Editorial

It was always known that 2014 would be a year of changeover for the EU institutions – it was simply part of the calendar. And it was widely suspected that it would involve significant changes in the composition of the Parliament, with a shift towards Euroscepticism and parties of the extremes.

What few suspected was that the big story for the environment would be not the changes in the Parliament but those in the Commission. And that it would involve the biggest reorientation away from environmental priorities in decades.

The audacity of the attack on environment through the set-up of the new Commission has been breathtaking. Although much has been written about this since President Juncker’s plans were announced on 10 September, there is a danger in getting used to the new reality to the point where one loses perspective. So it is worth recalling some of the main elements:

• Scrapping of the dedicated post of Environment Commissioner for the first time in about two decades and of the dedicated post of Commissioner for Climate Action barely one year before the crucial Paris climate conference. What Commissioners Potocnik and Hedegaard did as two full-time jobs will now be done by Commissioners Vella and Arias Cañete as part-time jobs.

• Establishment of a formal filtering process for new legislative initiatives in which the primary point of reference will be a set of political guidelines which contain almost no reference to environment outside of climate change, being based on an outdated ‘growth and jobs’ paradigm. Environmental policy is regarded as having ‘a rather complete and mature legal framework’, placing an additional question mark over the future of the long-awaited proposals on access to...
justice and environmental inspections as well as much-needed improvements in other fields such as chemicals policy.

- Instructions to the new Commissioner responsible for environment to look into merging the Birds and Habitats Directives, which serve as the cornerstone of nature protection in Europe, into a more ‘modern’ piece of legislation, and even worse to reconsider the new Commission’s support for the air and circular economy packages that have only just been issued by the outgoing Commission within the past year.

In the original proposal there was no reference whatsoever to environment or sustainability in the proposed mandates of any of the Vice-Presidents, in line with the approach of the political guidelines. Following the outcry from environmental organisations and MEPs about the treatment of environment in the proposal, this last point was rectified to some extent with the addition in the mandate of First Vice-President Timmermans of a horizontal responsibility for ensuring the coherence of proposals from the new Commission with the Treaty-enshrined principle of sustainable development. Although a small step in the right direction, it remains to be seen to what extent it is just a fig leaf or will be turned into something operational. However, a grand coalition between the two largest political groupings in the Parliament prevented any further damage limitation.

Of immediate and intense concern is the fate of the air and circular economy packages. Vice-President Timmermans has been charged with the task of reviewing within the first three months whether or not to pursue legislative proposals that were brought forward by the Barroso II Commission. There are compelling substantive reasons why these two packages should go forward. The air package aims to tackle well-known pollutants that are responsible for more than 400,000 premature deaths and up to €940 billion in health costs per year; the circular economy package is critical to creating new jobs and moving Europe towards the more resource-efficient society envisaged in the Europe 2020 Strategy. But aside from that, if each incoming Commission would review and potentially withdraw legislative proposals that are already in the co-decision process and which have been laboured over for several years by the Commission services, this would be a staggering inefficiency in a body that claims to promote better regulation, and would further undermine public trust in the EU. If the EU’s main regulatory body does not take its own work seriously, why would anyone else?

The picture is extremely bleak. But despite an unpromising start, it will be important to give the Juncker Commission the chance to prove itself. It is in that spirit that the EEB will engage in the months ahead.

**CREDIBILITY OF REACH AT STAKE**

DEHP is a phthalate, a group of “gender-bending” chemicals which cause the males of species to become more female. These chemicals have disrupted the endocrine systems of wildlife and humans, causing testicular cancer, birth malformations and infertility, to name just a few.

Due to its low-cost, PVC is widely used in everyday products, including textiles, furniture, shoes, cosmetics and building materials. DEHP (and its counterparts) is a pervasive contaminant, that can be found everywhere in the European environment as well as in 99% of the sampled population, including pregnant women and newborns.

Surprisingly, ECHA’s scientific committees considered that the benefits to the few companies applying for authorisation outweighed the costs to society of the exposure to this toxicant, despite ECHA acknowledging that the risks are not adequately controlled.

NGOs, Member States, research institutes, companies manufacturing alternatives, as well as downstream users applying these alternatives, provided ample information on the availability of safer alternatives to DEHP during the public consultation.

ECHA’s recommendation for authorisation of DEHP completely disregards the REACH Regulation’s main objectives: to encourage and ensure that substances of high concern are eventually replaced by less hazardous alternatives and the protection of EU citizens’ health and environment.

