



The EEB's

MEMORANDUM

TO THE SWEDISH PRESIDENCY OF THE EU



10 GREEN TESTS FROM CIVIL SOCIETY

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The EEB is Europe's largest network of environmental citizens' organisations. We bring together 180 member organisations from 38 countries. Together, we work for a better future where people and nature thrive together.

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Introduction

The Swedish Presidency of the Council of the European Union will likely be one still overshadowed by the illegal Russian war in Ukraine and energy and inflation crises that have created social hardships across much of the EU. There is a need for deep solidarity with the Ukrainian people, as well as fossil-fuel and materials independence from Russia. The European Green Deal (EGD) is a key tool to support EU's resilience by accelerating towards a 100% renewables future, combined with energy and resource savings measures. These will also help address the climate and environmental crises, and if designed correctly, enable a just transition.

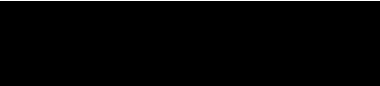
The current political climate has led to major efforts by anti-regulation ideologues and lobbying by short-term vested interests to drop, delay or degrade environmental and social protections. Such ideological positions and short-term economic interests risk trumping the medium and long-term opportunities for resilience and sustainability. The Commission Work Programme 2023 showed this tension - several files have been pushed back or dropped. While troubling, with due effort, needed progress can still be made. The EGD is a peace project and undermining it now is the opposite of what is needed for Member States and the EU.

Sweden, to date a proud leader of sustainability since the 1972 Stockholm Conference, will inherit significant legislative and policy responsibilities for its leadership from the files launched during past Council Presidency mandates. This constitutes a major opportunity to advance on the EGD and put in place measures to secure the EU's future resilience vis-a-vis fuel and materials dependency and pricing, and at the same time invest in a just transition and social justice. Advancing with ambition on the files under the Swedish Council Presidency can help promote transformative change that encourages innovation in industry and sustainable natural resource management, helping Sweden and the EU to become more competitive in the emerging new sustainable economic practice and management of critical natural resources. A strong EGD is in line with [Sweden's Council Presidency priorities](#) – of a green and energy transition, improving the foundations for competitiveness, supporting democratic values and the rule of law, as well as improving conditions for future EU security.

In addition to this historic legacy to defend, Sweden has the responsibility to ensure a constructive legacy for the FR-CZ-SE Presidency Trio running from 1 January 2022 to June 2023. The last six of these eighteen months will be essential to prove and improve the EU's commitment to tackling the triple climate, biodiversity and pollution crises and help make the EGD the transformative agenda Europe needs. The question is: will the Swedish Presidency facilitate the steps forward and rise to the historic challenge Europe and the world faces?

The EEB, building on consultation with its 180 members and wider civil society partnerships, has developed a series of specific asks across environmental areas – our [Dozen Demands for the Presidency Trio](#). From these, we are extracting and further developing our *Ten Green Tests for the Swedish 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 which has representatives from all EU Member States and many European networks.

The Ten Green Tests include policy dossiers coming from the EGD and wider EU policy and legal frameworks, the international dimension, and where Sweden could “lead by example” and inspire other countries. We propose the following Ten Green Tests that present a civil society vision as to what would constitute success by the Swedish Presidency of the EU in the context of the challenges the planet and society face. We look forward to working with the Swedish 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. We recognise that the Council Presidency relies upon the cooperation of the entire Council and 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.



Secretary General, European Environmental Bureau (EEB)

Ten Green Tests for the Swedish Presidency



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The above Ten Green Tests for the Swedish 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 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 Progress with a transformative Green Deal, foster social, environmental, and economic justice

The terrible war in Europe, the pandemic, the ongoing climate, biodiversity and pollution crises, and the ever-starker evidence of poverty in Europe and impacts abroad of EU consumption and actions have exposed the deep flaws of our economic system. The power of industrial lobbies and political ideologies against environmental and social protections has manifested itself once again in 2022 with a weakening of the Commission Work Programme 2023 and associated proposals to advance the EGD. The EGD is at risk. And self-interest is mis-using the current reality of war, insecurity and inflation for its own short-term gains, even if undermining the future. 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.

Furthermore, the fuel prices rises and inflation levels have brought into stark focus the level of poverty in Europe – the energy poverty in particular, but also mobility poverty and general difficulties in making ends meet and associated social inequalities that often go hand in hand with environmental inequalities, and underline the need for greater social, environmental and economic justice and improved fair governance where short term private interests do not trump the need to do the right thing for Europe and its nations.

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 is 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.

We therefore call upon the Swedish Presidency to:

A. Recognise that the EGD is a peace project and ensure it progresses towards a fully transformative agenda by:

- **Taking into account climate, biodiversity, pollution crises, the need for a just transition and social equity**, and its potential to contribute to energy and resource independence from Russia and other regimes.
- **Ensure Council debate on an EGD 2 for our Common Future.** In addition, **strengthen the international dimension of the EGD** to ensure the EU's global credibility, position, and influence, engage in global diplomacy to encourage green deals abroad and support Green Deal implementation in third countries as part of global solidarity; further encourage that the EGD is at the heart of the implementation of the new 'Global Gateway' initiative launched by the EC and the EU High Representative.

- **Decarbonise shipping** by removing the tax exemption for marine fuels through the Energy Taxation Directive (ETD), agree a carbon intensity fuel standard (EUFuelMaritime) and scale renewable fuel infrastructure in ports through the Alternative Fuels Infrastructure Regulation.
- B. Ensure that the partnership between the EU and Ukraine** through RebuildUkraine 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:
- **Developing Council Conclusions that commit the EU and the funds** channelled to Ukraine 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 **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 RebuildUkraine and relief and recovery measures.
- C. Promote and lead efforts to build consensus for an ambitious reform proposal as part of the EU Economic Governance Review**, reforming the fiscal framework so that it puts environmental and social goals, including gender justice, at the heart of the EU's economic governance. In addition, **promote a total overhaul of the European Semester** to create an annual sustainability cycle that fully integrates the EGD, the SDGs, and fiscal reform to strengthen resilience;
- D. Advance discussions on the importance of acknowledging the interlinkages of environmental policies, gender and social justice**, particularly of policies affecting racialised communities by:
- Creating awareness and facilitating debates, especially regarding existing and upcoming EGD policy proposals where policy coherence and justice concerns can still be better integrated;
 - Promoting just transition policies via the European Semester, through commitments to a wellbeing economy; support for a Social Climate Fund; and targeted NRRP spending to address fuel and transport poverty.
- E. 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, engaging with Member States and the EC to withdraw from the outdated Energy Charter Treaty (ECT), heeding the European Parliament (EP) vote on the [ECT Resolution](#), and ensuring that the relations with the UK do not lead to a deterioration of environmental protection standards.

