

# TEN GREEN TESTS

## for the German Presidency



### 1. Drive a just transition to a sustainable and resilient Europe

- Ensure that the EU fully embraces and implements the European Green Deal (EGD) through ambitious strategies, laws and financing, and that these are at the heart of the Corona crisis response.
- Promote a complementary and transformative 8<sup>th</sup> Environmental Action Programme (8EAP) that gets Council and Parliament support for the Green Deal and ensures monitoring and implementation of the EGD, the wider set of EU policies and laws, and the state of the environment.
- Link the EGD and 8EAP also with the Sustainable Europe 2030 Strategy for SDG implementation and integrate social measures in each to effectively develop a new Social Contract for the future of Europe that builds on lessons from the Corona crisis and improves social and environmental resilience.
- Promote these transformative agendas through EU enlargement processes, relationships with European neighbours and agreements with trading partners. EU diplomacy needs to promote a Green Deal across the globe to support long term global resilience.
- Ensure that the agreement being negotiated on the future EU-UK relationship will not allow the UK to jeopardize existing or future EU environmental standards: both during and after the Brexit negotiations, the EU should take measures to secure a level playing field and ensure that future UK access to the EU market is strictly linked with the UK's adherence to the principles and standards of the EU's environmental *acquis* ('dynamic alignment').
- Put sustainability at the heart of trade agreements based on enforceable clauses and a clear non-regression policy with regards to existing agreements and standards, in particular regarding the future agreement with the UK and the Free Trade Agreement with the Mercosur.
- Commit to leave the Energy Charter Treaty (ECT) as a priority and encourages other Member States to do the same, and to exert their influence to avoid MS being sued or threatened by claims under the ECT.

### 2. Catalyse the green transition through the MFF and the Recovery Package

- Ensure that the Next Generation EU Recovery package and EU budget (MFF) drive a green transition that supports the recovery and embraces the European Green Deal – by ensuring that both the political messaging and the content focus on the win-win solutions.
- Target the spending on climate and environment as this will support job creation, save on national and household bills, invest in the resilience of our ecosystems and help address the climate and biodiversity crises. Allocate 40% to climate funding and ensure integration in Partnership Agreements, Operational Programmes and CAP Strategic Plans as well as the new national Recovery and Resilience Plans.
- Allocate a further 10% of EU funding to other aspects of the environment, 20 billion EUR/year for the management of the Natura 2000 network and 45 billion EUR for large scale nature restoration to invest in ecosystem resilience and to be coherent with the biodiversity strategy.
- Ensure prioritisation and governance rules such that EU funds are targeted, just, proportionate and fully transparent and further ensure conditionality on funding to obtain the greatest added value from taxpayers' money.
- Align the green taxonomy to the need of orienting Corona response funding towards climate and biodiversity-proof investments to ensure policy coherence and minimise risks of poor targeting of taxpayers' money.
- Facilitate national expenditure by Paris-compatible State Aid Guidelines and use the Growth and Stability Pact flexibility mechanism to exempt taxonomy-coherent climate expenditure from the Maastricht 3% debt rule.
- Facilitate private expenditure through the sustainable finance taxonomy and finance strategy. Only with EU, national and private funding will we be able to address the climate, environmental and biodiversity crises and recover from the Corona crisis by implementing a transformative European Green Deal that invests in our future and wellbeing.





### 3. Address the climate emergency

- Commit to ensuring a strong and ambitious European Climate Law aiming for a binding climate neutrality target at EU and Member State level by 2040 at the latest to be on a path towards the Paris objective of keeping global temperature rise below 1.5°C, as recommended by the latest scientific evidence.
- Revise the EU's Nationally Determined Contribution (NDC) submission for the 2021 UNFCCC COP26 in Scotland accordingly.
- Increase the 2030 greenhouse gas (GHG) emission reduction target to at least 65% by 2030, energy efficiency to at least 45%, with at least 50% of sustainably sourced renewable energy by 2030, each essential to achieve climate neutrality. The expansion of renewables and the associated infrastructure should be carried out in a way that is as compatible as possible with nature and local environmental integrity. This applies in particular to the negotiation of a strategy for renewables at sea.
- Insist on a 2025 review, both for the GHG emission reduction targets and the energy efficiency and renewable energy targets for 2030, so that progress, new scientific evidence on urgency and citizen calls can be translated into more ambitious targets.
- Promote major investments in a fossil fuel free energy production and consumption system, including industry, buildings, transport, agriculture and related energy infrastructure. Accelerated investment in climate neutrality will drive the creation of future-proof jobs, provide essential economic stimulus, save economies and citizens' money while driving innovation, re-skilling and a systemic transformation of the economy.
- Prevent anthropogenic GHG emissions at source and protect natural sinks by making consistent interlinkages between climate emissions and biodiversity loss, air, water and soil pollution and industrial emissions (IED).
- Reduce embedded emissions of European imports. Develop and apply a carbon footprint methodology to address embedded emissions in consumption. This could pave the way for an effective carbon border adjustment mechanism.
- Ensure mainstreaming of climate neutrality through ambitious fiscal measures, including effective "carbon pricing" to address the true cost of negative externalities on the environment in all economic sectors, with specific focus to fill the gap in the Effort Sharing sectors such as transport, buildings and agriculture.
- In addition, investment in nature-based solutions, such as the restoration of key ecosystems serving as natural sinks crucial for climate change adaptation, needs to be a core part of the EU's climate adaptation strategy, together with measures needed to achieve a circular and zero-pollution economy. There should be a strengthened focus on ecosystem resilience to climate change, taking into account the latest science on feedback loops, tipping points and linkages of ecosystems and socio-economic systems.

