

10 GREEN TESTS

Including the

MEMORANDUM

**EEB MEMORANDUM
to the
CZECH EU PRESIDENCY**



JANUARY 2009

European Environmental Bureau



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THE EUROPEAN ENVIRONMENTAL BUREAU (EEB)

EEB is a federation of over 150 environmental citizens' organisations based in most EU Member States, most candidate and potential candidate countries as well as in a few neighbouring countries. These organisations range from local and national, to European and international.

EEB's aim is to protect and improve Europe's environment and enable its citizens to play a part in achieving that goal, by promoting environmental policy integration and sustainable policies, particularly at EU level. Our office in Brussels was established in 1974 to provide a focal point for our members to monitor and respond to the EU's emerging environmental policy. We have an information service, run working groups of EEB members, produce position papers on topics that are, or should be, on the EU agenda, and represent our members in discussions with the Commission, the European Parliament and the Council. We closely co-ordinate EU-oriented activities with our members nationally and also track the EU enlargement process and some pan-European issues.

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**EEB MEMORANDUM
TO THE CZECH EU PRESIDENCY**

JANUARY 2009

Addressing:

**The European Council
The Economy and Finance Council
The Agriculture Council
The Energy and Transport Council
The Competitiveness Council
The Justice and Home Affairs Council
The Environment Council**

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INTRODUCTION

The Czech Presidency has been met with skepticism in the European media. This is logical, given the loud voice of its President against EU integration and his cynical comments about climate change and environmental problems in general. However, Klaus is not Sarkozy in his institutional position. Unlike what many people think, Klaus will NOT be the President of the European Council, but Prime Minister Topolánek will. In the Czech Republic, the President is not the head of Government.

Nevertheless, as we are approaching the European Parliamentary elections, we do not want populist theatre. What we need are institutions that really show, in the coming months, what the EU can and is prepared to do for EU citizens, for their future and what the EU can and is prepared to do to safeguard peace and prosperity globally now and over the longer term. In that context we need in particular constructive decision-making on environmental and sustainable development policies and serious implementation of existing laws and policies.

The Czech governments of the last 18 years have had a relatively good track record in Europe. Local pollution has been decreased substantially, a combination of economic modernisation and dedicated policies. It took the initiative, even during the Czechoslovak Republic period, for the “Environment for Europe” process which brought us, amongst other things, the Aarhus Convention on environmental democracy. It played a key role in developing some of the features of this Convention, in particular the Pollutant Release and Transfer Register (PRTR) Protocol. It has been a constructive member of the Environment Council, practically supporting the need for strong EU leadership on environmental issues.

The Memorandum in front of you reflects the issues EEB wants to see progressing during the Czech Presidency. The most important issues are presented in the Ten Green Tests. These tests will also be used to evaluate, at the end of June, the performance of the EU in the six months to come. While we directly address the Presidency, we also realise that it needs the cooperation of the Commission, European Parliament and other Member States. Still, Presidencies can make a difference if they invest their political and technical capacities into the right issues.

We can imagine many people in the Czech government are relieved that the European Council, Commission and Parliament came to an agreement on the Energy/Climate package and two related laws on car emissions. The domestic agenda to implement in the coming years to tackle climate change is now clear. For us the results were, by and large, disappointing, and certainly inadequate to

make a sufficient EU contribution to the common goal of keeping global warming within 2° C from pre-industrial times. We are quickly heading towards that limit and will reach it long before 2050 if we do not take more dramatic measures now. We therefore call upon the Presidency to launch a debate about increasingly strong evidence that the world's eco-systems are not as sturdy a buffer as we may have hoped and that the process of degradation is accelerating now.

This discussion is necessary also within the context of the Road to Copenhagen. Along with the Commission and its Swedish successor, the Czech Presidency will have to create a constructive atmosphere for success in Copenhagen. Success will be represented by decisions that lead to significant reductions of greenhouse gases in industrialised countries, more than 30% in the coming decade, and at least stabilisation in developing countries, leading to reductions in those that currently have the highest emissions per capita. For success it is also necessary to agree on a truly global effort, with effective support mechanisms from the industrialised world to the poorest countries in the world and a fair international trading system. This effort must come together with agreements on a credible enforcement arrangement, including border tax adjustments targeted to specific countries or companies that violate these agreements.

The climate/energy package dominated EU discussions so much in 2008 that other important issues suffered or did not get the political attention they deserved. The Commission postponed reviews of the National Emission Ceilings Directive and the Energy Tax Directive and a Roadmap on phasing out of environmentally perverse subsidies. The French Presidency made a miserable attempt to reopen the debate on a Soil Directive, and it did not pay much attention to the draft Industry Emissions Directive (a merger of seven existing Directives including IPPC). EEB expects the Czech Presidency to tell the Commission that there are no excuses left regarding the first three proposals and to bring the two other proposals forward in a serious manner.

Besides climate and health policies, the EU must make progress on resource efficiency as well. We need to move towards a circular economy in which the concept of "waste" is minimized. We are not only pumping the atmosphere full of greenhouse gases, we are depleting scarce resources and undermining ecosystems with our excessively high demand and throughput of materials. We are destroying the preconditions for future generations to live in peace and prosperity. The Czech Presidency has several proposals on the table to promote eco-innovation and recycling. They are on their own modest, but they should be strengthened rather than ignored. It will depend not only on the Ministry of the Environment but in the case of concrete proposals it needs the cooperation of the Ministry of the Economy.

We are quickly approaching 2010, the year the decline of biodiversity in Europe was meant to have been stopped. This deadline was outlined in a strong political

agreement, made by Europe's leaders in Gothenburg in 2001, and reconfirmed in the 6th Environmental Action Programme as well as on many subsequent occasions. Unfortunately we are not going to meet that challenge, as even the European Commission admitted in December, and globally the situation is much worse. Therefore we call upon the Czech Presidency to take the initiative on an Ecosystem Rescue Plan.

The field of chemical policy will present another challenge in 2009, at both European and global level. The EU should lead the world in getting rid of several toxic substances including by successful negotiations on a legally binding instrument to phase out mercury production and use, by expanding the Stockholm Convention's list of banned hazardous substances and by showing leadership in proposing substances of very high concern for the REACH list. The Czech Republic has already shown that chemicals policies can lead to innovations and is using a progressive PRTR system that could be used as an example all EU member states.

Finally, no EU policy makes sense if it is not put into practice. All too often, national and regional authorities consider EU legislation as an edict from Brussels, not as an opportunity to take steps forward so there are major enforcement deficits. The Commission has the responsibility of ensuring that Member States apply EU law, but it lacks the instruments to do so. The publication of the Commission's Communication on implementing EU Environmental Law is an opportunity for a serious debate about better enforcement, including by involving citizens much more than in the past. This represents an opportunity not to be missed for a government that, as we said before, does have a track record on promoting good environmental governance.

We are looking forward to a successful Czech Presidency.

John Hontelez, Secretary General, European Environmental Bureau
Jindrich Petrlik, European Environmental Bureau Board Member from the Czech Republic

EEB'S 10 GREEN TESTS FOR THE CZECH PRESIDENCY OF THE EU

1. WORK TOWARDS A LOW-CARBON EUROPE AND PLANET

- Consider new climate science showing that the 2° C limit can only be met with 350-400 ppm CO₂e (carbon dioxide equivalent) maximum atmospheric concentrations and start discussions on stricter climate change objectives, including for the EU accelerated emission reductions of 40% from 1990 to 2020.
- Adapt the Lisbon Strategy and the European Economic Recovery Plan to focus on energy and resource efficiency and renewables and refrain from traditional infrastructure initiatives that will increase pressure on the environment.
- Boost investments in energy efficiency of buildings by prioritising adoption of the new Energy Performance of Buildings Directive. Increase its ambitions by requiring that, at the latest by 2020, all new buildings are zero- or positive energy and for existing buildings all renovations will trigger energy efficiency requirements.
- Ensure that enough public funding is committed to making investing in energy efficiency more affordable particularly for low-income-groups. Mobilise a large share of EU Structural Funds, EIB and other funds and fiscal incentives for energy efficiency improvements in buildings, including social housing.
- On the Road to Copenhagen, agree on a significant EU fund for mitigation and adaptation to climate change in developing countries and underline the EU's willingness to change to a 30% reduction by 2020 if Copenhagen is successful.

2. BIODIVERSITY AND CLIMATE CHANGE ADAPTATION

- Take initiative for an Ecosystem Rescue Plan that not only seeks to halt the loss of biodiversity but actually ensures the restoration of eco-system functionality.
- Ensure EU funding for adaptation measures to climate change in developing countries.
- Ensure sufficient funding for SEBI2010 (Streamlining European 2010 Biodiversity Indicators) for its key role in evaluating EU progress on biodiversity protection.
- Promote the resilience of natural and human systems, their capacity to deal with change without losing their functionality, as the fundamental tenet of a European Adaptation to Climate Change Strategy, including by improving the implementation of EU's Nature Directives, the protection of large natural habitats and developing a 'Green Infrastructure' for Europe.

- Ensure Council supports a comprehensive EU framework on Invasive Species with the highest priority given to the prevention of new introductions.

3. SUSTAINABLE PRODUCTION AND CONSUMPTION

- Broaden the scope of the Ecodesign Directive beyond proposed energy-related products to cover all products and impose by 2011 compulsory assessment of current methodology for preparing product specific measures to take into account significant environmental impacts beyond energy consumption in the use phase.
- Improve the Ecolabel Regulation by clearly defining its objectives as a mark of environmental excellence addressing all environmental impacts (including hazardous chemicals content and end-of-life) without undermining its credibility.
- Insist that Commission produce its roadmap for the elimination of environmentally hazardous subsidies, which was promised in 2008.
- Ensure the reviewed Energy Tax Directive substantially increases the minimum rates of taxation for energy and dramatically reduces existing exemptions.
- Support the implementation of differentiated VAT according to use of energy and natural resources. Implement '*bonus-malus*' schemes and other fiscal incentives to promote energy efficient products, goods and services.

