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

Concerning: Input to the EU Environment Council Meeting, Brussels, 28 October 2014

Brussels, 20 October 2014

Dear Minister,

On behalf of the European Environmental Bureau, I am writing to share with you our views on some of the issues that are or should be 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. Environment under the new Juncker Commission

The proposed set-up for the new Juncker Commission, which is expected to be approved by the European Parliament and European Council in the coming days, potentially represents the most serious setback for environmental policy in the EU in a couple of decades. The combination of a new structure which eliminates the dedicated posts for an Environment Commissioner and Climate Commissioner, the systematic filtering of legislative initiatives by reference to political guidelines that contain virtually no reference to environment outside climate change and instructions to the incoming Commissioner responsible for environment that seek to undermine environmental protection rather than strengthen it threatens to undermine the EU’s reputation towards its citizens and the rest of the world as a leader in developing forward-looking policies and solutions to resolve global challenges such as biodiversity loss, climate change, resource depletion and threats to environmental health.

In a deeply misguided return to an outdated unsustainable growth agenda, environment has been uniquely singled out in the Juncker plan as the area to be de-prioritised. As the representatives of their government responsible for protecting the environment, Europe’s Environment Ministers should not remain silent.

The EEB therefore calls upon the Environment Council to:

- Agree to add the issue of the proposed set-up of the new Commission to its agenda for an emergency debate held in public under the item ’Any other business’;
- Express its general concern at the low priority given to environmental and sustainability issues in the Political Guidelines and mandate letters issued by Commission President-elect Juncker to his team and insist that these issues are given higher priority in the Commission’s work programme;
- Request the incoming Commission to ensure that no pending proposals on environmental protection are withdrawn and that the forthcoming fitness checks on the Birds and Habitats Directives are not prejudged to entail a revision of the Directives.

See Annex 1 for more detailed comments.

2. Waste Package

The EEB welcomes the legislative package on waste policy released by the European Commission in July 2014 as part of a proposal on the Circular Economy and considers it a crucial step to transform Europe’s economy into a modern, performing, resource efficient and resilient economy. The Commission’s impact assessment on the process has shown that this will create 180 000 new jobs and save 447 MT CO2 equivalent by 2030. In addition to supporting the proposed new recycling targets and methodologies for calculating these, the EEB believes that the proposal should be strengthened through provisions to reduce and prevent waste generation.
The EEB therefore calls upon the Environment Council to:

- Support and strengthen the overall ambition of the proposal and its efforts to bring more consistency among all EU waste policies, in particular through strengthened provisions for biowaste, maintaining recycling objectives for Municipal Solid Waste and packaging Waste by 2030, new more enforceable essential requirements for packaging and the improved reporting methodologies;
- Introduce proposals for waste reduction, notably by implementing monitoring systems on food waste production and preparation for reuse activities that may only be effective and harmonised if specific legal objectives are made binding at European level.

See Annex 2 for more detailed comments as well as the enclosed EEB study ‘Advancing Resource Efficiency in Europe’.

3. Climate Change: Preparing for Lima

Following shortly after the UN Climate conference in September which saw hundreds of thousands marching the streets of New York, the climate conference in Lima is critical in the further preparations for a successful outcome in Paris in 2015. Agreeing to targets as part of a global legally binding commitment that ensures the world’s carbon budget is not exceeded, backed up by further pledges by the EU that would ensure its fair share to the initial capitalisation of the Green Climate Fund of 5 billion USD as well as a credible roadmap to committing for the complete fund are essential steps for the EU.

The EEB therefore supports CAN Europe’s call on Environment Ministers to:

- Support short commitment periods of 5 years that will avoid ‘target lock-in’ of insufficient targets and allow for an upward correction based on climate science, in particular in relation to cumulative carbon budgets;
- Build on the pledges made at the New York Climate Summit to reach 5 billion USD as part of its fair share towards the initial capitalization of the Green Climate Fund as well as present a credible roadmap for scaling-up climate funding by 2020 that represents the EU’s fair share (£24.3 billion) of the annual 100 billion USD as already agreed in Copenhagen.

4. Greening the European Semester and mid term review of Europe 2020

The EEB welcomes the Italian Presidency’s initiative to adopt Council Conclusions on greening of the European Semester and the mid-term review of the Europe 2020. We consider in particular the Mid Term Review as a crucial opportunity to move away from an ineffective and outdated ‘jobs and growth’ agenda by introducing a set of new targets that will ensure that Europe’s future reform efforts focus on problems that matter: loss of biodiversity, solving climate change and reducing Europe’s overconsumption of natural resources.

The EEB therefore calls upon the Environment Council to:

- Adopt Council Conclusions in support of a green fiscal reform, the elimination of environmentally harmful subsidies and the promotion of improved waste and water management, recycling and resource efficiency;
- Adopt Council Conclusions in support of the introduction of a set of targets in a revised Europe 2020 Strategy, in particular a target to improve resource productivity by 40% by 2030 as advised by the European Resource Efficiency Platform, backed up by a set of targets and indicators for material consumption, croplands, freshwater and carbon emissions;
- Reiterate the call by the European Council in October 2012 for the EU Sustainable Development Strategy to be reviewed as soon as possible, having in mind the ongoing negotiations towards a set of global, universally applicable sustainable development goals.

