

THE EEB'S ASSESSMENT OF THE ENVIRONMENTAL RESULTS OF THE LUXEMBOURG PRESIDENCY OF THE EU July-December 2015

Based on the EEB's Ten Green Tests for the Luxembourg Presidency
released in July 2015

“Good on biodiversity and climate, weak on air and trade”

SUMMARY OF THE EEB'S VERDICT ON THE TEN GREEN TESTS

ISSUE:	VERDICT:
1. DEFEND AND DEVELOP ENVIRONMENT POLICIES	☹️
2. REFORM TRADE POLICIES	☹️
3. PRIORITISE CLEAN AIR	☹️
4. FIGHT CLIMATE CHANGE	😊
5. REFORM ENERGY POLICY	😐
6. PROTECT BIODIVERSITY	😊
7. SUPPORT THE CIRCULAR ECONOMY and WASTE REDUCTION	😊
8. PROTECT THE PUBLIC FROM HAZARDOUS CHEMICALS	😊
9. SAFEGUARD FISHERIES	☹️
10. PUSH SUSTAINABLE DEVELOPMENT	😊

SUMMARY

The Luxembourg Presidency steered the EU through a semester during which two major global events took place that should have far reaching implications for the EU's agenda: the adoption of a 2030 Agenda for sustainable development and a new climate deal in Paris. At the same time important discussions took place on the Mid-Term Review of the EU Biodiversity Strategy where the Presidency managed to ensure the adoption of a broadly positive set of Council Conclusions, sending an important political signal to the European Commission currently carrying out a fitness check of the Birds and Habitats Directives.

On the other hand, the direction of the debate on the air package has been worrying. Many Member States have pushed for the deletion of methane ceilings based on

nonsensical arguments of 'double regulation' leading to the Presidency taking it out of the Council texts and a proliferation of flexibility mechanisms is now putting the effectiveness of the proposed new National Emission Ceilings law at risk. The Luxembourg Presidency was limited in its efforts to minimise the damage. Even more concerning have been the developments around TTIP and CETA where no significant improvements have taken place in addressing concerns around regulatory cooperation and investment protection and the Environment Council has not been particularly involved in the negotiations.

INTRODUCTION:

This is an assessment of the Luxembourg Presidency by the European Environmental Bureau (EEB), the largest federation of environmental citizens' organisations in Europe, in cooperation with BirdLife Europe and Seas at Risk. Our mandate encompasses all environment-related issues, a broad agenda comprising 'traditional' environmental issues as well as sectoral and horizontal policies with a direct or potential environmental impact, sustainable development and participatory democracy.

We view the six-month presidencies as convenient periods over which progress on the EU's environment-related policies and legislation can be measured. We appreciate that a Presidency cannot make decisions on its own; it needs the cooperation of the European Commission, European Parliament and other Member States. But the Presidency can still have considerable impact and influence, for example through the way in which it chairs discussions, prioritises practical work and gives a profile to specific issues.

The assessment is not an overall political assessment of the Presidency's performance. We are not assessing its role on foreign affairs issues, internal security matters or migration policies, for example. On the other hand, nor is the assessment limited to the activities and outcomes of the Environment Council; it covers all Council configurations to the extent that they deal with topics that affect the environment. Our assessment is based on the Ten Green Tests we presented to the Luxembourg Government at the start of its Presidency in July 2015.

At the outset, we would like to acknowledge and express our appreciation for the open and cooperative approach adopted by the Luxembourg Presidency.