4. REDUCE MERCURY USE GLOBALLY

- Present a unified and strong EU position at the February session of the UNEP Governing Council for a free-standing legally binding instrument addressing, amongst others, the reduction of mercury supply (including storage and trade), its use in products and processes and atmospheric mercury emissions (through Best Available Techniques [BAT] or otherwise).
- Insist that an International Negotiating Committee will immediately begin drafting text.
- Continue intensive dialogue with key non-EU governments and stakeholders and work actively towards resolving remaining differences to ensure a positive result.

5. IMPLEMENT A COHERENT FRAMEWORK FOR INDUSTRIAL POLLUTION PREVENTION AND CONTROL

- Keep the recast of the Industrial Pollution Prevention and Control (IPPC) Directive water tight: stick with the scope of Commission's proposals for change.

- Maintain existing Emission Limit Values in sectoral directives as a critical safety net and ensure their tightening to reflect emission levels achievable through application of BAT.
- Support the extension of the EU safety net (minimal binding requirements) to other IPPC sectors upon adoption of the relevant revised BAT Reference Document (BREF).
- Ensure transparency in implementation by making permit applications and permits permanently available to public on national websites.
- Make BREFs obligatory for permitting authorities. Ensure that authorities set emission limit values that do not exceed BAT emission levels as described in BREFs
- Establish BREF review as a trigger for permit review in order to secure continuous improvement in environmental performance.
- Reject an emissions trading scheme for the local pollutants sulphur dioxide and nitrogen and the option to comply via a National Emission Reduction Plan (NERP)

6. ADOPT THE SOIL FRAMEWORK DIRECTIVE

Re-start work on the basis of the agreement of 22 Member States at the December 2007 Environment Council and ensure a Common Position that will include:

- A clear legal obligation to decontaminate polluted sites and application of the “polluter pays” principle as an incentive to industry to avoid polluting in future.
- An effective and mandatory approach to addressing soil degradation processes caused by unsustainable land use practices.
- A clear requirement for Member States to address current rates of soil sealing.

7. WORK TOWARDS WASTE POLICIES REFLECTING RESOURCE SCARCITY AND PRESERVATION

- In response to the Commission’s Biowaste Green Paper, call for a Biowaste Directive introducing requirements for separate collection and targets for composting, to be delivered during 2009.
- Improve the Commission’s proposal for the revision of the Waste Electrical and Electronic Equipment (WEEE) Directive, respecting the recast procedure. Include setting specific collection targets for each product category and at the very least for small appliances such as lamps.

8. BRING NATIONAL EMISSION LIMITS DOWN

- Insist that the Commission publishes its draft revision of the National Emissions Ceiling (NEC) Directive without further delay.

- Demand stricter interim air quality targets for 2020 according to the objectives of the Sixth Environmental Action Programme.
- Support tighter national caps for the five pollutants (SO₂, NO_x, volatile organic compounds, and ammonia) already regulated in the Directive.
- Insist on ambitious first-ever national caps on emissions of fine particulate matter (PM_{2.5}), which is the pollutant with the greatest impact on human health and health risks even higher than PM₁₀.
- Require additional emission abatement measures within the national programmes for the Directive's implementation.

9. ENSURE ENFORCEMENT OF EU ENVIRONMENTAL POLICIES

- Re-launch negotiations on the Access to Justice Directive as a tool to increase pressure on public authorities and private actors to respect and apply environmental law.
- In the review of the Regulation on Access to EU Documents, refuse any weakening of Regulation 1049/2001, ensure more respect for deadlines from the side of authorities and require more openness of documents under the Commission's control during infringement and EU legislation conformity cases.
- In response to the Commission Communication on this subject, broaden the debate on improving implementation and enforcement of EU environmental law.
- Encourage and support Commission initiatives to deal with its enforcement obligations in a transparent and timely manner.
- Increase public involvement, through open and transparent infringement procedures with improved access to administrative documents and access to justice, as required by the Aarhus Convention.

10. MOVE TOWARDS A PRECAUTIONARY CHEMICAL POLICY THAT PUTS HEALTH AND ENVIRONMENTAL PROTECTION IN CENTRE STAGE

- Show leadership in COP 4 negotiations on eliminating persistent organic pollutants (POPs) by advocating the addition of the nine candidate substances to Annex A of the Stockholm Convention.
- Strengthen the Restriction of Hazardous Substances (RoHS) Directive by targeting the phase out of elemental bromine and chlorine as well as phthalates and other hazardous chemicals in electronic products. Extend the scope of the restriction to other product categories (i.e., medical devices and monitoring/control instruments). Keep the REACH process separate from the RoHS review.
- Extend the range of substances of very high concern (SVHC) to be evaluated under REACH for substitution with safer alternatives.

1. EUROPEAN COUNCIL

1.1. Work Towards Low-Carbon Europe And Globe

It is clear that the Energy/Climate package that was agreed in December 2008 will not be sufficient to achieve a real shift towards a low-carbon EU economy, nor will it by itself give the world sufficient confidence that the EU will do its fair share in tackling climate change globally. The package is too weak on internalising the climate impact of fossil fuel use in the prices of goods and services, allows for too much evasion of real reduction needs in the EU through joint-implementation and the clean development mechanism, lacks a dedicated portion of auctioning revenues allocated for sponsoring mitigation and adaptation in developing countries and the biofuels legislation will create major social and environmental problems.

In Bali a year ago it was already agreed that industrialised countries, in order to limit climate change to 2° compared with pre-industrial times, need to reduce CO₂ emissions by 25%-40% in 2020 compared to 1990, which is far above the EU commitment, which because of vast outsourcing opportunities may lead to less than 15% reduction in real terms. Since Bali scientific evidence showing that the planet's ecosystems are less resilient than we had hoped and that an atmospheric concentration of 450 parts per million (ppm) CO₂ might already be too high for staying within the 2° limit has been growing. Estimates now, are that a 400 (Swedish Scientific Council, and others) or even 350 ppm (James Hansen, NASA and others) limit is necessary, which means that in fact the EU should try to achieve a 40% reduction by 2020!

At the same time we have a financial and economic crisis that leads to demands for public spending in order to prevent a downward spiral, increased unemployment etc. It is now of essential importance for the future of the planet that investment plans orient towards low-carbon and resource efficient economies.

EEB therefore calls upon the Czech Presidency to seek Spring Council agreements to:

- Consider new climate science showing that the 2° C limit can only be met with 350-400 ppm CO₂e (carbon dioxide equivalent) maximum atmospheric concentrations and start discussions on stricter climate change objectives, including for the EU accelerated emission reductions of 40% from 1990 to 2020.
- Adapt the Lisbon Strategy and the European Economic Recovery Plan to focus on energy and resource efficiency and renewables and refrain from

- traditional infrastructure initiatives that will increase pressure on the environment.
- Boost investments in energy efficiency of buildings by prioritising adoption of the new Energy Performance of Buildings Directive. Increase its ambitions by requiring that, at the latest by 2020, all new buildings are zero- or positive energy and for existing buildings all renovations will trigger energy efficiency requirements.
 - Ensure that enough public funding is committed to making investing in energy efficiency more affordable particularly for low-income-groups. Mobilise a large share of EU Structural Funds, EIB and other funds and fiscal incentives for energy efficiency improvements in buildings, including social housing.
 - On the Road to Copenhagen, agree on a significant EU fund for mitigation and adaptation to climate change in developing countries and underline the EU's willingness to change to a 30% reduction by 2020 if Copenhagen is successful.

2. ECONOMY AND FINANCE COUNCIL

2.1 Green Tax Package

In November 2008, the Commission announced its work on a 'Green Tax Package', which will include a proposal to review the Energy Tax Directive "to make it fully compatible with the energy and climate goals and an examination of how VAT and other fiscal instruments can be used to promote energy efficiency."

EEB calls on the Presidency to use this opportunity for a fundamental debate about systematic and substantial introduction of taxation measures for energy and resource efficiency purposes, and in particular:

- Support the promotion of fiscal incentives to accelerate energy efficiency in the building sector and elsewhere.
- Support the implementation of differentiated VAT according production and use of energy and natural resources. Implement 'bonus-malus' schemes and other fiscal incentives to promote energy efficient products, goods and services.
- Show political leadership and promote an EU-wide Environmental Fiscal Reform process whereby EU leaders make a political commitment for a 10% tax shift from labour to energy and natural resources use and pollution within a decade; promote use of the Open-Method of Coordination which leaves Member States some flexibility on how to achieve the target.
- Insist that the Commission produce the Road Map for the elimination of environmentally harmful subsidies, which was promised before the end of 2008, without further delay. Also call for a phase-out of subsidies to coal mining and nuclear fuel use and push for a tax on uranium with strict liability requirements.
- Ensure that in the transport sector, infrastructure financing and internalisation of external costs are reflected, particularly in the costs for users.

2.2. Review of the Energy Tax Directive

EEB welcomed the proposed review of the Energy Tax Directive, outlined in the Commission's March 2007 Green Paper on "Market-based Instruments for Environment and Energy-related Purposes", which was focused on revising minimum Community tax levels. We deplore the delay of its publication, which was foreseen for 2008.

