



Brussels, 24 January 2007

To: The Environment Ministers of EU Member States

Concerning: Input for EU Environment Council Meeting, 20 February 2007

Dear Minister,

On behalf of the European Environmental Bureau I should like to offer you our views on eight of the issues on the agenda at the forthcoming EU Environment Council.

I invite you to take our concerns into account during final official-level preparations, and at the meeting itself. Below, I present the key messages. Attached you will find EEB's more detailed input to the discussion on some of the topics.

1. Climate Change

EEB welcomes the Commission's initiative of promoting a 30% greenhouse gas reduction target for developed countries by 2020. But EEB regrets that the Commission is proposing a much more modest unilateral reduction target of 20%. This neither sends the right message to EU citizens about the seriousness of climate change, nor to the other governments which need to be convinced.

The 20% unilateral target is also inconsistent with the Commission's other ambitions: implementing the Kyoto commitment (-8%), the Energy Efficiency Action Plan (leading to an absolute reduction in energy use by 10% over the next decade) and doubling renewable energy use (another 10% reduction in CO₂ emissions over the next decade). A combination of these policies would in any case result in a 28% reduction!

We therefore call on the Council to:

- *endorse the 30% target for industrialised countries, but make this target apply immediately to the EU*
- *establish that the 30% unilateral target will be achieved through domestic action*
- *show leadership through demonstrable progress in domestic emissions reductions, including following Commission guidelines on NAPs for 2008-2012.*

2. Contribution to the Spring European Council

EEB assumes the Council will concentrate on the Energy Package and also speak about the Spring Report.

EEB appreciates the Commission's efforts to work towards a better-coordinated EU Energy Policy, where environmental objectives are clear priorities alongside security of supply and competitiveness. But EEB believes that the Package contains weak and dangerous elements, which must be addressed if the Package is to move the EU towards an effective climate policy that does not worsen other environmental problems.

EEB also welcomes the Commission's clear assessments of national-level progress on the Lisbon strategy, particularly its energy and environment-related requirements, and the specific proposals made in this field.

We call on the Council to:

- *push for an overall binding 25% renewable energy target by 2020 for the EU, backed by a binding 35% target for the share of electricity produced from renewable sources by 2020; and a 25% share of heating and cooling from renewable energy sources by 2020*
- *reject minimum binding targets for biofuels and call for a system of environmental safeguards, including mandatory certification, based on a solid and comprehensive life cycle analysis, as the central element of the revised Directive*
- *ensure that climate change is not used as a justification to promote nuclear energy*
- *strongly support the Energy Efficiency Action Plan, call for a legally-binding absolute energy-use reduction target, and insist on accelerating implementation, particularly with standards and market instruments and the promotion of market instruments, including the introduction of an Open Method of Coordination initiative on Environmental Tax Reform, which would shift the tax base in each Member State by 10%, away from labour to energy and resource use within ten years*
- *highlight the worryingly slow progress with implementing the environmental dimension of the Lisbon strategy*
- *demand improved civil society involvement in the national Lisbon processes.*

See also Annex 1 for more specific EEB comments

3. Directive for inclusion of aviation in the EU emission trading scheme

Along with other environmental organisations, we believe the current proposal will not result in any substantial reduction of the sector's greenhouse gas emissions. According to the European Federation for Transport & Environment, we might expect a reduction of about 3%, which will be neutralised within a year given the sector's rapid growth. To have a real impact, the Commission ought to have combined ETS with other financial instruments, such as fuel tax and VAT on tickets. The proposal also fails to deal with non-CO₂ impacts. It allows free emissions permits to be allocated. And according to a WWF study, this would result in massive windfall profits for the industry.

