The past months have seen the emergence of potential new threats to the EU’s environmental policies. In summer 2013, negotiations towards a Transatlantic Trade and Investment Partnership (TTIP) agreement between the EU and the US began with a view to removing obstacles to trade and investment between the world’s two largest trading blocs which together account for about half of global GDP and nearly one third of world trade flows.

As tariffs between the two trading blocs are already rather limited, the negotiations primarily aim to address the non-tariff barriers posed by the existence of different regulatory regimes on the two sides of the Atlantic. In some cases, this could take the form of harmonization of standards, if not now, at least in the future; in other cases, of mutual recognition of standards. These include the standards relating not only to the environment but also to public health, worker safety and consumer issues among others. The Commission, which leads the negotiations from the EU side, has been at pains to stress that this will not mean that chlorinated chickens, pork fed with hormones banned in most countries around the world or GMO crops will end up on the European market, and that the deal is not about lowering environmental (or other) standards. But the fat dossier of submissions from industry lobbyists shows that weakening of the regulatory standards that protect public health and environment is exactly what motivates many of the most vocal proponents of such a deal, and that there is a real risk of a ‘race to the bottom’.

Meanwhile, the claimed economic benefits of a potential deal are based on highly optimistic scenarios, with figures for increased GDP and job creation being widely disseminated to build political pressure for a deal, despite the fact that these correspond to a level of regulatory

> Continued on page 2
harmonization which is unlikely to happen and that they ignore the costs of rolling back environmental policies.

One particularly disturbing element of the potential deal is the proposal to include an investor-state dispute settlement (ISDS) mechanism – a sort of offshore tribunal whereby private investors will be able to sue either the EU or US in front of a tribunal made up of fellow corporate lawyers if those jurisdictions introduce laws that could result in a loss of investment. This would effectively limit the possibility for European legislators to set their own environmental standards, as well as standards protecting consumers, workers, public health etc, without exposing the EU to expensive lawsuits. The recently finalized though still unpublished text of a trade agreement between Canada and the EU is understood to provide for such a mechanism, providing a good reason for the European Parliament to reject its adoption (as it did with the Anti-Counterfeiting Trade Agreement (ACTA) in 2012) when it is presented there next year.

Aside from the question as to what extent the proposed ISDS and the broader TTIP agreement of which it forms a part will lead to the unraveling of existing environmental policies, including by undermining their implementation – EU negotiators have denied that it will – an even greater risk is the potential chilling effect on the rollout of existing laws and on the development of future environmental regulation. Experience to date in for example Canada has shown that the very existence of an ISDS mechanism can already deter ambitious environmental legislation without any case being actually taken.

Another threat to environmental policy recently came from the Commission’s Regulatory Fitness and Performance Programme, known as REFIT. Under the appealing heading of ‘Smart Regulation’, REFIT provides for EU legislation to be “systematically reviewed to see if aims are being met in the most efficient and effective way, to detect regulatory burdens and to identify opportunities for simplification”. A reasonable enough objective, one might say, but in practice REFIT has been used to challenge present and future environmental regulation for reasons that have nothing to do with removing unnecessary administrative burden and everything to do with helping business to make a fast buck at the expense of the environment.

A Commission Communication on REFIT issued in early October has threatened two important legislative proposals, namely the draft directives on soil and on access to justice. Through the Communication, the stalled 2003 proposal on access to justice was withdrawn barely a couple of weeks after the public consultation on this topic ended. While this does not prevent the Commission coming forward with a new proposal for a directive – and there are compelling political and legal reasons for it to do so – it signals some ambivalence about the Commission’s commitment on this topic. The 2006 soil directive was not actually withdrawn but was put on the list of items considered for withdrawal. Here again, the timing was bizarre, coming when the most outspoken blocking country, Germany, was in the process of forming a new government expected to be at least no worse on environmental matters than the last one.

