



Concerning: Input to the EU Environment Council Meeting, 22 December 2009

Brussels, 30th November 2009

Dear Minister,

On behalf of the European Environmental Bureau I offer you our views on five of the issues on the agenda at the forthcoming EU Environment Council, as well as an AOB item.

I invite you to take our concerns into account during final official-level preparations, and at the meeting itself. Below are our key messages.

1. Debate on outcome of COP 15

At your first Council meeting after Copenhagen, we urge you to confirm conclusions on the outcomes and begin work on the next steps in terms of EU implementation on the long term commitment, as well as on short term, immediate action.

The EEB calls upon the Environment Ministers to:

- *Carry out an immediate assessment of the outcomes of Copenhagen.*
- *Continue global EU leadership by seeking effective, decisive and immediate implementation to agreements made and full legal agreement/ratification as soon as possible.*
- *Initiate the review of the EU's Climate and Energy Package to adjust the domestic target to a 40% greenhouse gas reduction target by 2020 compared with 1990, making sure that these reductions are made domestically.*
- *Set in place the EU contribution to the 'fast start financing' of €5-7 billion each year for 2010 - 2012, to be made available with immediate effect to the poorest countries to address their urgent adaptation needs.*
- *Prepare the necessary steps to allow the EU contribution of at least €35bn per year by 2020 to developing countries for mitigation and adaptation support.*

2. Debate on the Draft Regulation concerning the placing on the market and use of biocidal products

The Commission draft for the revision of the Biocidal Directive 98/8/EC needs significant improvements to protect the environment and consumers from the risks of biocides. We are concerned that the Commission has been leaning too far towards the demands of industry rather than making improvements to more effectively cope with the ongoing challenges, risks and open questions on the human health and biodiversity impacts throughout the whole life cycle of biocides.

In particular, the EEB calls upon the Environment Ministers to:

- *Strengthen the precautionary and substitution principles and ensure coherency (e.g. consistent coordination between the newly adopted Regulation on Plant Protection Products and the Water Framework Directive). Consistent cut-off criteria for biocides of high concern - such as toxics for reproduction, endocrine disrupting and others – are needed.*
- *Improve the scope by supporting regulations on products treated with biocides and biocides based on nanotechnology. Guarantee clear labelling for all consumers and users.*
- *Improve the procedures by maintaining a national or regional ability to apply stricter standards for the protection of human health and the environment. Decision-making to be based on all available scientific information, severely restricting waivers on data provision.*
- *Improve transparency and the participation of the expert community, and a systematic overview of market, use and impact data.*
- *Call for the inclusion of a legally-binding reduction target on the use of biocides in the EU, the promotion of non-chemical alternatives and prevention strategies. Introduce a harmonised legal framework for the sustainable use of biocides until 2013.*

See Annex 1 for the key demands we share with PAN Europe.

3. Progress reports on WEEE and RoHS

WEEE

EEB regrets that the Council has so far focused mainly on the scope of this Directive related to that of RoHS. The crucial reason for the WEEE recast was to overcome severe implementation deficits, which have not been addressed by Council as yet. The EEB continues to call for improvement to the enforcement of the WEEE Directive.

In particular the EEB calls upon the Environment Ministers to:

- *Ensure better monitoring of WEEE streams by supporting mandatory registration and permitting for all actors handling WEEE, and an EU harmonised reporting system of all WEEE processed (input and output).*
- *Agree an ambitious WEEE collection target, addressing key product categories such as those containing hazardous substances or presenting a huge risk of being improperly disposed of (smallest appliances).*
- *Ensure the reinforcement of the Individual Producer Responsibility principle, by setting minimum requirements for financial guarantees, so that producers cover all the end-of-life costs of their own products.*

RoHS

The RoHS Directive has successfully contributed to the design of cleaner electrical and electronic goods, reducing the use of substances harmful to human health and the environment. However, many hazardous substances are still in use in many appliances, with negative impacts on human health and generating dioxins and furans emissions when incinerated. Some manufacturers have already proven that less toxic substitution products exist, and that their use is both technologically feasible and cost-effective since they have already phased out substances beyond the current requirements of RoHS. Discussions on RoHS to date have produced the positive Council and Parliament agreement on an extended scope and on maintaining a restriction methodology for RoHS that is separate from REACH. Discussion now needs to turn to the important issue of the extension of the list of prohibited substances.

In particular the EEB calls upon the Environment Ministers to:

- *Extend the list of Annex 4 prohibited substances to include brominated and chlorinated organic substances, including Bisphenol A and PVC.*

4. Progress report on CO₂ and light commercial vehicles (vans)

13% of Europe's road vehicle stock are vans and their number is growing fast. With much delay there is finally a proposal to reduce CO₂ emissions from vans. The proposal is less ambitious than previously discussed and expected with 175 g/km effectively entering into force in 2016 (with a phase-in period from 2014-2016) and a non-binding target of 135 g/km by 2020.

The EEB calls upon the Environment Ministers to:

- *Refuse further delays and set CO₂ maximum levels of 175 g/km by 2012 and 160 g/km by 2015.*
- *Set a more ambitious and binding longer term level of 125 g/km for 2020. This represents a 38% reduction based on 2007 levels, and matches in ambition the 40% reduction required for cars to achieve 95 g CO₂/km by 2020.*
- *Require that vans be equipped with speed limiters set at 100 km/h. This would reduce on-road CO₂ emissions by a further 8%.*

5. Council conclusions on the EU position regarding the post-2010 biodiversity target

You are expected to adopt a Council position on the international biodiversity policy post-2010, including a new biodiversity target. The Presidency has demonstrated proactive leadership by organising a timely debate leading to timely conclusions on this crucial subject. It is critical that the EU demonstrates a commitment to taking action at home, showing leadership by example. This needs to include a new strong and ambitious EU biodiversity target well in time for the COP10 meeting in Nagoya.

In particular the EEB calls upon the Environment Ministers to:

- *Explicitly underline the vital importance of biodiversity as the natural capital that underpins our economic prosperity and security, and its intrinsic value as a common heritage to be preserved for future generations.*
- *Urge the European Commission to come in early 2010 with a new EU vision and a strong and ambitious target for 2020 for these to facilitate the international negotiations under the CBD. This should include a commitment to a global financing mechanism as well as a commitment to taking action to protect and restore biodiversity at home through the implementation of Natura 2000 network.*

6. Finally, as an AOB, **cumulative risks from multiple chemicals, global biodiversity and marine environment** will be discussed.

The EU undertakes many efforts to protect its citizens from the unwanted effects of hazardous chemicals. However, current policies under-estimate risks and fail to protect health and the environment because they mainly focus on the risks of exposure to *single* chemicals and ignore that people and the environment are in reality exposed to multiple chemicals simultaneously. The potential adverse effects to human health and the environment of combined exposure to hazardous chemicals, in particular to endocrine (hormone) disruptors, have caused serious concern among scientists, public health professionals and the general public. The Commission should be tasked to investigate the gaps in existing EU legislation and develop appropriate legislative proposals without delay. In particular the cumulative risks of those chemicals undergoing REACH authorisation or restriction procedures must be considered; otherwise human health and wildlife will largely remain unprotected.

In particular the EEB calls upon the Environment Ministers to:

- *Strongly support the need to consider 'combination' or 'cocktail' effects, due to simultaneous exposure to many multiple chemicals with hormone-disrupting properties.*
- *Ensure that the substitution of these chemicals by safer alternatives whenever available should be made a requirement under the forthcoming review under REACH by mid-2013.*

Yours sincerely,



John Hontelez
Secretary General
European Environmental Bureau