

The EEB's
MEMORANDUM
TO THE BELGIAN PRESIDENCY OF THE EU



10 GREEN TESTS FROM CIVIL SOCIETY

JANUARY - JUNE 2024





EEB
European
Environmental
Bureau

The EEB is Europe's largest network of environmental citizens' organisations. We bring together 180 member organisations from 40 countries. Together, we work for a better future where people and nature thrive together.

The EEB is an International non-profit association / Association internationale sans but lucratif (AISBL).
EC register for interest representatives:
Identification number 06798511314-27
BCE identification number: 0415.814.848
RPM Tribunal de l'entreprise francophone de Bruxelles

Published December 2023
Responsible editor: Patrick ten Brink
European Environmental Bureau (EEB)

Rue des Deux Eglises 14-16
1000 Brussels, Belgium
+32 (0)2 289 1090
[redacted]@eeb.org

eeb.org
meta.eeb.org

With thanks to Seas at Risk and the EEB Board for input.



With the support of the LIFE Programme of the European Union.



This communication reflects the authors' views and does not commit the donors.

Introduction

Belgium takes up the mantle of the EU Council Presidency on 1 January 2024. It has the responsibility of finalising many of the remaining European Green Deal files, with only January and February fully open for trilogues and a limited set of priorities in March, as the elections to the Parliament loom in June. What Belgium does not complete will remain for the Hungarian and possibly Polish six-month presidencies to finish, together with the new Parliament and Commission, with a risk of considerable delay. The responsibility on this founding member of the EU is considerable.

In 2023, the political climate led to major efforts by anti-regulation ideologues and lobbying by short-term vested interests to derail the European Green Deal (EGD). Key files dropped include the REACH Revision and the Sustainable Food Systems law. Despite the “loss” of several files, Belgium will inherit significant legislative and policy responsibilities for its leadership within the EU and will also need to react to the mid-term assessment of the 8th Environmental Action Programme that will take place during the Presidency. This will offer an important opportunity to agree Council Conclusions on how the EU should respond to proof of inadequate progress.

Belgium will also lead the EU and its Member States with its initiatives on circular economy and water policy during the 6th UN Environment Assembly, and the ongoing negotiations of a global treaty to end plastic pollution, key moments for the Union to show its leadership in environmental multilateralism and in putting forward progressive solutions. Belgium will also have to ensure the EU shows leadership in the run up to the UN Secretary-General's Summit of the Future in September 2024, a decisive moment to define the global agenda beyond 2030.

The Presidency also inherits the “Granada Declaration” that sets out a first vision adopted at the informal meeting of Heads of State of the future Strategic Agenda, setting the context for the 2024-2029 cycle. This declaration, while it recognises the climate crisis, says woefully little on the biodiversity and pollution crises. While formally the responsibility of the European Council, there is arguably both an opportunity and responsibility for the Presidency to use its influence to improve upon the Granada declaration - to rebalance the priorities to ensure climate, biodiversity and pollution-toxics crises are given due high-level recognition. This is doubly urgent given the upcoming European Parliament elections.

The Belgian Presidency has committed to three specific priorities: circular economy, resilience to climate change, and the just transition, which are each welcome, and complement the inherited responsibility for the EGD from the outgoing Spanish Presidency. Furthermore, Belgium has the responsibility to ensure not only a constructive legacy for the partners in the ES-BE-HU Presidency Trio running from 1 July 2023 to December 2024, but also to be the Presidency that can help create a progressive vision for the EU for the next five years, and beyond, and this needs to include envisaging how the European Project can advance with the proposed EU enlargement.

The EEB, building on consultation with over 180 members and wider civil society partnerships, has developed these *Ten Green Tests for the Belgian Presidency*, where the engagement, commitment and leadership of this Presidency can make a lasting and fundamental difference. These have been approved by the EEB Board and Council with representatives from all EU Member States and many European networks. The following Ten Green Tests present a civil society vision as to what would constitute success by the Belgian Presidency of the EU in the context of the challenges the planet and society face. We look forward to working with the Belgian Presidency directly and via our members to support a successful Presidency that can help the EU advance in the transition to living within the limits of our one planet. The Council Presidency relies upon the cooperation of the entire Council, and we therefore also call upon all Member States to take the Ten Tests as benchmarks for their Council engagement to make the most of the next six months.



Patrick ten Brink,
Secretary General
European Environmental Bureau (EEB)

Ten Green Tests for the Belgian Presidency



1	Advancing the European Green Deal as a Just Transition agenda for an EU committed to enlargement	5
2	Ensure energy security while addressing the climate emergency	8
3	Reverse the dramatic loss of biodiversity and invest in the resilience of our ecosystems	10
4	Drive a transition towards sustainable food and agriculture and put EU on a pathway to healthy soils	12
5	Tackle pressures on surface and groundwater and ensure clean water for all	13
6	Ensure clean air towards zero environmental and health impacts	15
7	Call for a toxic-free environment and the ambitious implementation of the Chemicals Strategy for Sustainability	17
8	Shift towards a zero-pollution industry	19
9	Grasp the full potential of the circular economy	21
10	Strengthen accountability and the rule of law and promote environmental justice	23

The above Ten Green Tests for the Belgian Council of the EU Presidency take into account our understanding that politics is the art of the possible. However, if we do too little now to avoid climate, biodiversity and pollutions crises, then the challenges in 2030, 2040 and 2050 will be impossible for society to deal with. The impossibility of living well in the future with unabated crises should make policy makers reconsider what is possible to negotiate today and up the level of ambition in high level political commitments, in policy formulation and subsequent negotiations. It is in this context that we have designed the Ten Green Tests. They may seem ambitious, but they are fundamentally necessary for the future we need, and that young people deserve to inherit.



1 Advancing the European Green Deal as a Just Transition agenda for an EU committed to enlargement

The power of industrial lobbies and political ideologies against environmental and social protections has manifested itself increasingly in 2023. Several of the EGD files have been dropped, others have been weakened, and the legacy of the EGD itself is at risk. The EGD, in helping push for fossil fuel and resource independence, savings and efficiency, will contribute to social and economic resilience and should be treated as a project that supports peace and stability. The EGD, if sufficiently transformative, will be a peace project and a visionary investment in future Member State and EU resilience and stability. It should be promoted and progressed and not undermined by erroneously heeding false arguments.

EU enlargement is back on the agenda, accelerated by the Heads of State [14 December 2023 European Council](#) decision to greenlight the accession talks with Ukraine and Moldova, making nine recognised candidates, the others being: Albania, Bosnia and Herzegovina, Georgia, Montenegro, North Macedonia, Serbia, and Turkey, with Kosovo an applicant. This is creating a new opportunity and challenge for the EU and hence a responsibility for the Belgian Council Presidency to address.

In 2022 and early 2023, rising fuel prices and inflation brought into stark focus the persistent level of poverty in Europe – energy poverty in particular, but also mobility poverty and general difficulties in making ends meet. Social inequalities often go hand in hand with environmental inequalities, and underline the need for greater social, environmental and economic justice. Growing inequalities risk a loss in democratic participation of many disenfranchised groups, a backlash against democratic institutions and the European Green Deal. The EU needs to strive for fair governance where short-term private interests do not trump the need to ensure everyone can live well. The cost of living has become a key concern in Europe, and it is essential that those EGD measures that can reduce household costs be strengthened and implementation accelerated. There are increasing calls for a system of fair and efficient taxation and pricing in the EU – within the European Green Deal (EGD), at national level, and by the research community – underlining the need for ecological tax reform to put more burden on resource use and pollution and less on labour. There are good arguments to improve the implementation of the polluter pays principle. There is also a growing recognition that without addressing windfall taxes and tax loopholes, pricing and subsidies, the economy will not support sustainability needs. Fiscal rules were designed to achieve macroeconomic stability and to lower the burden of future generations. Today, this means investing in the just transformation of our economies and societies and implementing the EGD. It is welcoming that the European Commission (EC) decided to leave the general escape clause activated throughout 2023 to avoid austerity and increase flexibility. However, this cannot be a carte blanche to delay the urgent reform of the EU fiscal framework, made even more urgent, given the prospect of EU enlargement.