Following the European Council meeting on 25 October 2013, President Barroso stated that REFIT was ‘not about lowering standards in areas such as the environment’ and spoke about the need to listen to other stakeholders than business, including those with environmental concerns. Perhaps the Commission President felt it necessary, after being photographed that same morning with political and business leaders under a banner proclaiming ‘Cut EU red tape’, to tell the media that he had not been entirely captured by corporate interests. But actions speak louder than words, and the actions of this Commission and its President reveal a disturbing lack of understanding that strong environmental policies are in the long term essential for business to thrive sustainably. If the President is serious about listening to stakeholders other than from the business sector, perhaps he should invite representatives of environmental, social, consumer organizations the next time he wishes to debate on the future of EU regulation with political leaders.

NEW CIVIL SOCIETY WATCHDOG ON NUCLEAR TRANSPARENCY LAUNCHED

In response to a call in December 2012 by MEPs from different political parties, a European network for civil society vigilance on nuclear safety and transparency, Nuclear Transparency Watch (NTW), was created on 7 November 2013.

The seeds of this initiative were planted in 2008, when the French Federation of Local Information Committees and Commissions (ANCCLI) initiated the Aarhus Convention and Nuclear (ACN) process, with the support of the Directorate General for Energy of the European Commission and the European Economic and Social Committee (EESC), in cooperation with the ENEF (European Nuclear Energy Forum). The goal of ACN was to promote the practical implementation of
the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters in the nuclear sector. The ACN process took place in some fifteen European countries (EU and neighbouring countries), concluding with a conference in Luxembourg in March 2013. It highlighted the specific contribution that civil society can make to nuclear safety provided that certain conditions are met. Nuclear accidents do not know borders. As the energy policy context is moving fast, nuclear safety remains a key concern for all European countries, regardless of their position on nuclear energy. Taking advantage of the lessons from the Fukushima accident, ACN has highlighted the urgent necessity to deploy public engagement in the close monitoring of nuclear activities, as nuclear safety depends on very many factors (political, economic and social) that can be challenged at any time.

Public participation in the monitoring of nuclear activities is today very uneven across countries and depends on the conditions faced by civil society at national and European level, which are sometimes very negative. The creation of the European NTW network was started in order to structure and carry the voice of civil society in the local, national and European decision-making processes that govern nuclear activities throughout their life cycle, including in radioactive waste management and nuclear emergency and post-emergency management.

Today, NTW gathers many civil society organisations together with local elected representatives and MEPs from Belgium, Bulgaria, Czech Republic, France, Germany, Hungary, Ireland, Luxembourg, Slovenia, Sweden and Ukraine. The EEB is represented in its Management Board, which is chaired by French MEP Michèle Rivasi.

The ambition of NTW is now to engage and contribute to all aspects of nuclear safety in order to provide essential expertise in this domain as well as in the protection of human health and environment. Civil society vigilance is required on all activities of the nuclear cycle as well as on the operating conditions of nuclear facilities. This includes the risks associated with outsourcing, life time-extension of nuclear power plants, management of nuclear accidents and corresponding liability, nuclear safety cost requirements and radioactive waste management.

In the light of the lessons learned from the Fukushima accident, the first area of work that NTW will address is nuclear emergency and post-emergency management. Nuclear emergency response is now on the European agenda as a result of civil society claims that it was lacking in the European Stress Tests. An ad-hoc working group will be created on Emergency Preparedness & Response (EP&R) with a view to carrying out an evaluation of existing European and national EP&R provisions and to produce conclusions by mid 2014. NTW also will monitor the implementation of the post-Fukushima safety recommendations that Member States must apply within two years.

European civil society wants European convergence on the highest standards of nuclear safety, considering it a European common good. Not all European countries use nuclear energy but all are concerned with the risks of a possible accident.

Thus, even non-nuclear countries have now the opportunity to contribute to improving safety criteria. Prevent and anticipate are the NTW missions in order to reduce the probability of a major accident in Europe.

Nuclear Transparency Watch Secretariat

1 See www.anccli.fr.
Animals and plants brought to Europe from other parts of the world often disrupt the fragile balance of our ecosystems and negatively affect human health and the economy. Yet the EU might finally be a step closer to effectively managing them and preventing their introduction through coordinated action. The European Commission recently published its long awaited proposal on alien species which are considered to be invasive due to their threats to biodiversity as well as the economy and human health.

