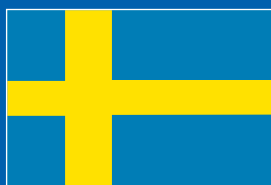


**EEB MEMORANDUM
to the
SWEDISH EU PRESIDENCY**



JULY 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. 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.

EEB is the environmental voice of European citizens, standing for environmental justice, sustainable development and participatory democracy. We want the EU to ensure all people a healthy environment and rich biodiversity.

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INTRODUCTION

Sweden has often played a key role in strengthening EU environmental policy and legislation. From July 1st this year, Sweden will be President of the EU for the second time since it joined in 1995. During its first presidency in 2001, the EU adopted its first Sustainable Development Strategy (in Gothenburg), and climate change became a permanent subject for the European Council. In that way, the first Swedish Presidency had an environmental flavour. This time, Sweden must push for even more results, considering the challenges and opportunities ahead.

The Memorandum in front of you reflects the issues EEB wants to see progressing during this Swedish Presidency. The most important issues are presented in the Ten Green Tests. These tests will also be used to evaluate, at the end of December, the performance of the EU and the Presidency 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.

Obviously, the key achievement to reach is a successful Copenhagen UN climate agreement. We have seen Environment Minister Carlgren working hard in the international field for more than a year, which is encouraging. Less positive was the role Sweden played in the negotiations on the Energy and Climate Package, agreed in December last year, when Sweden was insisting on using the Clean Development Mechanism for achieving a major part of the 20% greenhouse gas reduction target for 2020, thereby partly shifting the pressure from an energy policy based on efficiency and renewables towards sponsoring projects in developing countries. EEB does not believe this direction is compatible with another stated EU priority, promoting an eco-efficient economy, because such an economy does not develop on the basis of technological availability only. There must be strong political and legal drivers for eco-efficiency, and ambitious but necessary domestic greenhouse gas reduction targets are an important part of this.

One of EEB's key demands for the Swedish Presidency is therefore to start a debate about a much more radical climate policy than what was agreed in the EU in the end of 2007. This demand is based on science and global solidarity and is supported by large parts of society, including employers, prevalently in Sweden itself. Another, more directly decisive question on climate change for the coming months is whether the EU is prepared to commit itself to sufficient financial and technical support to developing countries in climate mitigation and adaptation efforts.

During the Swedish Presidency, a new Commission will be formed. This is likely to take more time than usual because of the complications with the Lisbon Treaty ratification (due to the Irish referendum but also to non-finalized procedures in Germany, Poland and Czech Republic). An important role the Presidency can and should play is in influencing the direction the new Commission will take, expressed in its strategic objectives, likely to be published by end of this year or early in 2010. Minister Carlgren has already shown his support for the initiative the EEB took with other civil society groups for a "Spring Alliance", formulating a sustainability agenda for the EU for the next decade. This agenda, which will be published as a manifesto by mid-July and then promoted and discussed with Commission candidates, Member States and Members of the European Parliament, needs broad support from the Presidency. One way of showing support will be integrating the

conclusions of the manifesto into the review of the Sustainable Development Strategy, which will take place during the Presidency.

Still linked to climate change, another important subject, not to be underestimated, is the EU legislation on energy performance of buildings. Buildings represent 40% of the energy consumption in the EU, and in the next decade we could reduce this by 30%, equal to more than 10% of total energy use in the EU. That savings would be enormous, but requires stronger legislation along the lines of the European Parliament's proposed amendments to the Energy Performance of Buildings Directive. While there is resistance among Member States, we count on the Presidency, having experience at home, to convince others to go for an ambitious and necessary law.

Approaching 2010 means reaching the moment when the EU should have stopped the decline of biodiversity. This will unfortunately not happen, and the situation on the global level is even worse. The Presidency must therefore take initiatives to bring protection of biodiversity to another and more ambitious level, complementing traditional nature protection with integrating the need for eco-system protection and improvement in all sectoral policies of the EU. EEB believes the EU Presidency should push for an Ecosystem Rescue Plan, but to be trustworthy, the Swedish government also needs to turn its present decrease of the Swedish biodiversity budget into an increase, and fully respect EU laws on nature protection, including the Habitat Directive's prohibition of large-scale hunting of seriously endangered species in Sweden, like wolves.

Sweden has always been an ally in the fight against the devastating impacts of mercury use in the EU and globally. After a long campaign, in which the EEB played a key role, UNEP decided in February this year to launch negotiations for a convention to tackle mercury use globally. Sweden is to lead the EU in the initial stages and the EEB is calling upon the Presidency to start with an ambitious agenda.

The Commission is discussing setting up a new DG and a new Commissioner portfolio for Climate and Energy, and consequently, remove Climate from the Environment DG's and Commissioner's portfolio. EEB is worried about this plan, as it is important that a) climate must in the first place continue to be considered an environmental issue, not to be undermined by competitiveness concerns (like what happened in the end with the chemicals regulation REACH); b) not only the energy sector but also other economic sectors have to play their role in fighting climate change; and c) adaptation to climate change is a matter of close cooperation between specialists for example on biodiversity, water management and climate. The EEB urges the Presidency to use its influence to prevent such a change in the setup of the next Commission.

Ending where we started, with sustainable development: pressure is mounting upon the EU for a standstill on environmental policy, especially when it affects producers of goods, because of the economic crisis. It would be short-sighted to give in to this pressure. The EU and the Presidency should rather use the economic crisis, and the signals it sends and the opportunities it offers in terms of investments, to move not only climate change, but a whole set of other environmental issues, much higher up on the agenda.

*Mikael Karlsson, President EEB and President Swedish Society of Nature Conservation
John Hontelez, Secretary General, European Environmental Bureau*

EEB thanks the European Federation for Transport and Environment and the NGO Platform on Shipbreaking for their advice.

TEN TESTS FOR THE 2009 SWEDISH PRESIDENCY

PROMOTE AND START IMPLEMENTING THE SPRING ALLIANCE MANIFESTO

- Promote debate on the Manifesto in all Council formations and the European Council;
- Involve Spring Alliance representatives in debates related to the formulation of a new Lisbon Strategy and conclusions on the implementation of the Sustainable Development Strategy.
- Initiate expert working groups to elaborate/discuss specific issues of the manifesto in more detail.

A STRONG AND FAIR INTERNATIONAL CLIMATE AGREEMENT IN COPENHAGEN

- Challenge EU Member States and other industrialised countries to agree, as a group, to a 40% greenhouse gas reduction target from 1990 to 2020, with domestically made reductions.
- Identify and mobilize financial mechanisms and technological support to developing countries to assist them in taking appropriate mitigation measures according to their national and economic circumstances.
- Agree on an EU contribution of at least 35 billion Euro/year that is predictable and additional to existing ODA commitments to co-fund mitigation and adaptation activities in developing countries and encourage other rich nations to do the same.

TOWARDS AN ECO-EFFICIENT ECONOMY

- Promote concrete policy conclusions of the Eco-Efficient Economy initiative for the EU, in particular on making the market work for the environment: environmental tax reform, dynamic standard setting, phasing out environmentally harmful subsidies, targeted support to new technologies. Ensure that the initiative is not narrowed down to energy efficiency only.
- Make the European Council decide to start work on an EU Strategy for environmental fiscal reform: shifting 10% of tax-income for governments away from labour to energy and resource use.
- Ensure that the mandatory EU energy label remains an effective instrument to drive the EU market towards more energy efficient appliances.
- Reject any pressure from business organisations, Member States or from within the Commission to delay environmental policy and lawmaking with the economic crisis as argument.