The 2003 Energy Tax Directive, which was adopted after six years of negotiations, set minimum rates of taxation for motor fuels, heating, solid fuels and electricity. Member States may not apply tax rates that are lower than the minimum rates set in the Directive. However, the minimum tax rates are low and many exemptions can be applied to energy-intensive industries and households.

The 2007 Green Paper suggested dividing Community-wide minimum tax levels into energy and environmental elements, which would then be reflected nationally in the form of targeted emissions taxes. This would mean introducing a tax on the energy content of all fuels, together with a differentiated environmental tax, which would distinguish between greenhouse gases (GHGs) and non-GHG emissions. The Commission believes such a tax differentiation would favour both energy conservation and environmentally-friendly energy production. According to the Commission, other elements should be taken into account, for example, tax differentiation according to the type of use. The paper also said the implications of such a system on nuclear energy use need further investigation.

The Green Paper also suggested excluding sectors covered by the Emission Trading Scheme (ETS) from the Energy Tax Directive's scope, suggesting that their environmental impacts have already been addressed by the ETS. EEB challenges this approach, in particular as long as ETS is to a large extent based on free emission allowances.

EEB stresses that the review of the Energy Tax Directive should be used as an opportunity to contribute to the EU's numerous objectives and commitments, such as those outlined in the EU Sustainable Development strategy, climate and energy objectives, and promoting clean, eco-innovative economic development in line with these objectives.

Therefore EEB calls on the Presidency to:

- Insist the Commission does not delay the review of the Energy Tax Directive any longer and ensure that the current minimum tax rates on energy are not reduced further. Minimum energy taxation rates should instead be substantially increased in line with the EU's climate and energy objectives and inflation's devaluation of the real incentive of nominal tax rates and existing exemptions should be dramatically reduced. To this end, the financing function of energy taxes should also be reflected by keeping energy tax rates at least at the current level (including corrections for inflation) and proposing an environmental dimension in addition.
- Make sure that the Directive applies to all types of energy consumption.
- Make possible the exemption of renewable energy production (except for biofuels, which have disputable environmental and social characteristics) from the proposed minimum environmental tax element. However, in order to promote energy efficiency and savings, such renewable energy production does not have to be excluded from energy taxation.

- Ensure that nuclear energy is not given preferential treatment, particularly because of its potential dangers and waste legacy. In particular, introduce a tax on uranium and ensure strict application of liability requirements for its long term waste management.

3. AGRICULTURE COUNCIL

3.1. EU Legislation on Coexistence of GM Crops with Conventional and Organic Farming

An important law is still missing at EU level to ensure a genuinely informed choice for both consumers and farmers: new EU rules on co-existence which effectively prevent the genetic contamination of conventional and organic productions in Europe. Without clear and coherent EU legislation on co-existence, genetic contamination will soon become a *fait accompli* in EU agriculture, depriving European consumers and farmers of the right to choose. It will also spell the end of organic farming as we know it.

The Commission in 2009 must report to the Council and European Parliament on progress made on implementing national measures on the co-existence of genetically modified (GM) crops with conventional and organic farming.

In March 2006, the Commission issued its "Report on the implementation of national measures on the co-existence of genetically modified crops with conventional and organic farming" (Com 2006/104), summarising Member States' progress since 2003 in establishing national coexistence strategies, implementing the Commission guidelines (Recommendation 2003/556/EC) and response.

EEB fears that the delay strategy of the Commission is aimed at pursuing the same approach as the 2006 report, which did not recommend an EU regulation on co-existence under the pretext of needing "to conclude the process of implementing national co-existence measures".

The 2006 report clearly shows that the Commission is failing. It is pressing Member States to define laws, while itself rejecting national proposals aimed at preventing any GM contamination of organic and conventional farming. By favouring weak measures, such as a non-mandatory approach, the Commission is opting for a 'wait-and-contaminate' approach which could be very damaging to organic and conventional farming.

Implementation of the Commission's guidelines has so far been a failure across the EU, owing to the clear practical difficulty of growing GM crops without contaminating traditional and organic cultivation and citizens' demands for GM-free food and a GM-free local environment. Thousands of local and regional authorities around the EU are also demanding the exclusion of GM crops in their area, to protect their local economy, culture, environment and citizens' health.

Against this background, the only viable solution is an EU regulation recognising the democratic right of local and regional authorities to decide whether GM crops can be cultivated in their own area. Such an approach is supported by the European Parliament resolution adopted in December 2003 where it:

- “calls for uniform and binding rules to be established without delay at Community level on the co-existence of genetically modified crops on the one hand and non-genetically modified conventional crops on the other hand; and
- takes the view that Community co-existence must allow Member States the right to prohibit completely the cultivation of GMOs in geographically restricted areas so as to safeguard coexistence”.

EEB therefore calls upon the Presidency to work for uniform and binding Community rules allowing Member States the right to set up GM-free zones at local and regional level.

4. ENERGY AND TRANSPORT COUNCIL

4.1. Energy Efficient Buildings

In November 2008 the Commission published a draft revised Energy Performance of Buildings Directive (EPBD). EEB welcomes the proposal as a potential tool to contribute towards the fight against climate change and to improve energy efficiency and energy savings in the building sector. We applaud the Commission for increasing the Directive's scope, to include all housing stock in the EU and not just those within a certain threshold. EEB would like to see stronger ambitions, especially for new houses, such as an obligation for zero-energy buildings by 2020.

Therefore EEB calls on the Presidency to:

- Boost investments in energy efficiency of buildings by prioritising adoption of the new Energy Performance of Buildings Directive. Increase its ambitions by requiring that, at the latest by 2020, all new buildings are zero- or positive energy and for existing buildings all renovations will trigger energy efficiency requirements.
- Require that from 2017, the minimum energy performance requirements of all existing buildings are in line with the results of the Commission's calculation methodology outlined in the new Directive
- Ensure that enough public funding is committed to making investing in energy efficiency more affordable particularly for low-income-groups. Mobilise a large share of EU Structural Funds, EIB and other funds and fiscal incentives for energy efficiency improvements in buildings, including social housing.

4.2. Eurovignette

In July 2008, the Commission published a proposal to review the Directive on road charging, commonly known as the "Eurovignette" Directive, to allow for the internalisation of the external costs (congestion, accidents, environmental costs) caused by lorries.

This review is necessary and long overdue. The current Eurovignette Directive (2006/38/EC) allows the internalization of the costs of damage to road infrastructure but prohibits implementation of the 'polluter pays principle' in road transport. This needs to be urgently fixed, for economic, environmental and political reasons. We need broader and smarter road charging in Europe. There is scientific and economic consensus on this issue, and the overview of all research on internalization of the external costs of transport is comprehensive

and robust. One of the key conclusions from the IMPACT study undertaken for the European Commission, which underpins the upcoming proposal, is that *'scientists have done their job (...) general figures (within reliable bandwidths) are ready for policy use.'*

We regret that the Commission's proposals are not sufficient to enable Member States to reorganise road freight transport in the most sustainable and future-oriented way. Only if road users are encouraged to take real costs into account via a price signal will they react in a way which minimises the costs to society, public health and the environment, whilst maximising transport efficiency (by optimised use of capacity of infrastructure and cleaner vehicles).

The Directive should encourage Member States to internalise the costs of climate change (GHG emissions) caused by lorries, in order to fully take into account the polluter pays principle as outlined in the Treaty. Whilst recognising that these costs *could* also be effectively addressed through fuel taxation, it is inappropriate for the EU to prohibit Member States from having the choice of internalising the climate costs of road transport (as is currently the case).

The Commission has reneged on the long-held ambition to allow Member States to internalise the accident costs caused by lorries. This is incomprehensible from a scientific perspective and also marks a u-turn from the 2003 proposal (COM 2003/448) for the previous review of the Directive, which proposed including a methodology to internalise accident costs in road charges. The scientific evidence has become more robust in the last five years and the severity of accidents involving trucks across Europe undoubtedly merits new policy impetus. The IMPACT handbook clearly shows that a substantial portion of accident costs is not internalised through insurance premiums or other risk anticipation considerations. For example, the costs of emergency services and the temporary closure and clean-up of motorways are currently paid out of the general budget rather than by road users. Exclusion of accident costs will rule out an important opportunity to improve road safety.

Time-based vignettes have no place in a 'smart charging' framework, yet they are currently used in 11 EU Member States. In contrast to distance-based charges, fixed charges per day, per month or per year do not encourage transport efficiency or help to meet environmental targets. In fact, time-based vignettes give a perverse incentive to drive more during a given time period. With the falling technical implementation costs of distance-based charging systems, the time has come to consider a mandatory transition from vignettes to distance-based tolls. Experiences with existing smart km-charging systems in Austria, Germany and Switzerland confirm that these schemes contribute to efficiency and competitiveness within the transport sector, as the price signal from km-pricing results in improved use of vehicle and infrastructure capacities, a faster transition to cleaner vehicles and no negative economic impact.

The Commission seeks to ensure that transit countries are not allowed to introduce disproportionately high charges. However, the inclusion of a cap at the level of average external costs is a misguided approach, meaning that it will be impossible to internalise at least half of the external costs generated by lorries, undermining the objectives of this review. A transparent methodology for calculating and internalising the real external costs is available; where a region suffers more than the European average from air pollution, road noise, congestion or a higher accident risk due to trucks, it is only fair that the users cover these costs rather than the victims. The fact that the methodology is clear and transparent and the Commission's oversight provides all Member States with assurances indicates a fair system.