More information: [OpEd in Euractiv: Our Choice](#) • [Mid-term assessment of the European Green Deal](#) • [European Green Deal: One Year In](#) • [A Feminist 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](#) •



2 Ensure energy security & fossil-fuel independence while tackling the climate emergency

Among the Presidency's priorities is to successfully conclude negotiations for the Fit for 55 dossiers, which will require interinstitutional agreement in the upcoming semester. The Presidency must uphold Sweden's position as a sustainability frontrunner to go beyond the level of ambition of 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. The increased targets for energy efficiency and for the uptake of renewables by 2030 are absolutely necessary, albeit insufficient, to ensure the EU's commitment in the Paris Agreement. Those targets must be defended against any attempt of watering down, and the Presidency should lead by example by bringing other Member States to support a higher level of ambition.

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 the revision of renewable energy permit-granting procedures under the REPowerEU package delivers on accelerated deployment of renewables installations, whilst not curtailing environmental safeguards or public participation. Short-term emergency regulations must be 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. The Presidency will also tackle another relevant climate file, the F-gas Regulation, which is a key enabler for the needed ramp up of the uptake of heat pumps and fundamental to securing European independence in its food chains and medical equipment.

We therefore call upon the Swedish Presidency to:

- A. **Promote a nature-positive deployment of new renewable energy installations.** In the revision of the Renewable Energy Directive, the Presidency should lead the Council in the finalisation of the trilogues by:
- **Meaningfully speeding up the uptake of renewable energy capacity** by means of streamlining administrative processes without undermining environmental safeguards and providing strong legal certainty for both project developers and permitting authorities.
 - **Complementing the revision with robust provisions** that result in adequate staff capacity, expertise, and resources for permitting authorities to ensure that administrative simplification is implementable and adheres to the EU's democratic standards of public participation.
 - **Ensuring a holistic approach to renewables and spatial planning to accelerate the deployment of renewable energy infrastructure** in harmony with nature protection requirements of specific areas and with the inclusion of local communities.
 - **Facilitating funding and permitting for community-owned renewable energy projects** to stimulate the buy-in from local residents and decrease the risks of legal challenges hindering development.
- B. **Lead Council negotiations in the trilogues on the remaining files in the Fit for 55 Package**, notably the Renewable Energy Directive, Energy Taxation Directive (ETD), Energy Performance of Buildings Directive (EPBD), and the Energy Efficiency Directive (EED), to ensure that this EU legislation is fit for purpose to address the climate emergency and reduce fossil-fuel dependency.

- C. **Support and promote higher targets to move beyond 55% emissions reduction by 2030**, as more ambition will provide new jobs and reduce energy bills by:
- **Maintaining a target of 45% for the renewable energy share in final energy consumption** by 2030 in the revision of the Renewable Energy Directive.
 - **Adopting an energy efficiency target of 40% in final energy consumption** in the revision of the EED to steer the EU's journey towards a decarbonised energy system.
 - **Negotiating sound sustainability criteria for biomass sourcing and use**, including a cap and phase down mechanism to significantly decrease the use of primary woody biomass in the EU.
- D. Ensure that the new and existing policy instruments of the **Fit for 55 Package are accompanied by a robust social package and fair redistribution measures** to lay the ground for a just energy transition by:
- Ensuring member states efficiently distribute funds available under the **Social Climate Fund**.
 - **Ensuring measures to redistribute costs are transparent, simple, and reactive to fuel prices**. Direct payments are to be preferred over fossil fuel subsidies.
- E. Lead the Council discussions on the importance of **phasing out highly climate-impactful gases** such as **Fluorinated Gases (F-Gases)** as part of the revision of the **F-Gas Regulation**. This will also facilitate the achievement of REPowerEU heat pump targets.
- F. **Advance on the decarbonisation of buildings**, notably by:
- Supporting **ambitious Minimum Energy Performance Standards (MEPs)**, the immediate phase out of fossil heating incentives, and the phase out of fossil heating by 2035 in the **EPBD**.
- G. **Promote 'Energy Efficiency First'** as the guiding principle to enable a transition to a fully renewables-based future and support it across the Fit for 55 files and under REPowerEU and potential emergency regulations.
- H. **Suspend the revision of the gas package** as the international and European gas markets have completely changed in the last 12 months and the proposed revision is now obsolete and needs reconsideration.
- I. **Respond to the UNFCCC COP27** by promoting clear and binding commitments to ensure appropriate financing of the loss and damage facility.
- J. **Lead the Council discussion on the energy crisis** by:
- Promoting a shift from support to the bills of households and industries to **investments in energy efficiency and on-site renewables** that can significantly cut energy consumption and bills in the medium to long-term.
 - **Focusing on direct payments and not energy price measures** in the short run to ensure energy saving is adequately rewarded.
- K. **Lead by example in the implementation of the Climate Adaptation Strategy** by focusing on ecosystem-based adaptation and synergies with biodiversity measures and climate resilient water management.

More information: [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](#) •



3 Reverse the dramatic loss of biodiversity and invest in the resilience of our ecosystems

The Swedish Presidency starts shortly after the adoption of the Kunming-Montreal Agreement setting the global biodiversity framework to stop and reverse biodiversity loss by 2030, including commitments to step up global action on protecting and restoring nature. An important EU contribution to the global negotiations has been the proposal for a Regulation on Nature Restoration (the so-called Nature Restoration Law), currently under discussion in the Council and Parliament, as well as EU's Biodiversity and Forest Strategies, currently being rolled out across the EU.

The Presidency must represent the common European interest in the negotiations on EU laws and not just defend the interests of its powerful forestry sector. Strong Council leadership to obtain the necessary support from all Member States and a timely handling of the proposals will be crucial to make the most of the potential that these new laws can provide. The Nature Restoration Law (NRL) offers 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 be a fair negotiator and lead focused discussions for a Regulation that is grounded in the scientific urgency to address the crisis, puts intergenerational equity into practice and leads to large scale nature restoration across the EU by 2030.