A MEANINGFUL SUSTAINABLE DEVELOPMENT STRATEGY EVALUATION

- Reconfirm the “Objectives and Principles” of the SDS
- Insist the Commission develop, as was asked in 2006, a long term vision for the EU, steering considerable absolute reductions of energy and resource use, leading to reduction of the EU’s ecological footprint by 50% in 20 years or sooner.

- Decide on a roadmap that ensures a reinforced SDS serves as the lead motive for the Financial Perspectives 2014-2020, initiates the policies needed to implement the vision and amends the Lisbon Strategy and external policies further.
- Set up institutional infrastructure to boost the implementation of the Strategy, including a high level Council working group, a Task Force of Commissioners and an independent High Level Group to monitor and advise on the implementation and review of the Strategy.
- Insist the Commission finally publishes its roadmap for the elimination of environmentally hazardous subsidies, which was foreseen for 2008.

INCREASE ENERGY EFFICIENCY OF BUILDINGS

- Adoption of a revised Energy Performance of Buildings Directive that improves energy efficiency in buildings and reduces emissions from this sector. Increasing in its ambitions by requiring that, at the latest by 2015, 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.

IMPROVE THE BALTIC SEA REGIONAL STRATEGY

- Put a healthy marine environment a prerequisite for a prosperous and sustainable development in the Baltic Sea Region.
- Include strong, concrete and well-timed measures in the agriculture and fisheries policies in the strategy,
- Mobilise additional financial resources for activities within the strategy
- Make the strategy a responsibility for Heads of Governments/States,, necessary for enabling a full and rapid implementation.

STRENGTHEN PREVENTION AND REUSE IN WASTE POLICIES

- Improve the Commission's proposal for the revision of the Waste Electrical and Electronic Equipment (WEEE) Directive and in particular:
- Ensure that the principle of Individual Producer Responsibility is maintained and refuse extension of use of visible fees;
- Improve collection targets by adding specific targets for problematic product categories such as lamps and small appliances
- Improve transparency in the management of WEEE and prevent leakage of WEEE from official collection routes by clarifying the roles and obligations (reporting, treatment) of all actors (brokers, municipalities) in the waste chain.
- Promote reuse through a dedicated reuse target.

SHOW LEADERSHIP ON THE BIODIVERSITY AGENDA

- Start preparing a post-2010 Ecosystems Rescue Plan, and urge the implementation of the ecosystem approach and proofing in all use of natural resources, in sectoral policies and spatial planning.
- Push for new concrete and measurable biodiversity targets, within EU and on the global level, for the coming ten-year period,
- Strongly support the establishment of an international platform for biodiversity and ecosystem services,
- Push for necessary budgetary increases to implement measures to halt the loss of biodiversity
- Stress the importance of much stronger protection for marine ecosystems, at the global level
- Establish new legislation on soils and Invasive Alien Species

REDUCE MERCURY USE GLOBALLY

At the opening of the negotiations on a UNEP treaty on Mercury:

- Secure appropriate priorities to be discussed at the first Intergovernmental Negotiating Committee (INC) such as supply and trade.
- Ensure that NGOs can effectively participate at the INC deliberations towards a robust treaty on mercury.

A COHERENT FRAMEWORK FOR INDUSTRIAL POLLUTION PREVENTION AND CONTROL

Provide space in the negotiations with the European Parliament about the Industrial Emissions Directive for improvements in the first position of the Council, in particular to:

With regards to Large Combustion Plants:

- Remove or dramatically reduce derogation from compliance with Emission Limit Values or delays to comply with Emission Limit Values based on BAT (BATAEL);
- Tighten compliance assessment requirements for Emission Limit Values;
- Include smaller installations from 20 MW and reject exemption for particular industries;

And in general:

- Agree on clear and strict criteria for permitting authorities when industrial installations may derogate from BATAEL (e.g. derogation only to existing installations, time limited and based on clear technical assessment).

1 EUROPEAN COUNCIL

1.1 PICKING UP THE CHALLENGE OF THE SPRING ALLIANCE

In early 2009, EEB, the European Trade Unions Confederation, the Platform of European Social NGOs and Concord (European NGO Federation for Relief and Development) initiated the Spring Alliance, to develop in an open process a civil society agenda for the EU for the next decade, for which it also involved academics, business leaders, consumer organisations, government advisory bodies and others. The Alliance will publish its Manifesto early July. It aims to present the Manifesto to the Member States, the new Commission and the new European Parliament. Its Manifesto addresses the economic, social, employment, environmental, governance, and global dimensions of sustainable development, sets clear targets for the next decade and formulates demands with regards to policy initiatives and conclusions to be taken by the next Commission and European Council. Amongst its key targets is the renewed Lisbon Strategy, but its ambitions go beyond that, targeting EU's social, trade, aid, environment policies, its review processes on the Financial Perspectives and Common Agricultural and Cohesion Policies, to mention just a portion.

The Manifesto forms a clear and strong demand from EU organized civil society for a Commission and European Council with vision, set to put the EU on another course, one where people and planet come first.

The EEB calls upon the Presidency to:

- Promote debate on the Manifesto in all Council formations and the European Council.
- Involve Spring Alliance representatives in debates related to the formulation of a new Lisbon Strategy and conclusions on the implementation of the Sustainable Development Strategy.
- Initiate expert working groups to elaborate/discuss specific issues of the manifesto in more detail.
- Integrate the demands of the Spring Alliance in discussions with the new Commission and in the agendas of the European Council meetings.
- Insist that the Commission produces a Lisbon Strategy review along the lines of the Manifesto.

1.2 FOR A SUCCESSFUL COPENHAGEN SUMMIT

The key test for the Swedish Presidency will be the EU's role in achieving an ambitious and fair global international agreement at the UN climate conference in Copenhagen in December, consistent with keeping global temperature rise well below 2° Celsius.

Formal negotiations are moving very slowly, largely due to the failure of developed countries to come up with adequate commitments on mitigation targets and financing for developing countries. EEB is concerned that in the EU, no substantive progress on its position for Copenhagen has been made since the Spring European Council. Decisions on the future direction of EU climate policy and financing commitments must be taken without further delay and well in advance of Copenhagen. Bold leadership is now needed to ensure success in Copenhagen. This is an unprecedented opportunity for the EU's future economic competitiveness, innovation and job creation. EEB calls upon Sweden's

experience in decoupling carbon emissions from economic growth to guide and inspire future EU action.

EEB continues to call upon further emission reductions at home that take us beyond the target of 20% below 1990 levels by 2020, which falls far short of what science has determined is necessary. There are opportunities in the coming 6 months, such as the Competitiveness Council in September and sustainable competitiveness conference in November, to make the economic case, in terms of first-mover advantage, for higher EU internal targets of at least 40% below 1990 levels by 2020.

EEB therefore calls upon the Presidency to:

- Challenge EU Member States and other industrialised countries to agree, as a group, to a 40% greenhouse gas reduction target from 1990 to 2020, with domestically made reductions.
- Identify and mobilize financial mechanisms and technological support to developing countries to assist them in taking appropriate mitigation measures according to their national and economic circumstances.
- Ensure agreement on an EU contribution of at least 35 billion Euro/year that is predictable and additional to existing ODA commitments to co-fund mitigation and adaptation activities in developing countries and encourage other rich nations to do the same.

1.3 CRITICAL EVALUATION OF THE SUSTAINABLE DEVELOPMENT STRATEGY

The Commission will soon release a progress report on the implementation of the Sustainable Development Strategy (SDS), which was adopted by the European Council in 2006. The report will probably show that progress has been made in some areas but more needs to be done. However, it will most likely not formulate critique on the current Strategy, nor on the shortcomings of the EU in implementing it, and it clearly will not criticize the Commission for not producing several contributions to the SDS, such as

- a “roadmap for the reform, sector by sector, of subsidies that have considerable negative effects on the environment and are incompatible with sustainable development, with a view to gradually eliminating them.” This was to be provided by 2008 (para 24 of the SDS). We know the work has been done, but forces inside the Commission have so far prevented its publication;
- “a concrete and realistic vision of the EU on the way to sustainable development over the next 50 years.”

