations for a Meaningful Transition

# 4 Fast track measures to tackle the climate crisis and embrace social justice

The climate crisis has continued to escalate, as seen in recent extreme weather events across Europe and the globe. Devastating floods, severe droughts, deadly wildfires, and increasing instances of coastal erosion from storms and rising sea levels are now regular headlines. According to the most recent EU Climate Risk Assessment (EUCRA), Europe is warming at twice the global average, with some areas such as Scandinavia and Spain experiencing threefold increases. This intensifies risks of inland and coastal flooding, droughts, fires, invasive species, and significant impacts on agriculture and ecosystems.

Heatwaves have become particularly concerning. For instance, 2023 saw record-breaking temperatures across Europe, leading to heat-induced health crises and excess deaths, with over 60,000 excess deaths estimated during the heatwaves of 2022 alone. Vegetation productivity continues to decline, with affected areas expanding fivefold since the early 2000s. These impacts directly threaten food security and biodiversity.

Globally, concerns about the weakening of the Atlantic Meridional Overturning Circulation (AMOC) have grown. Studies suggest that the AMOC could reach a tipping point as early as 2035-2040, disrupting global heat distribution. For Europe, this could mean extreme winter temperature drops of 10-30°C and severe climatic instability, with profound implications for ecosystems, human health, and economic systems. These warnings highlight the urgency of addressing climate change through ambitious mitigation and adaptation strategies, including renewable energy expansion, infrastructure resilience, and biodiversity conservation.

The Russian invasion of Ukraine continues to highlight the EU's vulnerabilities related to its reliance on fossil fuels. Despite measures like the REPowerEU initiative, which led to a rapid increase in renewable energy deployment and significant reductions in Russian gas imports, the EU's energy dependence remains a challenge. Gas imports from alternative suppliers, including autocratic regimes, have substituted Russian supplies, raising concerns about energy security and ethical sourcing. The Polish Presidency must ensure that short-term measures to address the EU's energy security align with the long-term goals of combating climate change and environmental degradation.

The Polish Presidency of the Council of the EU, following Hungary, should prioritize the ambitious implementation of the Fit for 55 package, which remains central to addressing the energy crisis and reducing Europe's reliance on fossil fuels. While the Energy Performance of Buildings Directive (EPBD) has been updated, its provisions on phasing out fossil fuel heating in new and renovated buildings remain insufficiently robust. Therefore, advancing complementary measures such as an EU Heat Pumps Action Plan, setting a binding phase-out date for fossil boilers via Ecodesign regulations, and establishing a European Heating Decarbonisation Fund, will be critical.

Moreover, the Polish Presidency should advocate for coordinated actions to lower electricity costs for heat pumps, ensuring that revenues from the second phase of the Emissions Trading System (ETS2) are directed toward protecting vulnerable consumers. Transforming the short-term measures from the EU's *Save Energy Communication* into enduring policies is also vital to incentivize energy savings and strengthen the EU's renewable energy and efficiency targets.

**We therefore call upon the Polish Presidency to:**

**A.** Endorse a work plan emphasizing a **Green and Social Deal** that balances energy security, economic competitiveness, climate goals, and social equity. Key deliverables should include advancing energy

sovereignty through the swift implementation of the Fit for 55 package and strengthening climate resilience across all Member States.

- **Support the continuation of a triple target for climate emissions**, energy efficiency and renewable energies in 2040: we need clarity, and emissions reductions should be given priority over carbon sequestrations and offsetting. Both efficiency and renewables targets can improve foresight, trust in government and thereby incite the investments that will make the EU competitive tomorrow.
- **No false solutions funding:** while Member states and private finance are free to invest in other technologies, public funding should only be dedicated, both for infrastructure and R&D, to technologies that have been proven capable of delivering in the next 15 years, namely energy efficiency and renewables, and explicitly exclude gas infrastructures and nuclear power.
- **Promote Energy Communities** as a mean to facilitate the deployment of renewable energy and cut energy costs for both households and businesses.
- Additionally, the Presidency should prioritise finalising the **Energy Taxation Directive** to unlock the full potential of the recently approved energy legislation. This requires decisive action to secure a unified position within the Council. The fishing industry needs to recognize that it needs to move away from fossil fuels rapidly – tax exemptions have hindered rather than helped the industry prepare itself for the rapid change that is needed.
- **Ensure that all ETS2 stays on track and its revenues in Poland are distributed in a transparent manner in line with EU law.** Propose a voluntary commitment to allocate a large part of all ETS2 revenues to direct payments to low- and middle-income households, ensuring that carbon pricing remains focused on climate benefits and not raising revenues.

B. **Advance on the decarbonisation of the buildings sector**, crucial for both EU's energy independence and everyday life of citizens, by proposing key policies and new instruments including that embrace a new housing paradigm:

- **Kick start a discussion on an EU heating decarbonisation fund** to help Member States: such additional funds should be funnelling the many different streams of existing EU funds, complement national support schemes and allow for public-private partnership in financing building decarbonisation to unlock private finance.
- **Leading by example on nature-positive renewable energy projects** and expanding and upgrading district heating systems in urban areas through renewable energy and in particular via heat pumps and geothermal energy
- **Make affordable housing a key topic for the Presidency, by leading by example: promote public, cooperative, social, and community-led housing** and to secure access to decent, affordable and low-carbon housing with reduced energy costs.
- **Lead by example by cutting electricity cost for heat pump users and promoting a coalition of like-minded member states on this topic.**

C. **Stimulate the European Commission to bring the ambition of the EU F-gas regulation to the global level**. Both the climate and the chemical pollution crisis need global shared governance and rules. Such escalation at global level would create a level playing field for European industry and help to secure a competitive advantage for EU producers as front runners, offering climate-friendly solutions.