We therefore call upon the Belgian Presidency to:

A. Finalise the EGD to leave a transformative legacy in advance of the EP elections and new Commission and Parliament by:

- **Advancing across all remaining EGD files** – completing trilogue negotiations where possible, given the EP elections and the risks of a less progressive Parliament and hence commission (*see specific thematic chapters*).
- Push back against the calls for “a pause” in regulation and those seeking to halt legislative files, as **the climate, biodiversity, pollution crises will not wait for an EU pause**.

- B. Engage in the mid-term assessment of the 8th Environmental Action Programme and agree Council conclusions requesting a legislative response** by the Commission, where progress on the 8EAP commitments is insufficient. Commit to the 8EAP being a regular A.O.B. item in the Council agenda, given the need for a regular check on progress and response where needed.
- C. In light of the 8EAP and wider inputs, debate on the need for and eventually content of an EGD2, a new EU Pact for our Common Future (EGD2)**, recognising both the fundamental need to implement and enforce promises, but also address unfinished business and undelivered commitments, other gaps, barriers and needs for greater ambition or enabling measures to meet objectives. This should address the **triple crisis, drive system change, and seize the many opportunities for transformative change** (skills and jobs, regional regeneration, innovation and resource savings, competitiveness gains and resilience). Advance on the full integration of the **social dimension** to enable a **just transition** and obtain **cross-society buy-in** to the vision, objectives and measures enabling the transition.
- D. Support the green reconstruction of Ukraine** following principles of the EGD and the EU environmental acquis. **Ensure that the partnership between the EU and Ukraine** through RebuildUkraine and the Ukraine Facility Regulation aiming at its reconstruction and recovery **is defined by the objectives of the EGD**, in particular carbon neutrality, zero-pollution, an economy that works for all and a just transition by:
- **Ensuring in the trilogue of the Ukraine Facility Regulation that the EU funds** channelled to Ukraine are committed **to EGD objectives** with strong conditionalities for long-term sustainability, equity, anti-corruption, and transparency, giving preference to renewable energy, efficient buildings, green urban development, a low carbon economy, sustainable agriculture, remediation measures and nature restoration.
 - Ensure that European institutions involved in RebuildUkraine and the Ukraine Facility **guarantee a regular dialogue with Ukrainian Civil Society Organisations (CSOs)** and European civil society networks working for its reconstruction in the activities of RebuildUkraine and involved institutions, including the European Investment Bank and the European Bank for Reconstruction and Development. Environmental CSOs should be given a clear role in relief and recovery measures to ensure accountability and local ownership.
- E. Launch a debate on EU enlargement** and the need for **Treaty changes** to enable effective decision making, advance on majority voting and engage in debate on links to the **European Political Community (EPC)**.
- F. Advance policies supporting a Just Transition, including** fiscal reform for fair incentives and other measures, and ensure the Just Transition is pursued holistically with adequate and transparent public engagement – and advance practical proposals to reduce concerns and inequalities, and hence support buy-in for the EGD transition beyond fossil-fuels.
- G. Reject the Spanish compromise on the reform of the EU Economic Governance Framework** as it fails to promote long-term debt sustainability and would prevent most Member States from reaching their climate and social goals, undermining its transformation. Instead the Belgian Presidency should call on finance ministers to work and agree on an ambitious deal and take the necessary time to make sure this crucial reform provides all countries with sufficient investment space and flexibility for delivering the ecological and just transition.
- H. Advance the institutionalisation of the successful Beyond Growth processes** following the European Parliament's Beyond Growth Conference and Beyond GDP indicator initiative by the JRC by:
- Advancing the establishment of a **multidisciplinary expert group** to support the uptake of **wellbeing and sustainability metrics** in policymaking, as its mainly the governance level that hampers up-take of wellbeing and sustainability indicators, not the availability and quality of data
 - Preparing discussions on how to implement permanent structures at the Commission, the Council, the Parliament, and within Member States to assess **post-growth strategies and pathways**

- Creating a new EU framework on **sustainable resource management** as a legal objective for the EU to reach a sustainable level of resource consumption in relation to its biocapacity, by introducing science-based binding reduction through a material footprint target.
- I. **Push forward the reform of the EU's international trade policy** to fully align it with the EGD's objectives by only pursuing agreements with countries who share the EU's environmental and human rights commitments, leading the EU position on a transformative WTO reform, and ensuring that the relations with the UK do not lead to a deterioration of environmental protection standards.
 - J. **Follow up on the EU Voluntary Review of the SDGs** with a clear fully funded action plan to upscale SDG implementation.
 - K. While outside the strict Council Presidency role as a EUCO matter, use the Presidency influence to improve upon the **Granada declaration** and ensure the triple global crisis of climate, biodiversity and pollution/toxics is part of a Brussels Declaration and the Strategic Agenda, setting the priorities for the next Commission mandate.

More information: [OpEd Social Europe: 2024 a year that will decide the future](#) • [OpEd in Euractiv: Our Choice](#) • [Mid-term assessment of the European Green Deal](#) • [European Green Deal: One Year In](#) • [A Feminist European Green Deal](#) • [Gap Assessment of the European Green Deal](#) • [Turning fear into hope: Corona crisis measures to help build a better future](#) • [Reprotecting Europe: The EU Green Deal v The War on Regulations](#) • [Towards a wellbeing economy that serves people and nature](#) • [EEB's Feedback on the EU Taxonomy Delegated Acts](#) • [Beyond Growth Conference: Open Letter](#) •



2 Ensure energy security while addressing the climate emergency

Among the Presidency's top priorities is to successfully conclude negotiations for the remaining Fit for 55 dossiers, which will require interinstitutional agreement in the upcoming semester. The Presidency must uphold Spain's position as a sustainability frontrunner to go beyond the level of ambition of the current legislative proposals and ensure that increased ambition on achieving the EGD's objectives remains the guiding principle to respond to Europe's energy crisis. In the Energy Performance of Buildings Directive (EPBD) revision, the phase-out of fossil fuel operated heating appliances in new and renovated buildings was introduced with watered-down wording and the financing of fossil-based technology continues to rely on interpretation. Those are absolutely necessary, albeit still insufficient, to ensure the EU's commitment towards the Paris Agreement and must be defended against any attempt of watering down. The Presidency should continue the work on the Energy taxation Directive in order to secure a more suitable taxation framework for renewable energy, aligned with the corresponding targets. The Presidency should also lead by example by implementing nature-friendly renewable energy projects based on proper public participation and by aligning with the best Member States on switching taxation from electricity to fossil fuels, thus making heat pumps a cheaper heating option in Belgium.

As the challenges exacerbated by the Russian invasion of Ukraine have highlighted the EU's vulnerability from its dependence on fossil fuels, the Presidency must ensure that the short-term crisis reaction to address the EU's energy security goes hand-in-hand with the EU's long-term response to climate change and environmental degradation. The Presidency must therefore make sure that short-term emergency measures and regulations adopted upon the EU Save Energy Communication are assessed and implemented in light of their effects on rewarding energy savings and advancing the long-term goal of energy sovereignty that only renewables can deliver. Additionally, any investment in new nuclear in these years will not help the EU decarbonize, but rather delay the energy transition. Traditional nuclear technologies are too expensive and construction delays too great. SMR technologies will not be available before the mid-2030s, when the EU's electricity grid must already be decarbonized. The nuclear industry is heavily reliant not only on uranium imports, but also on the Russian state enterprise, Rosatom. The recent list of Projects of Common Interest, while including many valuable projects, focused too little on international electricity interconnectors, which are particularly valuable to ensure renewables production is used most efficiently.