See Annex 3 for more detailed comments.

Thank you in advance for your consideration of these points.

Yours sincerely,

Jeremy Wates
Secretary General
When Commission President-elect Juncker announced his proposal for a new college of Commissioners on 10 September 2014, it spelled out a worst case scenario for the future of EU environmental policy. While public concern has largely focussed on the poor credentials and potential conflicts of interests of some of those nominated as Commissioners, the overall political direction given to the new Commission should arguably be of greater concern. The Political Guidelines which are supposed to provide the main frame of reference in determining what new initiatives will come out of the Commission completely ignore environmental issues other than climate change and GMOs. None of President-elect Juncker’s initial raft of mission letters to the new Vice Presidents mention environment or sustainability as key issues and the mandate for the environment commissioner aims for a freeze and possibly rollback of environmental policies. For the first time in two decades, the EU will not have a dedicated environment commissioner, nor will there be a dedicated climate commissioner, in both cases clearly signaling the reduced priority given to these areas. These changes have been widely criticized by the EEB and other environmental organizations – see for example the Green 10 reactions at http://www.green10.org/publications/.

Although the full extent of these proposed changes will only become more clear in the coming months and years, one thing is clear already and that is that the EU role of being a world leader in developing forward-looking policies and solutions to resolve global challenges such as biodiversity loss, climate change, resource depletion and threats to environmental health can no longer be taken for granted.

More immediately, the new first Vice President for ‘Better regulation, rule of law and fundamental rights’ has been requested by President-elect Juncker to review, within the first three months of this Commission’s term, all pending Commission proposals and, in consultation with the Council and European Parliament, decide which ones it will withdraw. Given the fact that the mandate letter to Commissioner-designate Kamel Vella explicitly asks him to review two proposals that have only recently been launched by the present Commission and are currently subject of discussions in both Council and European Parliament, namely the Air Package and the Circular Economy Package, we consider these two proposals to be particularly at risk of being withdrawn. While the content of the proposals will doubtless change in the course of the co-decision process, to withdraw these proposals would be a spectacular example of the opposite of ‘better regulation’. Aside from the considerable work undertaken by the Commission and the extensive discussion with other parties – including Environment Ministers – which preceded the issuing of the proposals, there are compelling arguments for moving forward with new legislation in these areas. The Air Package has the potential to save hundreds of thousands of lives and billions of euros annually; the circular economy package also has large economic benefits and considerable job creation potential (see Annex 2), as well as reducing dependence on imported resources. It is therefore absolutely essential now that the Environment Council plays a vocal role in the upcoming discussions between Vice President Timmermans, who is reportedly to be given sustainability in his portfolio as well, the Council and the European Parliament.

Another disturbing aspect of the mandate letter to the incoming Environment Commissioner is the instruction to assess the potential for merging the Birds and Habitats Directives into a more ‘modern’ piece of legislation. In the present context, there is a real risk that this process will be used to undermine two pieces of legislation that have served as the cornerstone of biodiversity protection in Europe. It is therefore essential that the Environment Council, which can be seen as the environmental voice of governments in the EU, speaks out against any weakening of biodiversity protection in Europe as a result of this process.

**The EEB therefore calls on the Environment Council to:**

- Agree to add the issue of the proposed set-up of the new Commission to its agenda for an emergency debate held in public under the item ‘Any other business’;
- Express its general concern at the low priority given to environmental and sustainability issues in the Political Guidelines and mandate letters issued by Commission President-elect Juncker to his team and insist that these issues are given higher priority in the Commission’s work programme;
- Request the incoming Commission to ensure that no pending proposals on environmental protection are withdrawn and that the forthcoming fitness checks on the Birds and Habitats Directives are not prejudged to entail a revision of the Directives.
Annex 2

EEB comments to the Environment Council of 28 October 2014 on:

The EEB welcomes the legislative package on waste policy released by the European Commission in July 2014 as part of a proposal on the Circular Economy and considers it a crucial step to transform Europe’s economy into a performing, resource efficient and resilient economy. The Commission’s own impact assessment on the process has shown that this will create 180,000 new jobs and save 447 MTCO2 equivalent by 2030. The proposal is also meant to solve some inconsistencies among the different existing waste policies, notably by harmonizing definitions, help to promote the use of economic instruments and set minimum requirements for producer responsibility schemes, and promote better enforcement through an early warning system.

While improper implementation remains an issue for some Member States that requires urgent tackling, the EEB does not consider this as an excuse to undermine the ambition of the Commission proposal, as there is no direct correlation between the ambition of the targets and the quality of the current implementation. On the contrary, Europe should be able to support the necessary development of the required infrastructure to help countries having the biggest gap to bridge.