In addition, the Presidency must ensure that environmental safeguards are fully complied with in the urgently needed upscale of renewable energy. The fundamentally interlinked climate and biodiversity crises require synergistic solutions, rather than measures that ignore the other side of the same coin. Therefore, strong leadership to ensure that the REPowerEU permitting proposals do not undermine biodiversity protection or pre-empt the implementation of the Nature Restoration Law is crucial.

We therefore call upon the Swedish Presidency to:

A. Lead the negotiations for a strong and timely Council position on the NRL by:

- **Fully endorsing the EC proposal as the minimum ambition level** for nature restoration;
- Ensuring that **all Member States contribute in a fair and proportionate manner** to the overarching objective to cover **20% of the EU's land and 20% of sea area with restoration measures by 2030**;
- **Guaranteeing implementable marine restoration targets** by avoiding situations where Member States can block or water down restoration measures from another Member State through the joint recommendations process under the Common Fisheries Policy;
- **Integrating quantified and time-bound restoration targets** to restore 15% of national rivers into free-flowing rivers and restored floodplains by 2030;
- **Ensuring that all non-residential drained peatlands are fully rewetted by 2040** to enable restored peatlands to contribute to the EU's 2050 climate neutrality targets;
- **Endorsing forest restoration that focuses on key biodiversity indicators** as an important target for more resilient forests and the long-term sustainability of commercial forestry;
- Ensuring a strong governance framework with real public participation in the **National Restoration Plans (NRPs)**, Commission powers to reject inadequate NRPs, access to justice, monitoring measures and the enforceability of national contributions to the 20% objective that ensures accountability;
- **Requesting ringfenced nature restoration funding** as part of the next Multiannual Financial Framework.

B. Lead the Council work on policy files impacting forestry while maintaining the role of the honest broker and putting common European interest at the heart of those negotiations by:

- Leading the Council discussions for a robust **Carbon Removals Certification framework (CRC)** that sets up a transparent and effective governance system and strict rules for what constitutes genuine, or high quality, carbon removals, to boost action on the restoration of carbon-rich ecosystems, supporting the EU's climate and nature restoration targets;

- Engaging constructively with the Commission in the preparation of a new **Forest Monitoring Law** to provide more transparent, comparable and accessible data about the status of forests across the EU to enable a better monitoring of the effectiveness of forest activities;
- Preparing the Council for constructive discussions and adoption of the new **Soil Health Law** specifying the conditions for healthy soils, determining options for soil monitoring and establishing rules for sustainable soil use and restoration.

C. Prevent back-door amendments to the Birds and Habitats Directive and Water Framework Directive (WFD) as part of the REPowerEU permitting proposal to amend the Renewable Energy Directive and instead ensure nature-friendly and people-centric renewables by:

- **Requiring the full compliance with existing environmental assessment safeguards;**
- **Ensuring holistic spatial planning** that takes conservation and restoration needs into account;
- **Providing real solutions to the slow uptake of renewables** such as support for and requirements to demonstrate adequate staff capacity, training, resources and expertise in permitting authorities;
- **Requiring case-by-case assessments of overriding public interest** under the existing legislation instead of establishing a blanket presumption that avoids accountability and public scrutiny.

D. Reverse the increasing degradation of marine and coastal ecosystems and achieve a healthy ocean by:

- Leading the negotiations of a Council reaction to the EC's **action plan to conserve fisheries resources and protect marine ecosystems** that calls for systematic ecosystem impact assessments of all fishing activities, the elimination of bycatch of sensitive species, a reduction and ultimately ban of the most destructive fishing gear in Marine Protected Areas (notably bottom-trawling), and the establishment of no-take zones for vulnerable marine ecosystems;
- Leading and concluding the delayed trilogue negotiations on the revised **EU Fisheries Control Regulation**, ensuring proper monitoring of all fishing activities, including with small-scale vessels, and ensuring increased transparency and traceability of our seafood supply chains;
- Demanding the exclusion of **deep-sea mining from the scope of the upcoming Critical Raw Materials Act** and inclusion of binding EU material-footprint reduction targets for the next decades.
- **Ensuring that all Total Allowable Catches (TACs)** set for 2023 follow scientific advice, meet the objectives of the Commons Fisheries Policy and the ambition of the EGD;
- Pushing for the adoption of an ambitious **Global Ocean Treaty** to protect marine biodiversity in areas beyond national jurisdiction at the 4th session of the Intergovernmental Conference on Biodiversity Beyond National Jurisdiction, including a moratorium on **deep seabed mining**.

E. Following the adoption of the post-2020 global biodiversity framework, the Presidency needs to lead the EU to deliver on the Kunming-Montreal Agreement by translating it into action via the Nature Restoration Law and ambitious national plans and policies aligned with the global goal of reversing biodiversity loss to be prepared before the next CBD COP in 2024.

F. Lead by example in the implementation of the EU Biodiversity Strategy for 2030, as well as EU Forest Strategy for 2030, particularly in putting forward and revising pledges towards establishing a truly coherent Trans-European Nature Network, implementing new guidance on the protection of old-growth forests and closer to nature forestry, as well as on the implementation and enforcement of the long-standing obligations under the Nature Directives.

More information: [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 – NGO position](#) • [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](#) •



4 Initiate a transition towards sustainable food and agriculture

The shocks to global food supply chains caused by the Ukraine war are a wake-up call for the urgent need to make our food systems sustainable and resilient. The way we produce and consume food is driving multiple environmental and health crises. Experts warn that both production and consumption models must change to tackle these crises and safeguard our long-term food security. From nutrient pollution to biodiversity loss, from household food insecurity to the growing burden of diet-related diseases, the challenges are complex and interrelated, requiring urgent, bold, and systemic policy and legislative solutions.

The Swedish Presidency will have a crucial role to play to ensure that legislative and non-legislative initiatives emanating from the Farm to Fork Strategy drive forward the transition to agroecology and sustainable food systems. The Sustainable Use of Pesticides Regulation is going through co-decision and is a crucial opportunity to set legally binding targets to reduce pesticides as well as set a robust framework for protecting human health, the environment and achieving sustainable farming.

Key discussions around policies for healthier and more sustainable diets will also take shape in 2023, notably on the EU's agri-food promotion policy, and the forthcoming legislative framework for sustainable food systems.