The ball is now in the European Commission’s court to decide if an authorisation should be granted to an obsolete and toxic substance for which plenty of safer alternatives are available. The Commission’s decision will send a clear sign to the EU companies on whether a toxic-free environment is (or is not) a priority for the new European policymakers.

Tatiana Santos
Senior Policy Officer - Chemicals and Nanotechnology
ENERGY EFFICIENCY CLAIMS: FACT OR FICTION?

Can shoppers trust EU energy labels when deciding which fridge, TV or other appliance to buy? The first results of a project co-led by the EEB has revealed that retailers get labelling wrong on more than half of all products sold online.

Does this really matter? Actually, yes. Experts say that up to a fifth of energy savings projections are being lost due to under-performing products and inaccurate labelling. While the average home energy will only be affected a little, on a European scale, this equates to about 100TWh a year of wasted energy, equal to the entire residential electricity consumption of Central and Eastern Europe.

In its first inspection round, the MarketWatch project surveyed 111 online retailers and 114 high street shops in 11 European countries and found that on average 62% of online products had missing or incorrect EU energy label information. High street retailers seem to be doing better, with an average 12% of products missing labels altogether, and a further 11% having incorrect labels – an improvement on findings from other studies in recent years.

With the EEB leading on communications, the project gained mainstream media coverage in several European countries, gaining attention from industry and pledges to improve. MarketWatch will keep up the pressure on retailers with two further inspection rounds, but also turn up the heat on manufacturers, questioning whether the efficiency claims they make for their goods are fact or fiction. From September, the project will screen 100 products across Europe and send 20 of the most suspicious cases for full laboratory testing.

MarketWatch campaigns for products as efficient as the law requires them to be, to cut energy bills and avert dangerous climate change.

Sign up for the project newsletter at: www.market-watch.eu
Visit 10 national sites via: www.market-watch.eu/about-us
Or get twitter updates at: @MarketWatchEU

Jack Hunter
MarketWatch - Communications Manager
GREENING THE GLOBAL SUSTAINABILITY AGENDA

In September 2014, the UN General Assembly adopted the final outcome document of the Open Working Group (OWG) set up to do preparatory work on a set of global sustainable development goals (SDG), as agreed at the Rio+20 Conference in 2012. This paved the way for further negotiations on the future Sustainable Development Goals in the Framework for the Post 2015 Sustainable Development Agenda. To achieve this outcome document governments and civil society organisations had undertaken intensive meetings during the previous 14 months.

The EEB Global Policies and Sustainability unit was actively involved as the Organising Partner for the Major Group of NGOs, and focussed on keeping the sustainability, justice and equality agenda prioritized for the coming decades as an overarching policy for national and regional governance. The coming months, however, will be crucial to maintain the level of ambition of the OWG outcome document or if possible strengthen it on issues where it is weak.

In general, given the international political context, the outcome document is not too bad, and gives many entry points to work further on the systemic changes that our global and national economies so urgently need.

It is the High-Level Political Forum on Sustainable Development (HLPF), the successor of the Commission on Sustainable Development (CSD), that is responsible for further negotiations. This body is a hybrid one and has neither the power nor the structure to be bold and effective. It falls partly under the Economic and Social Council of the UN (ECOSOC), partly under the General Assembly. It does not have a proper secretariat or resources, plus the modalities for real pro active civil society participation are not clear yet. The HLPF does not have a board with selected member states like the CSD had.

At the United Nations Environment Assembly (UNEA) in Nairobi, the United National Environment Program (UNEP) showed interest in being involved in the Post 2015 Sustainable Development process, but it is not so clear which role UNEP will play.

The coming meetings of the HLPF will be under the auspices of ECOSOC, a body that is normally not on the radar of environmental ministers and policymakers. Trade and international cooperation ministers will probably attend those meetings. Also environmental organisations are not so active in ECOSOC meetings, nor are they very involved in the Post 2015 Sustainable Development Agenda. In general, environmental organisations tend to focus on local issues, and relatively few also focus on international challenges. Only the climate negotiations are an exception. Their lack of involvement in the SDG process is really worrisome, as the environmental dimension will get more out of sight. Fourteen out of the seventeen proposed SDGs are directly related to global and local environmental challenges, so the environmental movement should certainly be involved much more.

In a debate with the special advisor of Ban Ki-moon for the Post 2015 Agenda, Ms Amina J. Mohammed from Nigeria, it became clear that she is very supportive of the traditional development agenda and not that keen on the, in her view, too complex approach of sustainability. She wants SDGs which would easily “go through the door of governments” (MDG+), and hopes at the same time that large amounts of private funding will be provided for the implementation of concrete programmes. Her main goal is to up-scale traditional development activities (not build one school, but thousands) where she also hopes for the support of the World Bank.