We therefore call on the Council to:

- *take real steps to reduce greenhouse gas emissions from the aviation sector, combining the introduction of the sector in the ETS with other measures, particularly taxation on fuels and airline tickets*
- *insist on measures to address non-CO₂ impacts as well.*

See also:

T&E Press-release: <http://www.transportenvironment.org/Article337.html>

WWF study-summary:

http://www.panda.org/about_wwf/where_we_work/europe/what_we_do/epo/news/index.cfm?uNewsID=90140)

4. Review of Community Strategy to reduce CO₂ emissions from passenger cars

At the time of writing, the Commission review has not been published yet. The starting point is undisputed: voluntary agreements with ACEA, JAMA and KAMA will not deliver the 140g/km average new car by 2008. This means that there is no hope that without legally-binding requirements the EU will achieve its next target, the 120g/km average by 2012. The car industry is putting strong pressure on the Commission to reduce its ambitions for 2012 and delay legal action.

EEB sympathises with ACEA's calls to use the tax instrument to promote the purchase of vehicle which emit less greenhouse gas. But it does not see this as an alternative to having legal fuel efficiency requirements. The reality is that car producers strongly influence consumer preference and pay little attention to cars' environmental performance.

We therefore call on the Council to:

- *Insist on legislation that ensures that the average CO₂ emissions of new cars do not exceed 120g/km by 2012, and 80g/km by 2016*
- *Promote supporting measures that make fuel-efficient cars more financially attractive for users*
- *Refuse any reduction in demands on the car industry following introduction of biofuels.*

5. Thematic Strategy on the Sustainable Use of Pesticides

Pesticide use must be reduced to the minimum necessary level. Pesticide dependency and use in the EU should be halved within the next decade. This requires independent training for farmers on Integrated Crop Management (ICM) and taxing pesticides – revenues from which should be used to finance ICM training and make it freely available.

We therefore call on the Council to:

- *maintain the scope of the Thematic Strategy, which should include pesticides for agricultural application as well as biocides*
- *introduce a tangible target to reduce pesticide use by 50% within ten years, using the treatment frequency index, accompanied by measures, including financial instruments such as taxes and charges*
- *reduce general dependency on pesticides, which are still being used as biocides and in pest control*
- *apply the precautionary principle by supporting phase-out of the most harmful pesticides with long-term or irreversible effects.*

See Annex 2 for more specific EEB comments

6. Adaptation to Climate Change

EEB welcomes the Presidency's initiative of holding a conference on this very topical subject. We should like to stress that adaptation potential will be highest when environmental objectives in the field of water, nature and, soon, soil policies, are met. This is especially true in the water policy field, where the prospect of more extreme weather, such as excessive rainfall and prolonged drought, reinforces the need for water management focused on demand management and restoring ecosystem resilience.

We therefore call on the Council to consider the following elements for a successful adaptation strategy:

- *swift and effective application of the Water Framework, Habitat and Birds Directives' requirements*
- *(Specifically in the water policy field) to make use of the economic instruments provided by the Water Framework Directive, so as to give the correct price signal to water users and ensure a sound financial basis for the programme of measures under the River Basin Management Plans.*

See Annex 3 for more specific EEB comments

7. Thematic Strategy for Soil Protection

EEB welcomes the Soil Thematic Strategy, particularly the Soil Framework Directive proposal. European soil protection has for many years been the missing link in European environmental policies and it is high time this is addressed. Adopting a strong Soil Framework Directive will promote a more integrated and effective approach to environmental protection at member state and regional levels. But EEB is concerned that the Commission's proposal for a Directive remains very vague, and shies away from setting clear, measurable, long-term objectives which will make the effective and consistent implementation and enforcement of the future Directive's requirements burdensome and bureaucratic.

We therefore call on the Council to:

- *welcome the Commission's proposal for a Soil Framework Directive and launch a debate on the nature of measurable targets and objectives needed to strengthen the proposal. This to be agreed at the June Council meeting.*

See Annex 4 for more specific EEB comments

8. GMOs - Hungarian ban on a GM Maize, and allowance GM potato cultivation

At December 2006 Council meeting prevented Commission interference with decisions of Austria to ban certain GM crops. Now the Council will have to decide about an attempt from the Commission to put pressure on Hungary to repeal its national safeguard clause against the use of GM Maize MON810, the same type you discussed in December in the Austrian context.

Furthermore you are asked by the Commission to approve a GM Potato crop, without waiting for EU binding rules on coexistence to be in place so as to prevent the genetic contamination of conventional and organic crops.

