

**To: Environment Ministers of EU Member States**

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

**Re: Input to the EU Environment Council Meeting, Luxembourg, 23 October 2020**

Brussels, 16 October 2020

Dear Minister,

On behalf of the European Environmental Bureau, I am writing to share with you our views on some of the issues on the agenda of the forthcoming EU Environment Council. I invite you to take our concerns into account during final official level preparations as well as at the meeting itself. We have structured the letter according to our understanding of the 23 October Council Agenda.

### **1. EU Biodiversity Strategy for 2030**

The EEB welcomed the EU Biodiversity Strategy for 2030 when it was adopted by the European Commission on 20 May 2020. We are convinced that the Strategy provides a science-based blueprint to address the biodiversity crisis over the next 10 years, and, if implemented correctly, can put biodiversity on the path to recovery and significantly contribute to the transformative change needed to ensure the survival of humanity and the resilience of our planet. It is further becoming increasingly clear that ecosystem protection and restoration can also contribute to improving our resilience against future pandemics. The implementation of the Strategy needs to become a central plank of a post-Covid-19 green recovery by creating sustainable and long-term jobs and investment opportunities.

However, the buy-in and full endorsement of the Strategy by EU Member States as well as by the European Parliament is now needed, so that the implementation of the Strategy can start with the required urgency. Several technical follow-up processes are foreseen in the Strategy to, for example, define 'strict protection'. These processes should further agree the details of the commitments with the participation of Member States and stakeholders, so that the best solutions can be found to implement the commitments needed to put biodiversity on the path to recovery. For now, however, it is crucial that the Member States fully endorse the Strategy as a whole so that these steps can follow.

#### **We therefore call upon the Environment Council to**

- **Fully endorse the entire Biodiversity Strategy for 2030**, welcoming the level of ambition and cross-sectoral nature of the Strategy and especially the commitments to protect and restore nature and tackle the key drivers of biodiversity loss such as intensive agriculture;
- **Commit to provide the necessary political will and full cooperation to enable the implementation of the Strategy**, including the follow up processes foreseen in the Strategy to e.g. **define strict protection**;
- **Step up the implementation of the environmental legislation** that contributes to biodiversity protection and especially the Birds and Habitats Directive, the Water Framework Directive and the Marine Strategy Framework Directive. It is unacceptable that 81% of habitats at EU level are in poor condition according to the upcoming EEA State of Nature report (in preparation), also due to the insufficient implementation of the Nature Directives;

- **Secure the necessary funding for the implementation of the Strategy from EU, national and private funds including funding for nature restoration** that can serve as a central plank of the EU's green recovery. It is extremely worrying that the current 2021-2027 Multiannual Financial Framework (MFF) proposal and Recovery package do not earmark funding for biodiversity – at least 10% of the MFF should be allocated for biodiversity.

Please see Annex 1 for more detailed recommendations regarding the Council Conclusions on the Biodiversity Strategy.

## 2. European Climate Law

We welcomed the European Parliament's vote on 8 October 2020 on the Regulation on a European Climate Law, seeking to commit the EU to become the first climate-neutral continent by 2050 by increasing the EU's greenhouse gas (GHG) emission reduction target to -60% by 2030 with regard to 1990 levels.

Increasing the EU's 'nationally determined contribution' (NDC) will be key to maintaining leadership in international negotiations and driving ambition of major emitters ahead of the United Nations Climate Change Conference in Glasgow in November 2021 (COP26). Evidence shows that with current NDCs the Paris goal will be missed by far. We cannot afford to waste time given the pace and size of climate change impacts we are experiencing in Europe and globally. The international community needs to embrace a truly transformative escalation of climate ambition in proportion to the environmental challenge.

We strongly support the climate neutrality objective set in the European Green Deal and enshrined in the Climate Law, but the proposed level of ambition by 2030 (-55% net GHG target proposed by the Commission on 17 September and even the -60% endorsed by the European Parliament) is not enough to meet the Paris 1.5°C target and climate neutrality must be achieved before 2050 to avoid the worst consequences of climate change.

The science is clear that to reach that target, global emissions need to fall 7.6% per year every year for the next ten years. Europe has been leading the fight against climate change so far and must seize the opportunity of the largest political and societal support in the past 15 years to face the climate challenge with brave and needed action. More than ever, policymakers need to heed these calls and align with science.