Another sign of the environmental sustainability dimension being neglected is that in the recently established International Expert Advisory Group on data revolution for the review of the SDGs, there is not one person appointed with an environmental background in data collection.

There is still a lot of policy work ahead if the Post2015 Sustainable Development Agenda is to succeed. *
CLIMATE: THE HEAT IS ON

The target of at least 40% (GHG) reductions domestically by 2030 translates into a 50% chance of greenhouse gas keeping the global average temperature at 2° Celsius. Improving energy efficiency by 27% by 2030 would significantly slow down existing efforts to reduce energy consumption. And 27% renewables by 2030 is little more than what would happen under a business as usual scenario. How could anyone then argue that a deal that consists of these three elements is ‘ambitious’?

Yet this is exactly what happened in October when European leaders in Brussels agreed precisely those objectives for 2030. It may well be that the agreement will encourage other major polluters around the world to enter into a ‘race to the top’ before the climate conference in Paris in 2015, but there has so far been little sign that this will happen. In the meantime, the EU would be left with a climate and energy policy package that would be insufficient and ineffective.

Before that happens however, the Commission will need to prepare a legislative proposal that will revise existing instruments such as the Renewable Energy Directive, the Energy Efficiency Directive, the Emission Trading Scheme and the Effort Sharing Decision, that ensures delivery on those targets and which will then be subject to negotiations with energy ministers, MEPs and the Commission.

President Juncker however has made it clear that he considers a binding 30% energy savings target the absolute minimum and he also made it clear that he wants his Commission to be ‘big on big things’, which is widely understood as not being dictated to, on what to do, by the Member States. The key question is, therefore, will President Juncker dare to be big on climate and energy, and come forward with a proposal that is responsible, based on climate science, and will cut the EU’s dependence on fossil fuels, irrespective of where they come from.

Even when the EU is being ‘big on big things’, it still comes down to percentage points. In the case of energy efficiency every additional 1% energy savings leads to a 2.6% reduction of gas imports. Every additional €1 million invested in efficiency creates 8 to 27 job-years. Large-scale efficiency policies can boost growth by 0.25% to 1.1% per year. And it is only through a binding target, broken down to national targets and supported by a solid regulatory framework, that such benefits are secured.

Which brings us to the second key question, will the EU drop its existing approach of 3 targets backed up by legal instruments in favor of one GHG target only to be primarily achieved through an Emission Trading System that has hardly excelled in effectiveness in recent years? Or will it stick to its existing approach and strengthen it?

All the evidence shows that a trio of binding targets is no more expensive than a GHG target alone, and delivers much higher energy security and economic and environmental benefits. And all the arguments in favour of one target only are based on flawed and censored information that increasing energy efficiency would increase costs exponentially.

President Juncker has clearly downgraded environment in his new Commission but he has also committed to better, evidence-based lawmaking, the rule of law and to be ‘big on big things’. If putting Europe on track to climate safety, energy security and job creation through binding energy efficiency and renewables targets and policies are not big things, what could be?

STOIBER PRESCRIBING THE WRONG MEDICINE

Almost one third of ‘Stoiber group’ members oppose the biased final report. The European Commission’s High Level Group on Administrative Burdens, chaired by Dr Edmund Stoiber, has drawn severe criticism from 4 of a total of 15 members for its final report pushing an outdated, deregulatory agenda.

The High Level Group was set up in 2007 to advise the European Commission on reducing the level of administrative burdens on business and other stakeholders. As Barroso II came to a close, the group released its final report with the conclusions and recommendations for the future at a conference on 14 October attended by the members of the group including Dr Edmund Stoiber and outgoing Commissioner President Barroso.

The views of members representing trade unions, environmental groups, consumer organisations and health groups are presented in a ‘dissenting opinion’ which was published alongside the final report. The opinion argues that the Stoiber report’s goal of reducing the overall costs of regulation on business will come at the expense of health, safety and environmental protection that these regulations provide.

The recommendations proposed by Stoiber and opposed by the dissenting members include:
- setting a target for reducing regulatory costs
- offsetting new regulatory ‘burdens’ by removing existing ‘burdens’
- exempting small and medium-sized enterprises (SMEs) from ‘EU obligations’

Pieter de Pous
Director - EU Policy Unit

EEB Policy Director Pieter de Pous reacted to the Stoiber report: “By promoting deregulation as a recipe for more jobs and growth, this group has entered the realm of policy making. These recommendations would take Europe 30 years back in time and would only improve its popularity among yesterday’s business lobbyists, not citizens and its progressive businesses.”
SEEKING JUSTICE IN COURT ON INDUSTRIAL EMISSIONS

The EEB has four court cases pending before the Court of Justice of the European Union against exemptions from stricter limits on air pollutants which the Commission has accepted from operators of Large Combustion Plants in three Member States. This is the so-called “Transitional National Plan” (TNP) derogation.