It is also disappointing that this time the Commission did not include in its Progress report an evaluation of national level formulation, adoption and implementation of sustainable development strategies, as well as an assessment of the quality of these strategies. Neither has the Commission, nor Member States, adopted a set of sustainability criteria to better assess progress or lack thereof.

This lukewarm attitude of the Commission to the SDS is also clear from its failure to engage in regular discussion and common work with the national sustainable development focal points, and is in clear contrast with the importance the Commission gives to the Lisbon Strategy, with its integrated guidelines, annual reporting and updating of policies.

EEB is hopeful that the Swedish Presidency will give the work on Sustainable Development another boost at the EU level. The Presidency plans to set up a “Friends of the Presidency” group to prepare a meaningful response of the European Council to the

Progress Report, with the Environment and Competitiveness Council involved in these preparations. Obviously the Presidency will connect this work to its own eco-efficient economy project and the immediate agenda of climate change, but EEB hopes the Presidency will focus on the wider agenda, including the social dimension, as well.

A weak element of the SDS, mainly thanks to the strong opposition of the UK and Ireland, is the lack of focus on market based instruments, and in particular on environmental fiscal reform. Such reform is necessary to on the one hand get prices right for society, giving the right signals for the need to reduce energy and natural resources use, and on the other hand reduce labour and social premium costs, contributing to the social dimension of sustainable development. The Commission made a first step by producing a Green Paper on Market Based Instruments for Environment, but, also under pressure of Finance Ministers, failed to come up with proposals for introducing possible negative fiscal incentives.

EEB calls upon the Presidency to ensure that the European Council:

- Reconfirm the “Objectives and Principles” of the SDS [as they form a strong conceptual framework for sustainable development]
- Insist the Commission develop, as was asked in 2006, a long term vision for the EU, steering considerable absolute reductions of energy and resource use, leading to reduction of the EU’s ecological footprint by 50% in 20 years or sooner.
- Decide on a roadmap that ensures a reinforced SDS serves as the lead motive for the Financial Perspectives 2014-2020, initiates the policies needed to implement the vision and amends the Lisbon Strategy and external policies further.
- Insist the Commission finally publishes its roadmap for the elimination of environmentally hazardous subsidies, which was foreseen for 2008.
- Set up an institutional infrastructure to boost the implementation of the Strategy, including a high level Council working group, a Task Force of Commissioners and an independent broad High Level Group to monitor and advise on the implementation and review of the Strategy.
- Start work on an EU Strategy for environmental fiscal reform: shifting 10% of tax-income for governments away from labour to energy and resource use. As EU legislation requires unanimous support from 27 Member States, it is better to focus on a different approach, namely an Open Method of Coordination agreement with a strong mandate for the Commission to monitor, advise and review progress at the national level on an annual basis.

1.4 BALTIC SEA REGIONAL STRATEGY

On the 10th of June 2009 the Commission launched a draft Baltic Sea Strategy. Member States requested the Commission prepare an EU Strategy for the Baltic Sea States in December 2007. The draft is based on public online consultations and numerous public debates in the Member States involved.

The Strategy aims at coordinating action by Member States, regions, the EU, pan-Baltic organisations, financing institutions and non-governmental organisations to promote a more balanced development of the Baltic Sea Region. A strategy is needed to tackle the increasing challenges facing the region since enlargement in 2004. Escalating environmental threats, gaps in economic development and poor transport accessibility are issues which have to be dealt with. Better coordination and joint actions will be needed and the EU can play an important role in facilitating the process.

- The Strategy's four cornerstones are to make the Baltic Sea Region more:
- environmentally sustainable (e.g., reducing pollution in the marine environment);
- prosperous (e.g., promoting innovations in small and medium-sized enterprises);
- accessible and attractive (e.g., constructing better transport links);
- safe and secure (e.g., improving accident response).

Most of the environmental actions proposed in the Baltic Sea Strategy are based upon existing plans and directives, especially the Helsinki Commission (HELCOM)'s Baltic Sea Action Plan (BSAP -2007) and the EU's Marine Strategy Directive (2008). Both documents aim to reach good environmental status in the marine environment by 2021. Implementation plans are now under preparation. The Baltic Sea Strategy, however, also points out countries charged with a key responsibility in leading the concrete implementation of the measures proposed, thereby creating political pressure to deliver what has been promised.

The draft Strategy is now being discussed by European Parliament and Member States. The Strategy is expected to be adopted late this autumn during the Swedish Presidency; something the Presidency has stated is one of its priority items.

EEB believes that the added value of the Strategy is that it takes a comprehensive and integrated approach to the region's environment and development, and that it points out countries responsible for leading implementation. For the first time, an EU-strategy has been created for a specific macro-region in the EU. This added value can be further enhanced if it clearly points out that action must be more rapid than previously agreed in plans and legislation.

EEB calls on the Presidency to work for the following:

- The conclusions of the strategy must clearly state that a healthy marine environment is a prerequisite for prosperous and sustainable development in the Baltic Sea Region.
- Strong, concrete and well-timed measures in the agriculture and fisheries policies must be included in the strategy, since these two policy areas have the greatest influence on the Baltic marine environment.
- Additional financial resources must be made available for activities within the strategy by allocating money from already existing funds from various sources.
- The strategy must become the responsibility of Heads of Governments and States, necessary for enabling a full and rapid implementation.

2 ECONOMY AND FINANCE COUNCIL

2.1. FINANCING CLIMATE POLICY IN DEVELOPING COUNTRIES

EEB welcomed the decisions made by EU finance ministers on the burden-sharing criteria for international climate finance. However, we are disappointed and concerned at the delay by the EU to agree on the levels of financial support for climate measures in developing countries. Such delays and absentee leadership do little to bring us closer to reaching agreement in Copenhagen.

If the EU is to contribute its 'fair share' of international support for mitigation and adaptation, it must take heed of its own financial experts. The conclusions made by the EU's Economic Policy Committee and the Economic and Financial Committee called for €100bn per year by 2020 for additional investment in forest protection and for cuts in emissions from the energy and agriculture sectors, in addition to substantial adaptation support based on international public finance. A pre-Copenhagen offer of the EU's fair share, likely to be a minimum of €35bn needed annually from today, should be made well in advance of Copenhagen. The final report of the Swedish Commission on Climate Change and Development called upon donor countries to each mobilise of \$1-2 billion to assist the least developed countries with urgent adaptation needs. EEB stresses that assurances must be made that all financing should be predictable and additional to existing Official Development Assistance (ODA) commitments and obligations. Any offsetting of EU's emissions cannot be counted as support to developing countries.

EEB therefore calls upon the Presidency to ensure agreement on an EU contribution of at least 35 billion Euro/year to developing countries and encourage others to do the same, as noted under point 1.2 above.

3 ENERGY AND TRANSPORT COUNCIL

3.1. TOWARDS AN ECO-EFFICIENT ECONOMY

The Swedish Presidency will launch a debate on moving towards an eco-efficient economy. This picks up from earlier initiatives by the Dutch (2004) and German (2007) Presidencies, but this time it seems to be moving from promoting environmentally motivated business activities to reforming the economy as a whole. This is very much welcomed by the EEB.