We therefore call upon the Belgian Presidency to:

- A. Lead and complete Council trilogue negotiations on those remaining items of the '**Fit for 55 Package**', and particularly on:
 - **The Energy Taxation Directive**, with the full integration of the environmental impact of biomass and clear prioritisation for renewable electricity used for heat pumps and transports, among other things;
 - **The Carbon Removal Certification Mechanism**, pursuing an ambitious agreement which ensures the highest level of environmental integrity and prevents greenwashing by clearly and unequivocally banning offsetting of GHG emissions with carbon removals.
 - In addition, support the publication of the **EU Heat Pumps Action Plan** which was abruptly aborted by the EU Commission and delayed until to the next Legislature as a key pillar of the REpowerEU.

- B. Support the European Commission in delivering the **Ecodesign and Energy Labelling for heating technologies** debate, favouring a positive role of Member States in line with the EPBD and leading by example by making renewable heating the cheapest form of heating in Belgium via remodelled taxation.
- C. Promote a progressive debate on the **2040 climate and energy targets** in view of achieving at least 95% decarbonisation in 2040, with an intermediate target in 2035, and keeping the regulatory combination of climate, renewables and efficiency mandatory targets. Include a thorough debate on **social measures** that would support the just transition and social acceptability of change.
- D. **Promote sustainable and affordable mobility to reduce GHG emissions and fossil fuel use, and reduce citizen exposure to pollution by:**
 - Engaging in trilogues on the **Regulation amending 2019/1242 on CO2 emission standards for heavy-duty vehicles** to close the deal on HDVs before the elections, and advance towards zero pollution ambitions, and contributing to fossil-fuel independence and citizen health by reducing air pollution.
 - Leading by example on **environmental harmful subsidy reform** – for company cars – and **transport pricing to avoid transport poverty**, as well as improve **rail connectivity across Europe, including night trains, and investment in active transport infrastructure**.
- E. Lead a Council policy debate on the need to adopt the **Climate Adaptation Law** and increase the EU's resilience.
- F. Encourage an honest and transparent **assessment of EU dependency on Russian nuclear technology** to avoid repeating the same mistakes that were made with dependency on Russian gas. Stress-test sanctions against Rosatom.
- G. Lead by example on **promoting nature positive renewables** – building on the “go to areas” and respecting EU legislation in no go areas.
- H. Lead by example by **stopping gas transshipment from Russia to Belgian ports**, to cut on LNG imports in the EU and favour investments in renewables, storage and grids.

More information: [Civil society manifesto: nature-inclusive, people-centred renewables](#) • [EEB's main asks for the Fit for 55 Package - A package fit for the planet and fair to society](#) • [Building a Paris Agreement Compatible \(PAC\) energy scenario and policy brief](#) • [META article on COP27](#) • [EEB and others letter on the Gas Package](#) • [EEB and others letter on energy labelling for space heaters](#) • [EEB report on the missing subventions gap to decarbonise heating in Europe](#) • [EEB contribution to the Renovation Wave consultation](#) • [EEB via Coalition for Energy Savings EED position paper](#) • [EEB-Hydrogen-Position-Paper](#) • [EEB Burnable Carbon: What is still burnable in a circular cascading low carbon economy](#) • [No more new hydropower in Europe: a Manifesto](#) • [Fossil Gas Phase Out Manifesto](#) • [EPBD position paper](#) • [EEB policy brief on Nature-positive renewables](#) • [Joint NGOs statement on renewables permitting](#) • [META article on safeguarding renewables against social backlash](#) • [META article on renewables spatial planning](#) • [EEB report on energy saving measures throughout the EU](#) • [EEB Renewables best practices factsheet](#) • [Joint NGO letter to EU negotiators to keep the RED for renewables](#) • [EEB policy brief on the Commission's Delegated Act on Additionality for RFNBOs](#)



3 Reverse the dramatic loss of biodiversity on land, in freshwater and in oceans

Our lives, health, wellbeing, economy and our ability to mitigate and adapt to the climate crisis depend upon healthy and biodiverse ecosystems. However, despite this urgent moral, economic and environmental imperative, nature is in a state of crisis. The five main direct drivers of biodiversity loss (changes in land and sea use, overexploitation, climate change, pollution, and invasive alien species) are making nature disappear or deteriorate, making it imperative that the EU continues to focus on both protection, restoration and sustainable use of nature. The Belgian Presidency has an opportunity and responsibility to advance and finalise negotiations on the key Green Deal laws before the EU elections recognising the urgent need to offer solutions to the biodiversity and climate crises, such as the Nature Restoration Law (NRL), Soil Law (SL) as well as the Forest Monitoring Law (FML). These laws offer a unique opportunity to address the biodiversity and climate crises in a synergistic way, while bringing numerous benefits for human health and wellbeing. The Presidency must represent the common European interest in the negotiations on EU laws and push back against orchestrated disinformation campaigns by some conservative politicians and vested interests who have been blocking progress on the European Green Deal. Strong Council leadership and a timely handling of the negotiations will be crucial to make the most of the potential that these new laws can provide.

The Belgian Presidency also marks an important point in the roll out of the key EU strategies for 2030 that form a central plank of efforts on nature and biodiversity under the European Green Deal, including EU Strategies on Biodiversity, Climate Adaptation, Forest, and Soil. The six months that Belgium will be at the helm of the EU offer a unique opportunity to take stock in the progress made under these Strategies and highlight gaps and distance to targets, as well as priority actions to be taken under the next political mandate. For example, the EU Member States need to significantly increase the efforts to establish a truly coherent Trans-European Nature Network on land, in freshwater and in oceans as well as step-up implementation and enforcement of obligations under the existing nature, water and marine laws.

In addition, the Belgian Presidency will represent the EU on a global stage including at the upcoming meetings of the Bern Convention and lead preparations for the Conference of the Parties under the Convention on Biological Diversity (CBD COP 16). In an unprecedented move, the European Commission President has recently requested a mandate from the Council to lower the protection status of the wolf under the Bern Convention against scientific evidence and public opinion. The Presidency must secure rejection of this regrettable proposal in the Council and must be guided by the scientific urgency to address the biodiversity and climate crises in a synergistic way and clearly demonstrate action on protecting and restoring nature in the EU in order to remain a credible global partner.

We therefore call upon the Belgian Presidency to:

- A. Finalise the adoption of the impactful **Nature Restoration Law** and engage in establishing a governance mechanism for its timely and effective implementation;
- B. Lead Council negotiations towards agreeing the Council position for a progressive **Soil Law** that establishes legally binding targets and mandatory soil district management plans, monitors and assesses relevant and science-based soil biodiversity descriptors, tackles the problem of diffuse pollution and enforces the polluter pays principle, as well as provides for a range of effective instruments to protect, restore and sustainably use our soils;
- C. Prioritise Council negotiations on the **Forest Monitoring Law** including close involvement of the Environment Council in the deliberations so that it helps establish a comprehensive picture of the state and use of forests in the EU and facilitate targeted decision-making for better forest management, including via closer-to-nature forestry approaches;

