To: Environment Ministers of EU Member States  
Cc: Commissioners for Environment, Climate, Health and Consumer policy and the Chair of the European Parliament Environment Committee

Concerning: Input to the EU Environment Council Meeting, Brussels, 3 March 2014

Brussels, 5 February 2014

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.

1. Climate and Energy 2030 Communication

The EEB is deeply concerned by the Commission’s white paper on a 2030 policy framework for Climate and Energy which, far from being the much needed leap forward, now creates a very serious risk that the EU is going to miss the boat when it comes to green energy and energy efficiency solutions let alone continue to play a leadership role at the international level. This can be avoided through a strong request from Council and the European Parliament that a new European Commission should come forward with a set of legal proposals for 2030 that includes a revised and improved set of targets, with the Environment Council playing a central role in preparing this.

The EEB therefore calls on the Environment Council to:

• Support three legally binding targets that are consistent with staying below a 2°C global temperature rise, namely:
  - greenhouse gas (GHG) emissions reductions of at least 60%;
  - energy savings of at least 40%, as part of the review of the Energy Efficiency Directive this summer; and
  - at least 45% of energy coming from sustainable renewable energy by 2030;
• Reverse the Commission’s proposal to discontinue the Fuel Quality Directive without any assessment.

See Annex 1 for more detailed comments.

2. Air Package; NEC Directive and Medium Scale Combustion Plants

The EEB welcomes the Commission’s initiative to propose new laws to tackle air pollution, including the long overdue revision of the National Emission Ceilings (NEC) Directive and a proposal to address emissions from medium scale combustion (MCP) installations. However, the EEB regrets the poor level of ambition of the two proposals and of the overall new strategy, which will leave health and environmental damages due to air pollution unresolved until after 2030. Given the widespread damage of air pollution to health, environment and society at large and the high associated economic costs, it is essential that the Environment Council now supports more significant cuts in emissions both in the short and medium term.

The EEB therefore calls on the Environment Council to:

• Support ambitious binding emission reduction commitments for 2020 and 2025 under the NEC Directive, including 2020 levels going significantly beyond those set under the revised Gothenburg Protocol and the 2005 Thematic Strategy on Air Pollution (TSAP) in order to comply with WHO Health Standards and meet the objectives of the recently agreed 7th Environmental Action Programme;
• Support the inclusion of additional harmful air pollutants in the scope of the National Emissions Ceilings (NEC Directive), in particular mercury;
• Support the strengthening of EU ambient air quality limit values, based on the latest scientific evidence and WHO recommendations;
• Support the introduction of EU-wide source control measures to reduce air pollution, with particular attention to medium scale combustion, domestic heating, shipping, non-road mobile machinery, and the agriculture sector. In particular, with regards to the MCP Directive:
  o Ensure that medium scale combustion installations make use of the best available techniques and that the new standards enter into force as soon as possible;
  o Support the introduction of an integrated permitting system and a strengthened monitoring regime.

See Annexes 2 and 3 for more detailed comments.

3. Greening the European Semester

The EEB welcomes the Greek Presidency initiative to involve the Environment Council further in the European Semester Process. It is particularly important now that the positive recommendations from the Commission’s Annual Growth Survey 2014 to shift taxation away from labour to resource consumption and pollution, to reduce environmentally harmful subsidies and to promote improved waste and water management, recycling and resource efficiency will be followed up by a comprehensive and specific set of Country Specific Recommendations that will not only support achieving agreed EU objectives in the areas of climate change, biodiversity and resource efficiency but will promote a greening of the overall economy.

The EEB therefore calls on the Environment Council to:
• Support the Commission’s recommendations in the 2014 AGS to a green fiscal reform, the elimination of environmentally harmful subsidies and the promotion of improved waste and water management, recycling and resource efficiency;
• Request the Commission to come forward with a Resource Efficiency Package that sets targets and indicators to secure an absolute reduction in resource consumption and an overall strengthening of Europe’s waste policies.

See Annex 4 for more detailed comments.


Following years of stalemate over the proposed Soil Framework Directive – a stalemate which led the Commission through its REFIT Communication to announce the possible withdrawal of its proposal – a new and important opportunity has arisen to move forward negotiations on this crucial piece of EU environmental law. On 19 December 2013, the German Bundesrat adopted a resolution that underlines the need for EU wide regulation of soil protection, urges the German government to insist on the restart of the negotiations on the stalled Soil Framework Directive, offers some very specific deliberations on how to address concerns raised so far and commits the German regions to provide further constructive input. The upcoming Council should be used as a moment to reflect on how such a restart of the negotiations can take place.