It is especially important that regions facing particular environmental or congestion challenges can determine an appropriate and fair charging level. For example it is estimated that for the Alpine region, the damage created by road traffic might be on average a factor of two times higher than for a flat 'normal' area. Mountain areas may be more sparsely populated than, for example, the Netherlands, but in the valleys, population density is high. Importantly, natural phenomena can seriously exacerbate environmental problems in these areas. Echoes cause greater noise pollution and inversion of air layers causes air pollution to rest at lower levels, causing greater environmental and health impacts. Urban areas also face their own particular challenges. We therefore insist that the road charging rules are not extended beyond the recognised international transport axis trans-European road network (TEN-r) to allow these regions complete freedom to design transport management systems which are appropriate to the local context and policy objectives.

It would be nonsensical to hand the revenues of external cost charging schemes back to the polluters. It is important to ensure that revenues from charges designed to internalise external costs are not earmarked for the mode of transport that generated them.

Ideally, the revenues should rather be used to achieve the 'double dividend' of green charging: the price signal reduces pollution and congestion and revenues are used to improve economic efficiency and employment. This can be done, for example, by using the revenues to lower 'bad' taxes such as those on labour. This could also contribute to increasing the public acceptability of charging schemes.

EEB therefore calls on the Presidency to:

- Ensure that the Eurovignette Directive permits Member States to charge road users for the costs of accidents, climate change, congestion, noise and air pollution on trans-European network roads.
- Allow for future inclusion of land use and biodiversity impacts.

- Focus on smart charging, linked to distances driven rather than periods of time, varied by time of travel (peak/off peak) and vehicle emissions category.
- Allow for optimal charging by individual Member States and special rates for sensitive regions.
- Do not give the revenues from external cost charging back to the road transport sector.

4.3. Ecodesign

The French presidency has already obtained an informal agreement in the Energy Council on the Ecodesign of Energy Using Products (EuP) Directive recast, merely acknowledging the proposed extension of the scope to energy-related products. In addition, the draft statement from the European Commission that will be annexed to the new directive implies that the implementation of the currently established work programme could be affected by extension of the scope beyond energy-related products.

For EEB the extension of the Ecodesign Directive to “energy related” products only is insufficient to face the challenge of encouraging the reduction of environmental impacts of products and creating an energy- and resource-efficient economy as the Commission has pretended to do in this area in the Sustainable Consumption and Production (SCP) Action Plan.

EEB believes the Directive should be extended to cover *all* products, backed up by a study to identify which non-energy using products to prioritise (such studies are already part of the implementation procedure of the EUP Directive).

The Commission has already produced its work plan for implementation of the Directive which runs until 2011. Although a new study might slightly alter the current work plan, in reality it will not totally revise the work plan according to the non-energy using products to be added. In any case, to run co-decision procedures on the partial and then the full extension of the Directive does not reflect better regulation: the Commission’s proposal should clearly establish the Directive’s full extension (and not a review on this) from 2012.

As the Parliament is still considering the Directive under its first reading, the Czech Presidency is likely to be in charge of negotiating a deal to reach an early agreement in the first half of 2009. EEB hopes the Parliament will address our concerns better than the Council has done so far.

EEB calls upon the Presidency to seek opportunities to:

Broaden the scope of the Ecodesign Directive beyond proposed energy-related products to cover all products and impose by 2011 compulsory assessment of current methodology for preparing product specific measures to take into account significant environmental impacts beyond energy consumption in the use phase.

5. COMPETITIVENESS COUNCIL

5.1 Stringent Regulation on Environmental Standards for Tyres

Tyres are all too often overlooked, but they are the dominant source of road traffic noise and determine around 20% of a vehicle's fuel consumption and therefore CO₂ emissions. The Commission proposal for a regulation on advanced vehicle safety features and tyres (COM(2008)0316 of 23 May 2008) offers a key opportunity to set effective standards for rolling resistance, which determines fuel efficiency, CO₂ emissions and noise emissions.

Traffic noise disturbs the lives of millions of people in Europe. It is estimated that 44% of Europeans (over 210 million people) are regularly exposed to noise levels considered to have potentially dangerous health effects. Each year 245,000 people in the EU suffer from cardiovascular diseases provoked by traffic noise. The European Environment Agency's recent 4th Assessment of Europe's Environment also identifies the health impacts of environmental noise as being underestimated and requiring further attention.

Road traffic is the most widespread source of environmental noise and tyre-rolling noise dominates the noise emissions from motor vehicles. Despite vehicle noise standards in place since 1970, vehicles are getting noisier. Combined with the growth of road traffic, the number of people whose health and quality of life suffers as a result of noise will continue to rise dramatically unless effective measures are taken to make vehicles quieter.

Tyre rolling resistance also plays an important role in vehicle fuel efficiency and therefore CO₂ and air pollutant emissions. There are currently no standards for tyre rolling resistance in Europe, although consumers are clearly increasingly interested in energy efficient tyres. Technology that is already available on the European market (best practice compared to current market average) would permit a 5% saving on fuel bills and 5% reduction of CO₂ emissions from road transport.

EEB encourages the Presidency to finalise the regulation on tyre rolling resistance in light of the substantial potential of tyres to contribute to fuel efficiency of road transport and the urgent need to tackle transport noise to protect citizens' health and quality of life. With regard to reducing noise from tyres, EEB urges the Presidency to build on the clear support voiced in the Internal Market Committee of the European Parliament in December 2008.

EEB calls upon the Presidency to:

- Support tougher rolling noise limit values, particularly with regard to commercial vehicle tyres, at least in line with the values supported by the Internal Market committee of the European Parliament. The regulation should follow the recommendations of the FEHRL (Forum of European National Highway Research Laboratories) report for the Commission to reduce tyre rolling noise limit values by up to 6.5 dB(A)¹ which would make road traffic 2-3 dB(A) quieter.
- Demand that the noise standards in this regulation will apply to all tyres used on road-going motor vehicles. Reject the additional allowances for snow, extra load and reinforced tyres, which are unnecessary and open loopholes which will undermine the regulation.
- Insist on stricter rolling resistance targets than those proposed by the Commission, in light of EU climate targets and rising fuel prices. Rolling resistance limit values of 10kg/tyre for all car tyres, and 6.5kg/tyre for truck and bus tyres are more realistic and feasible with current technology
- Further develop the Commission proposal to elaborate, adopt and implement an EU-wide quality labelling scheme for tyres to inform consumers about tyre fuel efficiency (rolling resistance), noise emissions and safety.

¹ The intensity (loudness) of sound is measured in Decibels (dB). With dB(A), the (A) denotes that the scale is adapted for the human hearing range.

6. JUSTICE AND HOME AFFAIRS COUNCIL

6.1. Improve Access to Documents

The Commission has launched proposals to amend Regulation 1049/2001 on Access to EU Documents from the European Commission, European Parliament and the Council of Ministers. EEB is concerned that some of these proposals may actually represent a step backward and understands that at least the Finnish and Swedish governments share this opinion.

The amendments' intention to align with the Aarhus Convention, in particular with allowing access to any person irrespective of citizenship is positive. Similarly positive is the Regulation's inclusion of a proposal on the protection of information in cases where its publication could harm the environment as well as the introduction of the "public interest" test when in doubt about whether information must be provided.

However, other proposals have created doubts about whether the impacts will be positive or negative for the sake of full transparency, in particular the definition of a document and the rules applying to documents originating from Member States.

For EEB two issues are of particular importance:

- Strict implementation of the time limits laid down in the Regulation. We have experienced considerable delays in getting responses. The Council should seek ways to clarify penalties for violation of the time limits.
- Access to documents related to infringement procedures and decisions regarding Natura 2000. Citizens and NGOs that have filed a complaint should be able to follow the discussion between the Commission and the relevant authority, in order to give input as a third party and to comment on the responses from both sides. Decisions regarding Natura 2000, in particular authorities asking for Commission approval of projects inside Natura 2000 areas and compensation measures, should be made in a transparent manner.

EEB calls upon the Presidency to:

- Refuse any weakening of Regulation 1049/2001, ensure more respect for deadlines from the side of authorities and require more openness of documents under the Commission's control during infringement and EU legislation conformity cases.

7. ENVIRONMENT COUNCIL

7.1 Reduce Emissions, Supply and Demand for Mercury Globally

Mercury and its compounds are highly toxic, damage the central nervous system and are particularly harmful to foetal development. Mercury builds up in humans and animals and becomes concentrated through the food chain, especially in certain fish. It is widely diffused through the atmosphere and has contaminated global food supplies at levels which pose a major risk to human health, wildlife and the environment. The EU has so far played an important role, pressing for global legally-binding solutions to achieve adequate control and reduction of mercury use, supply and demand.

At the EU level, the regulation for an EU mercury export ban and the storage of surplus mercury (mainly from decommissioned chlor-alkali plants) was adopted in October 2008. This and other developments on reducing the use of mercury in Europe as well as the supply to the global market, strengthens the position of the EU vis a vis the international debate.

Mercury has been on the agenda of UNEP since 2001. Some progress has taken place since then, both at the political level and on the ground with several projects addressing the mercury crisis. EEB, along with a range of organisations worldwide, advocates reduction with a view to eliminating supply, demand and emissions.

The 24th UNEP Governing Council (GC) decided that a working group on mercury would be set up to explore “enhanced voluntary options as well as legally-binding regulations for long-term international action” to reduce mercury’s threat to health and the environment. The working group met twice (November 2007, Bangkok and October 2008, Nairobi) and following the GC mandate, has now sent a set of recommendations to the 25th UNEP GC (16-20 February 2009).

Recommendations include:

- a comprehensive set of elements to be part of a global framework which was agreed upon by a broad consensus; and two options with respect to the process to be followed
- a free-standing legally binding instrument (LBI) and a voluntary framework. It is also worth mentioning that an overwhelming majority of countries supported a free-standing legally binding instrument on mercury.