Three cases relate to the European Commission’s refusal to reconsider its approval, which the EEB has requested through the request for internal review mechanism under the Aarhus Framework. The EEB requests for internal review can be found here http://ec.europa.eu/environment/ahrus/requests.htm (see 22; 24; 25).

Whilst the proceedings on the first case against the Greek TNP are temporarily on hold, the EEB lawyers requested the Court not to delay the proceedings, on the basis of the Aarhus Convention and its implementing legislation, which entitles NGOs meeting certain criteria to access to administrative or judicial procedures to challenge the Commission’s TNP decisions.

One further case relates to the refusal of the European Commission to make available all of the documentation submitted by the Bulgarian and Czech authorities in relation to their TNP application. The Commission has finally disclosed the documents requested, despite opposition of the Bulgarian authorities, which is positive, but only two months after the TNP approval was published. The EEB asked the Court to pursue a ruling and order compensation. It is a common habit of the Commission to exceed the one month deadline set in the Aarhus Framework and to release key documents only after the decision related to these has been taken. We hope that a positive Court case will change attitudes for a more efficient and open handling of future access to document requests.

More information can be found at: http://curia.europa.eu (cases T-462/14 (Greek TNP); T-565-14 (Polish TNP); T-685/14 (Bulgarian TNP), T-250/14 (Bulgarian and Czech TNP)

IT’S TIME FOR CLEANER AIR!

In September, the EEB alerted Members of the European Parliament about the major issue of polluted air in Brussels through a catchy short video. The EEB wants to draw MEPs’ attention to this Europe-wide problem.

The action is timely, as MEPs are due to start work on a number of EU laws that set new standards for air quality. These laws include the updated National Emissions Ceilings (NEC) Directive and the Medium Combustion Plants (MCP) Directive.

The short video, ‘It Is Time for Cleaner Air’, shows the number of ultrafine particles at busy spots in the EU district in Brussels. The idea was for MEPs to see that the air they are breathing is particularly dirty and recognise that they have the power to change that by setting tougher air quality standards.

The results showed that the air in Brussels can be up to 180 times dirtier than the level of clean air.

The EEB also produced a series of fact-sheets about how air pollution affects all aspects of our way of life, from our health to our economy and our cultural heritage. Crucially, they contain policy recommendations to MEPs that will help clean up our air.

The full range of factsheets can be found on the EEB website: www.eeb.org/index.cfm/activities/industry-health/air/

Christian Schaible
Senior Policy Officer - Industrial Production

Sébastien Pant
Communications Officer - Air Quality and Resource Efficiency
RAISING AWARENESS: RESPIRE

Action to achieve good air quality means rethinking urban planning and prioritising less carbon-intensive, cheaper and less polluting transport including walking and cycling. Action to improve good air quality also means shared methods of transport such as car-sharing or public transport. It also means aiming to improve our industrial system and looking again at our agriculture and energy systems to improve the well-being and health of citizens while at the same time reducing the costs of pollution which are transferred on to society.

Respire was founded in February 2011 and is an NGO dedicated to the improvement of air quality. Learn, raise awareness, surprise - these three words sum up Respire’s philosophy.

LEARNING BY DOING

Respire specialises in issues linked to air pollution in France and in Europe, be they political, economic, social or health related. Respire created, for example, a European ‘pollution-ranking’ for large cities in Europe using data from the European Environment Agency.

RAISING AWARENESS

Respire uses scientific and publicly available data as well as rules and regulations to inform, communicate, develop technical tools and as the basis for our arguments. Respire informs the public about air quality news through traditional and social media. In 2014 we organised the ‘Greenpride’ festival on the subject of air quality; http://www.respire-asso.org/univesite-greenpride/.

Respire also organises debates in partnership with 10 universities in Paris to discuss ‘air quality in all its forms’.

SURPRISE TO PROVOKE ACTION

Clean air is a common good for all. Laws exist to protect us, but they are very often not applied. Respire participates in public debates and makes sure that the voice of air pollution victims is heard. Respire also supported the NGO ‘Ecology without Borders’ in their complaint against ‘X’ (person or persons unknown) which they submitted in April against air pollution for a judge to decide who is responsible.