On the Luxembourg Presidency's performance against the Ten Green Tests, item-by-item, we reached the following conclusions:

1. DEFEND AND DEVELOP ENVIRONMENTAL POLICIES

The test

- *Negotiate a new Inter Institutional Agreement on Better Law-Making (IIABLM) that removes the deregulatory bias in the Commission's proposals and ensures a revision of Juncker's political priorities to include a comprehensive environmental agenda, as committed to under the 7EAP, under a Sustainable Development heading.*
- *Call on the Commission to speed up the process of presenting a new proposal for a Directive on Access to Justice, building on and strengthening the 2003 proposal; and once issued, swiftly convene Council working group meetings to make good progress on this directive.*
- *Encourage the Commission to make good progress with the preparation of a horizontal EU law for Environmental Inspections.*

The verdict: Mixed

In May 2015, during the previous Presidency, the Commission had put forward a 'Better Regulation Package' which, despite a lot of positive rhetoric about the benefits of regulation, mostly proposed new procedures, bodies and measures that are very likely to have a deregulatory effect. Negotiations over the core of this package, the Inter Institutional Agreement on Better Law-making, provided a major opportunity for the Luxembourg Presidency to address key problems with the Commission's proposal. These negotiations took place with generally low level of transparency and most updates coming through the European Parliament whose lead negotiator Verhofstad regularly reported back to the Conference of Presidents and two relevant Committees. That said, the Luxembourg lead negotiator, Minister Schmidt, was open to a dialogue with for example representatives of the Better Regulation Watch network. The outcome was overall a significant improvement from the Commission's proposal. It no longer refers to Juncker's Political Guidelines as a basis for joint work programming, explicitly recognises the principle of sincere cooperation in relation to the withdrawal of pending proposals, and recognises impact assessments as a tool to inform but not replace political decision making, leaving co-legislators free to decide on their own approach to the impact assessment. That said, there remains a problematic focus on avoiding 'overregulation' including a deeply worrying commitment by the Commission to start quantifying the 'regulatory burden reduction potential' and consider introducing sector specific objectives for the reduction of burdens.

The Presidency did not ostensibly provide much encouragement to the Commission to come forward with new legislative proposals on access to justice and environmental inspections, despite the 'dieselgate' scandal which highlighted the need for such instruments. However, the Presidency did put the related issue of improving implementation of environmental legislation on the agenda of the October Environment Council and while it could have done more under that heading to promote the two specific issues of access to justice and environmental inspections, its proposal that the Environment Council would periodically hold 'structured strategic policy discussions about the underlying causes of outstanding and common systemic implementation gaps on the *acquis* and on agreed policies, based on analysis of such gaps', is potentially useful.

2. REFORM TRADE POLICIES

The test

- *If put to a vote, reject the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada that was finalised in May 2014 as it is understood to include a highly problematic and fundamentally undemocratic Investor State Dispute Settlement (ISDS) mechanism. The Sustainability Impact Assessment commissioned by the European Commission advised against this inclusion, as it could expose the EU and national governments to expensive lawsuits for passing environmental legislation.*
- *Oppose the inclusion under the Transatlantic Trade and Investment Partnership (TTIP) of: an ISDS mechanism; any type of regulatory cooperation provisions; fast-track ratification procedures that would circumvent democratic oversight; or other types of provisions that could restrict the present level of environmental and health protection or the freedom of the EU to legislate to protect public health and the environment.*

The verdict: Negative

During the Luxembourg Presidency, negotiations on TTIP continued at a very slow pace although finally some progress was made in the area of tariffs. Another major development was the adoption in September of a Commission proposal for a reformed ISDS, now called the Investor Court System, which will now be subject to negotiations with the US.

Uncertainty over CETA continued as well with little effort made by either the Commission or the Presidency to provide more clarity on when the 'legal scrubbing' would be over and when it would be put to a vote.

The Commission published a new Trade Strategy in September as well which, despite some positive intentions, is not fundamentally changing the way it is negotiating TTIP and CETA.

Overall, there are few, if any, signs of a deeper re-think about Europe's trade agenda with most proponents of TTIP still considering the widespread opposition to be a 'communication problem'.