The allocation of cohesion funding to collection, sorting and recycling equipment with priority over any form of incineration and disposal is an important part of the circular economy package communication.

In addition to supporting the new targets set by the Commission, the EEB believes that the proposal should be strengthened with provisions that will ensure an effective reduction in the amount of waste generated. Avoiding waste, reusing products and material is not only a prime example of best practices carried out by forward looking industry, but has the opportunity to put back to work one out of six young unemployed by 2030.1

The EEB therefore calls on the Environment Council to:

- Support the overall ambition of the proposal and its efforts to bring more consistency among all EU waste policies;
- Introduce proposals for waste reduction, notably by implementing monitoring systems on food waste production and preparation for reuse activities that may only be effective and harmonised if specific legal objectives are made binding at European level;
- Fully engage in separate collection of biowaste to avoid contamination of other flows and to set a biowaste material recycling target;
- Maintain the recycling objectives for Municipal Solid Waste and packaging waste by 2030;
- Defend the harmonized methodology for reporting achievements and base it on real recycled material, rather than mere inputs to facilities, while requesting quality standards and best available technologies for recycling material to avoid ‘down cycling’;
- Require more systematically the implementation of economic instruments and minimum conditions for establishing producer responsibility schemes;
- Reformulate the essential requirements of the Packaging and packaging waste Directive to make them more enforceable, and create the leverage conditions for achieving the 2030 objectives with regard to reuse and recycling of packaging.

Advancing Resource Efficiency in Europe, EEB March 2013

http://www.eeb.org/EEB/?LinkServID=4E9BB68D-5056-8741-DBCCE36ADB15F02F
Annex 3

EEB comments to the Environment Council of 28 October 2014 on:
Greening the European Semester and Mid Term Review of Europe 2020

The EEB welcomes the intention of the Italian Presidency to adopt Council Conclusions on greening the European Semester and the mid-term review of the Europe 2020 Strategy.

It is crucial that these Council Conclusions will form the basis of discussions by the other Council formations involved, including the final March Spring Council in 2015. They should stress the importance of shifting the tax burden away from labour onto tax bases linked to resource consumption and pollution as well as to completely phase out environmentally harmful subsidies. In addition, the promotion of resource efficiency by improving waste and water management, recycling and energy efficiency should feature prominently in the Conclusions.

The Council conclusions should also stress that these general recommendations will be followed up by a comprehensive set of very concrete and specific set of country-specific recommendations (CSRs) that will help ensure a lasting and sustainable exit from the current economic crisis while at the same time solving 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 over-consumption of natural resources. It therefore remains critical that at the same time the EU continues to implement and further develop the necessary legal and policy instruments in these fields as set out in the 7EAP.

In addition to implementing the 7EAP, the mid-term review of the Europe 2020 Strategy on which the Commission is currently consulting provides an essential opportunity to start addressing some of the most prominent weaknesses in its existing strategy and associated initiatives such as REFIT.

The single biggest priority in relation to a revised Europe 2020 Strategy is that it moves away from a narrow focus on growth and jobs that simply seeks to continue an outdated and broken growth model and which fails to recognise and is disconnected from the deeper underlying problems of Europe, in particular its ever growing ecological deficit. This requires a recognition that achieving environmental sustainability is one of the ‘big things’ that the EU should be ‘big’ on, which should translate into putting in place a set of targets that include as a minimum ambitious and effective climate and energy targets for 2030 (the EEB considers 60% GHG reductions, 45% renewable and 40% energy end use savings as the absolute minimum), the 2020 Biodiversity Target and a new headline target to improve resource productivity by 40% by 2030, supported by a dashboard of targets including at least material consumption, freshwater, cropland and carbon emissions that will ensure an absolute reduction in resource consumption. These targets would in turn need to be followed up with a comprehensive package of legislative and other measures as already foreseen under the 7 EAP.

In addition to revising the Europe 2020 Strategy, a genuine and urgent effort is now needed to put in place a sustainable development strategy that addresses Europe’s economic, social and ecological problems in a coherent way. The European Council requested as far back as October 2012, in the wake of Rio+20, that the current Sustainable Development Strategy be reviewed “as soon as possible, at the latest in 2014” – a call which has been resolutely ignored by the outgoing Commission.

The EEB therefore calls upon the Environment Council to:

- Adopt Council Conclusions in support of a green fiscal reform, the elimination of environmentally harmful subsidies and the promotion of improved waste and water management, recycling and resource efficiency;
- Adopt Council Conclusions in support of the introduction of a set of targets in a revised Europe 2020 Strategy;
- Reiterate the call by the European Council in October 2012 for the EU Sustainable Development Strategy to be reviewed as soon as possible, having in mind the ongoing negotiations towards a set of global, universally applicable sustainable development goals.

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2 The main Rio outcome document, ‘The Future We Want’, states in paragraph 98 as follows: “We encourage regional, national, subnational and local authorities as appropriate to develop and utilize sustainable development strategies as key instruments for guiding decision-making and implementation of sustainable development at all levels...”