The challenge is to move from highlighting the need for and potential of, an eco-efficient economy towards agreement on the steps necessary at the EU level to get there. This includes Member States needing to agree on a concrete mandate and encouragement to the Commission to deliver by a certain date proposals for the tools needed at EU level. This requires high level involvement of Member States, the level where decisions can be taken to move beyond already agreed policies and moving away from static positions about subsidiarity, in particular with regards to market instruments.

Moving towards an eco-efficient economy can be built partly on existing EU and national policies, but they are incomplete and what exists needs to be upgraded.

EEB calls upon the Presidency to:

- Promote concrete policy conclusions of the Eco-Efficient Economy initiative for the EU, with clear demands to the Commission and timetables for delivery.
- Ensure that the initiative is not narrowed down to energy efficiency only but also focuses on systematic reduction of resource use, leading to a reduction of the EU's ecological footprint by 50% in 20 years, or sooner.
- Focus in particular on making the market work for the environment, including environmental tax reform, dynamic standard setting, phasing out environmentally harmful subsidies and targeted support to new technologies.
- With regards to environmental tax reform, make the European Council initiate work on shifting 10% of tax-income for governments away from labour to energy and resource use. As EU legislation requires unanimous support from 27 Member States, it is better to focus on a different approach, namely an Open Method of Coordination agreement, with a strong mandate for the Commission to monitor, advise, review progress at the national level on an annual basis.
- Give strong political backing to the implementation of the Directives on Energy Performance of Buildings, on Eco-Design and on Energy end-use Efficiency and Energy Services, call for increased ambitions and implementation efforts.
- Set strategic targets for eco-efficiency: increase of overall resource productivity by a factor 4 by 2030 (as called for by the European Parliament April 2007) and factor 10 by 2050. These targets are to be used to assess the measures needed and to give the EU Institutions a mandate to act.
- Introduce dynamic, standard setting schemes in the EU that are addressing environmental as well as performance requirements in an integrated manner, along the lines of the Japanese Top Runner approach. Ask the Commission to initiate an EU Top Runner approach without delay.
- Develop EU and national programmes aiming to achieve 100% green public procurement in the next few years.

- Review the new EU Waste policies in order to strengthen their potential for prevention, re-use and material recycling.
- Introduce broader product policy legislation, identifying environmental issues, linking these to targets for eco-efficiency and environmental and performance requirements, and incorporating producer responsibility. Include product information for public requirements.
- Set sufficient precautions with regards to the use of nano-technology, so that negative impacts on people's health can be prevented.
- Reject any pressure from business organisations, Member States or from within the Commission to delay environmental policy and lawmaking with the economic crisis as argument.

3.2. PROMOTING ENERGY EFFICIENCY

EEB welcomes the initiative of the Presidency to give pro-active input into the review and evaluation of the Action Plan for Energy Efficiency (by means of the Informal Energy Council). As the Commission itself recognises, based on current involvement and implementation, the energy saving potential is not being realised fast enough. Even if properly implemented by Member States, the current Action Plan would achieve energy savings of about 13% by 2020, falling well short of the 20% target. Further initiatives to expand the scope of the Plan and greater enforcement of existing measures are required. The existing Energy Performance of Buildings Directive should be a top priority for attention under the Plan, as it also has its own recast in a parallel process (please see our comments below under point 3.2 in this regard).

EEB agrees with the Commission that *“taxation, as a means to internalise external costs, is a powerful tool in promoting energy efficiency.”* It calls upon the Council to fully support this view and to agree to make the Commission's proposal more specific by starting a co-ordinated EU-wide (budget-neutral) tax shift towards more taxes on energy use and natural resource pollution while reducing labour taxes. Given concerns about subsidiarity and the unanimity requirement in the Council, EEB proposes using the Open Method of Co-ordination (OMC) to establish such a common EU objective and guidelines in order to initiate an EU-wide shift in taxation. OMC commits all Member States to work together towards shared goals while respecting legitimate national diversity. Once an EU-objective has been set those Member States that are interested in further coordination of specific approaches could do so via the enhanced co-operation method.

We support suggestions by the Parliament that the voluntary 20% energy savings target should be made mandatory and its ambition increased. We caution against the promotion of voluntary agreements at EU level. The most substantial agreement so far has been with the car industry, and looks like it is also heading towards failure. The OECD, for instance, continues to warn that voluntary agreements on the national level so far have not shown much added value for the environment. Furthermore, there is considerable legal doubt that the Commission is entitled to make agreements with industry that are mutually binding. The only type of voluntary agreements that are acceptable are those that are embedded in a legal framework with clear targets, monitoring mechanisms and sanctions as well as the full participation of the Parliament, the Council and NGOs.

Therefore, the EEB calls upon the Presidency to promote:

- a legally binding absolute energy savings target of 20% from 2010 until 2020.
- an initiative for an EU-wide environmental tax reform aiming for a 10% tax base shift away from labour/social premiums, to the use of energy and natural resources (see also point 4.1) .

- An acceleration of dynamic standard setting for energy-using products, also using the Top Runner approach as practiced in Japan.

3.3. ENERGY EFFICIENT BUILDINGS

In November 2008 the Commission published a draft revised Energy Performance of Buildings Directive (EPBD). EEB welcomes the proposal as a needed tool to contribute towards the fight against climate change, to improve energy efficiency and to greatly enhance 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. We also support the Parliament for their proposals which we believe demonstrate the scale of ambition that is required. EEB stresses that many of these proposals should not be lost.

We welcome the Swedish Presidency's expectations on this issue and the priority it gives to seeing the adoption of an improved Directive later this year. The next six months will be key, therefore, to address the complexities of the Directive and to ensure that it is more effective in its revised version.

Therefore, the EEB calls upon the Presidency to promote:

- Adoption of a revised Energy Performance of Buildings Directive that improves energy efficiency in buildings and reduces emissions from this sector. Increasing in its ambitions by requiring that, at the latest by 2015, 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.

3.4. ENERGY LABEL

In May 2009, the European Parliament voted in first reading on the revision of the Energy Labeling Directive sending a clear political signal to maintain the existing closed-end and well-known A-G scale, which EEB supports.

A majority of MEPs also clearly voted against two comitology implementing measures decisions for fridges and televisions proposed by the European Commission. However, the Parliament achieved the required majority to reject only the label for televisions and not for fridges and washing appliances. The outcome of this vote is therefore a political deadlock, with the threat of having several EU energy labels for different products and blocking further labeling and ecodesign measures for important product groups such as boilers and water heaters.

The core disagreement lies within the concept of opening the A-G scale at the top and adding new classes with sophisticated names (like "A-20%", "A-40%") instead of revalorizing the A-G scale to reflect improvements in the energy efficiency performance of products currently on the market. When proposing these modifications to the label, the Commission never carried out a serious and robust comparison of the various options in terms of consumer perception, economic and environmental impacts.

EEB believes the mandatory energy labeling scheme is a key instrument to support the transformation of the EU market towards greener, more energy efficient products.

Therefore, the EEB calls upon the Swedish presidency to

- Ensure that the mandatory EU energy label remains an effective instrument to drive the EU market towards more energy efficient appliances.
 - Find an early agreement with the European Parliament on the recast of the Energy Labeling directive sending a clear political message that the new Energy label must be understood by consumers and build on the strengths of the current successful scheme. This would allow the adoption of the new Energy Labeling Directive by mid 2010.
- Call upon the Commission to:
 - Refrain from implementing the current controversial measures to update the labels on refrigerating and washing appliances until the revision of the Energy Labeling Directive is over.
 - Launch a test on consumer perception of the various label design options, as well as a robust and independent feasibility study and economic impact assessment of the rescaling option.
 - Ensure that all new labels proposals for new product categories (such as boilers, water heaters and air conditioners, but also televisions) maintain the A-G scale.