3. PRIORITISE CLEAN AIR

The test:

- *Ensure that Council discussions on the revised National Emission Ceilings (NEC) Directive are aimed at delivering the objective of successive EU Environmental Action Programmes of "levels of air quality that do not give rise to significant negative impacts on, and risks to, human health and the environment" by 2030.*
- *More specifically, support ambitious binding emission reduction commitments (ERCs) for 2020, 2025 and 2030, including limits for methane and mercury.*

- *Support the introduction of EU-wide source control measures to reduce air pollution, with particular attention to non-road mobile machinery, domestic heating and shipping, and the agriculture sector.*

The verdict: Negative

The Luxembourg Presidency showed real efforts to make progress on the revision of the NEC Directive. The Presidency initiated a series of bilateral meetings with all Member States and organised regular working party meetings with the aim of speeding up the process and reaching an agreement in Council before the end of the Presidency. This agreement was reached at the December Council, allowing the incoming Dutch Presidency to start trilogues with the European Parliament and Commission. The EEB welcomes these efforts to make progress on a proposal launched two years ago and which was delayed on many occasions since then.

That said, there has been a problematic lack of political will among Member States to focus discussions on possible improvements to the Commission proposal in Council, in particular concerning the co-benefits of climate policies for air quality or the inclusion of mercury in the Directive. This strongly contrasts with discussions in the European Parliament's Environment Committee. With climate negotiations high on the EU's agenda, highlighting benefits of climate policies for air quality would have been particularly timely and relevant when deciding on new air emission limits up to 2030.

Not only has the Council failed to discuss possible improvements to the NEC proposal, it adopted a text which significantly waters down what was proposed by the Commission. Our biggest concerns lie in the watering down of emission reduction commitments (ERCs), the multiplication of flexibilities and the deletion of methane from the Directive.

- Whereas the Commission proposal (supported by the Parliament) would have resulted in a 52% reduction in health impacts, the weaker ERCs adopted by the Council would only result in an estimated 48% reduction according to the Presidency. This contrasts strongly with the discussions held at the June Council, when the discussions revealed broad support for a 50% health improvement by 2030. In the deal adopted under the Luxembourg Presidency, ERCs for ammonia and fine particles (PM), two pollutants with high health impacts, have been watered down for most Member States, including for big polluting countries and Luxembourg itself, and often by large amounts. Altogether, this lowering of ambition would lead to 16,000 additional premature deaths per year according to the Commission's estimates. Finally, the methodology upon which the Presidency's new numbers are based is highly questionable and is not in line with a fair burden-sharing among countries and sectors. For instance, the new numbers for ammonia clearly serve the interests of the farming sector, in particular intensive farming which is responsible for most ammonia emissions in the EU.

- The multiplication of flexibilities such as three-year averages in case of dry summers, cold winters or variations in economic activities, pollution swapping mechanisms or adjustments of emission factors is equally disturbing. While some degree of flexibility is necessary in a Directive which sets objectives over a very long time scale, the flexibilities introduced by the Council's general approach would render the Directive practically unenforceable.

- Even though this already came out at the June Council, the deletion of methane from the text of the Directive is of particular concern, both for health protection and climate mitigation.

We welcome the fact that the Luxembourg Presidency put real driving emissions from cars on the agenda of the October Environment Council following the dieselgate scandal. Following the disastrous agreement found at technical level on 28 October, allowing Euro 6 diesel cars to emit over twice as much as the legal limit from 2017 to 2020 and 50% more than the legal limit after 2020, de facto increasing the standard to 120 mg/km indefinitely, the Presidency also put the issue on the agenda of the December Environment Council at least for a lunchtime discussion. As this was a closed discussion and no official information on it was included in the report on the outcome of the Council, it is difficult to evaluate how useful this was. However, the lack of any visible output is itself in stark contrast to the position of the European Parliament's Environment Committee which only the previous day called for the technical committee's agreement to be blocked.