The spread of invasive alien species (IAS) is one of the main drivers of biodiversity loss and it is only expected to further increase due to climate change, habitat destruction and increased global trade and travel. The Commission’s proposal for a regulation to tackle IAS is thus very welcome, albeit long overdue.

Whether introduced deliberately or accidentally, species that flourish in their new homes in Europe, including the common ragweed from North America and the Asian tiger mosquito from South-East Asia, are estimated to cause at least €12 billion worth of damage each year in the EU. Given that the preventive approach is generally ecologically and economically far more effective and desirable, any IAS legislation should have prevention at its core.

The Commission proposal encourages a shift towards prevention, notably by following a three-stage hierarchical approach to tackling IAS: prevention; early detection and rapid eradication; and when this fails, management of established IAS. However, the preventive aspects of the proposal need to be strengthened to tackle the problem effectively. In line with the precautionary approach and to avoid the costs of future invasions, alien species that are likely to threaten European biodiversity should not be introduced into the EU. The identification of the main invasion pathways should lead to provisions to minimise or eliminate such introductions, which often happen through shipping, forestry, freshwater fisheries, the pet industry and game-farming. In this respect, the Commission proposal requiring Member States to introduce measures of the Ballast Water Convention for effective control of the spread of marine invasive organisms is very much welcome as is the proposed inclusion of general bans preventing deliberate introduction of IAS of EU concern into the environment. As has been recently shown in the case of alien squirrels in Italy, adoption of a trade ban in addition to eradication and control efforts is needed to permanently resolve the threats.2

One weakness of the Commission’s proposal is that it limits the number of species requiring Union action to only fifty, while at the same time clearly acknowledging that around 1500 alien species are causing damage with more arriving. Ambitious elements of the proposal, such as early detection and rapid response or bans on intentional introductions, will be greatly overshadowed by such artificial capping. The prioritisation approach should rather be based on sound criteria grounded in the impacts of a species on biodiversity and ecosystem services.

The new proposal on IAS represents a unique opportunity not only to take decisive action on one of the main biodiversity conservation challenges, but to reduce the financial burden on already suffering European economies. It also presents an opportunity to raise awareness of this problem. A recent Eurobarometer survey of public views on biodiversity showed that only a third of respondents think that plants and animals introduced into our ecosystems threaten biodiversity very much.3 The Commission, Member States and the European Parliament should thus ensure its swift adoption. •

The principal European Chemicals legislation, REACH\(^1\), has been in place for many years now, and although it has increased knowledge about the chemicals we are exposed to, it has not had such success in its mission to reduce our exposure to those chemicals.

The main instruments provided by REACH to protect human health and promote a non-toxic environment are the restriction and authorisation processes. This means phasing out hazardous chemicals and substituting them with safer alternatives. Under the authorisation rules, substances with certain hazardous properties that give rise to very high concern (namely substances of very high concern or SVHCs) will require use-specific permission before they can be employed for particular uses and substitution will have priority.

The number of substances to be subject to authorisation was estimated by the European Commission at 1,400 (5% of registered substances).

Restriction is considered as a safety net in REACH, aiming to ban substances that pose an unacceptable risk to health or the environment. A restriction can take the form of a total ban on the substance but this is rare in practice, indeed only 4 substances (out of 63 that are restricted) are totally banned. In most cases, the restriction process is used to ban or put conditions on specific uses or use categories.

However, instead of accelerating, the restriction of chemicals has slowed down. The former restriction system restricted 56 substances (and groups of substances) in 30 years, that is; 1.87 substances per year. The current system (REACH) has only restricted 7 substances in 7 years, or 1 substance per year.

Regarding the authorisation process, only 22 substances are effectively subject to the authorization regime; there is a long way to go to meet the Commissioners’ 2020 goal of including all known SVHCs in the candidate list.

At this pace of 7 substances per year, it would take 200 years to achieve this. Even allowing for the fact that a new system had to be set up, the rate of progress is woefully inadequate.