- D. Support implementation of the **EU Biodiversity Strategy** including review of its progress (e.g. commitment on new protected areas and improvement of status of protected species and habitats) and support the alignment of the EU Strategies to the Kunming Montreal Global Biodiversity Framework;
- E. Demonstrate the EU's global leadership on **tackling the nature crisis** especially by rejecting the **European Commission proposal to lower the protection status of the wolf** under the Bern Convention, backed-up by clear progress within the EU on nature restoration and effective protected area management;
- F. Lead by example in the **implementation of the EU Biodiversity Strategy for 2030 and the obligations under the Nature Directives** by focusing on nature protection, including new pledges to reach the EU's target to protect and effectively manage 30% of EU's land and seas, as well as nature restoration;
- G. **Reverse the increasing degradation of marine and coastal ecosystems** and scale up ambition to achieve a healthy ocean by ending extractive and polluting practices (industrial fishing, mining littering etc.) and support a climate resilient, regenerative and sustainable blue economy that respects planetary boundaries;
- H. Continue the effort **to fight marine pollution from plastics, chemicals and nutrients**, notably through addressing the multiple sources of microplastic pollution with binding measures in the relevant proposals of the EU Green Deal (Pellet Loss Proposal, Soil Monitoring Law, Euro 7, ESPR, Textile strategy);
- I. Prioritise Council's quick positioning on the **Proposal on Preventing Pellet Losses** to reduce Microplastic Pollution, which should use a comprehensive supply chain approach and ensure all economic operators handling pellets take steps to prevent avoidable losses of plastic feedstock;
- J. Support the implementation of the **Commission's Action Plan on Bathing Waters**;
- K. Protecting and restoring marine ecosystems for sustainable and resilient fisheries, notably by taking measures to prevent bycatch of sensitive species and work to transition from bottom-trawling in **Marine Protected Areas**;
- L. Push for the swift ratification of the new **High Seas Treaty** to protect marine biodiversity in areas beyond national jurisdiction (BBNJ) by the EU and its Member States as well as members of the BBNJ High Ambition Coalition, to ensure its entry into force as soon as possible;
- M. Clarify that the EU Commission has the mandate to act on behalf of the EU towards the **International Seabed Authority** in advocating a moratorium on deep-sea mining in international waters;
- N. Prepare binding EU legislation prohibiting **deep-sea mining activities** within national jurisdiction in the maritime area of the EU until scientific gaps are properly filled, no harmful effects arise, and the marine environment is effectively protected.

More information: [Open letter: Decision on potential modification of the protection status of the wolf](#) • [At Full Speed: EEB Policy Brief on the EU emergency regulation to accelerate renewable energy](#) • [Proposal for a Regulation on Nature Restoration – NGO analysis](#) • [Fact sheet on Peatland restoration](#) • [River restoration briefing](#) • [Joint marine NGO position paper on the Nature Restoration Law](#) • [Food security fact sheet](#) • [Policy Brief on Nature-Positive Renewables](#) • [EU restoration targets for rivers and freshwater ecosystems](#) • [The Final Sprint for Europe's Rivers](#) • [EU Biodiversity Strategy Shadow Action Plan to conserve fisheries resources and protect marine ecosystems](#) • [Planning offshore renewable energy with nature in mind](#) • [Benefits quickly outweigh costs of banning bottom trawling from Marine Protected Areas](#) • [At a crossroads: Europe's role in deep sea mining](#) • [The top ten problems for renewable energy in Europe are not linked with nature protection](#) • [Certification of Carbon Removals: EEB Policy Recommendations](#) • [EEB Analysis of the Commission's legislative proposal for Carbon Removal Certification](#) • [EEB Position Paper on the Soil Health Law](#) • [Assessment of the European Commission proposal for a Soil Monitoring Law](#) • [Soil Monitoring Law Technical Briefing on introducing relevant soil biodiversity descriptors for soil monitoring](#) • [Soil Monitoring Law Technical Briefing on establishing a robust governance structure](#) • [Soil Monitoring Law Technical Briefing on access to justice](#) •



4 Drive a transition towards sustainable food and agriculture

The way we produce and consume food is driving multiple environmental and health crises, while the climate and biodiversity crises are also huge threats to our ability to produce food, as is becoming increasingly apparent in Europe and across the globe. We must urgently transform our food systems, addressing how we produce, distribute, and consume food, to make them sustainable, equitable, and resilient. From nutrient pollution to biodiversity loss, from “food poverty” to the growing burden of diet-related diseases, the challenges are complex and interrelated, requiring urgent, bold, and systemic policy and legislative solutions.

The Belgian Presidency will have a crucial role to play to keep the EU on track to deliver the transition to agroecology and sustainable food systems promised by the Farm to Fork Strategy. Negotiations on the Sustainable Use of Pesticides Regulation must be concluded promptly, and the Presidency should press the Commission to come forward with pending Farm to Fork initiatives on food systems, animal welfare, agri-food promotion, and nutrients management, and stand ready to advance work on these files in the Council. Furthermore, in light of the increasing and worrying polarisation of society, which also crystalises around agricultural issues, we encourage the Belgian Presidency to pursue an open dialogue between the environmental and agricultural communities.

We therefore call upon the Belgian Presidency to:

- A. Urge the Commission to **deliver the remaining legislative proposals announced in the Farm to Fork Strategy**, including publishing the legislative framework for **Sustainable Food Systems (SFS)**, the full revision of the **Animal Welfare Package**, including a ban on the use of cages in farming, the reform of the EU's **agricultural and food promotion policy**, and the **Integrated Nutrients Management Action Plan**.
- B. Lead and finalise trilogue negotiations on the **Sustainable Use of Pesticides Regulation (SUR)** ensuring an ambitious agreement and no further delays in the implementation of this key Green Deal commitment, so that the EU stays on track to halve pesticide use by 2030 to protect the environment and human health, which means as a minimum solving the implementation problems of the current Directive, including by setting legally binding reduction targets and large chemical pesticide-free areas;
- C. Call on the European Commission to ensure that the new **Strategic Dialogue on the future of Agriculture** is inclusive, transparent, and meaningful, giving an equal voice to all “stakeholders” in the food system, that it is designed and implemented by environmental, climate and public health authorities alongside agricultural authorities, and that it takes as a starting point the need to transform our agri-food system to bring it within planetary boundaries and hence focuses the discussions on how to do so through a just transition.
- D. In relation to the above, **lead by example by pursuing a close dialogue with environmental stakeholders**, including offering equal treatment and access to farming and environmental representatives in the Informal Meeting of Agriculture Ministers and in the margins of formal Agriculture Council meetings.

More information: • [EEB report 'Hungry for Change – An EU Sustainable Food Systems Law for People and Planet'](#) • [Joint EU Food Policy Coalition report 'Sustainable Food Systems Law – Policy Recommendations for a Meaningful Transition'](#) • [EEB position paper 'Revision of the Sustainable Use of Pesticides Legislation – “Reduce Use” Proposal \(RUP\)'](#) • [EEB-BirdLife-NABU report 'CAP unpacked... and unfit'](#) • [EEB-BirdLife-WWF vision paper 'A Brighter Future for EU food and farming'](#) • [EEB comments on the Integrated Nutrients Management Action Plan](#) •



5 Tackle pressure on surface and groundwater and increase water resilience

Most of the rivers, lakes and groundwater aquifers across the EU are not healthy, thus undermining our livelihoods and causing alarming biodiversity decline: one in three freshwater fish species in Europe are currently threatened with extinction and migratory freshwater fish populations have seen a 93% collapse since 1970. Pollution, including from chemicals and nutrients, is one of the main reasons for this, as well as the fact that our rivers, lakes and wetlands have often been dammed and canalised to enable production of energy from hydropower, transportation of goods by inland navigation, or water storage for agriculture.

The EU Water Framework Directive (WFD) is a holistic piece of legislation that aims to achieve good status of Europe's freshwater bodies by 2027 at the latest. Where political will exists, the WFD has proven to be an effective framework for addressing the main pressures facing freshwater ecosystems, but efforts and resources for better implementation and enforcement of the WFD need to be significantly stepped up. In general, the ambition of the 3rd generation River Basin Management Plans remains low with excessive use of exemptions from the WFD's environmental objectives, delaying the needed action and reforms beyond 2050.

There is overwhelming evidence that our freshwater ecosystems are suffering from pollution from chemicals of emerging concern, such as pharmaceuticals, (micro)plastics and PFAS, and from the combined effects of chemical mixtures. The zero pollution revisions are currently ongoing of both water pollutants to be more strictly controlled in surface waters and groundwater as well as of the Urban Wastewater Treatment Directive (UWWTD) by *inter alia* setting new standards for micropollutants removal, tightening the nutrient removal requirements, and introducing new monitoring requirements for microplastics, as well as making wastewater treatment more energy effective. Both proposals are part of the EU's Zero Pollution Action Plan (ZPAP), but, unfortunately, the progress of the Council negotiations on revising lists of priority water pollutants has been slow, risking that this important legislative update, which is several years overdue, will not be concluded under the current legislative mandate.