### **We therefore call upon the Environment Council to:**

- **Support the highest level of ambition possible in the Climate Law**, knowing that the latest scientific evidence (IPCC 5<sup>th</sup> Report on Global Warming of 1.5°C) indicates that an effort of **at least 65% emissions reduction is needed by 2030** in the European Union;
- Match such commitment with an equally ambitious effort to increase the **energy efficiency target to at least 45%** with **at least 50% of energy sourced from sustainable renewable energy** by 2030;
- Make the **climate-neutrality target binding for each Member State**, and not only for the European Union as a whole;
- **Ensure mainstreaming of climate neutrality through ambitious fiscal measures**, including effective "**carbon pricing**" to address the true cost of negative externalities on the environment in all economic sectors;

- **Ensure that all financial support (EU, national and private finance) is aligned with the climate-neutrality objective and with phasing out investments in fossil fuel infrastructure;**
- **Ensure that climate targets will not compromise other priority environmental goals, such as biodiversity protection** - particular care is needed as regards biomass development, hydropower and afforestation;
- **Press for a greater level of climate ambition in the Recovery and Resilience Facility (RRF)** as well as the climate share of the EU budget to address the climate challenge. This should be done by ringfencing of sustainable Paris-compatible funding and exclusion of funding for Paris-incompatible measures that lock in future fossil fuel use and GHG emissions; in addition, the accounting for climate contributions needs to be strengthened, and real climate contributions monitored and assessed so that the budget is truly a climate budget and not just one on paper;
- **Ensure policy synergies between climate and circular economy** (and integrated into a new industrial strategy), **climate and biodiversity** via nature management and restoration agendas (peatlands, wetlands, forests, coastal sea grasslands), **climate and agriculture** by strengthening the CAP to drive higher investment in measures that increase soil carbon content and hence storage, with added benefits for soil fertility and productivity, and **climate and air pollution policies**, given the evidence of a wide range of health impacts from exposure to polluted air; **enhanced coherence** is essential if EU policies are to be a compelling driver to help address the climate emergency.

### 3. Recovery and Resilience Facility/Plans and the MFF – key vehicles for climate and biodiversity funding

Given the Environment Council focus on biodiversity and climate, and given the importance of the RRF and MFF to support the biodiversity and climate objectives of the European Green Deal, the proposed 8EAP and EU commitments internationally, it is essential that sufficient and well-targeted funds are allocated to biodiversity protection, management and restoration, and to climate mitigation and adaptation, and that no funds are allocated that “do harm” to nature and the climate.

**We therefore call upon the Environment Council to improve the provisions of the draft Regulation establishing a Recovery and Resilience Facility through the following:**

- Clarification of the **eligibility criteria / pre-conditions for receiving funding**, including the following aspects: National Energy and Climate Plans (NECPs) must include a timeline with milestones aimed at phasing out coal/lignite and peat power plants by 2030 as well as all fossil fuel use by 2040, the efficiency first principle, which implies a 90% GHG emissions reduction by 2050 for industry and buildings;
- **Recovery and Resilience Plans (RRPs) should demonstrate full consistency and coherence** with the implementation of other relevant EU environmental protection acquis objectives or performance against relevant Union standards;
- **The allocation of funds** should be subject to an EU-wide screening procedure that is transparent and subject to multi-stakeholder involvement as to final decisions made;
- The allocation of money under the Recovery Plan should be **consistent with achieving the European Green Deal objectives of climate neutrality and zero pollution** as well as **abide by the “do no harm”** principle set by the Taxonomy Regulation COM (2018) 353;
- The **Recovery and Resilience Facility should contribute with 40% of its resources to mainstreaming climate actions and environmental sustainability** and to the achievement of an overall target of 40% of the EU budget expenditures supporting climate objectives;

- **Fossil fuels in all forms should be excluded from funds under the Recovery Plan;**
- The "**partnership principle**" should be embraced in the **development of RRP**s (as should also be the case for Partnership Agreements (PAs) and CAP Strategic Plans under the MFF) – including by committing to transparency with and due engagement of civil society.

#### 4. Aarhus

On 14 October, the Commission published its much-anticipated proposal for the revision of the Aarhus Regulation. This is an important procedural step towards improving access to justice at the level of the EU institutions and thereby addressing the EU's longstanding non-compliance with international law in the form of the Aarhus Convention.

The Commission proposal addresses the single biggest obstacle facing NGOs seeking to challenge decisions, namely through removal of an arbitrary limitation on the type of decisions that may be challenged to those which have 'individual scope', e.g. decisions authorizing certain chemicals or GMOs. In fact, most of the decisions that NGOs seek to challenge, and should have a right under the Aarhus Convention to challenge, are those of general scope. However, there are other important issues that the Commission proposal fails to address, and which therefore need to be addressed through the forthcoming co-decision process. These include, for example, the exclusion of decisions that require implementing measures and of State aid decisions. There is no basis in the Convention for such exclusions, which would effectively mean that some of the decisions that have the biggest impact on the environment, for example public funding of the carbon economy, cannot be challenged.