The EEB therefore calls on the Environment Council to:
• Seize this crucial opportunity to move the debate forward on the Soil Framework Directive and thereby address an important gap in EU environmental law.

Thank you in advance for your consideration of these points.

Yours sincerely,

Jeremy Wates
Secretary General
Annex 1

EEB comments to the Environment Council of 3 March 2014 on:
Communication from the Commission on Climate and Energy 2030 Framework

The European Commission published its White Paper on the EU’s 2030 climate and energy policy framework on 22 January 2014, passing the buck to the Council to decide on crucial new climate targets.

The White Paper fails to put forward a proposal that adequately addresses climate change, demonstrates EU leadership and ensures continued EU competitiveness in clean technologies leading to jobs and growth. It proposes a demonstrably inadequate 40% domestic greenhouse gas reduction (GHG) target for 2030 together with a target of “at least” 27% for renewables, which is barely more than a business-as-usual scenario and crucially fails to set binding national targets. In fact, the accompanying Impact Assessment\(^1\) shows that a 40% greenhouse gas target (with enabling conditions such as infrastructure development) will already deliver a 26.5% share of renewables in the energy mix without a pre-set target. Moreover, the proposal postpones any discussions on a new energy savings target until after the review of the Energy Efficiency Directive this summer.

The Commission’s plans fall far short of the EU’s international commitment to play its part in halting global warming to below 2°C and will undermine the prospects of the EU playing a leadership role in negotiations towards the adoption of a new international climate agreement in Paris in 2015. It will also put a brake on the progress achieved to date with the 2020 climate and energy package on a market transition towards green energy and technologies that has seen Europe develop world-leading expertise and industries. Moreover, renewables and energy efficiency measures have the potential to create new jobs and growth in Europe. In addition, tapping the EU’s cost-effective end-use energy savings potential of 41% would result in over €239 billion annual savings net for households and industry as a result of lower energy bills.\(^2\)

The Commission also announced in the White Paper the intention to discontinue after 2020 its flagship policy to decarbonise transport fuels, the Fuel Quality Directive, despite this being a powerful instrument to avoid the EU importing ever dirtier fossil fuels from tar sands. This policy has been the subject of ferocious lobbying by Canada with whom the EU is about to sign a free trade agreement. This move goes to show how environmental protection in Europe is put on the line under the pretext of free trade.

The EEB would like to see post-2020 EU climate policy based on three ambitious binding targets for 2030: at least 60% GHG reductions, 45% of energy coming from sustainable renewables and 40% energy savings. This would put the EU firmly on the path to actually achieving the necessary emissions reductions in the longer-term which the EU has already agreed to.

While the Commission appears to have caved in to the lobbying from the fossil fuels industry, it is now imperative that the Council ensures that the necessary ambition is put back into EU climate and energy policy.

The EEB therefore calls on the Environment Council to:
• Support three legally binding targets that are consistent with staying below a 2°C global temperature rise, namely:
  - greenhouse gas (GHG) emissions reductions of at least 60%;
  - energy savings of at least 40%, as part of the review of the Energy Efficiency Directive this summer; and
  - at least 45% of energy coming from sustainable renewable energy by 2030;
• Reverse the Commission’s proposal to discontinue the Fuel Quality Directive without any assessment.

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\(^1\) Commission Staff Working Document: Impact Assessment Accompanying the Communication “A policy framework for climate and energy in the period from 2020 up to 2030”. 22 January 2014

\(^2\) Fraunhofer ISI, Concrete Paths of the European Union to the 2°C Scenario, 2012.
An urgent action is needed to improve air quality in Europe. Air pollution causes more than 400,000 people a year to die prematurely in the EU and was in 2013 declared a leading environmental cause of cancer deaths by the World Health Organisation (WHO). Air pollution also impacts upon Europe’s ecosystems, with two-thirds of the protected sites in the EU Natura 2000 network currently under severe threat from air pollution. The economic costs of air pollution are enormous, amounting to between €330 and €940 billion in the year 2010 alone.

On 18 December 2013, the European Commission adopted a package of proposals to improve air quality in Europe. The centrepiece of the package is a proposal to revise the National Emission Ceilings (NEC) Directive, the role of which is to limit emissions of air pollution and thereby protect human health and ecosystems.