We call on the Council to:

- *reject – in coherence with the decision concerning the Austrian ban on MON810 taken at the last Council meeting in December 2006 – the Commission proposal requesting Hungary to repeal its national safeguard clause.*
- *Not consider approval for cultivation of any GM crop until EU has binding and strict rules concerning the coexistence of GM crops with conventional and organic ones in place.*

See Annex 5 for more specific EEB comments

Yours sincerely,

John Hontelez
Secretary General EEB

Annex 1

EEB comments for the Environment Council 20 February 2007 on

ITS CONTRIBUTION TO THE SPRING EUROPEAN COUNCIL

EEB appreciates the Commission's efforts to work towards a better-coordinated EU Energy Policy, where environmental objectives are clear priorities alongside security of supply and competitiveness. But EEB believes that the Package contains weak and dangerous elements, which must be addressed if the Package is to move the EU towards an effective climate policy that does not have worsen other environmental problems.

- **Renewable Energy Roadmap:** although we support a legally-binding target, along with other NGOs, we consider the proposed target of a 20% share of renewables in the EU's energy mix by 2020 to be unambitious and regard the refusal to launch specific targets for the electricity, heating and cooling sectors as a missed opportunity to give a real boost to the necessary developments. On the other hand, we oppose the proposed sectoral target proposed of a 10% share of biofuels in vehicle fuel by 2020. This proposal fails to take account both sustainability of production and consequences for land use change, and the existence of alternative renewable energy sources that might work better. We therefore call on the Council to:-

** Press for an overall binding 25% EU renewable energy target by 2020, backed by*

** 35% binding target for the share of electricity produced from renewable sources by 2020 and a 25% share of heating and cooling from renewable energy sources by 2020*

** Reject the proposal to set minimum binding targets for biofuels and demand a system of environmental safeguards, including mandatory certification, based on a solid and comprehensive life cycle analysis, to be the central element of the revised Directive.*

- **Nuclear energy:** we are concerned at the Package's positive language on nuclear power as a means of reducing greenhouse gas emissions. We oppose the promotion and use of nuclear energy as we consider the risk of serious accidents and the unproven security of nuclear waste handling to pose unnecessary and expensive risks to people, the economy and the environment. We therefore call on the Council to:-

- Ensure that the fight against climate change is not used as an excuse for building new nuclear power stations and that public funds are not spent either on promoting nuclear power generation or building new nuclear plants

- **Energy efficiency:** we welcome the Commission's Action Plan on Energy Efficiency released in October last year and call on the Council to include this Action Plan in its advice to the Spring European Council. We think that the Commission's combined proposals can indeed substantially contribute to reducing EU energy use, quantified in the Plan as a 14% absolute decrease by 2020. But this does requires implementation of all the proposals. The first step to ensure that would be to make the target legally-binding.

EEB is concerned at the Energy Council's lukewarm response on 23 November 2006. While it welcomed the potential, it made it clear that each individual measure must undergo a robust impact assessment, subsidiarity should be respected, and, where appropriate, voluntary agreements with industry considered. It thus imposed a heavy burden of proof on the Commission. Two particularly negative elements in the Council's response were that its request to the Commission not to move too quickly with new proposals on buildings, and that it should ignore the Action Proposal on a "coherent use of taxation".

EEB agrees with the Commission's statement that: "*taxation, as a means to internalise external costs, is a powerful tool in promoting energy efficiency.*" It therefore repeats its proposal for a major initiative from the European Council to launch an Open Method of Coordination triggering environmental tax reform in all Member States.