We therefore call upon the Swedish Presidency to:

- A. Increase the dialogue between the Agriculture Council and Environment Ministers and stakeholders**, including by inviting environmental NGOs to the Informal Agriculture Council and meeting with environmental representatives before Agriculture Council meetings;
- B. Uphold the ambition and commitments of the Farm to Fork Strategy** for a transition to sustainable and healthy food systems and reject attempts to undermine this agenda based on misleading “food security” arguments;
- C. Organise a debate on emissions reductions in the agriculture sector**, in light of increased Effort Sharing Regulation (ESR) and Land Use, Land-Use Change and Forestry (LULUCF) targets and the revision of National Energy and Climate Plans (NECPs).
- D. Resist the pressure to derail the legislative update of EU sustainability rules on pesticide use** and have an “all hands on deck” approach towards **adoption of the strong Council position** able to solve the implementation problems of the current **Sustainable Use of Pesticides Directive**, as well as to protect the environment and human health via pesticide legally-binding reduction targets, including setting large chemical pesticide free areas;
- E. Respond to the EC's Integrated Nutrients Management Action Plan by adopting Council Conclusions** strengthening the integrated approach in bringing nutrient pollution within planetary boundaries, in dialogue between Agriculture and Environment Ministers;
- F. Urge the Commission to publish its long-awaited proposal for a reform of the EU's agricultural and food promotion policy** and lead a constructive debate in the Council around the policy changes needed to create enabling food environments for healthy and sustainable diets;
- G. Organise a debate on emissions reductions in the agriculture, land use and forestry sectors** involving scientists and civil society, in light of the increased climate targets in the ESR and LULUCF and the revision process of NECPs;

- H. **Lead by example in continuously improving the environmental and climate ambition of the Swedish CAP Strategic Plan** by submitting an amendment to the Commission in by mid-2023 to increase action towards the new climate targets and the objectives of the Farm to Fork and Biodiversity Strategies, and the Zero Pollution Action Plan (ZPAP).

More information: • [EEB position paper 'Revision of the Sustainable Use of Pesticides Legislation – “Reduce Use” Proposal \(RUP\)'](#) • [EEB comments on the Revision of the Sustainable Use of Pesticides Directive](#) • [EEB - Birdlife - WWF Report 'Will CAP eco-schemes be worth their name?'](#) • [Space for nature on farms in the new CAP: not in this round; Peatlands and Wetlands; Grasslands; Soils; and Pesticides](#) • [EEB-BirdLife-NABU report 'CAP unpacked... and unfit'](#) • [EEB comments on the Integrated Nutrients Management Action Plan](#) • [EEB report 'Hungry for Change – An EU Sustainable Food Systems Law for People and Planet'](#) •



5 Tackle pressure on surface and groundwater and ensure clean water for all

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. Chemical pollution, including nutrient enrichment, 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 WFD's environmental objectives, delaying the needed action and reforms beyond 2050.

Moreover, there is overwhelming evidence that our freshwater ecosystems are suffering from new pressures especially pollution from chemicals of emerging concern, such as pharmaceuticals, (micro)plastics and PFAS, and from the combined effects of chemical mixtures. The European Commission proposed to update lists of water pollutants to be more strictly controlled in surface waters and groundwater as well as proposed to revise the Urban Wastewater Treatment Directive (UWWTD) by *inter alia* setting new standards for micropollutants and new monitoring requirements for microplastics, adding new obligations to recover nutrients from wastewater, and making wastewater treatment more cost effective. Both proposals are part of the EU's Zero Pollution Action Plan (ZPAP) and are expected to be negotiated by EU institutions in 2023.

We therefore call upon the Swedish Presidency to:

A. Lead the Council negotiations on the recast of the Urban Wastewater Treatment Directive by:

- **Supporting the proposed updates and (interim) deadlines as a minimum framework** to bring EU rules on urban wastewater treatment up to date and fit for the next two decades, including an energy neutrality target;
- **Ensuring that producers pay for the cost for removal of any harmful substances** related to the products they bring to the market;
- **Supporting the provisions to abate pollution at source and upgrade selected wastewater treatment plants to remove micropollutants**, as well as the extended requirements for selected wastewater treatment plants to remove nutrients;
- **Strengthening the proposal to minimise remaining sources of untreated wastewater** by including a legally binding cap on sewer overflows.

B. Prioritise Council negotiations on the Commission's proposal to update the list of water pollutants of surface and groundwater by:

- **Keeping 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 need a legislative update;
- **Supporting 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;
- **Ensuring that the expected SCHEER opinions inform setting the final EQS values;**

- **Introducing threshold values for sub-group of substances**, such as bisphenols, to better address combined effects of chemical mixtures;
 - **Ensuring there is no weakening of the existing obligations to address pollution**, in particular the phase out obligation of priority hazardous substances.
 - **Effectively preventing or reducing 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.
- C. Organise a debate in the Council** on how to ensure that the environmental objectives of the WFD are met by 2027, recognising that the 3rd generation River Basin Management Plans indicate that most EU rivers, lakes and groundwater aquifers will remain unhealthy in 2027 and Member States continue excessive use of exemptions from the WFD environmental objectives, for example, in relation to coal mining and combustion.
- D. Adopt a strong EU position for more global efforts on water security, transboundary cooperation and tackling freshwater biodiversity loss**, especially in preparation for the UN Water Conference in March 2023.
- E. Lead by example in stepping up the implementation and funding of the river basin management plans** to bring rivers, lakes and groundwater aquifers to ecological health by 2027 and continue reviewing permits and environmental improvements of hydropower.

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 Swedish Presidency, will play a fundamental role to ensure that the revision deliver both in terms of ambition – the need for achieving WHO's Air Quality Guidelines and defining air quality standards and monitoring requirements for additional pollutants – and the enabling framework - avoiding flexibilities, loopholes, and establishing clear provisions on penalties and compensation when the law is breached. The urgency of reducing air pollution should also necessarily be reflected in all the relevant decision-making processes that are related to and have an impact on air pollution (e.g., Renewable Energy Directive and biomass burning, Industrial Emissions Directive and air pollution from agriculture, EcoDesign Directive and its standards for domestic heating appliances) and for which the Council is (or will soon be) asked to take a position.

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.