EEB expects the EU to take the lead in this process, reflecting concern over the harm mercury does and the potential for making it redundant.

The elements of a global mercury framework related to supply (including storage and trade), emission reductions (through the use of BAT or otherwise), and product/process phase-outs in particular, will require a legal instrument to be effective for a number of reasons including the following:

- It is the only way to control supply and eliminate global mercury trade while minimising possibility of conflicts with international trade law.
- It will ensure the substantial global coordination required and a level playing field in effectively phasing out the use of mercury in products and processes, and otherwise reducing mercury emissions from industrial sources.
- The legal instrument is the most direct and effective vehicle for prohibiting new undesired activities.
- It can elevate the importance of mercury as a priority issue in countries and regions, and facilitate implementation of relevant national legislation.

Therefore, we now call on the EU to ensure that the next Governing Council concludes that a free-standing legally binding instrument (LBI) is needed to address the global mercury challenges.

The provisions of this LBI should include:

- A broad scope that includes those human activities which contribute to the global mercury pollution problem, and addresses the entire lifecycle of mercury.
- Tailored mercury control measures to particular sectors and sources of concern.
- Measures which incorporate the Precautionary Principle, the Polluter Pays Principle, and other relevant Rio Principles.
- Recognition of the role and importance of public interest, health and environmental stakeholders.

Accordingly, the EU should ensure that the Governing Council requests that an International Negotiating Committee (INC) for mercury be formed as quickly as possible (within 2009), and that this INC should develop an LBI which does the following:

- Reduce mercury supply including the phase-out of primary mercury mining, and the sequestering of mercury from closing or converting chlor-alkali plants.

- Prohibit new uses of mercury, and phase-out its use in products and processes based upon the availability of safe and cost effective alternatives.
- Phase out international trade of mercury and mercury products.
- Minimise anthropogenic atmospheric emissions of mercury where processes or products cannot be phased-out or mercury use is unintentional, through such mechanisms as Best Available Technique (BAT)/BEP requirements.
- Address the environmentally sound management of wastes containing mercury, including environmentally sound storage.
- Enhance the global monitoring of mercury, particularly in the food supplies of humans and wildlife.
- Provide opportunities to facilitate the effective remediation of contaminated sites.
- Ensure sufficient new and additional financial and technical resources including technology transfer, capacity building, and information exchange to enable developing and transition countries to control mercury sources effectively without disrupting poverty reduction goals.
- Encourage public information and awareness-raising especially for women, children, Indigenous Peoples, Fisher Folk, consumers of fish, and the least educated.
- Ensure strong, fair, and balanced mechanisms to support transparency, effective implementation, and compliance with the regime.

In its Decision, the Governing Council should also provide for the possibility that other metals can be added to the mercury LBI at a future time.

Therefore EEB urges the Presidency to:

- Present a unified and strong position of the EU at the February session of the UNEP Governing Council for a free-standing legally binding instrument addressing, amongst other things, the reduction of mercury supply (including storage and trade), its use in products and processes and atmospheric mercury emissions (through BAT or otherwise).
- Insist that an International Negotiating Committee will immediately begin drafting text.
- Continue intensive dialogue with key non-EU governments and stakeholders and work actively towards resolving remaining differences to ensure a positive result.

7.2. Biodiversity and Climate Change Adaptation

During the last week of the French Presidency, the Commission published its mid term review of the Biodiversity Action Plan, giving its assessment of how Europe is progressing towards the target of halting the loss of biodiversity by 2010.

The assessment's conclusions are alarming: at a moment when the world is heading with alarming speed to an ecological credit crunch caused by the depletion of the world's natural reserves, it is becoming increasingly clear that Europe will fail to reach its biodiversity target.

Now that the world is once again fully aware of the risks of living beyond one's financial means by spending money you don't actually have, the world now needs to understand the much greater risks associated with living beyond our ecological means, i.e., spending natural resources we don't actually have.

The EU should therefore start developing and adopting by 2010 nothing less than an EcoSystem Rescue Plan that will not only halt the loss of biodiversity but will also actually ensure the restoration of ecosystem functionality and the long term sustainable 'production' of critical ecosystem services. The world has only one chance to get such a rescue plan working: nature does not provide bailouts and the longer we wait to get our act together, the higher the bill we will have to pay further down the road. EEB therefore urges the Czech Presidency as well as subsequent Presidencies, to take the initiative in preparing such a post 2010 rescue plan.

While ecosystems are on the one hand fundamental to our capacity to adapt to change, they are also under increased pressure from climate change. This pressure comes on top of existing pressures of which habitat fragmentation is perhaps the biggest. Constructing a Green Infrastructure for Europe, which addresses this fragmentation by constructing green bridges or fauna passages, removing obsolete infrastructure on rivers, building tunnels under roads, installing fish ladders for migratory fish like salmon and sturgeon and restoring habitats in the farmed landscape, should now be given the highest priority. Government spending programmes currently launched to kick-start the European economy should also be used to invest in the maintenance of our natural resource base, our capital, including the construction of a Green Infrastructure.

During the Czech Presidency, the European Commission is expected to launch a white paper on Adaptation to Climate Change. EEB sees this initiative as an important opportunity to propose policies and measure that increase the resilience of natural and human systems, i.e., their capacity to deal with change without losing their functionality. Examples include policies that work to reduce overall pressures on systems such as pollution and fragmentation. Building a Green Infrastructure under the Nature Directives and the Water Framework Directive, which ensure connectivity between habitats and populations, should be given the highest priority for this reason.

The former Portuguese Presidency launched a debate about "Business & Biodiversity", promoting an active role of Business in protection biodiversity by also focusing on the importance of biodiversity for the economy. The

Commission promised a follow up, but progress is slow. This process needs a new boost.

EEB also calls for action to support the Streamlining European Biodiversity Indicators initiative. Its purpose is to deliver the data and information needed to better assess how Europe is advancing towards the 2010 biodiversity target. Making these indicators operational has been difficult and hindered by lack of funding. Given the importance of having and using good indicators for our current and future biodiversity policies, EEB believes the necessary funding should be allocated.

In the final weeks of the French Presidency, the Commission launched a Green Paper on Invasive Alien Species outlining three policy options: developing a new comprehensive legal instrument, adapt existing instruments, or initiating no new instruments at all. The spread of invasive alien species (IAS) and the impacts they have is now recognised as one of the greatest threats to the ecological and economic well-being of the planet. These impacts range from out-competing native species and destroying productive crops to clogging waterways and undermining ecosystem functions. Given that trade is the main route through which IAS enter the EU, and the EU is a common market, the response has to be a European one. EEB therefore believes that a comprehensive new instrument at EU level must be developed to tackle this threat.

EEB therefore urges the Czech Presidency to:

- Take the initiative for an Ecosystem Rescue Plan that not only seeks to halt the loss of biodiversity but also ensures the restoration of ecosystem functionality.
- Ensure EU funding for adaptation measures to climate change in developing countries.
- Ensure sufficient funding for SEBI2010 (Streamlining European 2010 Biodiversity Indicators) for its key role in evaluating EU progress on biodiversity protection.
- Promote the resilience of natural and human systems, their capacity to deal with change without losing their functionality, as the fundamental tenet of a European Adaptation to Climate Change Strategy, including by improving the implementation of EU's Nature Directives, the protection of large natural habitats, and developing a 'Green Infrastructure' for Europe.
- Call upon the Commission to intensify its work on Business and Environment.
- Ensure Council supports a comprehensive EU framework on Invasive Alien Species with the highest priority given to the prevention of new introductions.

7.3. Enforcement of Environmental Law

The EU has an ambitious environmental acquis but continuous problems with its proper enforcement. Considering the growing public awareness of and concerns about environmental problems, better and more coherent enforcement will contribute to bringing the EU closer to its citizens. With EU elections taking place during the Czech Presidency we therefore count on its full support for improvements in enforcement and closely related issues such as more transparency and increased public participation.

EEB welcomes the publication of the long awaited Commission Communication on implementing EU Environmental Law. It fully agrees that better implementation can be achieved by responding to the specific concerns of the European public through enhanced transparency, communication and dialogue. Better implementation is therefore closely linked to a good regulation on access to documents (see 6.1. in this Memorandum).

EEB also welcomes the acceleration of the most important infringement cases. This must, however, under no circumstances, lead to a de-prioritisation of other infringement cases and further delays of often already slow and lengthy processes.

EEB fully supports the Commission's view that a Directive on access to justice would contribute to better and more consistent enforcement of environmental law (see point 7.13).

Breaches concerning infrastructure projects involving EU funding can lead to irreversible ecological damage. EEB believes that in such cases it is the appropriate measure to seek interim measures from the ECJ. The use of interim measures should therefore not be limited to exceptional cases but considered the most appropriate measure to avoid irreversible damage.

Therefore EEB calls upon the Presidency to:

- In response to the Commission Communication on this subject, broaden the debate on improving implementation and enforcement of EU environmental law.
- Encourage and support Commission initiatives to deal with its enforcement obligations in a transparent and timely manner.
- Increase public involvement, through open and transparent infringement procedures with improved access to administrative documents and access to justice as required by the Aarhus Convention.

7.4. Implement a Coherent Framework for Industrial Pollution Prevention and Control, Including The Review of The IPPC Directive

The Commission proposal for a recast of Directive 96/61/EC on Integrated Pollution Prevention and Control (IPPC) was published on 21 December 2007. The critical role of the recast in filling existing gaps in the current IPPC Directive and the fierce controversy surrounding the proposal demand firm leadership from the Presidency on a number of key issues.