(see also EEB's letter to Environment Ministers of 4 October 2006, ahead of the Council meeting on 23 October, or: "*Open Method of Co-ordination: a viable option for Environmental Fiscal Reform in the EU*"

http://10.0.0.12/activities/env_fiscal_reform/EEB-briefing-document-OMC-270606.pdf)

The EEB calls on the Council to request:

- *substantive steps clearly to support the EU Energy Efficiency Action Plan, including by setting a legally-binding absolute reduction target*
- *insist on accelerating its implementation, particularly with standards and market instruments and the promotion of market instruments, including the introduction of an Open Method of Coordination initiative on Environmental Tax Reform, which would shift the tax base in each Member State by 10%, away from labour to energy and resource use within ten years.*

- On the Commission's Communication "Implementing the Renewed Lisbon Strategy for Growth and Jobs"

We welcome the Commission's report and initiative to make specific country recommendations and to call on Member States to ensure better involvement of civil society, national parliaments and other stakeholders in implementing the national Lisbon plans. The Commission's report clearly shows that progress, inter alia, towards sustainable energy, internalising environmental costs and promoting environmental technologies, is not moving fast enough, necessitating high-level political commitment and involvement by heads of government.

We call on the Environment Council to:-

- *highlight the disturbingly-slow progress in implementing the environmental dimension of the Lisbon process*
- *demand improved civil society involvement in national processes.*

Annex 2

EEB comments for the Environment Council 20 February 2007 on

THEMATIC STRATEGY ON THE SUSTAINABLE USE OF PESTICIDES AND FRAMEWORK DIRECTIVE

EEB supports the following position from the Pesticide Action Network (PAN) Europe

PAN EUROPE POSITION ON THE NEW DIRECTIVE FOR THE SUSTAINABLE USE OF PESTICIDES

There is overwhelming evidence suggesting that the scale and trends of problems caused by pesticides in Europe are serious and growing. Particular concerns include the contamination of groundwater and foodstuffs, loss of biodiversity and the continuing accumulation of certain pesticides in plants, animals and the human body. The effects of a large number of substances at lower doses in the human body are largely unknown and children and other vulnerable groups are in a special category of risk that modern risk assessment does not take into consideration. Despite the introduction of new substances active at lower doses, the quantity of pesticides used in Europe is increasing.

The new Directive on the sustainable use of pesticides should be an instrument aimed at changing this paradigm of pesticide use towards prevention and sustainable use. PAN Europe welcomes the long-awaited Commission proposal but we believe it fails in providing the European measures and actions needed to meet the challenge of ever-growing pesticide use and better protection of Europe's citizens and environment from its risks.

In 2002, PAN Europe drafted a detailed pesticide use strategy in the text for a Directive on Pesticides Use Reduction in Europe (the PURE Directive)¹. We believe that all the measures in the PURE proposal are crucial to effectively curb pesticide dependency in Europe. The PURE Directive and its explanatory memorandum contain the rationale for the measures we are proposing in this document using a short format.

1. Targets and timetables for pesticide reduction

PAN Europe believes that a quantitative reduction target is an important component of any risk/dependency reduction programme. National Action Plans for Member States should have clear targets and timetables for pesticide use reduction and increased percentage of land in organic farming, including, for each Member State, a target reduction of 50% of the treatment frequency index² within ten years from a baseline year. Member States should report on their national action plans annually and the Commission should report every three years for a rapid assessment of the situation. Finally, the national action plans should be linked with other legislation such as Article 8

¹ Available at http://www.pan-europe.info/PURE/pure_campaign.shtm

² Treatment frequency index indicator expresses the average number of times an agricultural plot can be treated with the recommended dose, based on the quantities sold.

of the European Pollutant Release and Transfer Register (EC Regulation No 166/2006) on diffuse pollution particularly suited to monitor pollution from farming activity and use of pesticides.

2. Promotion of integrated agriculture

In a first step, general standards and crop-specific standards for Integrated Pest Management (IPM) should be defined at national and EU levels. In a second step, IPM should be implemented as a minimum for all agricultural land except land under organic farming. Finally, cross-compliance should have IPM as a condition for Common Agricultural Policy subsidies from 2014 onwards. Currently, agro-environmental support is being channelled to IPM but we believe this support should be channelled to systems that go beyond the minimum, e.g. organic farming. IPM should also be included in the definition of “proper use” under the new Regulation for placing pesticides in the EU market (revision of Directive 91/414/EEC).

3. Ban of aerial spraying

PAN Europe supports a general ban, with the possibility of authorisation for special situations carefully assessed at the level of the national authorities and with the participation of the public. Provisions to inform neighbours have to be set in place.