We therefore call upon the Swedish Presidency to:

- A. Promote Member States engagement towards an ambitious revision of the Ambient Air Quality Directives by:**
 - **Promoting the full alignment of EU air quality standards with WHO Guidelines** and comply with them by 2030;
 - **Supporting the definition of additional air quality standards** and monitoring requirements for pollutants that are not covered by the WHO Guidelines, including black carbon, ultrafine particles and ammonia (for which evidence within the European context already exists);
 - **Ensuring the definition of a solid and coherent enabling framework within the new AAQD:** limit values must be the driving tool, together with the establishment of clear monitoring requirements and bold provisions on access to information, access to justice, penalties and compensations;
 - **Recognising the prominent role that science must have** compared to fake-news and short-term political fixes;
 - **Listening to the civil society call for a tough, comprehensive and credible action to reduce air pollution;**
- B. Lead on the definition of EU legislation and policies which are fully coherent with the need for reducing air pollution, avoiding a silos approach and making the reduction of air pollution at source a key driver for change by:**

- Supporting the inclusion of legal requirements within the now under revision **Industrial Emissions Directive** to reduce methane and ammonia emissions from agriculture, including from cattle;
 - Increasing cooperation among national ministries to push for wide support for **air quality objectives**;
 - Referring to the **zero-pollution ambition** and existing air quality objectives in ongoing decision-making processes and policies related to energy, buildings, transport, products and food which must deliver on cutting air pollution at source (e.g., REpowerEU, Renewable Energy Directive, EcoDesign Directive, Euro 7, IED).
- C. **Support the needed revision of the Gothenburg Protocol to the UNECE Long-Range Transboundary Air Pollution Convention** by positioning the European Union accordingly within – and following – the forty-second session of the Executive Body in Geneva, 12-16 December 2022; in that framework, support the broadening of the scope of the Protocol to cover mercury, methane and black carbon emissions.
- D. **Lead by example by timely revising Swedish's National Air Pollution Control Programme to deliver**, at the minimum, **on the National Emission Reduction Targets established by the National Emission Ceilings Directive**, making sure that effective public participation is secured, and the revised Programme is finalised by 1 April 2023.

More information: [The Final Sprint for Europe's Rivers](#) • [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 ambitious implementation of the Chemicals Strategy for Sustainability

Citizens are widely exposed to chemicals used in a wide range of products, from toys and childcare products to food containers, cosmetics, furniture and textiles. Daily exposure to a mix of toxic substances is linked to rising health, fertility and developmental threats, as well as to the collapse of insect, bird and mammal populations. Scientists have been warning for some time that toxic pollution has crossed the 'planetary boundary', threatening the entire Earth operating system, along with humanity'. Doctors describe babies as born 'pre-polluted', 'Forever chemicals' in all umbilical cords in nearly 30,000 samples analysed as well as microplastics in human breast milk. Polling from late 2019 found that almost all Europeans are worried about the impact of chemicals in everyday products on the environment, a high level of public concern that echoes similar polls throughout the 2010s.

The EU has a world-leading chemical safety regime. However, regulatory measures are incredibly slow and are failing to control a rising tide of chemical pollution and its health and environmental impacts. On the other hand, the share of hazardous chemicals in the market remains very high (about 2 thirds) and remains unchanged over the last decade. In fact, the share of chemicals that are hazardous to health is increasing. Recognising the growing threat and widespread public concern, when the EC announced the EGD in December 2019, this included a 'zero-pollution ambition for a toxic-free environment' and a 'green oath: "do no harm"'. The Chemicals Strategy for Sustainability, published by the Commission in October 2020, puts forward important actions to deliver the EGD objectives and to ban the most hazardous chemicals from consumer products, in particular the extension of the generic approach to risk management and the grouping of substances becoming the default option for more efficient regulatory purposes. 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.

The Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and Classification Labelling and Packaging (CLP) Regulations are essential tools for the control of chemicals in Europe. They are currently being revised to adapt them to the level of ambition of the Chemicals Strategy for Sustainability (CSS) and to deliver a toxic-free environment. 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.

The Minamata Convention entered into force on 16 August 2017 and 138 countries have ratified, including the EU and its 27 Member States. The Convention's 4th Conference of the Parties (COP4 - Nov 2021, March 2022) Bali, Indonesia took important decisions that will need following up in preparation for COP5 in November 2023. A key priority is to ensure that countries ratify and implement the Convention as quickly as possible. At the same time, activities to enable mercury reduction as well as capacity building to assist enforcement are needed, including targeting mercury trade and supply, phasing out mercury from products and processes, emissions reduction and the development and implementation of Artisanal and Small Scale Gold-Mining (ASGM) National Action Plans.

At EU level, the process towards reviewing the EU Mercury Regulation has started, and revised legislation expected by the end of 2022, is now foreseen for spring 2023. The Restriction on Hazardous Substances (RoHS) Directive is also under review with the same timing. The EEB, in cooperation with the Zero Mercury Working Group, has been running a campaign on mercury-added Skin Lightening Creams since 2017. Although internet platforms were notified of high mercury levels detected in their skin lightening creams,

online sales continue and penetrate EU borders. With the review of the Digital Services Act completed, it is the General Product Safety Regulation (GPSR) which would need strengthening to tackle this issue, as well as the Product Liability Directive.

We therefore call upon the Swedish Presidency to:

- A. Actively participate at the high-level roundtable on the implementation of the Chemicals Strategy for Sustainability.** During the high-level roundtable discussions, ensure the Presidency contributes to the transition needed by the EU chemicals industry to decarbonise and detoxify and explore economic tools to incentivise green innovation.
- B. Start and speed up the legislative procedure for the inter-institutional negotiations on the revision of the Classification, Labelling and Packaging (CLP) Regulation by adopting a General Approach.** The General Approach should contribute to the simplification of procedures and strengthen the protection of people and the environment.
- C. Adopt Council Conclusions on the Commission's work programme for 2023** and the need for the Commission to deliver a REACH reform in time for allowing interinstitutional negotiations with the Council and the European Parliament, as well as urging the Commission to present a legislative proposal to put an end to the **exports of pesticides and other chemicals** not authorised in the EU.
- D. Express support to the expected revisions of the REACH Regulation** that would simplify and speed up procedures to strengthen the protection of people and the environment. The revision should deliver on the Chemicals Strategy commitments to phasing out the most harmful substances from products and on the zero tolerance to non-compliance pledge.
- E. Organise an event on key chemicals policy topics** such as PFAS, microplastics, safety and sustainability by design for chemicals and products and explore tools and possibilities for substitution of harmful chemicals and the creation of a dedicated EU centre for chemicals substitution.
- F. Promote EU leadership in strengthening the Minamata Convention on Mercury** by, among others, supporting initiatives towards widening the scope of mercury added products and processes to be phased out.
- G. Ensure that the proposal revising the EU Mercury Regulation is published rapidly**, with wide scope including a phase out of dental amalgam by 2025, emission limit values for crematoria and large combustion plants and banning the exports of mercury added products which are already banned or restricted within the EU.
- H. Promote a General Product Safety Regulation (GPSR) and a Product Liability Directive** that holds e-platforms that sell illegal and dangerous chemicals and products containing them accountable and ensures that failure to comply with those requirements results in meaningful consequences.