3.5 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 (congestion and environmental) costs caused by lorries.

This review is necessary and long overdue. The current Eurovignette Directive (2006/38/EC) allows the internalization of the infrastructure costs but prohibits implementation of the ‘polluter pays principle’. 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. 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.’*

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 to minimise 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 the internalisation of the costs of climate change (GHG emissions) caused by lorries. However, it does the opposite; it prohibits Member States to do so via a distance-based charge if they wish (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 a methodology for the inclusion of uncovered accident costs in road charges. The scientific evidence has become more robust in the last five years. Lorries are twice as dangerous as cars per km driven, so 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.

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. That undermines the goals of this policy. 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 those who suffer.

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. In the valleys, population density is high. Importantly, natural phenomena can seriously exacerbate environmental problems in these areas. Echoes cause greater noise disturbance and inversion of air layers causes air pollution to concentrate 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 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 the 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 COMPETITIVENESS COUNCIL

4.1. TOWARDS AN ECO-EFFICIENT ECONOMY

The Swedish Presidency will launch a debate on moving towards an eco-efficient economy. This picks up from earlier initiatives by the Dutch (2004) and German (2007) Presidencies, but this time it seems to move from promoting environmentally motivated business activities to reforming the economy as a whole. This is very much welcomed by the EEB and it calls upon the Energy Council to play an active role in the debate.

For EEB's specific comments, see chapter 3.1. above.

4.2. QUALITY LABELLING FOR TYRES

The potential environmental benefits of better tyres are all too often overlooked, but tyres are in fact the dominant source of road traffic noise at speeds above 40-50km/h, which is the most widespread environmental health problem in Europe, and determine around 20-30% of a vehicle's fuel consumption related to CO₂ emissions. The Commission proposal for a regulation for labeling of tyres with respect to fuel efficiency and other essential parameters (COM(2008)0779 final) offers a key opportunity to promote the best tyres according to standards for safety (wet grip), noise and rolling resistance, which determine fuel efficiency and CO₂ emissions. The labeling proposal complements the General Safety Regulation for Motor Vehicles (COM(2008)0316 of 23 May 2008), which sets standards which are too weak to drive the market towards quieter and more fuel-efficient tyres.

Today it is extremely difficult for consumers to find independently verified, objective information on the environmental and safety performance of motor vehicle tyres. It is particularly important for public procurement and fleet purchasers that detailed information is also available for van, bus and truck tyres. It is therefore essential that the regulation on the labeling of tyres includes detailed and failsafe provisions to communicate the benefits effectively to the public, in both environmental and monetary terms.

In order to ensure that the tyre labeling scheme will make safer and better performing tyres more widely available, to help save money on fuel costs, reduce greenhouse gas emissions, and start cutting road traffic noise,

EEB urges the Presidency to:

- Ensure that the label is well communicated and clearly explained to ensure wide public recognition and effectiveness.
- Support the introduction of a Fuel Savings Calculator via a dedicated EU-wide website that will show that low rolling resistance tyres save fuel, money and CO₂;
- Insist that the label information is shown wherever the price is displayed: in stores, online, on all technical and promotional materials and invoices;
- Improve the wet grip grading for a clear and trustworthy label;
- Improve the fuel efficiency grading;
- Ensure stringent enforcement of the label by marking the measured values on tyre sidewalls and introduction of spot checks;
- Show which tyres are quietest with a noise indicator;
- Regularly review and improve test procedures and include all tyres in the labeling scheme.

5 AGRICULTURE AND FISHERIES COUNCIL

5.1. AN EFFECTIVE POLICY TO RECOVER FISH STOCKS

Despite years of attempts to regulate fishing around the EU in order to cope with the shrinking stocks, several types of fish are at risk of disappearing. The core problem is the size of the fleets compared with the size of the stocks. The EU has not dared to tackle this problem, instead choosing for a quota system for fishermen. These quota are, however, not well respected and have the perverse consequence of (dead) fish caught being discharged (thrown back into the sea) because they are not attractive enough for counting against the quota.

The Commission has issued a proposal for a revision of the EU fisheries control (COM(2008) 721 final). It aims to create uniformity in the implementation of control policy and strengthen compliance with the EU fisheries policy.

EEB calls upon the Presidency

- to ensure that a strong regulation is decided upon, and
- specifically ensure that it entails meaningful sanctions for non-compliance, the existence of Vessel Monitoring Systems (VMS) on all fishing vessels regardless of their length, coverage of independent observers and/or cameras onboard, central computerized repositories for all information relating to fisheries offences and their perpetrators and a suspension of Community aid to the fisheries sector, including the granting of fishing rights under Fisheries Partnership Agreements, if a Member State fails to respect its control obligations.

5.2. SAVE THE SHARK!

This April, the Council of Ministers agreed that the Commission should move forward promptly and with firm legislative proposals to implement its Community Plan of Action on Shark conservation, which it had launched two months earlier. The Commission is supposed to have proposed something before the end of the year. Given this urgency,

The EEB calls upon the Presidency to encourage the Commission to present its proposals as soon as possible and in particular focus on putting an end to fishing of Threatened Northeast populations of spurdog, porbeagle and deepwater sharks, and to shark finning by EU vessels through a stronger EU regulation.

6 ENVIRONMENT COUNCIL

6.1. A STRONG AND FAIR INTERNATIONAL CLIMATE AGREEMENT IN COPENHAGEN

The European Union together with the international community must work to achieve an ambitious and comprehensive agreement at the Copenhagen Conference in December, taking urgent attention to speed up the pace of negotiations. Given the leadership that is required by the EU to help steer the way towards an ambitious and equitable agreement, considerable work still needs to be done in these remaining 5 months. Taking into account the programme of negotiations and meetings which will take place in Bonn, Bangkok, Barcelona as well as the UN General Assembly in September, the EU needs to consider the timing of their announcements. The EU's ability to shape and influence the agenda and outcome of these meetings will be greatly enhanced if engagement is rooted in an ambitious EU position on mitigation, adaptation and climate finance. The EU must also make efforts, as a matter of urgency to raise the collective ambition from developed countries. This is of particular importance if the EU is to increase their ambition on internal domestic targets with out being seen to operate alone.

Therefore, the EEB calls upon the Presidency to promote:

- Challenge EU Member States and other industrialised countries to agree, as a group, to a 40% greenhouse gas reduction target from 1990 to 2020, with domestically made reductions.
- Identify and mobilize financial mechanisms and technological support to developing countries to assist them in taking appropriate mitigation measures according to their national and economic circumstances.
- Agree on an EU contribution of at least 35 billion Euro/year that is predictable and additional to existing ODA commitments and obligations to co-fund mitigation and adaptation activities in developing countries and encourage other rich nations to do the same.

6.2. TOWARDS AN ECO-EFFICIENCY ECONOMY

The Swedish Presidency will launch a debate on moving towards an eco-efficient economy. This picks up from earlier initiatives by the Dutch (2004) and German (2007) Presidencies, but this time it seems to move from promoting environmentally motivated business activities to reforming the economy as a whole. This is very much welcomed by the EEB and it calls upon the Environment Council to play an active role in the debate.

For EEB's specific comments, see chapter 3.1. above.

6.3. DIRECTIVE ON INDUSTRIAL EMISSIONS

At the end of 2007, the Commission proposed bringing seven existing directives on emissions together into one, in what is called a recast procedure (a procedure whereby the nature of the directives do not change but specific improvements are made). The most important in the merger is the Directive 96/61/EC on Integrated Pollution Prevention and Control (IPPC), the others are the Directives on Waste Incineration, Large Combustion Plants, Solvent Emissions, and three Directives on Titanium Dioxide.