4. FIGHT CLIMATE CHANGE

The test

- *First, ensure that the EU takes global leadership to secure progress in the negotiations towards an international agreement in Paris so that emission reduction pathways to 2050 are equitable. Second, the EU should make sure that the reduction pathways are based upon, on the one hand, the latest scientific information showing the need to keep warming well below a 2°C rise - bearing in mind an emerging consensus that staying below a 1.5°C rise is more likely to be required - and on the other, global equity and justice concerns. Third, the EU should lead the call to annul surplus credits from the first commitment period of the Kyoto Protocol.*
- *Build on the results of the G7 summit to go beyond the 70% decarbonisation goal for 2050, aiming for zero net emissions as soon as possible thereafter.*
- *Keep the debate open for an EU 2030 framework for climate and energy policies that includes three legally binding targets that are consistent with staying well below a 2°C rise, at least as an interim step towards the more stringent measures that are likely to prove necessary. This means greenhouse gas (GHG) emissions reductions of at least 60%, end-use energy savings of at least 40% and at least 45% of energy sourced from sustainable renewable energy by 2030. This would put the EU in line with achieving emission reductions of at least 95% and sourcing most of its energy from renewable energy by 2050.*
- *Conclude the EU ETS reform and ensure that the market stability reserve is an effective step towards structural reform. This means proposing long-term solutions to match the EU ETS with the objectives of the 2050 decarbonisation roadmap and ensuring that ETS revenues are invested in climate action.*

The verdict: Positive

The Luxembourg Presidency was successful in getting the Council conclusions establishing the EU's position for the UN climate change conference in Paris adopted in September, convening a special Council meeting for this purpose and even initiating, together with the Italian Minister Galetti, a meeting between Environment Ministers and Pope Francis. Yet, while the Council repeatedly recalls the importance of energy efficiency and renewable energy, it did not improve on the lack of ambition of the EU's 2030 climate and energy targets. In the weeks before the COP 21 in Paris the Council again missed the opportunity to step up overall ambition to the necessary level and to send a positive signal to the international community by ensuring that emissions from the LULUCF sector would not compromise the level of ambition.

The Luxembourg Presidency showed leadership by moving forward with a qualified majority for the approval of the market stability reserve in the EU Emissions Trading System (ETS). The market stability reserve is the first step of a wider review of the EU ETS as proposed by the Commission. Unfortunately, the decision to continue the assignment of free allowances to a wide range of sectors is detrimental, in relation to stated temperature objectives, to the need to show global leadership, and it undermines previous promises to fix the EU ETS and will not suffice to give an effective enough carbon price.

While the overall verdict of the Luxembourg Presidency for the fight against climate change is positive in relation to effort made, much more remains to be done on the substance. A number of factors contributed to the successful outcome of the COP in Paris and the Luxembourg Presidency clearly played an instrumental role in securing a deal that puts a target of 1.5 Degrees C firmly on the table and a review mechanism that creates the opportunity now to achieve that. That said, in order to deliver on this, the EU will now need to bring its reduction pathways in line with the new temperature targets on limiting warming to 1.5 Degrees C and the consequent updating of the 2050 objectives, including going well beyond the 70% decarbonisation goal. Secondly, the EU will need to revise its climate and energy targets for 2030 significantly upwards, something that not only environmental groups have long been arguing for but that is now supported by for example a group of German industrial heavy weights who have called for a 40% energy efficiency target by 2030.

5. REFORM ENERGY POLICY

The test

- *In the context of promoting a more ambitious set of climate and energy targets than agreed in 2014, support efforts to put energy efficiency first and adopt an end-use energy savings target of at least 40%.*
- *Support an ambitious legislative proposal to revise the EU Energy Labelling Directive and combine it with a strong Communication on the next Working Plan for 2015-2017 regarding further implementation of the Ecodesign Directive.*
- *Ensure an ambitious revision of the Energy Labelling Framework Directive. This means: getting rid of confusing 'plusses' beyond A; investigating an overall mechanism to re-scale and update labels to adapt to market evolution, based notably on sound market monitoring of the energy performance of products placed on the European market; and unleashing further the potential savings by addressing absolute energy consumption.*
- *Support an ambitious new Ecodesign and Energy Label Work Plan for the period 2015-2017, making sure it is not limited only to a few new product categories and thus avoiding weakening the single market and missing out on significant improvement potentials and further savings for Europe. Important opportunities lie, for example, in: the potential of building automation and control systems at a European level, as supported by industry; setting an overall approach to grasp resource use optimisation opportunities and related climate change benefits; exploring the energy and resource aspects of internet and cloud technology devices (gateways, base station, smartphones); and investigating the possible labelling of domestic appliances, such as kettles and hairdryers. For such appliances, it is to be noted that the risk of multiple, non-enforceable, non-comparable green claims are*

certainly much more intrusive and confusing than a proper, robust and EU-wide energy labelling scheme.