The restriction and phase out of the chemicals of most concern is a cost effective process. Yet there remain on the market more than 1,000 substances with well known adverse effects. REACH has so far failed to achieve its goal of a non-toxic environment. Meanwhile it is European citizens’ health and environment that pay for it.*

\(^1\) REACH is the Regulation on Registration, Evaluation, Restriction and Authorisation of chemical substances and mixtures

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Tatiana Santos
EEB Senior Policy Officer - Chemicals and Nanotechnology
WILL ASSOCIATION WITH THE EU PROMOTE ENVIRONMENTAL POLICY REFORM IN UKRAINE?

This was one of the issues addressed in at a panel discussion in Brussels in June 2013. Environmental policy reforms are among the toughest but most needed changes required by the European integration commitments of Ukraine.

The event provided an opportunity to discuss outcomes of the assessment of the environmental component of the EU-Ukraine bilateral cooperation (an independent public monitoring of the environmental component of the Association).

Ukraine’s average progress evaluation indicator towards reaching the EU-Ukraine Association Agenda priorities in the field of environment protection is 49.7%, according to the monitoring report. In relation to the Association Agenda, we obtained better results in the area of the development of national implementation tools for the Vienna Convention for the Protection of the Ozone Layer (75%), for the Convention on Cooperation for the Protection and Sustainable Use of the Danube River (70%) and for the Convention on Long-Range Transboundary Air Pollution (69%).

The following issues scored the lowest percentages: implementation of the Kyoto Protocol through a dialogue within the Joint EU-Ukraine Working Group (21%), elaboration of national tools for implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (35%) and Implementation of the National Environment Strategy and National Environmental Action Plan (36%).

Based on the monitoring results, we produced a policy paper ‘Implementation of Environmental Obligations of Ukraine within Bilateral EU-Ukraine Relations: Role of State Authorities’ with recommendations to key policy makers in Ukraine.

Nataliya Andruheyvych
Resource & Analysis Center
“Society and Environment”, Ukraine

A POLISH VIEW OF CoP-19

The Warsaw CoP-19 climate talks gathered thousands of negotiators, spectators and observers. From 11 to 22 November 2013, all of them were walking through the wide corridors of the Polish National Stadium, speaking about climate change and its political consequences. The weather was warm compared to a normal Polish autumn so conference rooms placed in tents under the stadium roof did not need much heating.

To get an agreement among 190 countries on many important political aspects of the climate change is essential. Hurricane Haiyan in the Philippines and the subsequent hunger strike of the Philippines delegation member was a harsh start, but the Polish Presidency of COP19 was not pushing anybody to make quick decisions. For about eight days of negotiations nothing came out of the talks. On the ninth day, many of the NGO observers walked out of the talks.

On the last day, the Polish Presidency, after talks throughout the night, announced a success that the Durban agenda can still be realized and we are on the right path to the 21st Conference of the Parties on Climate Change 2015 in Paris. Everybody supposedly got what they wanted, yet the climate still got warmer.

Wojciech Szymalski
Institute for Sustainable Development, Poland

OUR LUNGS IN YOUR HANDS

On Tuesday 11 December EEB members from the UK, France, Germany and Spain together with partners from the Soot Free for the Climate Coalition gathered with MEPs representing the main political groups from across the political spectrum in front of the European Parliament in Strasbourg to call upon the European Commission to propose its air package before the end of the European Year of Air.

The previous day a spokesperson for the Environment Commissioner Janez Potocnik had informed attendees of the closing conference of the European Year of Air that adoption of the promised air package would be delayed until the final meeting of the College of European Commissioners in 2013. This leaves just a few days left to save the face of the so called “European Year of Air” and propose new measures to improve air quality in Europe.

Posing with a giant inflatable pair of lungs to symbolise the importance of protecting people’s health, their banner ‘Our lungs are in your hands’ reminded the Commissioners of the importance of taking action for people’s health.
Adopted in 2010, the EU Industrial Emissions Directive (IED) is a key instrument setting technical standards that determine the levels of emissions from a wide range of industrial processes. However, recent problems have emerged in the process of setting new standards for refineries which threaten to set back environmental performance standards for decades to come.