**We therefore call upon the Environment Council to:**

- **Seek to strengthen the Commission's proposal through the co-decision process** with a view to ensuring full compliance with the Convention and addressing the democratic deficit caused by insufficient access to justice at the heart of the EU's environmental decision-making processes.

The EEB will provide more specific recommendations in due course.

#### 5. 8th Environment Action Programme (8EAP)

The 8EAP, the subject of a Commission proposal published on 14 October, is a key co-decision based instrument and long-term tool for environmental and climate policy planning until 2030, with a 2050 vision to "live well, within the planetary boundaries." It is to be the key monitoring tool for the European Green Deal, as well as the Sustainable Development Goals (SDGs). Given the high level commitment to sustainability in the EGD, the 8EAP is of a different nature than preceding EAPs. While focusing on monitoring and implementation, it remains a very important tool for European environmental policy.

The EEB welcomes a range of elements in the proposal, including:

1. The encompassing nature of the **6 thematic objectives** – climate mitigation, climate adaptation and resilience, circular economy and regenerative growth model, zero pollution ambition, biodiversity and wider natural capital, and promoting sustainability and tackling environmental and climate pressures;

2. The commitment to the novel objective of **“regenerative growth”** – i.e. to give back to the planet more than we take, and the commitment to support **resilience**;
3. Making the **“do no harm” oath** a legal commitment and **adapting the better regulation guidelines and tools** to reflect that oath;
4. The focus of the monitoring commitment to include *“achieving a **systemic transformation**”*;
5. That the assessment of progress should be in line *“moving towards using **well-being as a compass for policy**”*;
6. The reiteration of respect for **planetary boundaries** both in the vision and the monitoring – leading to a better set of indicators to be a compass. We welcome the inclusion of the EU consumption footprint, including deforestation and forest degradation in third countries;
7. The integration of the **SDGs** in both the objectives and monitoring;
8. The additional focus on **implementation** and emphasis on **improved coherence** - with **enabling conditions** including the integrated approach, mainstreaming, green finance, harmful subsidy reform, and science based approach;
9. The request for **additional staff** in the European Environment Agency (EEA) and European Chemicals Agency (ECHA).

The importance of each of the above depend on how they are articulated, interpreted and implemented.

***We therefore call upon the Environment Council to support the above and:***

- ***Strengthen the “regenerative growth” objective*** by integrating across policies, by setting indicators to ensure it is possible to measure progress on the ground, and regular reporting on progress of whether EU policies and the EU economy are giving back more to the planet than taking. Furthermore, indicators should be developed in a transparent and inclusive way, building on robust science-based data. The wellbeing and resilience of Europe’s ecosystems should also be monitored and promoted;
- ***Operationalise the “do no harm” oath*** –by ensuring it is applied in legislation, in trade deals in light of EU footprint on deforestation and forest degradation in third countries, by adapting the better regulation guidelines and tools, and by linking it to the green list of the taxonomy – additionally promoting a “negative list” (like in the just transition fund) excluding harmful measures and investments. Furthermore, promote not just the defensive approach of “do no harm” but a more positive one, more in line with “regenerative growth”, i.e. by embracing the “Think sustainability first principle” and integrating this in the better regulation;
- ***Strengthen indicators on “policy incoherence”*** and other governance failures to be able to better understand and target one of the key drivers of environmental and climate crises.
- ***Ensure that monitoring of “systemic transformation” is a priority*** and include the duty to identify and respond to cases of system lock-in that block progress with the European Green Deal, and to identify solutions, including anti-system lock-in strategies to overcome barriers;
- ***Build up the indicator set on the “Well-being compass”*** to ensure that it is fully functional and can guide decision making, and encourage that the benchmark of wellbeing be better integrated and at a higher level in the European Semester.
- ***Ensure that the promised better staffing and financing of the EEA and ECHA are realised,*** given the needed resources to contribute to EGD commitments and associated monitoring activities.

- **Complement the proposed 2029 evaluation with a mid-term evaluation in 2025** to be able to assess progress on the EGD and inform the programme of the next Commission and an eventual EGD-2.

## 6. Chemicals

We welcome the Chemical Strategy for Sustainability (CSS) published on 14 October. It sets out a commitment that finally the most toxic chemicals will be progressively banned from consumer products; long delayed actions on endocrine disrupting chemicals and an action plan to phase out PFAS have been announced as well as zero tolerance for non-compliance. We also welcome the acknowledgement that safety and environmental sustainability are the future for European industry, that clean recycling should be the rule and that exports of chemicals that are banned (but still made and exported from Europe) will stop.