Verdict: Mixed

The Luxembourg Presidency made the discussion on the governance system of the Energy Union a priority and adopted conclusions during its October Energy Council. While the importance of the EU long-term 2050 objective to reduce emissions by 80-95% are clearly stressed, the conclusions on the governance system fail to support the importance of robust rules binding on EU Member States, mostly under pressure from the UK and the Visegrad countries. That said the call of the Council to construct the governance system on the basis of existing building blocks in climate and energy policy as well as the call to review and develop legislation related to emissions reductions, energy efficiency and renewables is a welcome one that now needs to be followed up in the coming months in the preparations of a revised EED and RED, not least considering the more ambitious climate objectives following COP 21.

While we acknowledge the progress made by the Luxembourg Presidency on the energy label policy, we regret that the last consolidated formulation endangers one fundamental goal of the revision by potentially postponing the shift to an A to G scale and perpetuating the confusing system of multiple 'plusses'. On the Ecodesign work plan, the Presidency suffered as all other stakeholders from the absence of a final report, not enabling it to take a clear position, though the progressive attitude of the Presidency on energy-efficient product policy is acknowledged.

6. PROTECT BIODIVERSITY

The test

- *Adopt ambitious Council conclusions on the Mid-Term Review of the EU Biodiversity Strategy that:*
 - *Insist on full and ambitious implementation of the Biodiversity Strategy, confirm that, in the light of the latest scientific evidence, the Strategy is more relevant than ever, and acknowledge the role of member states in implementing the Strategy as crucial for successfully achieving every target;*
 - *Emphasise the essential role that the Birds and Habitats Directives, as the main nature conservation tools in the EU, have played in helping in the recovery of protected species and call in particular for new ambition in the implementation of the Directives;*
 - *Acknowledge the need for an improved coherence between biodiversity and relevant sectoral policies, in particular through proper and effective integration of biodiversity considerations in all relevant EU policies.*
- *Send a strong political signal to the European Commission that the ongoing Fitness Check of the Birds and Habitats Directive needs to be carried out objectively and be evidence based.*
- *Call on the Commission to propose an effective and ambitious legal instrument on environmental inspections (see separate chapter for details);*

The verdict: Positive

The Environment Council Conclusions adopted on 16 December sent out a strong signal on the need to achieve full implementation of the Birds and Habitats Directives as well as legal certainty as key for achieving the targets of the Biodiversity Strategy. They also clearly identified the need to further integrate biodiversity objectives in a range of sectoral policies, including the CAP and to further integrate biodiversity into relevant financial instruments. In particular, they usefully urged all Member States to fully use all the instruments that the CAP offers to effectively contribute to protecting and enhancing biodiversity and called on the Commission to fully evaluate the effects of the CAP and its implementation on biodiversity. Similarly, they stressed the importance of identifying appropriate measures to ensure that biodiversity concerns are met in Union policies on bioenergy. In relation to fisheries they urged Member States to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce maximum sustainable yield.

In relation to adequate funding for Natura 2000, the text unfortunately fails to provide strong directions as regards the necessary changes to the EU budget. In this area the text on agriculture and fisheries policies should have been more concrete.

While not explicitly mentioning a legal instrument on environmental inspections the Council asks the Commission and Member States to take urgent actions for preventing, detecting and sanctioning breaches of the EU Nature Directives.

The Luxembourg Presidency also played a constructive role in building support for a positive approach to the fitness check through holding a lunchtime discussion during the Informal Environment Council in July and through speaking at various high profile events on the topic.