4. Tax/levy on pesticides to finance measures under the national action plans

A tax/levy on pesticides has been found a successful way to fund measures for pesticide reduction in many countries and should be implemented in all countries as a tool for funding the measures under the national action plans. Member States should be given a choice of different tax/levy systems and they should choose the most suitable for their needs. Resources should be used to implement an effective extension service and training of farmers in IPM techniques and pesticide use reduction.

5. Storage and collection of obsolete pesticides and containers

Agro-chemical industries should have their share in the responsibility for storage and collection of empty containers and obsolete pesticides, in the framework of Directive 94/62/EC on packaging and packaging waste that specifically mentions prevention and re-use and therefore goes beyond Directive 75/442/EEC on waste. Obsolete pesticides are still an important problem in many CEECs and there should be a special set of measures in this Directive for the safe disposal of these stocks, including provisions for funding these measures.

6. Public participation

Finally, transversal to all the measures under the new Directive there should be a strong component of public participation at the level of the national action plans and at European level. At the level of the national action plans, the public should have a strong voice in the drafting, implementation and monitoring. Data monitoring will be much more cost-effective with a strong public participation component.

Annex 3

EEB comments for the Environment Council 20 February 2007 on

ADAPTATION TO CLIMATE CHANGE / Symposium on Climate Change and the European Water Dimension, Vulnerability - Impacts - Adaptation (12-14 February 2007, Berlin)

Climate change, and the associated loss of biodiversity, are arguably the greatest challenge humanity faces in the 21st Century and it is already happening faster than previously expected. To avoid the worst impacts, the average global temperature should not rise more than 2°C above pre-industrial levels. Scientific evidence suggests that although we only have a few years left to change our practices, we might still avoid the more catastrophic impacts if we make a concerted global effort to meet this goal. Apart from the huge effort needed to mitigate climate change, it is clear that climate change has already begun and will continue, and that adapting to this change is now essential. Adaptation is imperative if we are to maintain the ecological services on which humanity depends, including agriculture, forestry, clean and sufficient water supplies and flood risk management, as well as the social and economic benefits of having a wildlife-rich countryside.

Whereas mitigation reduces the accumulation of atmospheric greenhouse gases, adaptation is the process of changing behaviour in response to actual and expected climate change. Both activities are vital responses to current and future climate change. Mitigation and adaptation measures and activities should also successfully complement each other.

At present, no EU-level adaptation policy framework exists, although talks began at the end of 2005, in the second phase of the European Climate Change Programme. As the need to adapt becomes increasingly evident, an EU adaptation strategy could set out the guiding principles, provide broad policy guidance and a mechanism for implementing national adaptation policies. The Presidency's conference provides welcome input to this debate and in shaping the Commission's Green Paper.

EEB stresses that adaptation potential will be highest when environmental objectives in the fields of water, nature and, soon, soil policies, are met. Existing instruments for setting and meeting objectives in these environmental fields should therefore play a central role in future adaptation strategies.

With water becoming increasingly scarce in parts of Europe and abundant in others, it is extremely important that water is given its proper value, which includes the environmental services it provides. The Water Framework Directive gives Member States the appropriate instruments for this under its Articles 5 (identifying water services) and 9 (the cost-recovery principle). However, in a recent publication, EEB and WWF demonstrated that only in a very few instances is this opportunity used. Over the next two years, Member States will need to prepare their river basin management plans and develop a programme of measures under this plan. It will be crucial that Member States make full use of the economic instruments in these plans to give the correct price signal to water users and ensure a sound financial basis for the programme of measures.

EEB therefore calls on the Council to consider the following elements for a successful adaptation strategy in the field of water:-

- swift and effective application of all the Water Framework and Habitats and Birds Directives' requirements
- (specifically in the water policy field) to use the economic instrument provided by the Water Framework Directive, to give the correct price signal to water users and ensure a sound financial basis for the programme of measures under River Basin Management Plans.