The revised standards (in the form of a Best Available Techniques (BAT) Reference Document (BREF)) were discussed at the recent 5th IED Forum on 20 September 2013 where an intense discussion took place following demands from the refineries industry for “a more flexible” approach in regard to permitting —called the “bubble approach”.

Specifically, industry associations Europa and Concawe are lobbying for the introduction of an aggregated “bubble Emission Limit Value” (ELV) for each pollutant covering many different installations, allowing a sort of mini-emission trading scheme whereby excessive emissions from one installation could be offset against lower emissions from another. They argue that this would constitute a “cost effective” measure to achieve at least the same level of performance as the level that would be achieved applying emission limits associated with BAT (BATEALs) to individual units instead. However, this goes against the standard permit approach that needs to be implemented according to the IED which sets a limit for emissions for each sub-unit or installation (refineries have a lot of sub-installations). A Bubble-ELV would allow defining a single value as a target for the refinery as a whole. Setting unit- or process-specific emission limit values based on BAT will normally result in lower emission levels because of safety margins against the ELV that may not be exceeded. The net gains “overshoot” should not and cannot be offset by allowing increased pollution from other sub-units or installations within the refineries, as that would be possible under a bubble approach. Furthermore, calculations and reference values used to derive a bubble by the permit writer will be challenging for public scrutiny and result in less focus on how each process/unit should actually improve in terms of environmental performance.

Certain Member States support the refineries industry’s call for a more “flexible approach”. Italy has been the most vocal supporter with support from France, Poland, the Czech Republic, Slovakia and Spain. Another group of Member States (Netherlands, Sweden, Belgium and Portugal) are considering this approach but seem to be more open to tightening up the criteria for its application.

Since Member States already apply this approach because of the flexibility of the previous IPPC Directive, they would prefer to avoid having to seek derogations within the IED. Therefore they are not keen to set criteria and methodologies on how a bubble approach may be implemented, ultimately restricting the flexibility of permit writers. The Commission has still to draft some BAT conclusions and put it to a vote in Comitology, but there have been significant delays and it is stuck because of the bubble approach issue.

For the EEB it is clear that as it stands, this approach will not deliver equivalence in terms of emission reduction potential required by the IED for setting “equivalent parameters” to the BAT based ELV permitting at sub-installation level. We do not think that the bubble approach can be considered as a ‘best available technique’ and are opposed to it being mentioned within the new refineries BREF which will be legally binding for permit writers.

Furthermore, this would set a dangerous precedent for the entire BREF review process, where even Member States seek to allow extra permitting flexibility within the reference documents they are supposed to implement.

Christian Schaible
EEB Senior Policy Officer - Industrial Production

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**THE NATIONAL DIMENSION OF BREFs**

The EEB is scaling up its involvement in the review of BREFs. While the focus for now is on large combustion plants, other BREFs are in the pipeline. Since the outcome is very much determined by the positions of Member States who will vote on those BAT conclusions, early involvement of NGOs at national level is essential. The relevant national authorities have national mirror groups / expert groups for the BREF review, often dominated by industry membership. It is therefore important that Member States facilitate the involvement of environmental stakeholders to increase the ambition level of those performance standards and that NGOs actively engage with these processes.

More information:
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SUCCESS CORNER

LET ME BREATHE FRESH AIR!

EEB member France Nature Environnement (FNE) is the French federation of nature and environment protection organisations. It is the voice of a movement of more than 3,000 organisations from the entire French territory, including continental France and the overseas departments. From the summits of the Alpine mountains to the mangroves of Guyana we are fighting for the protection of our nature and a high quality environment.

On 20 November 2013, FNE presented a new campaign to raise public awareness of the health and environment impact of air quality. A week before launching the campaign we installed a large white cube on a roof terrace in Paris. One side was covered with a sticky substance to which all air pollutants got affixed — spelling out the word ‘Irrespirable’ (meaning ‘Unbreathable’ in English) - thereby demonstrating the pollution which all of us breathe every day.