In addition, we welcome the fact that the Luxembourg Environment Minister Carole Dieschbourg was part of a group of nine Environment Ministers who co-signed a letter to Commissioner Vella calling on him not to revise the EU nature legislation but to instead step up implementation of the legislation. The letter was signed in the context of the Environment Council in October 2015.

7. SUPPORT THE CIRCULAR ECONOMY

The test:

- *Prepare for a first orientation debate at the December Environment Council on both the re-tabled proposals for revised waste legislation and on the non-legislative circular economy elements that should be even more ambitious than the previous proposal by:*
 - *Boosting measures and incentives towards preventing waste and preparing products for re-use. This should include: the introduction of a binding waste prevention target for food waste; specific objectives for reuse and the preparation of products such as furniture and textiles for reuse; a separate collection for biowaste, and a minimum 70% recycling target for municipal solid waste by 2030, calculated on a unique harmonised methodology at European level; and enlarging the scope of the current revised waste proposal to also cover commercial and industrial waste, representing a tremendous resource conservation potential.*
 - *Promoting the systematic introduction of economic instruments in all waste management plans to be notified to the Commission to support a proper*

implementation of the waste policy. This should include: minimum requirements at European level for extended producer responsibility schemes; the introduction across Europe of pay-as-you-throw schemes; and the taxation of landfill and the incineration of untreated waste.

- *Supporting an update of the packaging and packaging waste Directive targets, making the best of this integrated product and waste legislation, boosting the overall level of recycling to over 80% by 2030. In particular support a revision of the old-fashioned essential requirements set in 1994 to enhance the prevention of over-packaging and incentivise reusable solutions.*
- *Supporting a ban on landfilling and the incineration of all recyclable and compostable waste by 2020, and set a staged target on the maximum amount of residual waste per capita per year to be landfilled or incinerated.*
- *Call for a headline 40% resource efficiency target for 2030, calculated as raw material consumption per GDP, to be defined and complemented by a more detailed resource efficiency dashboard at European, national and, where possible, at priority sector levels. This should encompass quantitative indicators such as total material consumption, CO2, water and land use footprints.*
- *Grasp the ability of product policies to tap, at design stage, the potential of resource conservation and to support the possible uptake of cost effective new business models based on servicing and leasing, as well as of reuse and recycling activities.*
- *Support an ambitious Ecodesign and Energy Labelling Working Plan for 2015-2017. This should put special focus on developing minimum requirements for the durability, reparability and recyclability of products, including the detoxification of materials as a crucial enabler for reusing and recycling valuable components and materials.*

The verdict: Positive

As a result of the withdrawal of the waste policy revision package and a postponement of the circular economy proposal by the new Commission, the opportunities for the Luxembourg Presidency to move things forward were limited. Within those limits however the Luxembourg Presidency made an active contribution to the public debate and various initiatives intended to keep the circular economy high on the agenda and put it on the agenda of its 16 December Council meeting for a first orientation debate

Given the fact that the Commission lowered the ambition of the waste elements of the Circular Economy Package, it will now be up to Member States as well as the European Parliament to address this, most crucially to increase the 65% recycling target to 70%. It was unclear however from the debate in the December Council whether there will be sufficient support for this among the Member States.

8. PROTECT THE PUBLIC FROM HAZARDOUS CHEMICALS

The test

- *Encourage the Commission to step up its work towards achieving the 7EAP's goals in relation to chemicals by developing new EU tools to achieve the non-toxic environment goal. This means, for example, addressing nanomaterials, developing and publishing a package on endocrine-disrupting chemicals (EDCs) and delivering concrete measures to promote substitution of hazardous chemicals by safer solutions.*