D. **Building on the outcomes of COP29 in Baku (November 2024)** and setting sights on **COP30 in Belém**, Brazil. Capitalize on recent progress to ensure the Paris Agreement's goals remain within reach. COP29 advanced several critical areas, including carbon markets, transparent climate reporting, adaptation measures, and the operationalization of climate finance mechanisms. Building on recommendations from CAN Europe (see box below), the next steps should include:

- **Advancing Climate Mitigation as a human rights imperative by:**

- Advocating for a **full, fast, fair, and funded fossil fuel phase-out** with strengthened language on reducing emissions across all greenhouse gases, including methane
- **Strengthening the 2035 NDCs** (Nationally Determined Contributions) and EU targets in light of the 1.5-degree limit, and in light of the ongoing discussion on the 2040 target from and associated 2035 EU target Work with countries revising their targets ahead of the 2025 deadline.
- **Advancing Climate Adaptation and Social Justice by:**
- Expanding on COP29's adaptation milestones by supporting the implementation of national adaptation plans (NAPs) and strengthening the **Global Goal on Adaptation (GGA)**. Pushing for adaptation actions that integrate social equity, gender responsiveness, and local community needs.
- **Supporting a Just Energy Transition:** Build on the momentum from COP29's commitments to clean energy. Advocate for policies that help triple renewable energy deployment globally, ensuring communities share in the benefits while safeguarding biodiversity and livelihoods.
- **Strengthening Carbon Markets and Accountability:** Monitor the implementation of the finalized Article 6 rules on carbon markets agreed upon at COP29. Ensure environmental and human rights safeguards are upheld while promoting transparency and science-based approaches.
- **Maintaining Momentum for Climate-Health Synergies:** Engage with the new **Baku COP Presidencies Continuity Coalition for Climate and Health**, established during COP29, to elevate health in climate action. Advocate for integrated climate-health policies at national and international levels.

**More information:** EEB input to the EU Environment Council Meeting, Brussels, 17 December 2024 • CAN Europe: 'Recommendations for the Environment (ENVI) Council Conclusions on preparations for COP29 and outcome response • 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 policy brief • META article on COP27 • EEB and others letter on the Gas Package • EEB and others letter on energy labelling for space heaters • EEB report on the missing subventions gap to decarbonise heating in Europe • EEB contribution to the Renovation Wave consultation • EEB via Coalition for Energy Savings EED position paper • EEB-Hydrogen-Position-Paper • EEB Burnable Carbon: What is still burnable in a circular cascading low carbon economy • No more new hydropower in Europe: a Manifesto • Fossil Gas Phase Out Manifesto • EPBD position paper • EEB policy brief on Nature-positive renewables • Joint NGOs statement on renewables permitting • META article on safeguarding renewables against social backlash • META article on renewables spatial planning • EEB report on energy saving

# 5 Deliver a nature-positive agenda for land, freshwater and oceans, support biodiversity and promote climate adaptation and resilience

Our lives, health, wellbeing, economy and our ability to mitigate and adapt to the climate crisis depend upon healthy and biodiverse ecosystems. However, despite this urgent moral, economic and environmental imperative, nature is in a state of crisis. The five main direct drivers of biodiversity loss (changes in land and sea use, overexploitation, climate change, pollution, and invasive alien species) are making nature disappear or deteriorate, making it imperative that the EU continues the course implementing and strengthening the European Green Deal including its commitments to protect, restore and sustainably use nature.

The Polish Presidency has a responsibility to finalise negotiations on the key Green Deal laws recognising the urgent need to offer solutions to the biodiversity and climate crises, such as the Soil Monitoring Law (SML) and Forest Monitoring Law (FML). The Presidency must represent the common European interest in the negotiations on EU laws and push back against orchestrated disinformation campaigns by powerful vested interests who have been blocking progress on the European Green Deal. Strong Council leadership and a timely handling of the negotiations will be crucial to make the most of the potential of these new laws.

The Polish Presidency also marks an important point in the roll out of the key EU strategies for 2030 that form a central plank of efforts on nature and biodiversity under the European Green Deal, including EU Strategies on Biodiversity, Climate Adaptation, Forests, and Soil. The six months that Poland will be at the helm of the EU at the beginning of the legislature 2024-2029 offer a unique opportunity to take stock of the progress made under these Strategies and highlight gaps and distance to targets, as well as priority actions to be taken. For example, the EU Member States need to significantly increase the efforts to establish a truly coherent Trans-European Nature Network on land, in freshwater and in oceans as well as step-up implementation and enforcement of obligations under the existing nature, water and marine laws.

The Polish Presidency should support the Commission's development of an EU Ocean Pact. The Ocean Pact should integrate existing and new legislation, to guarantee that all ocean-related policies are fit for preserving and restoring the ocean as well as improve compliance with and enforcement of environmental rules at the national and international level.

In addition, the Polish Presidency will represent the EU in the global negotiations under the Convention on Biological Diversity (CBD COP 16.2) and will oversee the delivery of the key policy initiatives by the von der Leyen Commission II such as Climate Adaptation Initiative, Water Resilience Strategy as well as initiatives on biodiversity financing (e.g. nature credits). It is essential the Polish Presidency ensures these policy initiatives deliver for nature and people and are not used to backtrack from existing EU environmental standards.