Moreover, the European Commission has launched a flagship EU initiative on Water Resilience to ensure access to water for citizens, nature and the economy, while also tackling catastrophic flooding and water shortages and is expected to present it in spring 2024.

We therefore call upon the Belgian Presidency to:

- A. Prioritise Council negotiations on the Commission's proposal to **update the list of water pollutants of surface and groundwater in order to:****
- Adopt the Council's position before the end of this legislative term to ensure that the standards for new water pollutants are adopted in time for the preparation of the 4th generation of the River Basin Management Plans;
 - Keep the scope of the legislative update of the EU water Directives (WFD, EQSD, GD) limited to priority pollutants of surface and groundwater, recognising the conclusions of the fitness check evaluation of the EU water policy that only chemical aspects of the WFD require a legislative update;
 - Support listing of the proposed pollutants of surface water and groundwater including PFAS as a group, as well as supporting the proposed environmental quality standards (EQS) for newly added substances and tightening the standards for already listed pollutants;
 - Ensure that the final SCHEER opinions inform setting of the final EQS values;
 - Introduce threshold values for sub-group of substances with similar mode of actions, to better address combined effects of chemical mixtures and as an interim measure within the scope of this legislative update, introduce mixture risk limit for substances with same mode of action;

- Ensure there is no weakening of the existing obligations to address pollution, in particular the phase out obligation of priority hazardous substances;
 - Support the proposal from the European Parliament to introduce an Extended Producer Responsibility to cover the monitoring costs of substances of emerging concern and decrease the pressure on public budgets;
 - Effectively prevent or reduce pollution at source (for essential activities or uses), reducing the use of hazardous chemicals and plastics, aiming towards zero harm from pollution to people and planet.
- B.** Finalise the negotiations on the recast of the **Urban Wastewater Treatment Directive** to make it fit for the next decade;
- C.** Support the European Commission in the delivery of the **EU Water Resilience Initiative** including on how to ensure that the objectives of the Water Framework Directive are met by 2027 and call on the next Commission to propose **Climate and Water Resilience Law** in order to achieve ecological water management;
- D.** Lead by example in **stepping up the implementation and funding of the Water Framework Directive**, including enhancing the contribution of healthy freshwater ecosystems to manage water scarcity and droughts. Discourage the Member States from construction of new hydropower dams, given their negative biodiversity impacts and focus instead on barrier removal to restore free flowing rivers.

More information: [EEB position for a revised Urban Waste Water Directive](#) • [EEB Comments on the Revision of the Lists of Pollutants Affecting Surface and Groundwater and the Corresponding Regulatory Standards](#) • [The Final Sprint for Europe's Rivers](#) • [When the exception become the rule – Overuse of exemptions from reaching the objectives of the WFD due to coal mining and combustion](#) • [Joint Statement on the revision of the lists of surface and groundwater pollutants](#) • [Joint NGO analysis of the European Commission's proposal for a revised UWWTD](#) • [Joint NGO analysis of the European Commission's proposal for revised list of priority substances for surface and groundwater](#) •

6 Ensure clean air towards zero environmental and health impacts

Air pollution is the first environmental health risk in Europe, responsible for around 300,000 premature deaths every year. In September 2021, the World Health Organisation published its updated Guidelines on Air Quality (the previous version was from 2005), setting clear guidance on which air quality standards should be guaranteed to protect people's health, and the environment, from air pollution. In 2021, the European Commission has published its Zero-Pollution Action Plan (ZPAP) to achieve a zero-pollution ambition, announcing several key initiatives for cutting air pollution at the source and the revision of the Ambient Air Quality Directives (AAQDs). Today's AAQDs are establishing minimum EU air quality standards that all Member States must achieve and maintain. Existing EU standards are much more lenient than what the WHO recommended in its recent 2021 Guidelines and even compared to WHO's 2005 paper. Still, many Member States are not complying with them, and EU citizens' health and our environment are far from being protected.

Following the publication of the European Commission's proposal for a revised Ambient Air Quality Directive on 26 October 2022, the Council, guided by the Belgian Presidency, will play a fundamental role to ensure that the revision delivers both in terms of ambition – securing a final text committing the European Union to be in line with WHO's Air Quality Guidelines as soon as possible, and defining air quality standards and monitoring requirements for additional pollutants – and on the enabling framework - avoiding flexibilities which go beyond what the European Parliament and the European Commission are wishing, loopholes, and establishing clear provisions on penalties and compensation if and when the law is breached.

Important decisions also need to be taken at the international level, within the framework of the UNECE Long-Range Transboundary Air Pollution Convention, namely the needed revision of the Gothenburg Protocol resulting in the kick-start of the necessary negotiations under the Belgian Presidency.

We therefore call upon the Belgian Presidency to:

- A. Make sure that the process of revision of the **Ambient Air Quality Directive** is concluded under the Belgian Presidency, therefore, prioritise the file during the first months of the semester.
- B. Secure that the **new AAQD establishes EU air quality standards which fully reflect WHO Air Quality Guidelines**, to be achieved by 2035.
- C. **Limit the negative impact that flexibility has regarding the achievement of the identified air quality objectives**, not listening to certain Member States which simply did not prioritise air quality in the past decades and are now asking the new Directive to allow them to behave in the same way for the upcoming 17 years and beyond).
- D. Secure that **the timeline to prepare air quality plans**, as appearing in the updated AAQD, reflects the expertise acquired during the past decades of implementation of the existing Directive, and therefore does not allow this phase to be pretentiously long.
- E. Guarantee that the **access to justice package** included in the new AAQD text reflects the urgency to secure a level playing field, with all citizens having the same right to fight for clean air, regardless of the country they live in, and to establish clear rules on how people suffering damages caused by air pollution generated by the breach of the law can claim compensation.
- F. Push other Member States to deliver their updated **National Air Pollution Control Programme** (Belgium has promptly delivered its own Programme).
- G. Engage in the (potential) process of **revision of the Gothenburg Protocol** – we hope for the revision to be agreed in December 2023, with negotiations starting immediately after, and for the revised Protocol to include emission reduction objectives for black carbon, mercury and methane.

- H. Encourage Council debate on the need for revising the **Environmental Noise Directive**, generating expectations on this regard towards the European Commission.

More information: • [EEB position: Civil Society Vision for a Zero Pollution Future](#) • [EEB Submission to AAQD review](#) • [Airy promises: how EU governments are failing to cut air pollution and what to do about it](#) • [Six necessary steps for cleaner air](#) • [Views on the review of the Gothenburg Protocol and expectations on a revised Protocol](#) • [National Air Pollution Control Programmes: analysis and suggestions for the way forward](#) •



7 Call for a toxic-free environment and the ambitious implementation of the Chemicals Strategy for Sustainability

The Chemicals Strategy for Sustainability (CSS), published by the Commission in October 2020, puts forward important actions to better protect citizens' health and the environment and boost innovation for safe and sustainable chemicals, critical for the green transition and competitiveness of the European industry, as well as providing predictability and allowing the EU to play a leading role globally.

Pollution is one of the main threats to people's health due to wide exposure to chemicals present in the environment and everyday products, from toys to childcare articles to food items and containers, cosmetics, furniture and textiles. Scientists found "alarmingly high" chemical exposure of European citizens to multiple hazardous substances above levels that could cause serious illnesses, such as cancer, infertility and developmental disorders in children. Particularly worrisome is the widespread contamination of Europe by **per- and polyfluoroalkyl substances (PFAS)**. Persistent in the environment, these "forever chemicals" will accompany humanity for hundreds of years – maybe even thousands.

In the meantime, according to the Commission's own findings, the EU sold production of chemicals is on the rise for the last decade, reaching its record, €872 billion, in 2022. Hence, we consider that it is the right time for future proof investments that will enable prosperity of the European Union.