More information: [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 reaction to the chemical strategy for sustainability](#) • [EEB comments to the Inception Impact Assessment for the CLP revision](#) • [Contribution to the Inception Impact Assessment on the revision of REACH Regulation: EEB proposals for objectives and policy options](#) • [Analysis of microplastics emissions by 2030](#) • [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](#) •



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 revised proposal was published on 5 April 2022. It 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. The IED lacks directional and forward-looking Best Available Techniques (BAT) based on technical feasibility and focuses instead of what is considered as economically feasible for the polluters. The abuse by Member States of 'flexibilities' for implementation further demonstrates the need for a deep overhaul, as is the need to provide better synergies without risking achievement of relevant environmental quality standards (EQS). The instrument should promote a global environmental level playing field, enabling the EU to catch up on its frontrunner performance claims.

The review of the IED will go 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.

We therefore call upon the Swedish Presidency to:

- A. Commit to clean up industrial production and generate transformative change** towards a circular, decarbonised and zero-pollution industry;
- B. Lead discussions in the Council towards an ambitious reform of the Integrated Pollution and Control Directive (IED 3.0)** that fully reflects the zero-pollution, climate and circular economy ambitions, prevents accidents and re-designs scope and method for determination of BAT(s) by:
 - **Extending its scope to capture additional major pollution sources and issues**, such as intensive aquaculture, cattle rearing and greenhouse gases, whilst not losing the focus on the intended outputs of the activity;
 - **Extending and updating the EU 'safety net' requirements** for preventing impacts from the most polluting activities, driving for electrification of energy-intensive industries and achieving a coal combustion phase out by 2030 and fossil gas by 2035 at the latest;
 - **Ensuring for a "combined approach" of strong carbon pricing via the EU Emissions Trading System (ETS)** to deliver in combination with performance-based standards. Replace Article 9(1) to require the setting of dedicated decarbonisation measures;
 - **Providing for effective and enforceable Transformation Plans** (Article 27d), provide for concrete actions on pollution prevention measures delivered at latest by 2025 with milestones and headline key performance indicators on all EGD objectives set in the Directive further clarified at sector level through an inclusive multi-stakeholder process and make the targets and obligations part of permit conditions, subject to regular review and verification;

- **Strengthening further the conditionalities for compliance with Environmental Quality Standards** e.g., by explicitly referring to the WHO air quality guidelines, the National Emission Control Programmes, and climate protection;
- **Further tightening up the new default approach to the strictest technically achievable possible emission limit / environmental performance limit values** with a clearer reference point to the most effective BAT(s) or other relevant benchmarks. Set a clear compliance deadline by when this approach is to be complied with (Art 15.3);
- Strengthening the provision on derogations (Art 15.4) to **ensure timely public participation in the decision making**, limit to cases where a substantiated cross-media effect is established, with a zero-tolerance approach on pollutants subject to EQS, set a maximum 4-year validity period;
- **Strengthening relevant provisions on the Environmental Management System (EMS)** and on public access to information and participation in the permitting procedure as well as on access to justice;
- **Improving the provisions on sanctions** (minimal sanctions), support a strong compensation regime with maintaining the presumption of “guilty of harm caused by industrial pollution” on the operators;
- **Providing for a full internalisation of external costs** in the proposed Annex on cost benefit assessment not only in the case of granting derogations from BAT, but the method should also provide for a meaningful carbon shadow price and refer to the EEA value of statistical life method adapted to US damage cost price levels. A specific minimum ratio should be set to clarify the meaning of “disproportionality”;
- **Changing to a ‘forward looking’ BAT determination** to promote the industrial activity with the least environmental impact for the provision of a given product/service - e.g., for energy production, water quality and supply, protein production and resource management.

C. Improve access and useability of environmental information for the purpose of compliance promotion and benchmarking, notably through and ambitious Regulation establishing the Industrial Emissions Portal (IEP-R) and strengthening the UNECE Kiev Protocol notably by:

- Providing a strong mandate to the European Environment Agency to develop a centralised and powerful EU database “**Industrial Pollution Prevention Portal**” allowing for the better benchmarking of real-time environmental performance and better use of information for other purposes e.g., BREF reviews (e.g., by including site-specific resource consumption data and production volumes, ensure that performance information generated under other IED provisions, such as the Environmental Management System (EMS), are directly integrated in that portal);
- **Clarifying the meaning of “contextual information”**. Allow benchmarking of the operator versus state of the art in the sector (e.g., metric of impact on environment v. useful outputs of the industrial activity), pollution intensities (e.g., mass of pollutant per amount of service/product provided) or by other metrics such a depollution / substitution index, carbon intensity but also enabling comparing of stringency of permit conditions applied;
- **Providing online input forms for harmonised reporting for key IED documents**, notably on the annual compliance report allowing centralised reporting and direct integration of content of performance monitoring data and permit conditions (i.e., by setting obligations on operators to report directly that information according to that format and means);
- **Deleting reporting thresholds from its Annex II and extending the list of pollutants in its Annex II**. The generic Annex II of the IED group entries should be retained and, where missing, added such as Persistent mobile organic chemicals (PMOCs), pollutants listed under Article 14(2b); the REACH (candidate list) and “substances of concern” such as proposed under the Proposal establishing a framework for setting eco-design requirements for sustainable products;
- **Ensuring high level of data quality and comparability**: Where measurement uncertainty is applied, providing for powerful search filters to enable faster access to relevant information.

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's input to 24 October 2022 Environment Council meeting](#) •



9 Grasp the full potential of the circular economy

Despite a growing narrative, policies, and initiatives in support of a transition to a circular economy, most major indicators suggest limited progress has been made so far. According to material flow accounts for Europe, overall resource use sits at around 13.7 tonnes per capita in 2020, and this figure may not even cover the years during the COVID-19 pandemic. Existing research suggests that this consumption exceeds planetary boundaries in a number of areas, including climate change, eco-toxicity, particulate matter and resource use of both fossil and mineral materials. Similarly in specific sectors, such as packaging and electronics, our use of resources and production of waste have continued to grow.