**We therefore call upon the Polish Presidency to:**

A. Demonstrate the **EU's global leadership on tackling the nature crisis and loss of biodiversity,** especially by **opposing the expected European Commission proposal to lower the protection status of the wolf** in the EU legislation following the regrettable Bern Convention standing committee's decision on the wolf. This leadership needs to be **backed-up by clear progress within the EU stepping up efforts to achieve co-existence with large carnivores as well as on nature restoration and effective protected area management.**

**B.** Recognising the **opportunities the recently adopted Nature Restoration Regulation offers to tackle biodiversity and nature crisis**, the Presidency Trio should prioritise support for the establishment of proper governance as well as development of the EU wide implementation tools to ensure its impactful roll out across the EU.

**C.** Conclude the negotiations on the first **EU Soil Monitoring Law** and ensure the adopted law is impactful enough to put our soils on the path to recovery by 2030 and guarantees that they are brought back to health by 2050.

**D.** Prioritise Council negotiations on the **Forest Monitoring Law** including close involvement of the environmental authorities in the deliberations so that it helps establish a comprehensive picture of the state and use of forests in the EU and facilitate targeted decision-making for better forest management, including via closer-to-nature forestry approaches.

**E.** Work with the European Commission to ensure that **the revamped EU Adaptation Strategy** promised as a priority by the von der Leyen II Commission prioritises nature-based solutions to adapt to climate change, aiming at making clean water available for nature and for people, reduce water needs by tackling our unsustainable diets and foster a move to more plant-based diets, sustainable agro-energetic projects that improve water retention in the soil and prevent evaporation, forestry and land management techniques that help prevent landslides and floods.

**F.** Promote the need for stepped up **implementation of the EU Biodiversity Strategy for 2030** including review and ratcheting up of progress as well as achievement of the **commitments under the Kunming Montreal Global Biodiversity Framework**.

**G.** **Drive ambition for biodiversity action globally** especially at the negotiations under the Convention on Biological Diversity, while building on the EU's positive role in securing the Kunming-Montreal Agreement as well as adoption of the EU's Nature Restoration Regulation. In addition, the EU's credibility as a champion for biodiversity and nature needs strengthening, especially through action in tackling drivers of nature crisis.

**H.** Support **EU action to 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, plastic and microplastic emissions to the environment etc.) and support a climate resilient, regenerative and sustainable blue economy that respects planetary boundaries.

**I.** Lead by example in the implementation of the **Nature Directives and the Nature Restoration Regulations well as** by focusing on new pledges to reach the EU's target to protect and effectively manage 30% of EU's land and seas.

**More information:** Open letter: Decision on potential modification of the protection status of the wolf • At Full Speed: EEB Policy Brief on the EU emergency regulation to accelerate renewable energy • Fact sheet on Peatland restoration • Policy Brief on Nature-Positive Renewables • EU restoration targets for rivers and freshwater ecosystems • 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 • Assessment of the European Commission proposal for a Soil Monitoring Law • EEB letter to Coreper I on the Soil Monitoring Law • Soil Monitoring Law Technical Briefing on the principles of subsidiarity and proportionality • Soil Monitoring Law Technical Briefing on introducing relevant soil biodiversity descriptors for soil monitoring • Soil Monitoring Law Technical Briefing on establishing a robust governance structure • Soil Monitoring Law Technical Briefing on access to justice

# 6 Tackle pressures on surface and groundwater and secure clean and safe water for all

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

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

Moreover, our freshwater ecosystems suffer from chemical pollution including, pharmaceuticals, pesticides, (micro)plastics and PFAS, often in complex mixtures. The European Commission has proposed to update the lists of water pollutants to be more strictly controlled in surface waters and groundwater by *inter alia* setting legal thresholds for pharmaceuticals, a group of PFAS and more pesticides, as part of the EU's Zero Pollution Action Plan (ZPAP). Unfortunately, this update, that is legally obliged to be done every six years but is now running several years overtime has been misused by the Council as a means to amend core principles of the WFD, despite this being out of scope of the mandate and in counter to the outcomes of the fitness check evaluation of the Directive.

**We therefore call upon the Polish Presidency to:**

A. **Lead and conclude the trilogue negotiations on the Commission's proposal to update the list of water pollutants of surface and groundwater** by:

   - **Keeping the scope of the legislative update of the EU water Directives (WFD, EQSD, GD) limited to priority pollutants of surface and groundwater,** recognising the conclusions of the fitness check evaluation of the EU water policy that only chemical aspects of the WFD need a legislative update;
   - **Ensuring that measures are included on the proposed new substances in the next (2028-2033) RBMPs with view to comply by 2033** to efficiently prevent and reduce pollution at source e.g. via stricter discharge permits or by national bans of substance use;
   - **Insisting that there is no weakening of the existing obligations to address pollution**, in particular the non-deterioration principle and the phase-out obligation of priority hazardous substances;
   - **Supporting the proposal from the European Parliament to introduce an Extended Producer Responsibility to cover the monitoring costs of substances of emerging concern** and decrease the pressure on public budgets.