The Commission’s proposed ambition level is too low to solve Europe’s air quality problems. In particular:

- The proposed targets for 2020 - which are a copy-paste exercise from the revised 2012 Gothenburg Protocol - are extremely weak. The emission levels proposed are even less ambitious than those under a business-as-usual scenario, i.e. levels that EU Member States will achieve anyway merely by implementing their obligations under existing EU and national legislation;
- For 2025, no legally binding targets are proposed, which will result in further delays to cut air pollution, with all additional efforts being postponed to 2030;
- The 2030 targets are not only too late but they are also far from sufficient to achieve the EU’s air quality objectives as set out in the 6th and 7th EAPs. The level of 70 per cent “gap closure” between the baseline scenario and what is currently technically feasible is too narrow and excludes a whole range of technical and non-technical measures which are available and needed to improve air quality. Non-technical solutions such as promoting sustainable transport modes, increasing energy efficiency, sustainable farming or the use of economic instruments are already being implemented in some parts of the EU and need to become standard practice. Technical and non-technical measures combined could take the EU far beyond what is perceived as ‘technically’ feasible, and often at lower cost.

As a result of this, the Commission’s proposal still leaves an enormous health problem unaddressed. It is estimated that over 260,000 premature deaths would still occur in 2030 even after implementation of the Commission’s draft laws.

The Commission also missed the opportunity to include emission reduction commitments for mercury, a global pollutant with severe adverse impacts on human health and the environment. The inclusion of mercury into the NEC Directive would help to ensure overall mercury emission reductions, as agreed by the EU in the new Minamata Convention. It would help deliver significant benefits for human health, ecosystems, wildlife populations and the environment.

There are strong reasons to aim for much more ambitious emission reduction commitments in the revised NEC Directive. The cost-benefit analyses prepared for the NEC Directive revision and for the Gothenburg Protocol revision show that the monetised health benefits alone significantly exceed the estimated costs, even for the most ambitious reduction scenario.

The EEB therefore calls on the Environment Council to:

- Ensure the adoption of a NEC Directive which leads to the achievement of the 7th EAP objective by 2030, i.e. which attains “levels of air quality that do not give rise to significant negative impacts on, and risks to human health and environment”;
- Support ambitious binding emission reduction commitments for 2020, 2025 and 2030, including 2020 levels that go significantly beyond those of the revised Gothenburg Protocol and the 2005 Thematic Strategy on Air Pollution (TSAP);
- Support the inclusion of emission reduction commitments for methane to start in 2020 and the inclusion of emission reduction commitments for mercury for all three target years;
- Strengthen EU-wide requirements to cut emissions from sectors as a way to help Member States achieve ambitious reductions. In particular:
- Support the introduction of EU-wide measures to limit emissions of ammonia, methane and PM from agriculture;
- Support the introduction of EU-wide measures to limit emissions from transport, with particular attention to shipping and non-road mobile machinery;
- Support the introduction of EU-wide measures to limit pollution from domestic solid-fuel combustion sources, which is the biggest source of PM and black carbon emissions in the EU and is expected to increase;
- Ensure better coherence between the objectives of the different pieces of EU air legislation (e.g. NEC and Ambient Air Quality) with the aim of achieving the EU’s 6th and 7th EAP health and environmental objectives by 2030;
- Improve the enforceability of the NEC Directive, in particular through the inclusion of an express right of access to justice for citizens and NGOs;
- Call upon the Commission to align EU ambient air quality limit values with the latest health recommendations.
Annex 3

EEB comments to the Environment Council of 3 March 2014 on:
Proposal for a Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants

As part of its air quality package adopted on 18 December 2013, the European Commission published a proposal to limit emissions from installations between 1 and 50 megawatts (MW). With this proposal, the Commission is finally addressing a sector which until now was out of the scope of the EU’s air policy despite its important contribution to air pollution.

It is estimated that there are 142,986 installations between 1-50MW in the EU. According to 2010 data, their annual contribution to air pollution is estimated at 554kt for nitrogen oxides (NOx), 301kt for sulphur dioxide (SO2) and 53kt for particulate matter (PM). Emissions of NOx, SO2 and PM are particularly harmful to health but also damage ecosystems, crops and materials.

Cutting emissions at the source is one of the most effective ways of cutting air pollution. It can deliver quick and effective reductions of emissions and help EU Member States to achieve their objectives agreed under the Ambient Air Quality and National Emission Ceilings Directives.