- *Ensure that the Commission's criteria to identify EDCs will be protective enough so that it catches all EDCs to which the public and the environment are exposed. To this end, the Commission should consider all types of scientific evidence and deliver criteria which do not privilege potency over other factors in the identification of substances as EDCs, and which can be swiftly applied across different sectors (such as industrial chemicals, pesticides, biocides, cosmetics, water and food contact materials).*
- *Demand that the Commission consults with the European Council and the European Parliament on any attempt to modify the REACH authorisation process as the simplification and streamline proposal is not an implementing act, but a major change of the REACH legal text. Insist on the adequate implementation of the authorisation process, including the rejection of poorly documented applications, and the creation of a comprehensive candidate list.*
- *Insist that a European Commission proposal to increase transparency for citizens on nanomaterials in the EU includes the development of an EU-wide register, the only valid tool that would close the knowledge gap surrounding the nanomaterials used, manufactured and imported in the EU. A meaningful amendment of the REACH annexes to properly address nanomaterials is also needed.*
- *At EU level, take action to accelerate:*
 - *the publication of a strong mercury legislative package, going beyond the requirements of the Minamata convention, including, but not limited to:*
 - *Banning the export of mercury-added products that are not allowed on the EU market;*
 - *Phasing out mercury in dental care since safe mercury-free alternatives are available;*
 - *the ratification of the Minamata Convention at EU level and the respective ratifications by individual Member States.*
- *At global level, continue EU leadership on activities related to the preparation for entry into force and implementation of the Minamata Treaty on Mercury, and the collaborative work with NGOs.*

The verdict: Positive

Although again little happened from the side of the Commission in this area and therefore little progress was made overall on this crucial issue, the Luxembourg Presidency took some useful initiatives. A highlight of the Luxembourg Presidency's work on chemicals was the conference "REACH and beyond - challenges and possible options for improvements"¹, a joint initiative under the Luxembourg Presidency also involving Austria, Belgium, Denmark, France, Germany, the Netherlands, Norway and Sweden. The conference aimed to refocus Europe's attention on the safe use of chemicals and at the same time ensure transparency, innovation and competitiveness for the European Chemical sector. The fact that the EEB and other stakeholders were invited to participate and important topics like EDCs, nanomaterials, the non-toxic environment goal and substitution were tackled during the conference was helpful.

¹ Further information at: <http://conferencemanager.events/REACHandBeyond>

The Presidency followed up on this by including a discussion on REACH and the challenges and options for improving legislation on chemical products on the agenda of the December Environment Council.

Another helpful intervention came when the Luxembourg Presidency presented its priorities to the Committee on Environment, Public Health and Food Safety (ENVI) of the European Parliament, explaining that it was "urgent" for the Commission to proceed with defining criteria for EDCs, which had been initially anticipated for December 2013.

The legislative package implementing the Minamata Convention in the EU has not yet been published although it was expected at the beginning of 2015. To our knowledge, no particular initiative was taken by the Presidency to accelerate this process or in relation to the review of the export ban or phase-out of mercury amalgam.

9. SAFEGUARD FISHERIES

The test

- *Improve the EU data collection regime to provide relevant data in a harmonized and transparent way in particular covering target as well as non-target species in line with delivering good environmental status under the Marine Strategy Framework Directive.*
- *Ensure that the Baltic Multi Annual Plan will support the objectives of the reformed CFP in particular to ensure that maximum sustainable fishing rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks.*
- *Conclude negotiations on Deep Sea Fishing Regulations to ensure that deep sea fisheries are sustainably managed, in particular by effectively protecting vulnerable deep sea habitats, ending overfishing and submitting all operations to impact assessments.*
- *Ensure the adoption of sustainable fishing limits below MSY (maximum sustainable yields) for 2016 that will restore and maintain populations above biomass levels capable of producing MSY.*

The verdict: Negative

The Luxembourg Presidency progressed in the technical discussions for the revision of the Data Collection Framework Regulation. However, a Council position has not yet been reached.

On the Baltic Multi Annual Plan so far only few trialogue meetings have taken place since the temporary breakdown of the negotiations between Parliament and Council in June 2015. The co-legislators seem not have found common ground so far on the most contentious issues that led to the break down earlier in the year, and no agreement has been reached. Unfortunately we have not seen any determination from the Council to ensure that the CFP objectives are incorporated, especially regarding the proper incorporation of Art. 2.2 and establishment of a catch limit framework with an upper range below F_{MSY} .