First, in order to protect key safety nets in the IPPC Directive, it is vital for all actors to respect the constraints of the recasting technique. This implies that when developing a Common Position on IPPC, the Presidency must ensure that Council's amendments are restricted to those provisions opened in the Commission's proposal.

The Commission proposal will integrate six sectoral directives under the proposed IPPC recast, including the Directives on Waste Incineration, Large Combustion Plants, Solvent Emissions, and three Directives on Titanium Dioxide. These sectoral directives include mandatory Emission Limit Values (ELVs) that ensure that relevant installations do not emit above a certain threshold. EEB considers it critical that these ELVs are not eroded but rather that they are tightened to reflect the lowest emission levels achievable through the application of BAT.

EEB believes that in order to ensure a level playing field, competent authorities must be legally obliged to refer to the BAT listed in the BAT Reference Documents (BREF) and impose permit conditions that reflect emission limit values associated with the BAT. BAT reflects a dynamic concept and as such the BREFs are reviewed approximately every six years. Permit conditions must also be reviewed in a timely manner as BAT evolves and better environmental performance becomes fully feasible. In the Czech Republic the obligation is to update every 8 years.

IPPC affects about 50,000 industrial installations in the EU and was due to be fully implemented by 30 October 2007. However, several Member States have failed to achieve full implementation, with up to 50% of IPPC installations in some Member States operating under permits from preceding legislation. It is critical that the Commission is supported in its efforts to increase the capacity of competent authorities to deliver IPPC permits and perform appropriate inspections, in order to address this implementation deficit. The strengthening of the dynamic BAT concept of IPPC striving for continuous improvements of environmental performance for the industrial sector needs to be supported. Early and active involvement from different Member States with ambitious objectives to prevent pollution from industrial activities can considerably speed up the

legislative process; therefore, a strong push from the Czech Presidency is crucial.

EEB therefore calls on the Presidency to:

Keep the recast of the IPPC Directive water tight: stick with the scope of Commission's proposals for change.

- Maintain existing Emission Limit Values in sectoral directives as a critical safety net and ensure their tightening to reflect emission levels achievable through application of Best Available Techniques (BAT).
- Support the extension of the EU safety net (minimal binding requirements) to other IPPC sectors upon adoption of the relevant revised BREF document.
- Make BREFs obligatory by permitting authorities. Ensure that the competent authority sets emission limit values that do not exceed the BAT emission levels associated with the BREFs.
- Ensure that eventual derogations from BAT at an installation are strictly exceptional and that justifications are required, with the Commission to provide clear guidance on the parameters for justification.
- Establish BREF review as a trigger for permit review, with a time limit of two years, in order to secure continuous improvement in environmental performance.
- Ensure that both permit applications and the final permits (including any justifications for derogation from BAT) are permanently available online on Member State websites dedicated to IPPC.
- Reject an emissions trading scheme for the local pollutants sulphur dioxide and nitrogen oxides and the option to comply via a National Emission Reduction Plan (NERP).
- Support the Commission's IPPC Implementation Action Plan, under which competent authorities from the different Member States exchange best practice on IPPC permitting procedures.

7.5. Revision of The Ecolabel Regulation

EEB welcomes the revision of the Ecolabel regulation and the continued commitment to using the Ecolabel to encourage the sustainable production and consumption of products by "setting benchmarks for the good environmental performance of products and services, based on the top performers in the market."² In particular, the Council should maintain the Commission's proposal to set a clear reference to the ambition level expressed in a percentage of the EU market, to ensure the European Ecolabel remains a "label of excellence".

² COM(2008)401/3 p2

The Presidency should also work to improve the Commission's proposal and help define the Ecolabel as a mark of environmental excellence addressing all environmental impacts (including hazardous chemicals content and end-of-life) without undermining its credibility.

EEB calls upon the Presidency to ensure the following aspects are clarified or introduced into the Ecolabel Regulation:

- The "ex ante" verification that products comply with the Ecolabel criteria before producers are granted the right to place the EU flower on the products should be clearly reintroduced.
- Ecolabel criteria should cover the entire life-cycle of a product and not be limited to "the most" significant environmental impacts.
- The Ecolabel's contribution to the substitution of hazardous substances should be clearly enshrined in the regulation together with the precautionary principle
- The extension of its scope to food products should make it clear that Ecolabel can only apply to products already bearing an organic label to avoid misleading the consumer.
- A work plan and clear deadlines for the comitology procedure should be introduced in the text of the regulation. This will put the necessary pressure on the Commission to propose criteria after discussions of the Eco-labelling board

7.6. Framework Directive on Soil Protection

In December 2007, five Member States blocked the adoption of the Soil Directive in the Environment Council. Their main argument was that there was no need for such a Directive as soil protection could be best handled at the national level (subsidiarity). One of the five blocking countries was the French government, focusing on some specific concerns. During its Presidency the French government brought the issue back to the agenda, trying to accommodate in particular the four other blocking states and its own industry.

This led to an unacceptably weak proposal which was immediately rejected by all Member States and did not reach the level of Ministers.

For EEB it is obvious and very much necessary that the EU adopts a Soil Directive, and urges the Czech Presidency to work from the proposals the former Portuguese Presidency presented in December last year, which received support from 22 Member States and is more likely to also get support from Parliament and Commission.

When the draft Soil Framework Directive was published in 2006, EEB welcomed it, although it expressed concern over the lack of enforceable targets and quality

standards. Soil is a common and non-renewable resource for the EU. Along with water, air and biodiversity, it is vital for the long-term sustainable production of food, feed, fibre and, increasingly, biomass for energy. Yet soil is being degraded at an alarming rate and lacks adequate protection at EU level and in most Member States. The costs of inaction are massive and the consequences for Europe's food security are alarming. The EEA estimates that the cost of cleaning up just existing contaminated sites would cost between €59 and €109 billion, not including the cost of cleaning up the results of ongoing pollution. In addition, contamination is only one of several major threats to soil.

Rejecting or weakening the Directive on the grounds that decontamination is too expensive would mean having to face an even higher bill in the future.

EEB believes the case for EU action stems from the principle that the EU's environmental problems can only be tackled effectively through coordinated European action. The current absence of EU-wide legal protection for soil and the natural functions it provides is a core weakness in Europe's environmental policy. Soil functions such as storing carbon and producing food and other raw materials are of vital Community importance and cannot be left to the discretion of Member States or regions alone. Therefore a strong Directive is necessary to set European environmental objectives, which leaves room for Member States to decide on the measures needed to achieve the objectives.

It is imperative that debate on the Soil Framework Directive moves from considering the need for a Directive to deciding what kind of Directive is needed.

The Commission proposal did little more than oblige EU countries to develop a comprehensive soil policy and provides a few mandatory elements for these national policies, such as identifying risk areas and drafting a programme of measures. It left setting targets and definition of risk areas entirely to the individual Member States, set overly long-term deadlines and delegated important decisions to comitology.

The Portuguese proposal did not resolve these issues, but it was worth being adopted, as it would lay the base for a flexible approach that in many countries would still make a difference.

EEB therefore calls on the Presidency to start work on the Soil Directive on the basis of the agreement of 22 Member States at the December 2007 Environment Council and ensure a Common Position that will include:

- A clear legal obligation to decontaminate polluted sites by applying the "polluter pays" principle, which will act as an incentive to industry to avoid pollution in future.
- An effective and mandatory approach to addressing soil degradation processes caused by unsustainable land use practices.

- A clear requirement for Member States to address current rates of soil sealing.

7.7. Bring National Emission Limits Down

The National Emission Ceilings (NEC) Directive is one of the pillars of the EU's air pollution control legislation. Its revision in 2009 will determine the much-needed new interim air quality targets for 2020, as foreseen in the 6th Environmental Action Programme, and set tighter limits on emissions of sulphur dioxide, nitrogen oxides, volatile organic compounds, and ammonia, plus first-ever national caps on emissions of fine particulate matter (PM_{2.5}), to be achieved by Member States by 2020.

The directive was already due for revision in 2004 and the Commission did all the preparatory work. But by the middle of 2008 they decided to postpone it further to avoid annoying Member States who were deciding on the Energy/Climate package. In October 2008, the Czech and Swedish environment ministers, who will be chairing the Environment Council in 2009, called upon the Commission for immediate adoption of the revision proposal. The ministers concluded that "new stricter ceilings leading to additional emission abatement measures are urgently required".

The longer the revision is postponed, the greater the need for updating of crucial input data will be. In order to maintain its credibility, the whole computer modelling analysis may have to be repeated, which would lead to additional costs as well as additional delays. Moreover, Member States and industry require adequate time frames for implementation, so any (further) delay will be detrimental to the cost-effective implementation of the Directive. It is time for clear guidance to be given to the market, as investment portfolios addressing air pollution and climate change are unfolding now. At best, a delay will create uncertainty for these investments and, at worst, undermine and discourage them. Further postponement will also lead to a delay in other air quality laws scheduled for presentation and adoption in 2009/10, particularly stricter emissions and fuel standards for marine shipping. Such a chain reaction of delays will further jeopardise the attainment of the objectives of the 6th EAP by failing to significantly reduce air pollution from ships on European seas and ashore. Postponement of policy proposals in the EU also has wider international implications – such as slowing down revision progress under the Convention on Long-Range Transboundary Air Pollution (CLRTAP).