During the entire week we took photos of the cube, collating them afterwards in a time-lapse video to demonstrate the high level of pollution deposits. This video allows us to show the presence of often invisible pollutants in the air around us and this when the European Year of Air is coming to an end. To watch the video, understand what is at stake and look at our proposals, see the following link:

The site of the campaign: http://rendezmoimonair.org/

FNE’s web links:

WHAT TO DO WITH OUR WASTE?

In recent months, the European Commission has held a series of public consultations on EU waste policies: on a Green Paper on Plastic Waste, on a review of the European waste management targets, on sustainable food systems and on marine litter. These will contribute to the major Review of Waste Policy and Legislation, planned for 2014-2015.

Responses from the major stakeholders show wide support for a landfill ban/tax for recyclable waste but the issues of incineration and more ambitious targets for recycling reveal mixed opinions. Most industries are not in favour of incineration...
After more than a decade of discussions and negotiations, the Minamata Convention on Mercury was adopted on 10 October 2013 near Minamata, Japan, where around 2000 people lost their lives over 50 years ago due to consumption of mercury-contaminated fish from the bay.

The treaty’s objective is to protect human health and the environment from anthropogenic mercury emissions. It contains a mixture of mandatory and voluntary elements, as well as strong and weak requirements. While the treaty does not move fast enough to reduce major sources, it sends the right market signal worldwide. Fifty countries need to ratify before it enters into force.

A new phase now begins. To continue contributing to a successful and effective treaty, the Zero Mercury Working Group (ZMWG) has launched a two-pronged challenge:

First, countries should not lose the momentum and should ratify as fast as possible; our goal is for 50 countries to ratify by 2015, to allow the treaty to enter into force then.

Second, during the interim period until the Convention enters into force, the ZMWG calls for short term mercury reduction activities to occur. We have developed a set of recommended actions for some countries—our ‘Action Challenge’—which we believe would result in significant mercury reductions. Governments and others should identify short-term priorities and move forward with these. Activities could be targeting mercury trade and supply, phasing out products and processes where effective/efficient alternatives have existed for years, emission reductions, and the landfills should be accompanied by incineration restrictions and taxes in order to avoid the simple shift to another unsustainable form of waste treatment.

The EEB considers the forthcoming review as a long awaited opportunity to promote a resource-efficient Europe and build a zero-waste society.

For more information:
- Submissions from the EEB on the Green Paper and Waste Targets Review.
- EC DG Environment website on EU Waste Legislation

MINAMATA CONVENTION ON MERCURY ADOPTED: NEW CHALLENGES AHEAD!

For more information:
- Submissions from the EEB on the Green Paper and Waste Targets Review.
- EC DG Environment website on EU Waste Legislation

Piotr Barczak
EEB Project Officer - Waste and Air Quality

Elena Lymberidi-Settimo
International Co-coordinator
Zero Mercury Working Group
As the EU starts debating its post 2020 climate and energy objectives, the potential contribution of shale gas in the future energy mix is generating heated discussion. However, the unconventional gas is unlikely to prove the miracle solution to Europe’s energy and climate troubles and the environmental hazards associated with its extraction make it an unpalatable option.

Shale gas is found trapped in rock formations and can be extracted by a technology called fracking. It involves pumping large quantities of water, sand and toxic chemicals into the ground at high pressure in order to release the reserves.

The shale gas boom in the United States has been cited by proponents as evidence that exploitation of Europe’s reserves would also lead to a significant drop in energy prices. However, there are signs that the US shale bubble will eventually burst as the price of natural gas has dropped to unsustainably low levels below production cost. Moreover, low well productivity and recovery efficiency as well as maturing fields make it unlikely that shale gas production can be maintained at current levels.

The conditions for exploitation in Europe differ significantly from those in the US, which makes it unlikely that the US boom could be replicated. Europe’s geological conditions are less favourable and a lack of sufficient fresh water in many shale-rich areas could hinder the use of fracking technology, which requires large volumes of water. Europe’s high population density and a lack of drilling infrastructure provide further obstacles to fracking.