The directives include mandatory Emission Limit Values (ELVs) that act as a safety net to 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 the Best Available Techniques (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 that do not exceed the BAT associated emission levels (BATAEL) – that is the emission levels which are achieved when BAT is implemented.

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 average IPPC permits are updated every 8 years in the Czech Republic).

IPPC affects about 52,000 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. An early and active involvement from the different Member States aiming at ambitious objectives to prevent pollution from industrial activities can considerably speed up the legislative process, strong direction from the Swedish Presidency is crucial.

In 10th of March this year, the European Parliament voted its position, on 25th June the Environment Council did so. The EEB is pleased with part of the Parliament's amendments, but the Council position was in general a disappointment.

On the positive side the Council respected the basic concepts regarding provisions on soil and groundwater protection as well as requirements for remediation. In general it reinforced the importance of BAT and of ELVs derived from BAT as benchmarks for permits for industrial installations. A regime with minimal frequencies for inspections and an obligation to perform an annual compliance assessment was also kept.

Unfortunately the Council position contains too many possibilities for exceptions to the BAT benchmarks. The allowance for existing Large Combustion Plants (LCPs) to ignore BAT for up to another decade and the exemption for plants operating not more than 20,000 hours is really problematic. It will reward those Member States that refused to require their national operators to consistently reflect BAT at a detriment to those Member States and operators that implemented BAT. On the other hand, tighter ELVs in line with the less strict BAT range mentioned in the LCP BREF of 2006 for new large combustion plants will have to be applied four years earlier (2012) than proposed by the Commission (2016). However, this contradictory trend might make it even more attractive to keep old plants running and acts as a barrier to swift replacement of dirty plants with more efficient ones and renewable energy sources. This undue distortion is aggravated by the liberalisation of the electricity market.

More worrying is that the regime introduced by the Council – the Transitional National Plan that would come to an end in 2021- would also achieve significantly less emission reductions than the current approach proposed by the Commission. Such a lenient stance and the deadlines proposed by Council are in contradiction to the 2020 objectives of the Thematic Strategy on Air pollution and will worsen Member States' already poor performance in meeting the 2020 National Emissions Ceilings Directive limits.

We welcome that all the delegations support the concept of BAT and would like to strengthen the role of the BREFs so that IPPC installations perform according to BAT contained therein. Unfortunately most Member States don't put their money where their mouths are since this commitment is not sufficiently reflected in the legal text (Article 16): The Commission failed to appropriately deal with derogations from BAT performance, just suggesting that it "may" propose EU wide criteria in order to avoid abuses and divergent approaches at EU level. Not having such criteria could lead to "business as usual" (i.e. permits not reflecting BAT and therefore creating an unlevel playing field in the EU and downgrading environmental ambition). The Czech Presidency compromise even weakens the Commission's mandate to remediate this problem since the text only states that "the Commission may establish guidance specifying the criteria..."

The current wording on derogations (Article 16.4) gives too much flexibility to competent authorities to deviate from BAT associated emission levels and needs considerable improvement. The legal text should provide for clear criteria on when these exceptional derogations may be granted (e.g. no derogation for new IPPC installations and/or located in sensitive areas, time limited, based on a technical assessment etc)

In this regard EEB regrets that there is little support in Council for the extension of minimum environmental performance to other industrial sectors not yet covered by the European Safety Net, which is currently provided by the existing directives being merged into the Annexes of the Industrial Emissions Directive. Providing for this binding EU wide safety net based on BAT would lead to a control of the derogations facility, securing a more harmonised approach of performance levels across the EU.

After the Council has officially submitted its position, the European Parliament is to start its second reading. The Presidency is certainly going to approach Parliamentarians to see whether a compromise could be arranged before the Parliament votes. It is essential that the Parliament's first reading position is respected. The Council position needs to be enhanced if we want to deliver on the protection of air, water and soil from industrial emissions, as well as limiting waste production and improving energy and resource efficiency through the modernisation of these installations.

EEB therefore calls on the Presidency to provide space in the negotiations with the European Parliament for improvements in the first position of the Council, in particular:

With regards to Large Combustion Plants:

- Remove or dramatically reduce derogation from compliance with Emission Limit Values or delays to comply with Emission Limit Values based on BAT (BATAEL).
- Tighten compliance assessment requirements for Emission Limit Values;
- Include smaller installations from 20 MW and reject exemption for particular industries.

And in general:

- Agree on clear and strict criteria for permitting authorities when industrial installations may derogate from BATAEL (e.g. derogation only to existing installations, time limited and based on clear technical assessment).

6.4. HALT THE LOSS OF BIODIVERSITY

Halting the loss of biodiversity is one of the priorities of the Swedish EU Presidency. Since the 2010-target was a Swedish initiative during its last Presidency in 2001, Sweden has strong intentions to push forward the follow-up and the further development of new targets, both within EU and globally. In preparation of the upcoming negotiations under the Biodiversity Convention in October 2010, Sweden wants to see an effective strategic plan and a vision for the long term work to preserve biodiversity. These questions will be placed in focus during the high-level meeting on biodiversity in Strömstad, Sweden from 7-9 September, where the discussions will be based on scientific presentations on the fundamental importance of biodiversity for human well-being and development. A second TEEB report (The Economics of Ecosystems and Biodiversity) will be presented.

The Commission's mid term review of the Biodiversity Action Plan, giving the Commission's assessment of how Europe is progressing towards the target of halting the loss of biodiversity by 2010, draws alarming conclusions: at a moment when the world is heading with alarming speed toward 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, the world also 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 also actually ensure the restoration of ecosystem functionality and the sustainable development 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 that future generation will have to pay.

The EEB urges the Presidency to:

- Take the initiative in preparing a post-2010 Ecosystems Rescue Plan,
- Stress the importance of the fundamental role of biodiversity for human well-being and development and make this the cornerstone for such a plan.
- Push for new concrete and measurable biodiversity targets, within EU and on the global level, for the coming ten-year period.
- Strongly support the establishment of an international platform for biodiversity and ecosystem services (IPBES).
- Take initiatives to strengthen the education and information on the importance of fundamental ecosystem services, on all levels in society, especially in schools.
- Push for a new approach on the costs and benefits of preserving biodiversity – measures should be seen as necessary investments for the future.
- Push for necessary budgetary increases to implement measures to halt the loss of biodiversity; the preliminary results in the TEEB-study clearly indicate how much society will earn to take actions now.
- Stress the importance of much stronger protection for marine ecosystems, which for many years have been treated as global commons free to use without any restrictions, e.g., a global system of marine protected areas, covering also the open sea, removal of subsidies which facilitates the uncontrolled exploitation of

- living marine resources, reduction of the fishing fleet capacity in line with available resources and a ban on destructive fishing gear.
- Urge for the implementation of the ecosystem approach in all use of natural resources.
 - Significantly strengthen the implementation of the Birds/Habitats, Water Framework, Marine and EIA/SEA Directives.
 - Establish new legislation on soils and Invasive Alien Species.
 - Ensure and ecosystem approach and “ecosystem proofing” of sectoral policies and spatial planning.

6.5. PUSH FOR AMBITIOUS ECO-DESIGN MEASURES FOR HEATING AND COOLING EQUIPMENT

The implementation of the Ecodesign directive of Energy Using Products and in particular the foreseen adoption of implementing measures on heating and cooling devices (boilers, water heaters and air conditioners) will be an important contribution to the EU delivering on its climate objectives and also addressing fuel poverty and the consequences of rising energy prices.