It is time to cut on resource use and on the waste we generate. It's not only about recycling as reminded by the European Environmental Agency. From this perspective, the Circular Economy policy needs to be seen in its full potential for reducing resource use, ensuring consumption is within planetary boundaries and designing waste out of our economic system. It's also a matter of reducing our dependency on imported (critical) resources, to maximise economic and job opportunities through each single unit of material entering the single market and making sustainable products the default option, rather than the sole privilege of rich individuals. The proper implementation of the March 2020 Circular Economy Action Plan as well as the consecutive Circular Economy Packages in March 2022 and November 2022 and related legislative files, could be a real game changer to converge these environmental, economic and social objectives. The Swedish Presidency has a critical opportunity to make progress on key Circular Economy legislation, which has faced delays during the current political term.

We therefore call upon the Swedish Presidency to:

- A. Lead the Council to establish an ambitious general approach for an **Ecodesign for Sustainable Products Regulation**, that prioritises high impact sectors: textiles, furniture, ICT, and intermediary products (steel and cement), removes the possibility for self-regulation, immediately bans the destruction of unsold goods, includes social and due diligence aspects when preparing EU legal acts, supports full disclosure of chemicals, establishes the digital product passport, and ensures online marketplaces have equal responsibility with physical shops.
- B. Lead the Council in the trilogues for the **Energy Performance of Buildings Directive (EPBD)**, to unleash the potential of the policy, especially the increased ambition of the Minimum Energy Performance Standards (MEPs), the confirmation of the phase out of fossil fuel heating appliances and the establishing of reporting, and performance requirements on building whole lifecycle global warming potential, including for renovations. The Presidency should aim to increase ambition from the general approach, building on calls from six Member States for more ambition on the MEPs.
- C. Establish an ambitious general approach and initiate trialogues for the Directive on **empowering the consumers for the green transition** – improving the proposals from the Commission in relation to both green washing and product obsolescence. Sweden should support a ban on claims of carbon neutrality when based on offsetting, as well as a general ban on premature obsolescence and other practices which result in unnecessary expenditure from citizens.
- D. Sweden should lead a first reading of the **Green Claims Directive** assuring coherence between this legislation and the Directive on empowering the consumers for the green transition to tackle greenwashing and ensure that green claims are reliable. It should introduce a pre-approval process for green claims with clear assessment and communication rules, improve the robustness of the requirements substantiating green claims, including on aspects not sufficiently addressed by life cycle assessments, such as the presence of hazardous substances in products. It should reinforce the ISO Type I Ecolabels such as the EU Ecolabel and the Nordic Swan as robust instruments demonstrating products' environmental performance.
- E. Secure an ambitious approach for the **Waste Shipment Regulation** and lead trilogues to build on the good initial Commission proposals on digital monitoring system, transparency of notified shipments, improved enforcement

and ban by default of shipments for disposal and of export of waste to non-OECD countries; while also improving the proposal by extending the ban by default to export plastic waste to OECD countries, by aligning better with the Basel Convention for intra-EU shipment, notably not leaving problematic PVC and PFAs containing plastic under the green list. It is also important to set a clear formulation to distinguish better between material recovery versus energy recovery for intra-EU shipments and ensuring products shipped for real reuse are accompanied by extended producer responsibility fees to help repair and waste management in countries that are receiving those products.

- F. **Establish the Council general approach on the Construction Product Regulation** to make sure environmental performances, as safety and functional performances, are swiftly established and communicated with maximum transparency and legal certainty, according to harmonized methodology and equipped with digital product passport schemes as other products covered by Ecodesign, Performance requirements, notably for recyclability, recycled contents and carbon footprinting.
- G. Lead an ambitious initial Council reaction to the proposal for **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 make all packaging reusable or recyclable by 2030. A balanced approach from Sweden is welcomed with respect to paper and cardboard packaging, considering more durable applications of forestry products and supporting the removal of hazardous chemicals from food contact materials.
- H. Support the need to maintain the high ambition set out in the Commission's **Strategy for Sustainable and Circular Textiles**. Advancing work on the ban on the destruction of unsold and returned goods to ensure that it goes beyond the introduction of information requirements and ensuring provisions for textile products in the **Waste Shipment Regulation**. The Swedish Presidency should champion an ambitious approach in discussions on the Revision of the **Waste Framework Directive** that would see a wider scope for cost coverage in EPR schemes.
- I. Maximize the potential of mining waste for **Critical Raw Materials** (CRMs). The Swedish Presidency should encourage Member States to design waste management plans with specific measures to promote the recovery of CRMs from historical mining waste. This must lead to the creation of an open database obliging Member States to report exhaustive, up-to-date and reliable data on extractive waste facilities hosted on their territories as indicated by the EP April 2017 resolution, as well as obliging companies to report on their mining waste volume and content.
- J. Integrate the **right to repair** within any relevant legislation. Although the Swedish Presidency will no longer handle upcoming consumer legislation on the right to repair due to its delayed proposal, it is important that the ability to repair our products is protected. This should be achieved through ambitious provisions on repairability in the ESPR and obliging manufacturers to inform consumers of unfair commercial practices hindering repairability and durability in empowering the consumers. In addition, the Swedish Presidency should prepare an ambitious initial reaction to the right to repair initiative, to ensure its robustness throughout the co-decision process.

More information: [EEB recommendations for amendments on the ESPR](#) • [Checklist for a successful EPBD Recast](#) • [EEB feedback on the proposal for a directive on empowering consumers for the green transition](#) • [Empowering Consumers in the Green Transition](#) • [EEB comments on provisions on sustainability labels and green claims in the proposal for empowering consumers](#) • [EEB Comments on the Construction Products Regulation](#) • [Coalition letter in support of Packaging and Packaging Waste Regulation](#) • [Detailed position paper on batteries, shared by more than 40 organisations](#) • [A joint statement on removable, replaceable and repairable batteries](#) • [NGOs open letter on the Battery Regulation](#) • [Waste Shipment Regulation: Feedback on the inception impact assessment](#) • [Waste Shipment Regulation – recommendations by Rethink Plastic alliance](#) • [META article on Waste Shipment Revision](#) • [NGOs open letter for an ambitious EPBD revision](#) • [Due diligence in EU product rules – Policy Briefing](#) • [Sustainable product policy initiative – EEB discussion paper](#) • [Prohibiting the destruction of unsold goods](#) • [EEB position on legislative proposal on substantiating green claims](#) • [Recommendations for the EU Strategy for Sustainable Textiles](#) • [Right to Repair coalition response to sustainable consumption of goods impact assessment](#) •



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. Radically reducing accountability and rule of law standards in environmental policy in light of the ongoing energy crisis is a dangerous approach which may jeopardise the progress achieved and promised under the EGD.