While shale gas is being promoted as a source of energy that can bring down inflated energy prices and decrease dependence on foreign imports, experts do not expect European shale gas to be able to compete with cheaper imports. Recently, the world’s leading climate change economist Lord Stern waded in on the debate, dismissing the UK Prime Minister’s claims that shale gas would bring down the UK gas price as “baseless economics”. The UK is one of the countries considering exploiting its shale gas reserves. Stern pointed out that UK gas is traded internationally as opposed to the US, which means that any shale gas boom would be unlikely to impact the price.

Similarly, the Deutsche Bank argued that those expecting a shale gas revolution outside the US “will likely be disappointed, in terms of both price and the speed at which high-volume production can be achieved”. Among other factors, they cite significantly higher well costs in Europe, which are unlikely to fall to the US levels due to labour costs, health and safety regulation and more stringent environmental regulation.

Regardless of cost considerations, the environmental and health problems associated with fracking, including groundwater contamination, risk of earth quakes and fugitive methane emissions, make this technology an unattractive proposition in Europe’s drive for sustainable growth. A new peer-reviewed Duke University study found higher gas concentrations in drinking water wells near fracking sites in northeastern Pennsylvania’s gas-rich Marcellus Shale basin.

The industry does not currently have a solution to safely mitigating the inherent risk of fracking. As a result, several countries, including France and Bulgaria in Europe, have taken action to ban fracking in line with the precautionary principle. France recently successfully defended its ban against a challenge by a Dallas-based natural gas company Schuepbach Energy when the French Constitutional Court declared in October that the ban is not disproportionate and conforms to the legitimate aim of protecting the environment.

The European Commission is currently preparing a proposal for a legal framework for shale gas in Europe in order to mitigate the associated risks. The European Parliament already took a first step in this direction by voting for a mandatory Environmental Impact Assessment for exploration and exploitation involving fracking, but this still leaves a large number of related activities outside of the scope.

Environmental regulation can only make shale gas industry safer, but it cannot guarantee that exploration and production will be safe. Moreover, shale gas remains a fossil fuel and the debate is ongoing about the true greenhouse gases generated by burning it. Renewable energy and energy efficiency improvements are the only indigenous energy sources widely available with the potential to improve Europe’s competitiveness while reducing emissions. The EU would be better off putting its weight behind these technologies and abandoning costly and damaging shale gas projects.\(^1\)

Susanna Williams
EEB Policy Officer - Energy and Climate Change

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EEB AND ANPED TO MERGE

The EEB membership voted at its 41st Annual General Meeting to integrate ANPED, the Northern Alliance for Sustainability, into the EEB. Established in 1991, ANPED is a network of 41 NGOs from 26 countries in Europe and Central Asia committed to working towards sustainable societies and pressing northern governments to face up to their environmental responsibilities. Under the agreed integration, ANPED’s three staff will move into the EEB offices from 1 January 2014 to form a new international unit promoting sustainability in various global and regional processes (such as the Rio follow-up process) and thus strengthening the EEB’s capacity in that area. A few of ANPED’s member organizations are already EEB members but under the AGM agreement, the remainder will also have access to the EEB’s working groups and will have the possibility to be on the EEB correspondents’ mailing list for a trial period of one year, to encourage them to apply for EEB membership.

GEOGRAPHICAL EXPANSION OF THE EEB

The EEB agreed at its AGM to significantly expand the range of countries from which its full members may come. Prior to the AGM, these included the 28 EU Member States, the five countries having official EU candidate status and the three European Economic Area countries. This has now been extended to cover the three EU applicant countries not yet having official accession status, the six Eastern Partnership countries and all other countries falling wholly within the continent of Europe.

While the primary focus of the EEB will remain on the EU, this decision reflects a recognition that EU policies have a major and growing influence on the national environment-related policies of these additional countries and that the EEB can and should provide a means through which environmental citizens’ organizations in those countries can play a more direct role in influencing EU policies. Thus, for the first time environmental NGOs from those countries will be able to apply to become full members of the EEB, with full voting rights. (Environmental NGOs from other countries will continue to be able to join the EEB as associate members.)