The Commission’s proposal sets emission limit values for all three pollutants. The proposed emission limits differ quite significantly according to the size category and the type of installations (existing/new installations, boilers/engines and turbines, and type of fuel used). A comparison between the emission limit values (ELVs) proposed by the Commission and the benchmark values of the proposal’s Annex III shows a discrepancy between the proposed legislation and what is possible under current technology. The NOx benchmark values are much lower for boilers (by a factor of 3 for solid biomass, factor 6.5 for other solid fuels, factor 5 for heavy fuel oil, more than 2 for gaseous fuels). The same applies to PM benchmarks for boilers (factor 3 for the different fuels used in the 1-5MWth category and a factor 6 for the different fuels used in the 5-50MWth category). For combustion engines and turbines, the NOx benchmarks are lower by up to a factor 12 depending on the fuel used.

It is further unacceptable that the compliance deadlines are delayed to 2025 for existing installations above 5MWth and to 2030 for the installations below 5MWth. The proposal also includes derogations for specific types of installations, for instance those operating a certain number of hours per year or combusting fuels of animal by-products and derived products and a weak monitoring regime, requiring periodic measurements only every 3 years for the 1-20 MWth category and only annually for the 20-50MWth category.

Finally, the Commission missed the opportunity to set up an integrated permitting regime which is already in place in several EU countries. Permits would set, where relevant, additional requirements addressing possible negative impacts to water and soil, as well as for energy use and waste generation. It could help set up more appropriate conditions to prevent negative impacts in areas where the pollution is particularly high. This is the case in many places in Europe where ambient air quality limit values for particulate matter (PM) and nitrogen dioxides (NO2) are still breached and where populations are exposed to levels which are a major threat to human health. The permitting procedure is also a way to ensure public participation in the decision-making process.

The EEB therefore calls on the Environment Council to:

- Support alignment of the emission limit values with what is achievable by the use of best available techniques (BAT), as indicated in the benchmark values proposed;
- Support bringing forward the deadline for compliance with emission limit values for existing plants to before 2020 and make sure new plants are required to comply upon the entry into force of the Directive;
- Support the introduction of an integrated permitting regime in order to take into account the specific conditions where installations are located, for instance in densely populated areas, as well as other relevant environmental impacts, and ensure early and effective public participation;
- Strengthen the emissions monitoring regime.
Annex 4

EEB comments to the Environment Council of 3 March 2014 on:
Greening the European Semester

The EEB welcomes the attention the Greek Presidency gives to the European Semester which is one of the mechanisms by which Europe seeks to coordinate its macro-economic reforms in response to the ongoing euro-crisis. Although the Country Specific Recommendations (CSRs) that the Commission prepares as part of this Semester are not legally binding they do give an important political signal.

It is therefore crucial that these CSRs are given appropriate attention by the Member States as well as by the European Parliament and in particular by the Ministers of Environment in order to ensure that the CSRs not only support the achievement of crucial environmental objectives in the area of climate change, biodiversity and resource efficiency but also support a greening of the overall economy.

The Commission’s 2014 Annual Growth Survey (AGS) which, despite having in many places a too narrow approach to growth and competitiveness, also provides a good starting point to do so. Positive is the recommendation to Member States to better involve civil society in the preparation of the National Reform Programmes that should implement the CSRs, as well as, under the heading ‘pursuing differentiated, growth friendly fiscal consolidation’ of shifting the tax burden away from labour on to tax bases linked to consumption, property and pollution as well as to reduce environmentally harmful subsidies. In addition to that, under the heading of ‘promoting growth and competitiveness for tomorrow’, the Commission identified the promotion of resource efficiency by improving waste and water management, recycling and energy efficiency.

It is therefore now essential that these general recommendations are followed up by a comprehensive set of very concrete and specific CSRs that will help ensure a lasting and sustainable exit from the current economic crisis while at the same time addressing the larger ecological crisis looming behind the economic one.

At the same time it needs to be stressed that the European Semester in itself will not do enough to solve Europe’s challenges in the field of climate change, biodiversity loss and overconsumption of natural resources. It therefore remains critical that at the same time the EU continues to implement and further develop the necessary policy instruments in these fields.

The EEB therefore calls on the Environment Council to:

- Support the Commission’s recommendations in the 2014 AGS to a green fiscal reform, the elimination of environmentally harmful subsidies and the promotion of improved waste and water management, recycling and resource efficiency;
- Request the Commission to come forward with a Resource Efficiency Package that sets targets and indicators to secure an absolute reduction in resource consumption and an overall strengthening of Europe’s waste policies.