The Swedish Presidency should call on the Commission to only allow heating and cooling equipment which maximize the environmental gains at no extra costs (the least-life cycle cost) on the EU market and plan an ambitious push for even more efficient technologies. In addition, heating and cooling systems using renewable energy sources should be promoted through clear and effective labelling where the best in class “A” grade is only awarded to top performers and renewable energy solutions.

6.6. FRAMEWORK DIRECTIVE ON SOIL PROTECTION

Despite a lot of effort from the Czech Presidency including some very far -reaching concessions, the Soil Framework Directive continues to be blocked in Council by 5 Member States. Although the Swedish government is not part of this blocking minority it did have certain reservations about the Directive and has played a less than constructive role in the Council negotiations. This is very regrettable given the importance of this subject.

Unlike water, soil is an effectively non-renewable resource that is being degraded at an alarming rate within the EU. It is truly astonishing, given the non-renewable nature of the resource, that the EU has to date not been able to provide it with sufficient protection as it has, for example, done with water. Whereas the US already passed federal legislation to protect soils in the 1930s, within the EU a small number of member states continue to abuse the subsidiarity principle to stop any attempts to provide legal protection to this critical resource.

Failing to make progress within the Council on this important dossier would be highly irresponsible.

EEB therefore calls on the Presidency to make every effort to continue to broker a deal on soils that respects the position of the majority of EU member states as well as that of the European Parliament.

6.7. NATIONAL EMISSION CEILINGS.

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 it 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, 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 exceedance of critical loads of eutrophication and acidification as well as serious health damage due to fine particles and ozone exposure.

Moreover, ideas for the development of NO_x and SO₂ trading schemes in the scope of the NEC directive should be scrutinised for being an adequate tool to secure cleaner air across Europe. The air pollutants NO_x and SO₂ have local effects with significant health impacts. Article 12 of the Directive on ambient air quality and cleaner air for Europe provides that levels of SO₂ and NO_x shall be maintained below certain levels in order to preserve the best ambient air quality. Enabling emission trading may lead to a breach of

these requirements. Taking into account these constraints, any trading system would need to be geographically limited or use site-specific limits to protect the local environment. However this could contradict the economic rationale since participants would want to expand the trading system. These measures place a restriction on trading that can seriously affect the liquidity of a trading system, and they are therefore vulnerable to pressure to relax them, with resulting adverse environmental impacts. EEB is strongly against introducing any additional pressure that may trigger relaxation of air quality standards.

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 with no further delay.
- 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.
- Reject any proposals for emission trading within the NEC directive since this will compromise the attainment of community air quality standards locally.
- 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.

6.8. WEEE RECAST

The Commission published a proposal for a recast of the Waste Electrical and Electronic Equipment (WEEE) Directive on 3rd December, 2008. EEB welcomes the Swedish Presidency has already indicating it will prioritise work on the directive.

The Commission's proposal safeguards the environmental objectives and the main provisions of the original WEEE Directive such as the individual producer responsibility (IPR) principle. However, we believe substantial improvements to the proposal are needed to address current shortcomings. We expect the Swedish Presidency to make a positive contribution to improving the directive. In particular,

The EEB calls on the Swedish Presidency to focus on the following aspects:

- ***Individual Producer Responsibility***

While we are satisfied that the current article 8.2 (now 12.2) remains unchanged, we are concerned that the Commission is requiring Member States to allow for an indefinite extension of the use of the "visible fee." This fee is often interpreted as a flat and undifferentiated fee to all producers and would therefore discourage economic incentives for producers to improve the recyclability and durability of their products through the implementation of IPR. Therefore we call upon the Swedish Presidency to refuse the extension of the use of visible fees.

Furthermore, we call on the Presidency to add a new annex to the directive establishing a set of enforceable requirements for all WEEE producer compliance schemes on how to implement IPR. These requirements would give clear guidance to all stakeholders and ensure that IPR is implemented in practice in all Member States.

- **Collection**

The new collection targets are still based on weight. This overall target does not create incentives to collect lighter or smaller WEEE. Separate product-specific targets, at least for light appliances and lighting equipment, are therefore essential to avoid such products being disposed of in municipal waste and reducing negative impacts on the environment and human health.

In addition, the new WEEE directive should clarify the roles and responsibilities of all actors in the waste chain (and not only producers) to ensure that separately collected WEEE is reported transparently and treated according to the high environmental standards prescribed in the directive. Therefore EEB calls on the Presidency to improve transparency in the management of WEEE and prevent leakage of WEEE from official collection routes by clarifying the roles and obligations (reporting, treatment) of all actors (brokers, municipalities) in the waste chain.

- **Reuse**

EEB recommends that the Directive explicitly requires a minimum of 5% re-use rather than combined recycling and reuse targets. We also recommend that certified re-use networks should be given an early and guaranteed access to the WEEE stream.

6.9. ROHS RECAST

Together with the WEEE recast Proposal, the Commission published a proposal for a recast of the Directive on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS) on 3rd December 2008.

Widespread contamination with hazardous substances and materials used in electrical and electronic equipment is still a matter of high concern due to the limited scope of the 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 from hazardous materials in these products during recycling and disposal at end of life, much of which still takes place in backyard workshops in developing countries. These substances have been recognized as priority contaminants in the Stockholm Convention which seeks to eliminate these persistent organic pollutants from the global environment.

We expect the Swedish Presidency to make a positive contribution to start improving the RoHS recast proposal. In the new proposal no new substances were proposed for banning and it is suggested that the eventual assessment of new substances to be restricted would be undertaken under a modified procedure according to REACH, a procedure that 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 neither addresses all the life-cycle impacts of chemicals, especially related to end of life aspects. RoHS provides a clear timeline for signaling when newly identified

hazardous chemicals need to be replaced by safer alternatives. Electronics companies today have introduced a framework for compliance 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 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 calls on the Swedish Presidency to create a level of ambition of the new proposal in line with the importance of the objectives of protecting human health and the environment and:

- Strengthen the RoHS Directive by targeting the general phase out of brominated and chlorinated organic substances as well as phthalates and other hazardous chemicals in electronics products.
- Keep RoHS as a complement to the REACH process.

6.10. GMOs

In the months to come the EU Agenda will be focused on two key issues relative to GMOs: revision of the authorization procedure and labelling thresholds for the genetic contamination of seeds.

- **Review of the authorization procedure for GMOs**

The Commission is working – as requested by the Environment Council – on new guidelines. This is an important exercise to improve the European Food Safety Authority (EFSA) performance and put in place a new comprehensive, coherent and mandatory regime for the risk assessment of GMOs.

This regime should address the quality and amount of data to be presented by the applicant company, as well as how these data are assessed. The material produced by the company has to undergo a much more comprehensive quality assessment before use in EFSA assessments. Full and free access to data has to be provided.

A rigorous, comprehensive and mandatory testing regime should also be set up for immunological testing as well as toxicity and anti-nutrition tests.

Monitoring and general surveillance has to take into account all levels of complexity, interactions and possible direct and indirect effects regarding human health and environment.

The opinions presented by the GMO panel of EFSA have to reflect all open questions and uncertainties without prejudice. The Precautionary Principle has to be applied in a way so that relevant uncertainties regarding safety are seen as an obligation for further investigation and no positive opinion can be filed by EFSA before questions are sufficiently answered.

The EEB calls on the Presidency to oppose any new authorization for GM crops until the new regime is in place, so as to prevent risks to environment and human health.

- **Genetic Contamination of seeds**

In December 2008 the Council confirmed the need at European level for labelling thresholds for the adventitious presence of authorised GMOs in conventional seeds, which the Commission is expected to propose as soon as its impact studies are finalised.

Strict purity standards – established at the reliable detection limit of 0.1% - are required to prevent any genetic contamination of conventional and organic production in Europe.