NGOs CALL ON EU MINISTERS TO BACK STRONG F-GAS LEGISLATION

A coalition of European campaigners has issued an urgent plea to their governments to support ambitious measures to reduce the emission of hydrofluorocarbons (HFCs) – super greenhouse gases used in cooling equipment.

In a letter to EU Ministers, a group of 11 organisations, including the Environmental Investigation Agency (EIA), the European Environmental Bureau (EEB), Greenpeace and WWF, called for Ministers to back a faster reduction in the amount of chemicals placed on the market and bans on their use in areas where alternatives are available. Representatives of European Member States met to decide on their position ahead of talks with the European Parliament and Commission on revisions to the EU F-Gas Regulation.

Currently, the revised F-gas legislation is being debated by the European Parliament, European Commission and Member States. While early drafts included bans on the use of HFCs in a number of sectors, including commercial refrigeration, some European countries are trying to water this down.

The move comes at the same time as Refrigerants Naturally!, a partnership of major corporations including Coca-Cola, PepsiCo and Unilever together with Greenpeace issued a letter calling for more ambitious measures to be introduced in the Regulation, including support for bans.

HFCs are a family of super greenhouse gases with global warming potentials hundreds or thousands of times greater than carbon dioxide. Used as refrigerants, they are responsible for about two per cent of European greenhouse emissions. With rapid growth in developing countries, by 2050 HFCs could account for up to 19 per cent of global greenhouse gas emissions.

“The phase-down of HFCs in Europe would prevent the emission of 600 million tonnes of carbon dioxide equivalent by 2030 and could unlock global action to prevent the release of 100 billion tonnes by 2050. This is a huge opportunity,” said EEB Policy Officer on Climate and Energy Susanna Williams.
FEATURED PUBLICATION

The EEB and BirdLife have created a series of factsheets on the reality behind the green rhetoric of the CAP reform. They expose the truth about the supposedly ‘green’ CAP.

MARKETING EFFICIENCY

A new campaign kicked off this month seeing hundreds of products and retailers from across Europe vetted in a drive to boost energy efficiency. The European Environmental Bureau is at the heart of MarketWatch, a three-year European-funded initiative cracking down on firms inflating the true efficiency of their consumer products or failing to display energy labels correctly. The savings at stake are bigger than many realise.

Consumers, and the law (Ecodesign and energy labelling directives), want to see efficient products saving energy and money. Is this what we’re getting? Can we trust what is on an energy label? Do all shops even display the label? The fact is that a significant proportion of products are substandard. Knowingly or not, when they are marketed their poor performance is obscured. Consumers and the environment are losing out as a result.

National authorities check for compliance and civil society has devised an array of measures to guide consumers. But while the authorities are best placed to test products, there are few forums for them to share their knowledge. Civil society is great at pressuring, but has shied away from the sometimes technically challenging area of Ecodesign. MarketWatch will assist both groups, raising the bar and putting renewed pressure on wayward firms.

In November 2013, MarketWatch started a major surveillance programme of street and online inspections to start building sequential snapshots of typical compliance, or non-compliance, in order to help home in on problem trends and failures. Sixteen civil society partners from across the EU are engaged, but more will come on board. The EEB is leading on communications, and its unparalleled experience on Ecodesign and energy labelling will stand the campaign in good stead.

Visit the campaign website at market-watch.eu or follow its twitter feed @MarketWatcheu

Jack Hunter
CoolProducts Communications

COMING AND GOING

Sini Eräjää joined the EEB in September 2013 to work on the sustainable use of biomass in the energy sector. The position is shared between the EEB and BirdLife Europe.

Christian Schaible returned to the EEB after a period working for an NGO in Paris. He will work on the environmental effects of industrial production.

The EEB was also joined by Alan Andrews, who will be working on air quality, and Gita Parihar working on legal issues. They are seconded respectively from ClientEarth and Friends of the Earth UK.

The EEB’s work was supported by our interns Margherita Tolotto on Aarhus, Stephanie De Buck on agriculture and Thibaud Lalanne on climate and biodiversity.