In the course of the interim evaluation of the implementation of the NEC Directive, it has become clear that current national emissions ceilings are not sufficient to meet even interim environmental and health objectives for 2010, so new stricter ceilings are urgently needed. Data reported by 25 Member States shows that most will not meet the emission ceilings objectives for nitrogen

oxides, where the combined EU target may be exceeded by about 8%. Nitrogen oxides contribute to eutrophication and acidification of ecosystems throughout Europe and are precursors for ozone and ultra fine particle formation, which are harmful to human health. Failing the nitrogen oxides emission ceiling in 2010 by 8 % is particularly worrying considering the results of future emission scenarios under current EU legislation. These show widespread exceedances of critical loads of eutrophication and acidification as well as serious health damage due to fine particles and ozone exposure in 2020.

In light of the revision of the NEC Directive, EEB calls upon the Presidency to:

- Insist that the European Commission adopts the revision proposal of the National Emissions Ceiling Directive in the first months of the Czech Presidency so that co decision process on the dossier will commence within the mandate of the current European Parliament.
- Demand new stricter interim air quality targets for 2020 according to the objectives of the 6th EAP.
- Support tighter national caps for the five pollutants (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia) already regulated in the directive.
- Insist on ambitious first-ever national caps on emissions of fine particulate matter (PM_{2.5}) which is the pollutant with highest impact on human health, with health risks even higher than PM₁₀.
- Require additional emission abatement measures within the national programmes for the implementation of the directive. Both the current environmental & health conditions, as well the anticipated ones in 2010 and 2020 under current legislation, are far from being safe and sufficient.

7.8. Towards a Biowaste Directive

The issue of a stand-alone Biowaste Directive was first brought up at EU level in 2000. After eight years, three comprehensive Commission working papers, numerous stakeholder meetings and a recently approved Waste Framework Directive, which calls for a legislative proposal on Biowaste management, the Commission continues to delay the necessary action.

Instead of a draft Directive, the Commission has now launched a Green Paper on the management of bio-waste in the EU inviting stakeholders to reply to a questionnaire no later than 15 March 2009.

EEB has been campaigning for a Biowaste directive for many years, in coalition with organisations such as the International Solid Waste Association and the European Federation of Waste Management and Environmental Services. These

organisations know from practice what problems and waste of resources the absence of such a directive causes.

We are convinced that obligatory biological treatment of Biowaste would bring multiple environmental and economic benefits. A strategic Biowaste Directive, boosting the recovery of organic matter would in particular:

- Help Member States fulfil the diversion targets of the Landfill Directive ensuring that valuable organic resources are not diverted from landfill only to incineration, but that quality composting and alternative biological treatments are actively encouraged as viable treatment options for this waste stream, which is estimated to be of the magnitude of 60 million tonnes in 2009.
- Address the issue of soil organic matter decline, encourage the recovery of organic matter and deliver clean high quality organic matter to eroded /high risk erodible soils in Europe. It can be estimated that 45% of the soils in Europe are low (1-2%) or very low (<1%) in organic carbon, and 45% have a only medium content (2-6%). It is estimated that 17% of Europe's total land is affected by soil erosion, which in many cases is linked to a low organic carbon content, leading to losses of about 53 Euro/ha/year in agricultural areas.
- Promote efficient use of resources, properly addressing the issue of declining quality of environmental media – in particular the fact that desertification is increasing and organic matter decreasing - and restoring and developing the functioning of natural systems.
- Help fight climate change, considering the role of soil organic matter as a carbon sink. Soil organic matter can contribute significantly to GHG abatement measures through the potential annual sequestration of approximately 2 Gigatonnes of carbon. It has been estimated that the separate collection and composting of the organic waste fraction alone would contribute 1.4 Megatonnes to the creation of additional carbon sink.

There are also economic considerations to contemplate. Long-term confidence for investors and industry is a primary concern when considering the viability of waste management strategies. Due to the lack of legal certainty at EU-level for Biowaste treatment, the investment climate for the biological treatment sector is very unclear today. The progressive reduction of the dumping option due to the application of the landfill directive forces waste management parties to choose between incineration and biological treatment. Once facilities and strategies are in place, it will be very hard for municipalities and local authorities to implement new practices and change long-term contracts. Clear guidelines are therefore urgently needed to enable strategic, environmentally and economically sustainable investments into integrated waste management systems to be made.

EEB calls upon the Presidency to:

- In response to the Commission's Biowaste Green Paper, lead Council towards conclusions clearly calling for a Biowaste directive without any further delay and put pressure on the Commission to deliver a proposal for a directive by the end of 2009.
- Insist that such a Directive includes a mandatory requirement for separate collection and targets for biodegradable waste, including recycling and composting targets.

7.9. WEEE Recast

The Commission published a proposal for a recast of the Waste Electrical and Electronic Equipment (WEEE) Directive on 3rd December 2008. We expect the Czech Presidency to make a positive contribution to improving the directive.

As the Commission's recast proposal safeguards the main objectives and structure of the directive and maintain the provisions on individual producer responsibility.

EEB asks the Czech Presidency to fully respect the recasting procedure and focus its work on:

- Setting specific collection targets with a differentiation according to product category, specifically targeting small appliances such as lamps. This is to ensure that collection efforts are not only focusing on white goods but also on small appliances such as mercury containing lamps, that currently fail to make their way into separate collection systems.
- Ensuring the definition of "remove" excludes shredding. The definition of "remove" and the definition of "identifiable" as proposed would completely undermine the requirements to remove hazardous components as required in the Annexes. "Remove" should continue to be manual or automated removal of a component and not as a stream or part of a stream. Using the definition as proposed means effectively that entire equipment can be shredded. As long as you can sample the shredded material (monitor) and `identify` the substances therein you can send it to any legal treatment - such as incineration or smelting with no further reduction of pollution, which undermines the negative cost signal that using hazardous substances should create.

Removing the possibility of visibly showing the end-of-life costs at the time of purchase of an appliance (so-called "visible fee") for future WEEE in article 12 and article 14 of the Commission's proposal. Some Member States and stakeholders are deliberately interpreting this provision as an opportunity for

imposing a flat and undifferentiated fee to all producers, which would create serious barriers to the implementation of individual producer responsibility. Requiring producers to be fully financially responsible for the collection of WEEE from households. Producers should pay for full collection costs and not only the costs of collection from points of deposition onwards. In order to prevent abuses, this should be complemented with mechanisms for producers to question and control abuses of costs.

- Clearly re-establishing the objectives to prevent, reuse and recycle WEEE in Article 1 and ensuring that improvements on Ecodesign focus on reuse and recycling and not “recovery” as proposed in the new article 4. Stronger drivers for reuse should also be introduced through dedicated reuse targets.

7.10. RoHS Recast

Widespread contamination by hazardous substances and materials used in electrical and electronic equipment is still a matter of high concern due to the limited scope of the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) legislation. Not only are many undesirable substances and materials still used in products but other harmful substances, such as dioxins and furans, are generated in these products during recycling and disposal at end of life, much of which still takes place in backyard workshops in developing countries. These hazardous substances have been recognised as priority contaminants in the Stockholm Convention, which seeks to eliminate persistent organic pollutants from the global environment.

Together with the WEEE Proposal, the Commission published a proposal for a recast of the Directive on RoHS on 3rd December 2008.

We expect the Czech Presidency to make a positive contribution to improving the proposal, which is crucially needed. No new substances were proposed for banning in the new proposal and it is suggested that the assessment of substances to be restricted would be undertaken under a modified procedure according to REACH, which would be further defined by the Commission.

The REACH Authorisation process is still in its early development stages and it is highly uncertain if and how REACH will address chemicals relevant to the electronics sector. REACH also fails to address all the life-cycle impacts of chemicals, especially related to end of life. On the other hand, RoHS provides a clear timeline for signalling when newly identified hazardous chemicals need to be replaced by safer alternatives. Electronics companies today have introduced a framework to comply with RoHS. Accordingly, the companies affected by RoHS

already have the necessary chemical management programmes and mechanisms in place to eliminate identified harmful substances and replace them with safer substitutes.

The grounds for and objectives of the RoHS proposal is to restrict hazardous substances in electrical and electronic equipment (EEE) in order to contribute to the protection of human health and the environmentally sound recovery and disposal of waste EEE.

EEB requests the level of ambition of the new proposal to be in line with the importance of those objectives.

In this respect, we call on the Czech Presidency to:

- Strengthen the RoHS Directive by targeting the phase out of elemental bromine and chlorine as well as phthalates and other hazardous chemicals in electronic products.
- Extend the scope of the restriction to other product categories (i.e. medical devices and monitoring/control instruments).
- Keep the REACH process separate from the RoHS review.

7.11. Genetic Contamination of Seeds

The Environment Council on 4 December 2008 confirmed the need for the definition of labelling thresholds for GMO seeds at European level.

The purity of seeds is the single most important factor that will determine whether co-existence – between conventional/organic and GM products - and freedom of choice of both farmers and consumers is possible or not. Seeds are the basis of the food production chain. The value decided for these thresholds is the crucial measure that will determine the feasibility, the complexity and the costs of the coexistence measures further down the production chain.

The Commission is working on a Decision “establishing minimum thresholds for adventitious or technically unavoidable traces of genetically modified seeds in other products”, which foresees thresholds up to 0.5% (see also the questionnaire for the online stakeholders consultation). This approach offers no guarantee that farmers and the food industry will still be able to offer non-GM products and it will, in any case, create massive additional costs for all economic operators further down the production chain.

In fact, it reduces the remaining "safety margin" between 0,1% and 0,9% for farmers, processors and retailers and thus shifts the burden of costs and risks to businesses and markets other than those introducing and demanding GM products. The quantity of seeds used typically amounts to less than 1% of the

quantity of produce yielded from them. It should be common sense that controlling the contamination at the source will incur - by magnitudes - much lower costs than controlling the vast and diverse amounts of products instead, especially considering commercial seeds are already a highly controlled product and seed producers will have to test for the presence of GM traces anyway. Thus, even if seed costs were doubled, their share would be minimal compared to the overall costs of the final product.