Now more than ever, the EU needs to stand strong in ensuring effective accountability, liability, and enforcement regimes in the Member States. The environmental rights of Europeans cannot become a bargaining chip for softening the economic blow on industry.

The Commission's REPowerEU proposal and the accompanying temporary Emergency Regulation are reviewing the environmental impact assessment requirements for permitting procedures of energy projects. It is important that the expansion of renewable energy goes hand in hand with the respect for environmental targets and achieving a just transition where affected people have a say.

The Council's approach for the Environmental Crime Directive is a mixed bag and shows a vastly different set of priorities from the ones crystallising through the discussions in the Parliament. Environmental crime worldwide is continuously increasing and the law enforcement response in the Union remains fragmented and uncoordinated. It is crucial that the Swedish Presidency enters trilogue negotiations with an open mind for topics such as ecocide, increasing the mandate of the European Public Prosecutors Office, and truly effective and dissuasive sanctions for companies.

The proposal for a Corporate Sustainable Due Diligence Directive is a welcome and necessary step but the Council needs to stay attuned to the lack of environmental and climate due diligence requirements in the current text and must ensure that companies are held liable for their impact on human right violations and environmental degradation.

While the EU is facing rule of law challenges from within and outside the Union, it is important that the Presidency sends a strong signal at European level and internationally that it will stand firm against any threats to erode rights and freedoms. The Presidency should support access to justice provisions in the trilogues of upcoming environmental and climate files such as the Energy Performance of Buildings Directive. The Presidency should also lead the Council in coming forth with a strong position on the legislative proposal on the protection of activists, journalists and NGOs from Strategic Lawsuits Against Public Participation (SLAPPs). Additionally, the EU institutions should continue the work of putting their own house in order by increasing the accountability of EU level decision-making through improved transparency of discussions in Council preparatory bodies.

We therefore call upon the Swedish Presidency to:

- A. Promote the full respect of the rule of law in all Member States**, ensuring that civil society can freely operate and carry out their public interest functions without barriers or harassment and particularly promote robust EU laws that protect activists, journalists and NGOs from **Strategic Litigation Against Public Participation (SLAPPs)**;
- B. Lead the Council in the development of new EU rules that will introduce protections for activists, journalists and NGOs** against vexatious lawsuits brought against them (Strategic Lawsuits Against Public Participation, SLAPPs) to suppress public debate;
- C. Represent the Council in trilogues with the aim of agreeing on an ambitious revised Environmental Crime Directive** which provides for clearer and wider coverage, better information on environmental crimes,

national focal points for environmental crimes that can also facilitate cross-border cooperation and strengthened provisions on sanctions and penalties so that they are truly effective, proportionate and dissuasive;

- D. Lead the Council in the discussions related to the evaluation of the **Environmental Liability Directive**, assisting the Commission in gathering relevant information and intelligence on how to render the legislation more effective, and in a way that it truly implements the Polluter Pays Principle;
- E. Lead the Council to an ambitious position during the trilogues on the **Corporate Sustainable Due Diligence Directive**, ensuring that the Directive is aligned with UN Guiding Principles on Business and Human Rights (UNGP) and OECD Guidelines for Multinational Enterprises, that mandatory rules on due diligence are enforceable against companies and that victims and affected communities have effective access to remedies, and that companies are liable for their detrimental impact to the environment and climate throughout their value chains;
- F. **Avoid the misuse of the 'Better Regulation' process and the 'one in one out' principle**, including through the Fit for Future Platform to make 'Better Regulation' EGD-compatible and fit for public interest and scientifically robust, *inter alia* by factoring in tipping points, feedback loops, cost of policy inaction estimates, and hence ensure more future-proof and responsible legislation;
- G. **Promote civil society space and meaningful participation in decision-making for democratic legitimacy**, particularly by ensuring that Member States abide by basic principles of democracy, the rule of law and freedom of speech and association;
- H. **Use Presidency influence to ensure proper engagement of the European Parliament in decision-making processes with significant environmental implications** and hence further support democratic legitimacy;
- I. Lead the Council in the discussions relevant to the **GreenData4All** initiative's evaluations of the **INSPIRE Directive** and the **Public Access to Environmental Information Directive**;
- J. **Lead by example by including and empowering civil society** (along with support for capacity development) in environmental policy processes, guaranteeing participatory rights and granting access to environmental justice in all environmental initiatives.

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
BREFs	Best Available Techniques Reference Documents
CAP	Common Agricultural Policy
CBAM	Carbon Border Adjustment Mechanism
CBD	Convention on Biological Diversity
CLP	Classification, Labelling and Packaging
CRC	Carbon Removals Certification
CRMs	Critical Raw Materials
CoFoE	Conference on the Future of Europe
CSOs	Civil Society Organisations
EC	European Commission
ECT	Energy Charter Treaty
EED	Energy Efficiency Directive
EGD	European Green Deal
EP	European Parliament
EPBD	Energy Performance of Buildings Directive
E-PRTR	European Pollutant Release and Transfer Register
EQSD	Environmental Quality Standards Directive
ESR	Effort Sharing Regulation
ETS	Emissions Trading System
ETD	Energy Taxation Directive
GD	Groundwater Directive
GPSR	General Product Safety Regulation
IED	Industrial Emissions Directive
LULUCF	Land Use, Land-Use Change and Forestry
MEPs	Minimum Energy Performance Standards
NECPs	National Energy and Climate Plans
NRRPs	National Recovery and Resilience Plans
PFAS	Per- and polyfluoroalkyl Substances
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
RED	Renewable Energy Directive
RoHS	Restriction on Hazardous Substances Directive
SDGs	Sustainable Development Goals
SLAPPs	Strategic Lawsuits Against Public Participation
TACs	Total Allowable Catches
UNFCCC	United Nations Framework Convention on Climate Change
UWWTD	EU Wastewater Treatment Directive
WFD	Water Framework Directive
WTO	World Trade Organisation
ZPAP	Zero Pollution Action Plan



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

We also develop a paper before each Presidency Trio. The 2022-2023 paper, addressed to the French, Czech and Swedish Presidencies, can be read [here](#).

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