Further reading:-

<http://www.eeb.org/activities/biodiversity/documents/EEBadaptationpaperfinalwithpics.pdf>

<http://www.eeb.org/activities/water/200605-EEB-WWF-snapshot-III-WFD-economics.pdf>

Annex 4

EEB comments for the Environment Council 20 February 2007 on

THEMATIC STRATEGY ON SOIL PROTECTION

EEB welcomed the Commission's step of issuing a Soil Framework Directive as an affirmation of its commitment to a European and integrated approach to environmental protection in all environmental sectors. However, the proposal as it stands is too weak to drive the changes needed to reverse alarming soil loss trends.

Soil is a non-renewable resource of great importance to everyone. It is being degraded at an alarming rate. Sadly, at EU level, soil protection has to date been extremely patchy and mostly indirect, by means of other laws. The EU's proposal for a Soil Framework Directive is long overdue and, once adopted in its final shape, ought to activate the necessary measures to tackle the most pressing threats to soil, such as soil carbon-loss and contamination. But EEB is deeply disappointed that the Commission has failed to include precisely the elements indispensable for triggering the necessary actions at national and regional level, such as setting enforceable targets and common quality standards for those quality elements for which sufficient information and data are currently available.

EEB therefore calls on the European Environment Council to:-

- welcome the Commission's proposal for a Soil Framework Directive and start a debate on the kind of measurable targets and objectives needed to strengthen the proposal, and to agree on this at the June Council meeting.

For EEB's full response to the Commission's proposal:-

http://www.eeb.org/activities/Soil/documents/EEBpositionpaperonaSoilThematicStrategy_002.pdf

For EEB's full response to the Commission's proposal:

http://www.eeb.org/activities/Soil/documents/EEBpositionpaperonaSoilThematicStrategy_002.pdf

Annex 5

EEB comments for the Environment Council 20 February 2007 on **THE HUNGARIAN BAN ON THE GM MAIZE MON810 AND THE COMMISSION** **PROPOSAL TO ALLOW THE CULTIVATION OF A GM POTATO**

A. Commission proposal to overrule Hungarian 2001/18 safeguard clause for GM Maize MON810

The EEB fully supports the safeguard clause enacted by Hungary in January 2005 on GM Maize MON810, since that was approved under the old legislation (Directive 90/220/EEC) that required no obligation to carry out a thorough environmental risk assessment.

New scientific evidence was ignored by the original risk assessment in 1998. Since then a host of new studies on Bt maize have shown potentially damaging results.

The authorization ignored specificities of Hungarian ecosystems, since Hungary was not included in the environmental risk assessment carried out at the time of the original approval of MON810.

The Commission proposal for a Council Decision requesting Hungary to repeal its national safeguard clause is based on an EFSA scientific opinion that failed to conduct a rigorous risk assessment. It should also be taken into account that EFSA opinion was issued (in March 2006) without implementing the measures adopted (in April 2006) by the Commission to improve the scientific consistency and transparency for decisions on GMOs.

Against this background, the EEB calls upon the Council to reject – consistent with the decision concerning the Austrian ban on MON810 taken at the previous Council meeting, in December 2006 – the Commission proposal requesting Hungary to repeal its national safeguard clause.

B. Commission proposal for commercial cultivation of GM Potato EH92-257-1

The EEB is very concerned about the possible genetic contamination of EU potato crops resulting from the cultivation of GM potatoes, with huge damages for both the environment and the potato industry. This is the first attempt in eight years to approve a genetically modified crop designed for cultivation, without waiting for EU binding rules on coexistence to be in place so as to prevent the genetic contamination of conventional and organic crops.

The potato has been genetically modified by BASF to increase its amylopectin content, which is used to produce starch for industrial uses such as the production of paper. If approved the potatoes could be grown before they are authorised for human consumption, even though BASF admits it cannot prevent them entering the human food chain.

The EEB therefore calls upon the Council to reject the Commission proposal, since:

- *the approval for cultivation of any GM crop should not be considered until EU binding and strict rules concerning the coexistence of GM crops with conventional and organic ones are in place; and*
- *the authorization for human consumption should not follow the approval for industrial uses, so as to prevent any risk resulting from GM potatoes entering the food chain.*