B. **Support the European Commission in bringing forward the Water Resilience Strategy and ensure it is based on nature-based solutions and help battling misinformation related to flood and drought causes and response.**

C. Insist the EC publishes the delayed **Integrated Nutrient Management Action Plan (INMAP) and push the European Commission to improve implementation of the Nitrates Directive via stricter enforcement**

D. **Organise Council's support to the WFD implementation including in the context of the WFD Common Implementation Strategy** and to ensure that the environmental objectives of the WFD are met by 2027, recognising that the 3rd generation River Basin Management Plans indicate that most EU rivers, lakes and groundwater aquifers will remain unhealthy in 2027, and Member States continue excessive use of exemptions from the WFD environmental objectives. **Discourage the Member States from construction of new hydropower dams,** given their negative biodiversity impacts and focus instead on barrier removal to restore free flowing rivers.

E. **Lead by example in stepping up the implementation and funding of the WFD** in Poland to bring rivers, lakes and groundwater aquifers to ecological health by 2027.

**More information:** LRE Water Handbook for the 2024-2029 Mandate • NGOs recommendations for revised lists of priority substances for surface and groundwater • 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 • LRE joint position for a water resilient Europe • EEB NABU and BUND briefing on WFD implementation • EEB comments to Nitrates Directive evaluation • EEB feedback to the EC initiative to amend manure-application rules under the Nitrates Directive • EEB comments on the Integrated Nutrients Management Action Plan

# 7 Guarantee the right to clean air and reduce exposure and preventable mortality and illness all for toxic-free products

Air pollution is the first environmental health risk in Europe, responsible for around 300,000 premature deaths every year. In September 2021, the World Health Organisation published its updated Guidelines on Air Quality (the previous version was from 2005), setting clear guidance on which air quality standards should be guaranteed to protect people's health, and the environment, from air pollution. In 2021, the European Commission has published its Zero-Pollution Action Plan (ZPAP) to achieve a zero-pollution ambition, announcing several key initiatives for cutting air pollution at the source and the revision of the Ambient Air Quality Directives (AAQDs). This revision led to the adoption of a new AAQD also establishing stricter limits on key air pollutant concentrations, aligning EU standards more closely with World Health Organization (WHO) guidelines. Ecosystems protections have also been increased in the new legislation,

Under the Polish Presidency, Member States will have to transpose the freshly revised Ambient Air Quality Directive, which entered into force on the 10th of December 2024. Additionally, the process of reviewing the National Emission Ceilings Directive should intensify and the first draft review will be published around Q1 2025. Important decisions also need to be taken at the international level, within the framework of the UNECE Long-Range Transboundary Air Pollution Convention, namely for the ongoing revision of the Gothenburg Protocol. The commitment of EU Member States is key to drive the process towards an ambitious outcome.

**We therefore call upon the Polish Presidency to:**

A. **Promote Member States engagement towards the swift transposition and implementation of the new Ambient Air Quality Directive by:**
   - **Promptly transposing the legislation into national law** aiming at developing national dispositions which fully reflect the aim and objectives of the directive, including on Chapter VIII.
   - **Promoting the quick implementation of the Directive,** identifying the necessary actions to be taken at national and local level even before the legislation is transposed, and at the latest immediately after it becomes national law; **Continue prioritising the implementation of the existing AAQD Directive,** going beyond its minimum requirements, also reducing concentrations of ground-level ozone and its precursors (including methane).
   - **Listening to the civil society call for a tough, comprehensive and credible action to reduce air pollution,** also considering the very relevant **social dimension of air pollution**.

B. **Lead on the review of the National Emission Ceilings Directive (National Emission reduction Commitments Directive) by:**
   - Highlighting the importance of this process, providing timely feedback by Member States.
   - Stressing the importance of the legislation while flagging the need to raise its ambition, so to secure coherent and comprehensive action to cut air pollution at the source, while supporting cooperation among Member States to maximise mutual benefits.
   - Recognising the need to set **additional emission reduction targets for the year 2035 and 2040**, expanding the scope of the Directive to also **include black carbon, methane and mercury**, and raising the level of ambition for the already covered pollutants while reducing the types of and accessibility to flexibility tools.

- Securing that the needed steps are taken, also through the **NECD review** and possible revision, to cut **air pollution from agriculture, in particular of ammonia and methane**; being a major source still very much overlooked (more than 90% of EU ammonia emissions, a PM 2.5 precursor, is generated by agriculture and more than 50% of EU methane emissions, a precursor of ground-level ozone, is generated by agriculture).

C. **Guide EU Member States in the process of revision of the Gothenburg Protocol to the UNECE Long-Range Transboundary Air Pollution Convention** by positioning the European Union according to science, therefore calling for an ambitious new Protocol setting new targets for the years 2035 and 2040 for the already covered pollutants, also expanding its scope to include targets for black carbon, methane and mercury while reducing the types of and accessibility to flexibility tools.

D. **Foresee a Council debate on the need for revising the Environmental Noise Directive** – such revision having also a great potential for contributing to air pollution reduction objectives (through the promotion of beneficial measures).

**More information:** EEB Submission to AAQD review • Airy promises: how EU governments are failing to cut air pollution and what to do about it • Six necessary steps for cleaner air

# 8 Drive a green transition towards safer, sustainable, and competitive European chemicals and supply chains

Despite progress in health, climate and environmental policies, pollution from hazardous chemicals remains a major threat to human health and planetary stability. Found in water, food, air, and everyday products, these chemicals cause serious illnesses like cancer, infertility, and cognitive impairments, with disproportionate impacts on vulnerable groups, including women, children, and future generations. Europeans are already heavily contaminated: 'forever chemicals' have been detected in in drinking water and in all umbilical cord samples across nearly 30,000 cases, with flame retardants found in breast milk. Addressing just cleaning PFAS pollution would cost more than the global GDP. The societal cost of inaction, including health impacts, remediation, and water clean-up, are unaffordable as they far exceed those of banning harmful chemicals.