Moreover, by undermining the market of non-GM products, the genetic contamination of conventional and organic products will destroy businesses and threaten jobs in the agri-food sector, which in the past has already suffered too much from food scandals to risk again going against consumer trust. From a strictly economic perspective, it appears that costs and risks of GM production are arbitrarily shifted to farmers, food processors and retailers to the benefit of the seed industry.

Therefore EEB calls upon the Presidency to work for strict purity standards for GM contamination of seeds, legally and technically established at the reliable detection limit of 0.1% as the European Parliament, in its own-initiative report on co-existence, has also proposed.

7.12. Stockholm Convention On Pops

Persistent Organic Pollutants (POPs) have been called the “worst of the worst” environmental contaminants. PCBs, dioxins (as a synonym for polychlorinated dibenzo-p-dioxins and dibenzofurans, PCDD/Fs), DDT and eight other chemicals are identified for action under the global Stockholm Convention on POPs, which entered into force in 2004.

The Convention is designed to add other chemicals that are persistent, bio accumulative and toxic and calls on countries to adopt a precautionary approach. While the Stockholm Convention targets a relatively small number of chemicals - known as the “dirty dozens” - it has the potential to influence over 158 countries and the European Union, which are parties to the treaty.

POPs are a priority for Europe and for EEB. They are a central focus of REACH legislation and many POP chemicals are also subject to the IPPC and other directives tackling pollutants of air, water and waste. Many pesticides and some of the RoHS substances are also POPs.

Even with these European efforts, global action is necessary to protect the planet from POPs. The process for adding “new POPs” to be prevented is at the heart of the Stockholm Convention. Seven of the twelve chemicals under review were proposed by European countries or the EU. There has been strong resistance

from chemical producers and some parties. However the Persistent Organic Pollutants Review Committee of the Stockholm Convention (PORC) has decided at its third and fourth meetings to recommend the listing of nine chemicals, to be considered by the COP 4 in Geneva in May 2009.

The POPs Convention is as important for the continuous decrease of unintentional releases of POPs like dioxins as it is for elimination of intentionally produced POPs. The majority of dioxins (approximately 80%) released into the environment end up in waste streams in Europe. It is therefore even more important to set up strict rules for handling POP wastes, which is a matter of setting “low POPs content” levels under Stockholm Convention. The current levels provisionally set in the Basel General Technical Guidelines and accepted by the Stockholm Convention are not effective in protecting human health and the environment. They create a loophole that allows responsible parties to select disposal options that may be less costly, but that leave behind substantial POPs residues. They also facilitate the export of hazardous, POPs-contaminated wastes from developed to developing countries. The EU, under the Czech presidency, should therefore encourage parties to the Convention to take up the task of establishing the “low POPs limits” and to establish a working group to review this matter and to progress the implementation of the BAT/BEP guidelines at the COP 4 in Geneva.

The EU Presidency must remain vigilant and take a pro-active role in the negotiations on behalf of the EU. POPs will remain important to Europe and Europe is an important part of global success in eliminating persistent organic pollutants.

Therefore, EEB calls on the Czech Presidency to:

- Show leadership in COP 4 negotiations on eliminating POPs by advocating the addition of at least the 9 candidate substances to Annex A of the Stockholm Convention and one of them (pentachlorobenzene) to Annex C as well.
- Strengthen the Stockholm Convention tools for elimination of unintentionally produced POPs (such as dioxins), activate the task of establishing the “low POPs content” (limits for POPs in wastes) and establish a working group to review this matter under the Stockholm Convention.

7.13. Relaunch the Access to Justice Directive

In October 2003, the European Commission published a draft Directive on Access to Justice. This Directive sets minimum standards for access to justice in environmental matters. It intended to implement the ‘third pillar’ of the Aarhus

Convention in EU Member States, which would help improve opportunities for the public and environmental citizens' organisations to insist on respect for environmental law. The Environment Council thus far has not started to discuss the proposal, due to resistance of a number of Member States that do not view this issue as an EU responsibility.

EEB welcomed the proposal, but voiced a number of specific concerns, including:

- The proposal gives too much leeway to national authorities on how to define the criteria for cases against private entities, which could conflict with the EU objective of creating level playing fields across the EU for economic operators;
- The definition of 'public authority' is incomplete in comparison with the Aarhus Convention. This is important given the increasing privatisation and outsourcing of functions previously carried out by public authorities;
- The draft is too limited regarding the natural and legal persons who can have legal standing. The Commission leaves scope for restrictions that are not in agreement with the spirit of the Aarhus Convention;
- The Directive should state explicitly that it sets minimum requirements and that no Member States should use the Directive as a reason to reduce existing access to justice for members of the public in environmental matters.

In April 2004, the European Parliament came up with a set of amendments to the draft Directive which went in the right direction, bringing it more in line with the provisions of the Aarhus Convention, but the Council never took up work on a Common Position. Several governments considered the Directive unnecessary.

In 2006, the Commission launched a study of the practices on access to justice in environmental matters in the (then) 25 Member States. The results show a clear deficit in at least 15 of the 25 Member States (with only Denmark fulfilling the expectations laid down in the Aarhus Convention.) EEB did a survey on implementation of the Aarhus Convention in 20 Member States. It included a question to environmental organisations on whether an EU Directive on Access to Justice is needed. The answer was clearly: Yes.

These two surveys confirm EEB's conviction that adoption of this Directive is important to set minimum standards for the implementation of the right to access to justice in environmental matters as the Aarhus Convention requires.

Therefore, EEB calls on the Presidency to:

Finally launch negotiations on this Directive. It should lead the Council to accept the amendments made by Parliament bringing the Directive in line with the Aarhus Convention and making clear that the Directive establishes a minimum

framework for access to justice. The Council should impose no requirements for 'qualified entities' which would introduce new barriers to access to justice for citizens and their organisations.

7.14. A Future for “Environment For Europe”

After the fall of the Berlin Wall, Environmental Ministers of the UN-ECE region got together to start a pan-European process of cooperation and new initiatives for environmental protection. Since 1991, 6 pan-European Environmental Ministers meetings have taken place, preceded by negotiations with a rather unprecedented involvement of non-governmental NGOs, in particular from the eastern parts of Europe and with strong involvement of the EEB.

The most important product so far is the Aarhus Convention on access to information, public participation and access to justice in environmental matters. Other results were programmes/strategies to protect biodiversity, promote environmental education and assist in particular the new democracies. However, the United States, which is a participant due to its membership of the UN-ECE, became a stronger and stronger opponent against the continuation of this process at the Ministerial level, wanting to prevent new political commitments that would result from its implementation.

Since the enlargement of the EU, the European Commission and several Member States have also changed their attitudes, thinking that it is more practical to arrange things in Brussels and work more directly with the remaining states in Europe.

Environmental organisations and other UN-ECE countries are against the dismantling of this process. EEB works within the framework of the European ECO-forum on several results of the Environment for Europe process (including the Aarhus Convention) and believes that it is still an important tool for policy initiatives and mobilisation of citizens' organisations.

EEB calls upon the Presidency to lead EU coordination in an open and transparent manner and to work towards a conclusion that strengthens rather than undermines the Environment for Europe process.

7.15. Reach Implementation: Substances of Very High Concern

Currently only 15 of the 30,000 chemicals that fall within the scope of the new EU chemicals regulation, REACH, have been officially proposed by EU Member States for the European Chemicals Agency (ECHA) as possible substances of very high concern (SVHC) that need a special permission to be used or that

should be substituted with safer alternatives (“candidate list”). Customers and consumer may request to receive information within 45 days of receipt of articles containing those substances in a concentration above 0,1%. This historic information requirement should ensure safe use of the article and as a minimum provide the name of this substance.

Only the Member States and the Commission can make proposals to ECHA to nominate additional substances. So far the European Commission has earmarked only 5 substances. Austria and Norway also indicated that they will submit a dossier on a further 2 substances in total (tris phosphate and arsenic/its salts).

ECHA indicated that any other dossiers submitted by May 2009 could be processed at the same time as the 5 dossiers identified by the European Commission.

Regarding the final list of substances to be put on Annex XIV (authorisation) ECHA will have to make a draft recommendation on which the Member States will issue an opinion in May 2009. A final recommendation will be submitted to the Commission by June 2009 and a final decision will be taken through the regulatory committee procedure with scrutiny, probably in autumn 2009, specifying application, sunset dates and eventual exemptions.

For EEB the first candidate list is a welcome start, but is a drop in the ocean when compared to the hundreds of well-known dangerous substances present in every day products. Member States and the Commission have failed to make the list as comprehensive as possible. An NGO coalition coordinated by the International Chemical Secretariat has launched the “SIN list 1.0”, which contains substances carefully identified by independent toxicologists that fulfil the official REACH criteria of SVHC based on publicly available scientific research. EEB hopes that this list will be used as a starting point for the next recommendations for inclusion in Annex XIV.

It is clear that Member States and especially the presidency have a very crucial and active role to play during this process. The outcome will determine the credibility of the REACH authorisation system in effectively reaching its objective of substituting hazardous substances with safer alternatives.

EEB maintains that the list of SVHC recommended for substitution should be more representative of the hundreds of hazardous chemicals currently known, ***therefore we ask the Czech Presidency to:***

- Lead by example by submitting dossiers on hazardous substances for authorisation and call upon Member States and the Commission to make the first list as comprehensive as possible, using the SIN list as the starting point.

- Extend the range of SVHC to be evaluated under REACH for substitution with safer alternatives.
- Play a progressive role during Member State committee meetings.

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