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 are 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%. 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 other businesses and markets than those introducing and demanding the GM products. The quantity of seeds used typically amounts to less than 1% of the quantity of produce yielded from them. It appears to 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 as 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 the seed costs were doubled, their share in any case 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 on farmers, food processors and retailers to the benefit of the Seed Industry.

Therefore the 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.

6.11. TOWARDS A ROBUST GLOBAL TREATY ON MERCURY

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 25th UNEP Governing Council (GC) (February 2009) decided to begin negotiating a treaty to control global mercury pollution. The decision represents the consensus of the more than 140 countries. The treaty will include actions to reduce mercury supply, its use in products and processes, and atmospheric mercury emissions, which will ultimately reduce human exposure to mercury globally. The preparations for negotiations on the global treaty will start later this year, with discussions beginning in earnest in 2010 with a view to wrapping up by 2013.

EEB expects now the EU to take the lead at the preparations for and at the International Negotiating Committee (INC) deliberations, towards a robust global treaty on mercury, reflecting concern over the harm mercury does and the potential for making it redundant.

The provisions of the legally binding instrument (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.

Furthermore it should be ensured that the INC develops 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.

Therefore EEB urges the Presidency:

At the Open Ended Working Group in preparation for the start of the treaty negotiations (October 2009), to:

- Secure appropriate priorities to be discussed at the first Intergovernmental Negotiating Committee (INC) such as supply and trade.
- Ensure that NGOs can effectively participate at the INC deliberations towards a robust treaty on mercury.

And to focus on the following key issues:

- An intense policy debate on how to minimize world wide emissions of mercury
- Reducing mercury supply including the phase-out of primary mercury mining, and the sequestering of mercury from closing or converting chlor-alkali plants.
- Creation, promotion and/or implementation of solutions for terminal storage of mercury
- Phase-out of international trade of mercury and mercury products.
- The prohibition of new uses of mercury
- Phase-out of mercury use in products and processes based upon the availability of safe and cost effective alternatives
- The transition towards a mercury-free gold mining in developing countries
- Enhancing world-wide monitoring of mercury particularly in the food supplies of humans and wildlife
- Addressing an environmentally sound management of wastes containing mercury

6.12. ENSURE ENFORCEMENT OF EU ENVIRONMENTAL POLICIES

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. EU citizens and their organizations are already now playing an important role as 'watchdogs' with regard to the respect of EU environmental law. Frustrating these people with lengthy complaints procedures, lack of transparency, unsatisfactory access to documents and still no access to the courts sends the wrong signal. EU officials continuously claim to strive for participatory democracy, an EU closer to its citizens, better enforcement and yet the EU discourages those who do get involved and wish to use their rights to participate.

EEB welcomed the publication in November 2008 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. EEB is disappointed that so far no official discussion on the proposed measures has taken place at Council or Council working group level and calls on the Swedish Presidency to organize such discussions making the outcome known to the public.

Better implementation is closely linked to a good regulation on access to documents. EEB counts on the Swedish Presidency to make progress with the recast procedure and push for more transparency and better access to documents. It is particularly important that improved access to documents is not limited to the legislative process but also covers documents within the framework of complaints procedures.

Particular attention must also be paid to breaches in connection with major projects involving EU funding, such as infrastructure, rural development or fisheries. Such breaches can lead to irreversible ecological damage and the strongest available measures must be applied to avoid them. EEB believes that in such cases it appropriate to seek interim measures from the ECJ. The use of interim measures should not be limited to exceptional cases but considered the most appropriate measure to avoid irreversible damage.

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 the following point).

Therefore EEB calls upon the Presidency to:

- In response to the Commission Communication on this subject, organize a broad and transparent 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.
- Have broad discussions on the recast of the Access to Documents regulation with the aim of strengthening the regulation by improving access to documents.
- 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.
- Request the Commission, following on the European Parliament resolution, to propose a draft directive on minimum criteria for environmental inspections and for a European Environment Inspection by the end of 2009.

6.13. RELAUNCH ACCESS TO JUSTICE DIRECTIVE

EEB strongly supports the outcomes of the conference on practical aspects of the Convention on Access to Information, Public Participation in decision-making and Access to Justice in environmental matters (Aarhus Convention) organized by the Czech EU Presidency in Brno, April 2009. The conference was organized for judges and other

experts in all legal professions from EU Member States who deal with implementation of the principles of the Aarhus Convention in practice. EU member state judges have welcomed the idea of a European directive to help implement the third pillar of the Aarhus Convention on access to justice in environmental decision-making.

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 the resistance of a number of Member States that do not view this issue as an EU responsibility.

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 revive and launch negotiations on this Directive with a view to concluding as soon as possible. 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.

6.14. CO₂ EMISSIONS FROM LIGHT COMMERCIAL VEHICLES

Vans (often called light duty commercial vehicles, or N1 vehicles) are also important contributors to CO₂ emissions along with cars. According to EEA figures, almost half of transport CO₂ emissions, or 13% of the EU's total CO₂ emissions, come from passenger cars. If light duty commercial vehicles are added the share reaches 15%. The high share of cars and vans in the EU's transport emissions means that reducing emissions from both of these sources has great potential to bring down the EU's transport emissions.

Already in a Communication from 2007 the Commission announced that it would propose to regulate CO₂ emissions from vans, so that average CO₂ emissions of new vehicles would come down from roughly 200 in 2007 via 175 in 2012 towards 160 in 2015. Despite the fact that in the meantime the 'main' regulation on CO₂ from cars has been adopted and published, at the time of writing (July 2009) still no action has been taken on vans and a proposal is only expected by mid September. This proposal should make good on the earlier promises. It should add a 120 g/km target for 2020; such a value should be equivalent to the 2020 target for cars if 95 km/h. It should also add a speed limit for vans of 100 km/h as has been done with trucks since the early 1990s.

EEB therefore urges the Presidency to ensure fleet average emissions of new vans are no higher than 160 and 120 g/km by 2015 and 2020 respectively, and include a 100 km/h speed limiter for vans (N1 vehicles) in the expected CO2 regulation

6.15. SHIP DISMANTLING

On 15 May 2009 The International Maritime Organisation (IMO) adopted a new Convention for the Safe and Environmentally Sound Recycling of Ships. The IMO Convention currently does not represent an 'equivalent level of control' to that found in the Basel Convention - as was called for by the Parties to the United Nations Environment Programme Convention - and as such will do little to prevent hazardous wastes such as asbestos, PCBs, old fuels and heavy metals, from being exported from the western world to the poorest communities of developing countries. The IMO Convention, therefore, does not reflect some of the fundamental principles embodied in international and European environmental legislation (e.g., EU Waste Shipment Regulation) such as the polluter-pays and producer responsibility principles, the substitution and waste prevention principles, the principle of environmentally sound management and the principle of environmental justice. In addition, the IMO Convention is still neutral to the fatally-flawed method of beaching, whereby ships are cut open manually on the tidal beaches of South Asian countries, despite the disastrous impact on the environment and on workers' health.

Reiterating the call of the European Parliament in its Resolution of 26 March 2009, The Swedish presidency should call upon the Commission to develop legislation and mandatory policy measures going beyond the weak provisions of the IMO convention rather than focusing on mere "interim measures" before the convention enters into force. New EU legislative proposals should ensure that European ships, both in terms of flag and ownership, be dismantled only in safe and environmentally sound facilities worldwide and that an explicit ban of the beaching method be strongly supported.

The EEB calls upon the Presidency to call upon the Commission to deliver as soon as possible a regulation on shipbreaking, to ensure that at least ships originating and/or registered in the EU, be dismantled only in safe and environmentally sound facilities and that an explicit ban on the beaching method be strongly supported.

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