However, while the EU has a leading chemical safety framework and the EU chemical industry is performing strongly—with production growing from €537 billion in 2011 to €785 billion in 2023 and a trade surplus of €198 billion in 2023—regulatory action lags in addressing chemical pollution as hazardous chemicals still make up two-thirds of the market, and their use is increasing.

Key actions to achieve a 'toxic-free environment', promised in the 2020 **Chemicals Strategy for Sustainability (CSS)**, remain undelivered. **REACH**, the existing chemicals control system, must be modernised. On average it takes over 19 years to identify and regulate known harmful chemicals, while 95% of chemicals continue to be placed on the market despite unknown properties, including the building blocks for plastics, known as polymers. The system lags behind scientific consensus and most well-known harmful chemicals like bisphenols, halogenated flame retardants, and PVC remain on the market. A swift reform of the current system is necessary to effectively protect citizens and the environment. Only chemicals for which complete and adequate safety data are provided should be allowed on the market and the restriction of the most harmful chemicals must be accelerated. **PFAS pollution** still requires special attention due to widespread soil and water contamination, including drinking water, in the EU and globally.

**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. The EU mercury regulation was revised, including a mercury bans for dental amalgam by 1 January 2025 and fluorescent and other lamps by December 2025 and 2026, depending on the categories.

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**, took place in November 2023 and decided among others to ban the manufacture and trade of fluorescent lamps as well as to fully ban mercury from cosmetics. It further decided to carry out intersessional work towards strengthening the enforcement of the mercury cosmetics ban. The production of polyurethane using mercury-containing catalysts was also banned. **The Sixth Conference of the Parties (COP6) to the Convention**, will take place from 3 to 7 November 2025 in Geneva. Important decisions are expected to further strengthen the Convention by, among other, towards controlling mercury compounds, banning vinyl chloride monomer (VCM) production provided mercury free alternatives are available, and strengthening implementation of the ban on mercury-added cosmetics.

The relevant EU legislation would need to be robust and future orientated, to ensure further opportunities to push the global debate. The mercury added skin lightening cosmetics challenge came to global attention and additional information was requested by Parties towards strengthening the enforcement of the relevant mercury ban.

**We therefore call upon the Polish Presidency to:**

A. **Publish Council Conclusions on the European Commission's Clean Industrial Deal** to foster a sustainable, competitive EU industry that protects health and the environment by aligning with the European Green Deal and targeting a zero-pollution, toxic-free, socially just, resource-efficient, and decarbonized industrial future; ensuring the **Chemicals Industry Package** complements the Chemicals Strategy for Sustainability (CSS) and supports the chemical industry's green transition, positioning the EU as a global leader in pollution prevention, detoxification, and decarbonization; and providing regulatory clarity and predictability to foster innovation in safer, sustainable alternatives, ensuring fair competition for all companies, including SMEs and downstream users.

B. **Adopt the 'One Substance, One Assessment' (OSOA) package** to conclude the inter-institutional negotiations and overcome inefficiencies, inconsistencies, and slow procedures in the current system, by enhancing the Common Data Platform on Chemicals (CDPC) for better data use, gap identification, and inclusion of independent research; guaranteeing that the Early Warnings and Action System (EWAS) holds authorities accountable to act when emerging risks are identified; avoiding replicating poorly designed REACH mechanisms to ensure consistency; reducing regulatory burdens on authorities; and aligning the RoHS Directive with future REACH updates ensuring timely COM decisions.

C. **Conclude inter-institutional negotiations on the Toys Safety Regulation and Detergents** to enhance the safety of toys and detergents by banning all the most harmful chemicals, such as endocrine disruptors, sensitisers, bisphenols and PFAS.

D. **Support the full delivery on the Chemicals Strategy for Sustainability (CSS)** by urging the European Commission to take key pending actions, including enforcing the Restrictions Roadmap for toxic-free products, halting exports of EU-banned chemicals, and securing sufficient resources for the European Chemicals Agency through an ECHA Basic Regulation. Adopt a 'general approach' to the **potentially upcoming legal proposals on Exports ban, Cosmetics and Food Contact Materials** to keep hazardous chemicals out of consumer products and prevent EU-banned chemicals from being produced for export. If the Commission does not act by Q2 2025, lead by example with a national ban on exports of banned chemicals, including pesticides, and initiate a Council discussion on enforcing this ban.

E. **Promote EU leadership in strengthening the Minamata Convention on Mercury** by, among others, actively engaging in the intersessional processes of the COP; supporting initiatives towards firstly; widening the scope of mercury added products and processes to be phased out including lamps, dental amalgam and VCM and secondly; controlling and where feasible eliminating mercury compounds' trade; as well as supporting a programme of work to better enforce the mercury ban on cosmetics.

F. **Facilitate cooperation among Member States for the swift and effective implementation of the revised EU Mercury Regulation,** while setting swiftly the ground for developing a draft guidance on abatement technologies for mercury emissions from crematoria, as well as for assessing the need of regulating further mercury compounds, remaining mercury uses and waste sources.