The Presidency was successful in reviving the negotiation process on Deep Sea Fishing Regulations and managed to get an adopted Council position in November. Trialogue negotiations are imminent, but will probably lead to an agreement only during the next

Presidency. Unfortunately, the adopted Council position failed to address a number of key issues flagged up by NGOs. It is missing measures such as complete closure of vulnerable marine ecosystems (VME) areas, full coverage of the regulation for areas fished by EU vessels, and minimisation of non-targeted species.

The December Council set fishing opportunities for the North Sea and North-East Atlantic and did not make any progress compared to agreements by the December Council last year towards the legal obligation of ending overfishing at the latest by 2020. In October, the Council agreed on fishing opportunities for 2016 in the Baltic, and for seven of the 10 stocks the agreed fishing limits exceeded the levels that scientists advised in order to restore the stocks to above levels capable of producing MSY. With such Council decisions, the objectives of the CFP will not be achieved.

10. PUSH SUSTAINABLE DEVELOPMENT

The test:

- *Start to develop a new Sustainable Development Strategy, based on the 17 SDGs and 169 targets, broken down for the European level, with a 2030 timeframe and as a guiding framework for the EU2020.*
- *Press for a greening of the Europe 2020 Strategy through its mid-term review and a strengthening of the environmental component of the European Semester, including by adopting progressive conclusions in the Environment Council in advance of the forthcoming Annual Growth Survey.*
- *Ensure that the EU is ready for the implementation of the SDGs in Europe in January 2016, by institutionalising appropriate (multi-sectoral) governance structures for Sustainable Development, and using the right indicators for implementation and follow up and review mechanisms. This should also include effective structures and processes for civil society participation at EU level with all relevant stakeholders to prepare the concrete implementation and review mechanism, with capacity building actions and funding possibilities.*

Verdict: Positive

The 2030 Sustainable Development Agenda, ‘Transforming Our World’ was adopted in September 2015, half way through the Luxembourg Presidency. The implementation of all the goals needs to start in January 2016, but so far uncertainty remains as to how the EU will go about this. So far, Vice President Timmermans has sent a letter to all Commissioners asking them to make a gap analysis to identify the areas of work that are covered, and those that are not, by the SDGs. Furthermore, a senior advisor in the Commission’s in-house think-tank, namely the European Political Strategy Centre, has been charged with developing a paper on the subject.

As regards the European Semester, the Luxembourg Presidency organised an exchange of views on this at the October Environment Council. This followed the adoption by the European Commission of Country Specific Recommendations (CSRs) in 2015 which set a new record low of asking only one MS to shift the tax base from labour to the environment. Although it did not lead to the adoption of Council conclusions on the matter, the exchange did provide a helpful signal to the Commission when preparing for next year’s CSRs.

The EU played a constructive, albeit not a leading, role, at the Finance for Development Summit in Addis Ababa, and during the last part of the post-2015 process and the final

adoption at the UN General Assembly. At both conferences the EU intervention was too focused on the development challenges. This drew attention away from the fact that many barriers for development in the Global South are due to consumption and production patterns in the Global North.

The Luxembourg Presidency organised a lunch meeting during the October Environment Council with development ministers, a worthy initiative even if the scope of the SDGs extends well beyond those two sectors. This was followed by a discussion among the Environment Ministers in which the importance of policy coherence, coordination between different policies and stakeholder participation and involvement in putting into practice the 2030 SD Agenda were emphasised.

We welcome the fact that several 'jumbo' meetings were held at Council level, and see the benefit of those meetings, also for forcing the multi sectoral cooperation on Member State level. As no concrete initiatives were taken to establish such a multi sectoral collaboration for the implementation to be started from the beginning of January 2016, we need to acknowledge that the EU is not ready yet for the full implementation of the SDGs. More effective structures are also not yet in place for multi-stakeholder civil society participation at EU level to realise the implementation review mechanisms, capacity building actions and funding possibilities for the SDGs.