Despite the Commission's revision proposal of the **CLP Regulation** and the legislative proposals of the 'one substance, one assessment' package and the fact that the Council Conclusions 'Sustainable Chemicals Strategy of the Union: Time to Deliver' clearly expressed the Member States' support for an ambitious implementation of the Strategy, key proposals to support the achievement of the toxic-free future and zero pollution ambitions remain undelivered. The European Commission dropped its plans to reform the main chemicals law, REACH. It has also failed to: present the promised ban of exports to third countries of highly hazardous chemicals not authorised in the EU; complete the PFAS phase out action plan and revise relevant product policies to ensure that the most harmful chemicals are phased out in consumer products and for professional uses, unless their use is proven essential for society; publish the pending founding regulation to strengthen the crucial EU Chemical Agency ECHA; and adopt the Communication on Essential Use Concept to support decision making on when it is justified to use hazardous chemicals in a more transparent and predictable way.

Mercury and its compounds are highly toxic, can damage the nervous system and are particularly harmful to foetal development. Mercury 'travels' globally, bioaccumulates up through the food chain, especially in certain predatory fish, and presents a human exposure risk. In fact, mercury levels measured in biota continue to exceed environmental quality standards in almost all surface water bodies and each year, a third of EU born babies have mercury levels above "the recommended safe limit", with potential for lifelong impact on children's brain development.

At EU level, the process to review the **EU Mercury Regulation** started in 2021. Although expected by the end of 2022, the proposal for a revised regulation was published on 14 July 2023, mainly aiming at restricting mercury use in dentistry, and regulating exports of mercury added products already banned in the EU. Although measures were expected also on crematoria, the proposal did not include any. While this review presents an opportunity to reduce exposure, it will also need to address emissions from crematoria, other remaining uses as well as ban the exports of additional mercury compounds which are used in the manufacturing and trade of illegal mercury added products such as cosmetics. The EEB, in cooperation with the Zero Mercury Working Group, has been running a campaign on mercury-added Skin Lightening Creams since 2017. The most recent [report](#) confirms the proliferation of mercury added skin creams available online, despite an EU and a global ban on mercury added cosmetics. A recent complementary [study](#), confirmed that at least one EU country is trading mercury compounds for illegal uses. To that end, [measures at EU level](#) still need to be taken to prevent the availability of high mercury creams on e-commerce platforms.

We therefore call upon the Belgian Presidency to:

- A.** Develop an ambitious **general approach** on the Commission's legislative proposals on '**One Substance, One Assessment**'. This process includes proposals for: a Regulation establishing a common data platform on chemicals; a Regulation on the re-attribution of scientific and technical tasks and improving cooperation among Union agencies in the area of chemicals; as well as a proposal for a Directive on the re-attribution of scientific and technical tasks to the European Chemicals Agency, ECHA. The general approach should also introduce a **strong demand to the Commission to urgently deliver the crucial missing ECHA Founding Regulation proposal** to strengthen the EU Chemicals Agency.
- B.** Organise a **high-level event and Council conclusions on the implementation status of the CSS, the EU strategy for the next five years for the European Commission and the need for a green transition of the EU chemical industry towards safe and sustainable chemicals, processes and products**. This event should include conclusions on the need for the EU's five-year strategic agenda to recognise the importance of toxic-free products and zero pollution for the safety and resilience of people and ecosystems. For this, the EU needs to reform the REACH regulation, push for the overall acceleration of the EU Restrictions Roadmap, adopt the Essential Use Concept, broaden the knowledge base by embracing polymers and low production volume chemicals, and strengthen information requirements to allow the authorities to do their job on chemicals control. The Council should also call on the European Commission to immediately ban the export of non-authorized hazardous chemicals.
- C.** **Lead by example on per- and polyfluoroalkyl substances (PFAS):** Organise a high-level event on PFAS that focuses on the polluter pays principle, the essential use concept on PFAS as well as PFAS and the green transition.
- D.** Address substances of concern in the Council position on **sectoral chemicals legislation**, including Council position on legislative proposals to revise the Toy Safety Directive and the EU legislation on Packaging and Packaging Waste. The Belgian presidency should work to ensure those legislations address critical chemicals such as PFAS and bisphenol A, as suggested by the European Parliament.
- E.** Ensure EU leadership related to the implementation and enforcement of **the Minamata Convention on Mercury COP5 decisions**.
- F.** **Ensure that a robust revised EU Mercury Regulation is adopted, including, among others:** a phase out of the manufacture and trade of dental amalgam and mercury added lamps by 2025; measures to address the manufacture and trade of mercury added compounds that may be intended for not allowed uses such as cosmetics, remaining uses in the EU and mercury emissions from crematoria
- G.** **Promote a strong legal framework, as relevant,** that holds e-platforms that sell illegal and dangerous chemicals and products containing them, such as mercury added skin-lightening creams, accountable and ensures that failure to comply with those requirements results in meaningful consequences.

More information: [Waiting for REACH: The negative impacts of delaying reform of EU chemical laws](#) • [A roadmap to nowhere? The EU's bold plan to quit the most harmful chemicals is a year old. We assess its effectiveness.](#) • [The Need for Speed – Why it takes the EU a decade to control harmful chemicals and how to secure more rapid protections](#) • [Joint Statement: EU-wide ban on the export of banned pesticides](#) • [The European Commission must act on pollution and not delay the legislation on the sustainable use of pesticides](#) • [EEB response on the revision of the RoHS Directive](#) • [Executive Summary – Skin lighteners still available online despite mercury findings](#) • [EEB comments on the EU Mercury Regulation review](#) • [Letter to Director Manfredi](#) • [Joint Statement on Mercury Added Lamps](#) • [Report – Skin lighteners still available online despite mercury findings](#) • [Report – 'Prime' time to Stop Online Sales of Illegal High Mercury Skin Lightening Products](#) • [Report - Online Marketing of Skin Lighteners](#) • [Report - Mercury in Retrograde](#) •



8 Shift towards a zero-pollution industry

The Industrial Emissions Directive (IED) - Integrated Pollution Prevention and Control Directive Recast - regulates the pollution of the industrial installations with the highest environmental impact in the EU. The IED is currently under review. The Council has examined the Commission proposal and adopted its General Approach on March 2023; the Parliament adopted its Plenary Position in July 2023. Trilogues took place under the Spanish Presidency. The Council endorsed the final compromise text with a view to agreement in Coreper I on 15 December 2023, confirmed on 18 December 2023 by Coreper II. The IED is possibly the only EU policy instrument that aims to deal with all environmental impacts in an almost fully integrated way (addressing all environmental media except climate protection), with a focus aimed at pollution prevention at the source.

However, the focus so far has been based on an end-of-pipe approach and the negative impact of industrial emissions is still very significant (e.g., the European Environmental Agency estimated that air pollution cost society €433 billion in 2017 alone). Aspects linked to preventing wider negative pollution footprints (such as from resource consumption and substitution of hazardous chemicals) will need to be strengthened, as a revised IED will need to speed up the decarbonisation in a combined approach with market-based instruments. Scope extension has also been subject to political interference, mainly on the cattle inclusion (EP opposition) and mining activities (opposition by DE and FR) it still lacks directional and forward-looking Best Available Techniques (BAT), abusive Member States 'flexibilities' for implementation practice is not remediated, and better synergies with achievement of relevant environmental quality standards (EQS) will not be achieved. The instrument should promote a global environmental level playing field, enabling the EU to catch up on its frontrunner performance claims. The upcoming implementing rules will be key to set a new direction of travel and ambition.