G. **Promote the revision of regulatory tools** such as the Cosmetics directive, to hold e-platforms accountable for selling illegal and dangerous chemicals and other products containing them, such as mercury added skin-lightening creams, and to ensure that failure to comply with those requirements results in meaningful consequences.

**More information:** From Risk to Resilience: Navigating Towards a Toxic-Free Future • Toxic-Free Choice: Actions for a more circular and resilient economy • Let's Clarify PFAS • A roadmap to nowhere? • EEB position OSOA • Waiting for REACH: The negative impacts of delaying reform of EU chemical laws • A roadmap to nowhere? The EU's bold plan to quit the most harmful chemicals is a year old. We assess its effectiveness • The Need for Speed – Why it takes the EU a decade to control harmful chemicals and how to secure more rapid protections • Joint Statement: EU-wide ban on the export of banned pesticides • The European Commission must act on pollution and not delay the legislation on the sustainable use of pesticides • EEB response on the revision of the RoHS Directive • Executive Summary – Skin lighteners still available online despite mercury findings • EEB comments on the EU Mercury Regulation review • Letter to Director Manfredi • Joint Statement on Mercury Added Lamps • Report – Skin lighteners still available online despite mercury findings • Report – 'Prime' time to Stop Online Sales of Illegal High Mercury Skin Lightening Products • Online Marketing of Toxic Skin Lighteners: Mercury in cosmetics • Mercury in Retrograde

# 9 Address resource use and seize circular economy opportunities for the economy and society

As the Polish Presidency takes places at the start of a new political mandate for the EU, it is uniquely positioned to fast-track the circular economy and unlock its benefits by leading efforts to strengthen the Europe's circular economy framework. Over the last mandate, the EU has made notable progress in advancing policies to foster a circular economy. However, progress remains insufficient: the EU's Circular Material Use Rate continues to stagnate below 12%, while overall material consumption has risen by 6% over the past decade. This trajectory highlights Europe's systemic overconsumption and overdependence on primary material extraction, which carries severe social, environmental, and geopolitical consequences. These trends not only aggravate the triple planetary crisis but also threaten the long-term competitiveness of European industry. This context underscores the untapped potential of circularity and the need to address remaining regulatory gaps as well as the urgency to strengthen implementation of existing circular policies.

As underlined by the European Environment Agency, circular economy policies now need to become more binding and target-oriented, shifting the focus from waste management to addressing resource use more directly. The Polish Presidency can champion this shift by prioritising the development of a robust regulatory framework for sustainable resource management that drastically reduces waste, curbs unsustainable resource dependency, and transitions the EU to a prosperous economy fit for one healthy planet. In this pivotal time, it will also have the responsibility to help ensure the full implementation of existing circular economy policies while finalising key legislative priorities initiated under the Green Deal, notably the Green Claims Directive, the targeted revision of the Waste Framework Directive, and the End-of-Life Vehicles Directive.

**We therefore call upon the Polish Presidency to:**

A. **Progress on the introduction of binding EU targets on reducing resource use in line with planetary boundaries**, building on the first steps secured under the Belgian Presidency and reflected in the Council conclusions on the 8th Environment Action Programme (June 2024). This initiative should establish binding reduction goals for the EU's material footprint, moving beyond voluntary measures to ensure accountable and measurable progress in reducing resource dependence. Prioritising resource use targets will enable the EU to address ecological limits, protect global supply chains, and set an international example in shifting towards an economy which does not have to rely solely on primary resource extraction.

B. Urge the European Commission to put forward a **holistic strategy for sustainable resource management** avoiding a limited and short-sighted approach focused only on recycling and managing waste. Ensure that the new circular economy initiatives (including the announced new CE Act) focus on measures to design waste out of the system, promote reuse and repair and introduces circular taxes and economic incentives to make the sustainable choice the easy choice.

C. Take an ambitious stance on the **targeted revision of the Waste Framework Directive (WFD)** and conclude trilogue negotiations. 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; establishing a mechanism to analyse the impact of used textile exports which can move us toward the setting of **Extended Producer Responsibility (EPR)** schemes rooted in global accountability; as well as product-specific waste management performance targets. Moreover, ensure that the EPR scheme includes a volume criterion as part of the

calculation of eco contribution fees and the thresholds for bonuses under progressive eco-modulation. Concerning **food waste**, ensure that negotiations lead to ambitious legally binding food waste targets respecting the commitments in the 2018 WFD to reduce food loss and waste from Farm to Fork by 50%, which is supported by several Member States and MEPs, and also committed to in SDG 12.3. Finally, develop a stance on the implementation of various review clauses in the WFD (i.e., Art. 9 (9), Art. 11 (6), Art. 12 (2)) and the necessity to revise the WFD swiftly and in due manner.

**D.** Finalise work on the **Green Claims Directive** by leading timely and ambitious trilogues, securing an independent pre-approval procedure for all green claims and labels, clear assessment, and communication rules, improving the robustness of the requirements substantiating green claims, including on aspects not sufficiently covered by life cycle assessments.