Karina Kochan
Respire
France

For more information see: www.respire-asso.org

JUSTICE IS IN THE AIR

In September 2014, ÖKOBÜRO – the Alliance of the Austrian environmental movement – won a landmark case for the implementation of the Aarhus Convention in Austria: the Clean Air Case.

Tired of the Salzburg government’s silence on cutting nitrogen dioxide emissions, the EEB member organisation tried to challenge the inadequate air quality measures taken by the government, basing its legal arguments on the Aarhus Convention. Ökobüro won access to justice in clean air issues for the first time in Austria.

In the region of Salzburg, both the Austrian and the EU limit values for nitrogen dioxide have been far exceeded for years. One main cause is the increasing traffic volume. Measures such as lower speed limits, city tolls, the expansion of public transport and promotion of walking and cycling are necessary measures to improve air quality in the area around the city of Salzburg. Over the years many affected citizens urged the government to take effective measures for the reduction of nitrogen oxides – but without success.

ÖKOBÜRO filed an “application for the enactment of measures to comply with the emission limits for nitrogen dioxide” with the Government of Salzburg on 8 April 2014. The Austrian Ambient Air Quality Act does not allow individuals or environmental organisations to call upon authorities to act when pollution limits are exceeded.

ÖKOBÜRO derived its right to do so from the Aarhus Convention and the case law of the European Court of Justice – and surprisingly the government of Salzburg accepted the application.

While in most EU countries environmental organisations already enjoy access to justice, Austria still denies this right in key environmental areas. Therefore this is a land-mark victory beneficial for all Austrian environmental organisations – and may be a precedent for granting access to justice in further environmental matters.

Birgit Schmidhuber
ÖKOBÜRO
Austria

Further information: www.oekobuero.at/english-summary-september-2014
This newsletter is produced by the European Environmental Bureau (EEB). The EEB is the largest federation of environmental citizens’ organisations in Europe. It groups together about 140 member organisations from some 30 countries.

The European Environmental Bureau is the environmental voice of European citizens, standing for environmental justice, sustainable development and participatory democracy. We want the EU to ensure all people a healthy environment and rich biodiversity.

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STAFF NEWS

WELCOME TO THIS WORLD
Congratualtions to EEB Staff Louise Duprez and Elena Lymberidi-Settimo who both gave birth to little girls in Summer 2014.

MARTINA MLINARIC
Martina Mlinaric, Senior Policy Officer for biodiversity, water and soil left the EEB in September. We wish her the best of luck in her new role with our friends at at the WWF European Policy Office.

SUSANNA WILLIAMS
Susanna Williams, our Policy Officer for Climate and Energy, also left the EEB to return to a career in journalism, working with ENDS Europe. We look forward to reading her regularly.

JOANNA SULLIVAN
Joanna Sullivan joined the EEB in September as Deputy Secretary General and Director of Communications. She comes to the EEB with a wide range of experience - most recently advising governments, civil society and progressive corporations.

CIRCULAR ECONOMY PACKAGE UNDER THREAT?

The European Commission adopted a legislative proposal in July this year which reviews recycling and other waste-related targets. The EU Waste Framework Directive, the Landfill Directive and the Packaging and Packaging Waste Directive have all been revised and a non-legislative communication which accompanies this package clearly states the aim of moving “Towards a circular economy: a zero waste programme for Europe”.

However, President Juncker, the new president of the European Commission, in preparation for the 2015 Commission work programme started by recommending to his new team to consider withdrawing some “unapproved” legislative proposals from the previous Commission administration. The Circular Economy Package is one of those files to be reviewed. Yet the Circular Economy Package is already under active consideration by the other parties in the co-decision process. During the last Environmental Council Meeting Member States all endorsed the need to move forward with this important Package. Many other stakeholders including industry and NGOs share the same view.

The package is a concrete tool to achieve some of the objectives set out in the 7th Environmental Action Programme and the Resource Efficiency Roadmap which had been earlier agreed by the EU institutions, Ministers, CEOs, academia and representatives of civil society under the framework of the European Platform for Resource Efficiency.

The next steps are for the Parliament and Council of Ministers to review the targets proposed by the Commission. This process will gather pace at the beginning of next year. The Commission’s proposal sets additional and, where they already exist, higher targets for recycling of materials in line with the waste treatment hierarchy. Among the targets are bids to stop the landfilling of recyclable materials, reduce food waste, and introduce a mandatory separate collection of biowaste.

The objectives set out in the proposed package are ambitious and in the long term will deliver huge benefits to the European economy including reduced dependence on expensive imports of raw materials from outside Europe, job creation and massive CO2 reductions.

Piotr Barczak  
Policy Officer - Waste