However, the EEB is concerned that:

- **There is no absolute target to reduce chemical production**, despite massive predicted growth, [most of it toxic](#).
- **The Strategy lacks financial instruments to penalise hazardous chemicals production and use** and to ensure that polluters pay for health and environmental impacts, monitoring pollution as well as remediating the polluted environment, including cleaning polluted drinking water.
- **The intention to require comprehensive impact assessments for the legal proposals included in the CSS may lead to long delays** if not to paralysis by analysis. The announced actions are already the result of several in-depth reviews following the Commission's better regulation tools.

***We therefore call upon the Environment Council to deliver Council conclusions that, while broadly supporting the CSS, tackle these issues and call for:***

- ***Concrete measures to reduce production volumes of chemicals***, in order to reduce our overall exposure;
- ***Ensure that the Strategy and upcoming legislative actions will apply the polluter pays principle through concrete financial incentives*** to penalise harmful chemistry and shift the economic burden of chemical pollution from the public to polluters;
- ***Assurance that impact assessments will not delay the announced actions*** and that the Commission completely delivers the ***Chemical Strategy for Sustainability actions by 2024***.

## 7. Methane Strategy

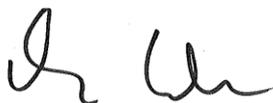
Methane is both a climate forcer and a precursor of air pollution, being a leading cause of ground-level ozone emissions which damage human health, nature and crops. On 14 October, the Methane Strategy, aiming at covering emissions from energy, waste and agriculture was launched. Despite agriculture being responsible for more than the 50% of methane emissions in the EU, no real action has been taken to reduce those emissions. Biogas and feeding strategies (additives) have been promoted instead, without limiting the former to a small-scale and on-farm consumption and without considering that many other externalities are related to intensive livestock farming, such as ammonia emissions, which will not be touched by an end-of-pipe approach such as feed additives.

***We call on the Environment Council to adopt conclusions on this issue highlighting the need for preventing methane emissions from agriculture through:***

- *The upcoming **Common Agricultural Policy post 2020**, in particular ensuring that the new CAP supports farmers to reduce livestock numbers in areas of high density;*
- *The **Industrial Emissions Directive**, now under revision, through including methane emissions from cattle and from coal mining in its scope.*

Thank you in advance for your consideration of these points which support the ambitions of the European Green Deal and will help catalyse progress in meeting the environmental challenges facing Europe and the planet. This will respond to scientific evidence and also support EU and national legitimacy in the eyes of the electorate which broadly supports increased action at EU level to protect the environment.

Yours sincerely,



Jeremy Wates  
Secretary General

## ANNEX 1

### Detailed recommendations for the Council Conclusions on the Biodiversity Strategy for 2030

In endorsing the Biodiversity Strategy for 2030, we further call upon the Environment Council to:

- **Endorse the targets to protect 30% of land (including freshwater) and sea, with one-third under strict protection, and to commit to the national implementation of these targets.** The network of protected areas needs to be ecologically coherent and representative to cover the full range of ecosystems and biodiversity benefits;
- **Endorse the target to strictly protect 10% of the EU's land and sea area given the importance of allowing ecosystems to recover** and the potential for significant contributions to climate mitigation and adaptation, by strictly protecting *inter alia* old-growth forests and other carbon-rich ecosystems. The definition of strict protection should be aligned with the IUCN categories I and II and exclude extractive and habitat-altering activities;
- **Recognise the importance of and the need for legally binding targets on nature restoration** and their potential in addressing both the biodiversity and climate crises by bringing about permanent land- and sea-use change in ecosystems important for climate change mitigation and adaptation, **with at least 15% land and sea of each Member State to be restored;**
- **Commit to integrate the target of at least 25,000 km free-flowing rivers in the 3rd River Basin Management Plans** under the Water Framework Directive and increase this target to **15% of free flowing rivers to be restored through the nature restoration law;**
- **Explicitly support the targets related to bringing nature back to agriculture land and make the CAP compatible with nature objectives and long-term food production.** For instance, the 50% pesticides reduction target needs to be integrated in the announced revision of the Sustainable Use of Pesticides Directive to make this target legally binding. **The commitment to bring 10% of agricultural area under high-diversity landscape features** is also essential to leave space for nature on farmland, should be implemented at farm-level on all types of agricultural land and be a basis for farm subsidies in the CAP;
- **Remain committed to the EU taking a leadership role at COP15 of the Convention for Biological Diversity** and enhance the credibility of this role by taking timely and ambitious action at home to address the biodiversity crisis within and beyond the EU by also recognising the significant global footprint of the EU's consumption patterns and by taking active steps to significantly reduce it;
- **Commit to further explore the links between ecosystem degradation and the ongoing as well as future pandemics** and prioritise the protection and restoration of ecosystems in the efforts to increase our resilience to future pandemics.