**E.** Adopt an ambitious approach to the proposal for a **Regulation on Circularity Requirements for Vehicle Design and on Management of End-of-Life Vehicles (VDEoL)**, ensuring specific measures to reduce the material use and footprint of vehicles; strengthen measures on repair and reuse as well as on dismantling and disassembly of vehicles at EoL to foster high-quality recycling; measures to enable the exchange of information and traceability of Extended Producer Responsibility (EPR) obligations with non-EU trading partners; harmonise the Circularity Passport for vehicles with other Digital Product Passports proposed under the Ecodesign for Sustainable Product Regulation and Batteries Regulation; and address substances of Concern, going beyond heavy metals restrictions. The Council should further maintain ambition on plastic recycled content targets (i.e., target level and the focus on post-consumer waste and closed-loop recycling).

**F.** Work towards **closing legal loopholes in the regulation of imports via online marketplaces** to ensure the effective enforcement of EU product safety, chemicals, and environmental policy and create a level playing field for European businesses. To ensure that there is always an economic operator based in the EU responsible for the compliance of products sold into the EU, online marketplaces should be considered economic operators and, in cases there is no other applicable EU-based economic operators, should take the responsibilities of importers. Closing these loopholes is crucial to preventing large amounts of non-compliant products from entering the EU market, harming European businesses, consumers, and the environment.

**G.** **Catalyse the discussions around a reduced use of critical raw materials** to moderate supply and price risks. Adhere to the transparency and information sharing measures of the CRMA and involve civil society in the implementation through the Critical Raw Materials Board on the Strategic Projects and all relevant DGs with regards to the Strategic Partnerships negotiations. Continue the Belgian Presidency's work on Sustainable Resource Management and push for highest due diligence, environmental and social standards for projects within the EU and those implemented in Strategic Partnership countries, to make sure that resource extraction for decarbonisation and digitalisation does not come at the expense of local communities, Indigenous Peoples, and the environment. Future initiatives on circular economy by the European Commission can present an opportunity to integrate critical raw materials policy closer with resource use measures to reduce their criticality.

**H.** Poland has actively attracted foreign investment in electric vehicle (EV) battery production, establishing itself as a significant player in Europe's battery manufacturing sector. Major international companies have invested substantially in Polish battery production facilities. While Europe needs to move towards electrified mobility, the **production of car batteries comes with significant environmental and social impact** such as exacerbating water shortages, pollution or land use change including in sensitive areas. Moreover, lithium extraction to feed battery factories comes with **significant impacts for the communities**

**affected by mining**. New mining sites, for instance in Serbia, have already sparked mass protests. We expect the Polish government to:

- Ensure the **right to information, participation and access to justice** for all communities affected by planned new lithium mining sites and battery factories,
- Promote **public transportation and active transport** instead of a one-to-one replacement of all combustion engine cars with EVs to reduce the amount of car batteries needed and drive down overall material needs;
- Prefer collaboration with battery manufacturers who follow the **highest environmental and social standards** in line with all EU legislation, ensuring meaningful consultation and
- **Very carefully assess potential sites** for battery factories properly following the EIA processes, consulting affected communities and civil society and sparing protected areas from any such developments.

**More information:** Open letter: for a holistic vision on circular economy • Open letter: Yes to an EU legislation on Sustainable Resource Management • White Paper on Sustainable Resource Management in the EU • A resilient and resource-wise Europe: Sufficiency at the heart of the EU's future • Due diligence in EU product rules – Policy Briefing • EEB position on legislative proposal on substantiating green claims • EEB joint statement on online marketplaces and effective enforcement • EEB feedback on proposed Regulation on Vehicle Design and Management of End-of-Life Vehicles • EEB Priorities for the Waste Framework Directive Revision • Letter to Member States on food waste reduction targets • Policy brief on the feasibility of ambitious food waste reduction targets in the WFD • EEB article on effective EPR for vehicles • EEB article on circular design for vehicles • Joint call for ambitious recycled plastic content targets in the EU vehicle regulation

# 10 Foster environmental and social justice through improved legal participation mechanisms and support for environmental defenders

The Polish Presidency will be in a position to help shape the agenda for the next legislative cycle of the EU and be the first to scrutinise the new Commission's programme. With a less ambitious environmental and climate agenda, the Presidency will have the crucial role of finalising the last ongoing European Grean Deal files, including several with provisions granting better access to national and EU courts. The Presidency will also have to set the tone on implementation and enforcement of the European Green Deal. This cannot be achieved without fully guaranteeing environmental rights to people in Europe and strengthening environmental governance at EU level and in the Member States. The political and symbolic role EU presidencies have to guarantee the space for civil dialogue and defending environmental defenders in their fundamental roles to achieve a just and green transition is more important than ever. The Presidency will have to ensure that new EU policies, especially those under the democracy defence shield, do not intentionally or inadvertently repress environmental defenders and civil society organisations and their rights of freedom of expression and association, as well as their ability to participate in decision-making.

The Polish Presidency will also need to kickstart the Council's preparation for the **Aarhus Convention 8th Meeting of the Parties** in 2025, in such a way as to guarantee that the EU will be able to comply with the Convention or endorse decisions of non-compliance against itself findings (decision VII/8f and request ACCC/M/2021/4). The Aarhus Convention provides basic environmental rights to the public of access to information, public participation and access to justice - and fully guaranteeing those rights in the EU and by the EU is crucial for the implementation of the European Green Deal.

In the likely event that the Commission proposes a revision of the **Governance Regulation,** the Presidency should support this, including to support stronger Articles 10 and 11 to make public participation more robust and to include access to justice, making the EU's climate legislation more in line with the Aarhus Convention pillars.