The review of the IED was progressing hand in hand with the review of the **EU Pollutant Release and Transfer Register (E-PRTR)** - the Proposal for a Regulation establishing the Industrial Emissions Portal (IEP-R). The IEP-R proposal misses the opportunity to make the best use of information for other purposes such as benchmarking (of operators and permit writers permitting ambition) and compliance promotion. It is crucial to ensure that digital reporting obligations serve progress on environmental performance benchmarking and accountability of decision making and to send a strong and coherent signal regarding the improvement of the UNECE PRTR Protocol on reporting on industrial activities. Success depends on frontrunner countries to lead the way and ensuring the EEA is acting as a service provider to users willing to use information for the purpose of making concrete progress on pollution prevention and sharing best practice to that end.

The Net-Zero Industry Act has the potential to spark the manufacturing of key technologies useful to achieve the EU 2030 climate targets. However, its potential is being lost due to the lengthening of the list of technologies benefitting of the Regulation, some of which are not consistent with its short-term decarbonisation and strategic autonomy goal (e.g. nuclear energy, over-reliance on carbon capture and storage, CCS). What is worse, the NZIA is being used to push a deregulation agenda (EP ITRE position) to circumvent basic public participation, environmental protection and permitting provisions, with the risk of sidelining national public authorities and communities from decision-making.

We therefore call upon the Belgian Presidency to:

- A. Finalise trilogue negotiations for an ambitious **Integrated Pollution Prevention and Control – revised Industrial Emissions Directive** (IED 3.0) review securing its integrative potential for delivering also on climate action; improve the uptake of Best Available Techniques (BAT) performance standards, including in relation to consumption, secure a more inclusive scope (mining and intensive cattle rearing) and prevent regulatory backtracking for pigs and poultry and secure a robust compensation right with minimal levels of sanctions. In addition, the Belgian Presidency should ensure the adoption

of ambitious implementation measures on transformation plans, a forward-looking approach on BAT determination (BREF guidance) and a robust method for cost benefit assessments.

- B. Finalise trilogue negotiations on the Regulation establishing an **Industrial Pollution Prevention Portal**, allowing for the better benchmarking of real-time environmental performance and better use of information for other purposes (e.g. BAT uptake and compliance promotion), enabling user-friendly comparability of permit ambition across the EU. The Presidency should ensure consumption data, operating hours and other contextual information is made publicly available and secure mandatory e-permitting systems to be established under the revised IED.
- C. Finalise negotiations on the **Net Zero Industry Act** ensuring that public participation, environmental protection and permitting laws are not bypassed, that its scope is kept focused to achieve the 2030 climate targets and displace fossil fuels and that carbon capture and storage is used only for unavoidable emissions.
- D. Allow for a quick positioning of the Environment Council on the **Proposal on Preventing Plastic Pellet Losses** to reduce Microplastic Pollution, not to further delay binding actions at the EU level addressing unintentional releases of microplastic pollution.

More information: [Joint NGO statement prior to IED/IEP-R proposal](#) • [Civil Society support for revising the IED to limit pollution from intensive livestock activities](#) • [Preliminary assessment by the NGOS on IED and PRTR review](#) • [Briefings on IED and IEP-R review](#) • [Briefing on IEP-R](#) • [EEB input to 24 October 2022 Environment Council Meeting](#) • [NGO joint input 12 September 2023 to Trialogue discussions on IED](#) •



9 Grasp the full potential of the circular economy

Europe's reliance on natural resource depletion threatens our environment and undermines our economic resilience. Half of our greenhouse gas emissions, 90% of biodiversity loss, and water stress, result from resource extraction and production. Ambitious circular economy measures offer a clear opportunity to reduce this dependency. However, systemic changes in our production and consumption models are still far from a reality. It is estimated that Europe's circular material use rate is still below 12%. Additionally, the indicators Material Footprint and Consumption Footprint, which describe the scale and impact of overconsumption, show that our exhaustion of resources has remained relatively stable in absolute terms and still exceed a number of planetary boundaries.

The European Green Deal has offered key opportunities to support a transition to a circular economy which respects the limits of our planet. Policies still on the table addressing key areas such as packaging, buildings and construction, green washing, repairability and a new ecodesign framework must be adopted before the end of this political term. Due to the pivotal timing of this Presidency, as we approach the European elections, it is crucial that Belgium takes on the responsibility of finalising remaining Green Deal and Circular Economy Action Plan policies, as well as providing a credible vision for where European law makers must take environmental policy in the future. With respect to the adoption of policies, new measures must take us far beyond recycling and efficiency and towards, systemic changes which prioritise waste prevention, reuse, refurbishment and repair. Regarding future policies, the attention the Belgian government is giving to resource use reduction targets is highly welcome. So far, environmental policies have largely failed to address rebound effects and reverse Europe's unsustainable consumption of natural resources.

We therefore call upon the Belgian Presidency to:

- A. Adopt Council Conclusions which call on the European Commission to **propose science-based binding EU mid-term and long-term targets for the reduction of primary raw materials and environmental impacts**, setting the EU targets through a back-casting approach to ensure that policy objectives are on a credible path to achieve a carbon-neutral, environmentally sustainable, toxic-free and fully circular economy within planetary boundaries by 2050 at the latest. Echoing the previous call of the European Parliament in their [resolution on the European Circular Economy Action Plan](#). This headline objective could be complimented with further recommendations for the next Commission to prioritise resource savings, reuse, repair beyond recycling in the area of circular economy including; an ambitious revision of the Waste Electrical and Electronic Equipment Directive (WEEE) towards resource use and waste prevention and better capture of generated e-waste; a credible approach to sustainable procurement to leverage the impact of public and corporate buyers; a comprehensive approach to a circular bio-economy to avoid unnecessary risks to biodiversity.
- B. Establish the Council's mandate and conclude the trilogues on the **Common Rules Promoting the Repair of Goods** with measures to ensure fair access to tools; information and spare parts for everyone; increase the affordability of repair (including the cost of spares); banning practices which hinder repair including in software and contracts; prioritise repair both within and outside the legal guarantee period, facilitating consumers to choose who repairs their device.
- C. Swiftly conclude the interinstitutional negotiations and adopt the **Packaging and Packaging Waste Regulation**. Supporting ambitious measures on waste prevention, reuse, design for recycling, recycled content, and the elimination of overpackaging, in line with the Commission objective to curb record levels of packaging waste and make all packaging reusable or recyclable by 2030. It is critical that ambition for prevention of unnecessary packaging and reuse is retained in the food and drinks sector, additionally that

a robust approach is taken to reduce the presence of substances of concern in packaging used for food contact applications.

- D. Define an ambitious Council mandate on the **Green Claims Directive** which aims to eliminate misleading claims; prescribes the use of robust scientific methods to substantiate claims; ensures that all claims are independently verified; prevents claims on unsustainable or toxic products; promotes robust labelling schemes (such as the EU ecolabel) and is coherent with the empowering the consumer initiative, including its ban on carbon neutral claims.
- E. The **Critical Raw Materials Act (CRMA)** needs to ensure that existing environmental impact assessments and requirements are upheld in strategic projects. Demand-side solutions to mitigate raw materials demand need to contribute to a higher resilience and lower environmental impact of the EU. Furthermore, the CRMA needs to ensure the involvement of affected communities and Indigenous Peoples within the decision-making process. Within the implementation of the CRMA, the role of civil society to be involved with the Critical Raw Materials Board should be respected for the selection process and transparency of Strategic Projects.
- F. Adopt an ambitious general approach on the revision of the **Waste Framework Directive** which ensures ambitious waste prevention targets, EU Extended Producer Responsibility (EPR) fees cover end-of-life activities of products shipped outside the EU, and product specific waste management performance targets. Furthermore, the EPR scheme should include a volume criterion as part of the calculation of eco-contribution fees and the thresholds for bonuses under progressive eco-modulation. There is a significant opportunity for the Belgian Presidency to champion calls for a broader and deeper overhaul of the Waste Framework Directive. Equally important is to ensure that legally binding food waste targets of 50% reduction of food loss and waste from Farm to Fork are adopted under the WFD revision, which is already supported by some Member States and MEPs, and already committed to in SDG 12.3.
- G. Adopt an ambitious approach to the proposal for a **Regulation on Circularity Requirements for Vehicle Design and on Management of End-of-Life Vehicles**, ensuring clearer specific measures on reuse and repair; the exchange of information and traceability of EPR obligations with non-EU trading partners; harmonizing the Circularity Passport for vehicles with the Digital Product Passport proposed under the Ecodesign for Sustainable Product Regulation; and addressing Substances of Concern, going beyond heavy metals restrictions.

More information: [EEB position on legislative proposal on substantiating green claims](#) • [FAQs on the Packaging Regulation](#) • [Paper a false solution to packaging waste crises](#) • [Rethink Plastic alliance: feedback on the Packaging and Packaging](#) • [Waste Regulation proposal](#) • [Joint position paper on reshaping Extended Producer Responsibility](#) • [NGO position on the WEEE Revision](#) • [EEB reaction to vehicle design and end of life management](#) • [Right to Repair position on common rules promoting repair](#)



10 Strengthen accountability and the rule of law and promote environmental justice

The impact of the European Green Deal rests on **full implementation and proper enforcement** of the negotiated laws, targets and promises. The Belgian Presidency will need to see the remaining files of the EGD to the end of the legislative process and pave the way for the next phase, which must ensure that the laws passed in the last 4 years are implemented and enforced at the national level. Implementation and enforcement of the EGD cannot be achieved without fully guaranteeing environmental rights to people in Europe and strengthening environmental governance at EU level and in the Member States. **The Aarhus Convention** provides basic environmental rights to the public of access to information, public participation and access to justice - and fully guaranteeing those rights in the EU and by the EU is crucial for the fulfilment of the EGD. Specifically, the Presidency will firstly need to lead the Council in preparation for Aarhus Convention Working Group of the Parties, in such a way that the EU will be on track to comply with the Convention by the next Meeting of the Parties in 2025. Secondly, in the likely event that the Commission proposes a revision of the Governance Regulation, the Presidency should support this, including to support stronger Articles 10 and 11 to make public participation more robust and to include access to justice. Thirdly, several environmental files (e.g. the Soil Monitoring Law, Green Claims Directive, Ambient Air Quality Directive) which include provisions on access to justice, either in the Commission's proposal or the European Parliament's negotiation position, will be finalised. The Presidency should support text with the widest possible avenues for individuals and NGOs to take environmental failures to court.

Enforcement of environmental law requires clear and coherent rules to hold natural and legal persons liable for causing harm. While the Commission is conducting a fitness check on the **Polluter Pays Principle** more broadly, it has been clear for years that the poor implementation of the **Environmental Liability Directive (ELD)** has left much to be desired in terms of holding polluters accountable and liable. The Council Presidency can support the Commission to propose a revision of the ELD, cooperating with the Commission to gather the necessary information on the needs in Member States which would ensure that a revised ELD is properly implemented, and that the polluter truly does pay.

The Corporate Sustainability Due Diligence Directive is a welcome and necessary step, but in the technical trilogues in January 2024, the Council needs to stay attuned to the lack of environmental and climate due diligence requirements in the current negotiation mandates. It must, firstly, do all it can to address previous failures in ensuring that companies' and financial institutions' whole value chains are included, secondly, that they are held liable for their impact on human right violations and environmental degradation, and, thirdly, that victims of corporate abuses have effective access to justice, effectively safeguarding as well collective rights and the rights of Indigenous Peoples.

We therefore call upon the Belgian Presidency to:

- A. Lead by example on the implementation and enforcement of EU environmental law and organise an exchange on ensuring full compliance with environmental obligations. In particular, voluntarily **publish infringement letters sent to Belgium to increase transparency of the infringement process** and urge the Commission to step up its enforcement work through increased capacity and full transparency.
- B. Promote the mandate of the **Aarhus Convention Compliance Mechanism** including the Compliance Committee and the Special Rapporteur on environmental defenders and urge EU Member States and the European Commission to support the mechanism financially through additional voluntary contributions.

- C. Lead the Council in preparation for the Aarhus Convention Working Group of the Parties and ensure the EU is on track to be in **full compliance with decision VII/8f and findings C128** of the Aarhus Convention Compliance Committee by 2025.
- D. Lead the Council in technical trilogues on the **Corporate Sustainability Due Diligence Directive** to agree upon as broad a definition as possible of "adverse environmental impacts", ensure mandatory climate due diligence, a wide scope of obligations for companies and financial institutions, and enforceable rights for victims and all stakeholders.
- E. **Promote civil society space and meaningful participation in decision-making for democratic legitimacy**, particularly in the updating of the National Energy and Climate Plans by ensuring that consultations and public participation avenues continue past the delivery of the first drafts and are taken in due account to avoid 'citizenwashing'.

More information: [Civil Society Statement on the Proposed EU Corporate Sustainability Due Diligence Directive](#) • [ELNI article: 'Responsible Regulation' instead of 'Better Regulation'](#) • [META article: Effort Sharing Regulation – MEPs vote for access to justice](#) • [META article: Climate Laws that Bite – an introduction to access to justice](#) • [META article: why the Social Climate Fund needs access to justice](#) • [EEB Implement for Life report: Crime and punishment](#) • [Meta article: MOP-7 Geneva Wrap-Up](#) • [Meta article: EU reputation at stake](#) • [Protecting Public Watchdogs Across the EU: A Proposal for an EU Anti-SLAPP Law](#) • [Joint letter regarding the EU position on the Aarhus Convention](#) • [Joint NGO paper: Putting the Environment in Human Rights and Environmental Due Diligence](#) • [Joint NGO Demand: The Need for an EU Anti-SLAPP Directive](#) •

Abbreviations

AAQD	Ambient Air Quality Directives
BAT	Best Available Techniques
CAP	Common Agricultural Policy
CLP	Classification, Labelling and Packaging
COP	Conference of the Parties
CSOs	Civil Society Organisations
CSS	Chemicals Strategy for Sustainability
EC	European Commission
EGD	European Green Deal
ELD	Environmental Liability Directive
EP	European Parliament
EPBD	Energy Performance of Buildings Directive
EPC	European Political Community
E-PRTR	European Pollutant Release and Transfer Register
EQS(D)	Environmental Quality Standards (Directive)
EUCO	European Council
FML	Forest Monitoring Law
GD	Groundwater Directive
GDP	Gross Domestic Product
IED	Industrial Emissions Directive
IEP-R	Industrial Emissions Portal
JRC	Joint Research Centre
MEPs	Members of the European Parliament
MEPS	Minimum Energy Performance Standards
NRL	Nature Restoration Law
PFAS	Per- and polyfluoroalkyl Substances
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
SCHEER	Scientific Committee on Health, Environmental and Emerging Risks
SDGs	Sustainable Development Goals
SFS	Sustainable Food Systems Law
SHL	Soil Health Law
SLAPPs	Strategic Lawsuits Against Public Participation
SOTEU	State of the European Union
SUR	Sustainable Use of Pesticides Regulation
UNECE	United Nations Economic Commission for Europe
UWWTD	EU Wastewater Treatment Directive
WEEE	Waste Electrical and Electronic Equipment Directive
WFD	Water Framework Directive
WHO	World Health Organisation
WTO	World Trade Organisation
ZPAP	Zero Pollution Action Plan



EEB
European
Environmental
Bureau

European Environmental Bureau

Rue des deux Eglises 14-16
1000 Brussels, Belgium

Tel [REDACTED]

[REDACTED] [@eeb.org](mailto:[REDACTED]@eeb.org)

<https://eeb.org>

The EEB and its members welcome continued engagement and cooperation with the Presidencies of the Council of the European Union.

We develop a paper before each Presidency. The Memorandum addressed to the Spanish Presidency can be read [here](#).

For more information, please contact:

Patrick ten Brink

Secretary General

[REDACTED] [@eeb.org](mailto:[REDACTED]@eeb.org)



Keep up to date with the latest environmental news at the EEB's news channel meta.eeb.org