The enforcement of environmental law requires clear and coherent rules to hold natural and legal persons liable for causing harm. While the Commission has conducted a fitness check on the Polluter Pays Principle more broadly, it has been clear for years that the poor implementation of the **Environmental Liability Directive (ELD)** has left much to be desired in terms of holding polluters accountable and liable. After much delay, the Council Presidency must support the Commission to propose a revision of the ELD, cooperating with the Commission to gather the necessary information on the needs in Member States which would ensure that a revised ELD is properly implemented, and that the polluter truly does pay.

**We therefore call upon the Polish Presidency to:**

**A.** Lead the Council in negotiations of the final remaining files of the European Green Deal with relevant provisions on environmental democracy rights such as the **right to access to justice** in the **Green Claims Directive** and the **Priority Substances Law**.

**B.** Support the Commission in a revision of the **Governance Regulation** on National Energy and Climate Plans aligning its articles 10 and 11 with the obligations under the Aarhus Convention.

C. Support and promote the adoption of an additional **Protocol to the European Convention on Human Rights recognising the human right to a clean, healthy and sustainable environmen**t;

D. Push for a **European Civil Society Strategy** and civic dialogue, with a focus on younger generations and marginalised groups, and innovations in participatory democracy.

E. Scrutinise any proposals under the **defence for democracy shield** and action plan to ensure that they do not undermine **civil society space and meaningful participation in decision-making** and recognise the broader rights to protest and to engage in acts of civil disobedience as a means of freedom of expression which are currently under threat across the EU.

F. Start the preparations for the **8th meeting of the parties of the Aarhus Convention**, with early discussions in the **Working Group on International Environmental Issues** on EU compliance with the convention, endorsement of decisions (especially decision VII/8f and request ACCC/M/2021/4), and support of the compliance mechanism and the rapid response mechanism.

G. **Promote and financially support the mandate of the Aarhus Convention Compliance Mechanism**, including the Compliance Committee and the Special Rapporteur on environmental defenders, and urge EU Member States and the European Commission to support the mechanism financially through additional voluntary contributions ahead of the 8th meeting of the parties of the **Aarhus Convention**.

H. **Support the Commission in any efforts towards the** harmonised implementation of the **Polluter Pays Principle** in a potential revision of the **Environmental Liability Directive**.

I. **Champion the implementation and enforcement of EU environmental law** and organise an exchange on ensuring full compliance with environmental obligations. In particular, voluntarily publish infringement letters sent to Poland to increase transparency of the infringement process and urge the Commission to step up its enforcement work through increased capacity and full transparency.

**More information:** The EU's non-compliance with the Aarhus Convention: A brief history • Avoid the citizenwashing trap: the do's and don'ts of public participation • Reaction to ACCC review report on Decision VII/8f • EEB briefing: Revised and Responsive Governance Regulation • Case studies: Citizenwashing, the greenwashing of democracy • META article: My experience of a citizens' deliberation day in Brussels • META Article: Putting Rights first in the Green Transition II • EEB report bearing the brunt: Roma and traveller experiences of environmental racism • EEB report: Environmental Justice in National Strategic Frameworks • Common Basic Principles for Environmental Justice for Roma • The EEB's Provisional Analysis of the Performance of the EU on Access to Justice • Environmental Crime Directive assessment: Small step for legal consequences, big step for political change • Journal Article: the EU's Climate and Energy Framework in light of the Aarhus Convention

# Abbreviations

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| AAQD | Ambient Air Quality Directives |
| BAT | Best Available Techniques |
| BREFs | Best Available Techniques Reference Documents |
| CAP | Common Agricultural Policy |
| COP | Conference of the Parties |
| CRMA | Critical Raw Materials Act |
| CSOs | Civil Society Organisations |
| CSS | Chemicals Strategy for Sustainability |
| EC | European Commission |
| EED | Energy Efficiency Directive |
| ELD | Environmental Liability Directive |
| EGD | European Green Deal |
| EoLV | End-of-Life Vehicles |
| EP | European Parliament |
| EPR | Extended Producer Responsibility |
| EQS(D) | Environmental Quality Standards (Directive) |
| ETS | Emissions Trading System |
| EUCRA | European Climate Risk Assessment |
| GD | Groundwater Directive |
| GDP | Gross Domestic Product |
| IED | Industrial Emissions Directive |
| IEP-R | Industrial Emissions Portal |
| INMAP | Integrated Nutrient Management Action Plan |
| JRC | Joint Research Centre |
| MEPs | Member(s) of the European Parliament |
| MFF | Multiannual Financial Framework |
| NRRPs | National Recovery and Resilience Plans |
| PFAS | Per- and polyfluoroalkyl Substances |
| PRTR | Pollutant Release and Transfer Register |
| REACH | Registration, Evaluation, Authorisation and Restriction of Chemicals |
| RED | Renewable Energy Directive |
| RoHS | Restriction on Hazardous Substances Directive |
| SDGs | Sustainable Development Goals |
| SML | Soil Monitoring Law |
| UNECE | United Nations Economic Commission for Europe |
| WFD | Waste Framework Directive |
| WFD | Water Framework Directive |
| WHO | World Health Organisation |
| ZPAP | Zero Pollution Action Plan |

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

We develop an assessment following each Presidency on their environmental performances. **The assessment for the Hungarian Presidency can be found here.**

We also develop a paper before each Presidency Trio. The **2025-2026 paper, addressed to the Polish, Danish and Cypriot Presidencies, can be read here.**

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