### 4. Reverse the dramatic loss of biodiversity on land, in freshwater and in oceans

- Lead the adoption of ambitious Council Conclusions that endorse the commitments in the EU Biodiversity Strategy for 2030 and commit to provide the necessary political will, investments and full cooperation to ensure the timely and ambitious implementation of the actions, particularly to protect and restore the EU's nature and to address all drivers of biodiversity loss, including those given less attention to date, notably light and noise pollution. This will enhance the credibility of the EU's leadership role to agree the Global Deal for Nature and People.
- Secure the necessary funding of at least 20 billion EUR per year from EU, national and private funds for nature protection and additional 45.6 billion EUR for large scale nature restoration that can serve as a central plank of the EU's green recovery.
- Ensure that the commitments in the EU Biodiversity Strategy on bringing nature back to agricultural land, including the commitments on pesticide and fertiliser reduction, the 10% space for nature on farmland as well as the commitment to enhance agroecological practices, are integrated and enabled by the reformed Common Agricultural Policy.
- Endorse the commitments to protect and restore marine ecosystems in the 2030 Biodiversity Strategy, including by protecting 30% of EU seas in Marine Protected Areas, with 10% under strict protection, and ensure that marine ecosystems play a key role in the implementation of the protection and restoration targets of the strategy.
- Urge Member States to increase the ambition in the implementation of the Marine Strategy Framework Directive and the Common Fisheries Policy in line with the legal requirement to reach good environmental status and to end overfishing by 2020. Welcome the development of a new action plan for the protection of marine ecosystems to help deliver the commitments on the reduction of negative impacts of harmful fishing practices and extraction activities by inter alia agreeing to operate a full transition towards low-impact fisheries in EU waters and by all EU vessels by 2030 the latest.





## 5. Initiate a transition towards sustainable food and agriculture

- Ensure that environmental and climate authorities and stakeholders are closely involved in the CAP reform and Farm to Fork discussions as well as in the programming and implementation of the new CAP.
- Mobilise political support for a bold reform of the CAP, aligned with the EU Green Deal objectives, which sets ambitious ringfencing of funds for environmental and climate measures and a strict baseline of basic good agronomic practice (conditionality) by, inter alia, introducing binding 10% non-productive “space for nature at farm-level, ends subsidies harmful to the environment and climate, and strengthens the performance framework and Member States’ accountability in the new CAP.



## 6. Promote a zero-pollution ambition - clean water and clean air

- Work with the European Commission to develop an ambitious Zero-Pollution Action Plan on air, water and soil proposed in the European Green Deal that inter alia advances action to tackle pollution at source (e.g. agriculture and domestic heating) and from substances of emerging concern (e.g. pharmaceuticals, PFAS, micropollutants), including through the review of the Urban Wastewater Treatment Directive. Support the inclusion of noise and light pollution in the Action Plan.
- Improve transboundary cooperation, policy coherence and integration of the objectives to protect and enhance the health of freshwater ecosystems into other sectoral policies, notably in relation to agriculture, energy and transport policies to reduce pressures from those sectors on freshwater ecosystems (e.g. pesticides, nitrates, thermal pollution, hydromorphological alterations and over-abstraction).
- Promote the need for better water management as an important strategy to adapt to climate change. Successful adaptation to the impacts of climate change on water depends both on the ambitious implementation of the Water Framework Directive as well as on the extent to which sustainable water management has been integrated into other sectoral policies.
- Revise the Ambient Air Quality Directives to align EU air quality standards with the latest WHO guidelines (expected by early 2021) while pressuring Member States to achieve full implementation and enforcement of existing legislation (e.g. Ambient Air Quality Directives, National Emission Ceilings Directive, Industrial Emissions Directive).
- Push for the adoption of ambitious source legislation (e.g. on domestic heating, transport, including shipping, industry and agriculture – making the CAP a driver for reducing air pollution from agriculture).
- Commit to the revision of the Gothenburg Protocol (UNECE Air Convention) which will also have to establish reduction targets for methane, black carbon and mercury emissions.



## 7. Drive a new industrial revolution

- Promote an industrial strategy that transforms EU industry towards being fully resource-efficient, zero carbon, zero waste and non-toxic by 2050, supported by a fully decarbonised energy system.
- Ensure that the Industrial Emissions Directive (IED) review and Best Available Techniques (BAT)/BREF revisions fully integrate circular economy, climate mitigation and zero pollution ambitions, implying a re-design of the BAT determination scoping and methodology.
- Explore and debate the risks and opportunity of Digitalisation and Artificial Intelligence (AI), develop operational ethical principles for their use, promote the use of digitisation and AI for People and Planet above all else to help address a wide range of environmental challenges across the policy cycle. Understand and target measures to avoid the planetary risks of unsustainable digitalisation regarding both existing and new technologies.
- Catalyse an industrial transformation through economic incentives, including through a reformed Energy Tax Directive that embraces carbon pricing above 100EUR/tCO<sub>2</sub>; an EU-ETS with full auctioning, faster allocation withdrawal rates, and floor price; a combined approach with performance based standards (e.g. BAT) and the removal of kerosene tax exemptions for shipping and aviation that are incompatible with climate ambitions. Digitalisation and improved databases for benchmarking and compliance promotion do not only play a part in achieving this, but need to provide greater transparency of all industrial related decision making and enforcement.
- Secure the swift implementation of the Sustainable Product Policy to make sustainable products the norm as promised under the Circular Economy Action Plan, including through an EU product information system that brings together the environmental, consumer and digital agendas to ensure full transparency and traceability of the performance and contents of products and materials by 2025. Further push for a resource use/consumption footprint reduction target, binding waste prevention objectives and the drastic restriction of (hazardous) waste shipments. Support ambitious measures under the Aarhus Convention to ensure that sufficient product information is publicly available to enable consumers to make informed environmental choices, thereby also extending the EU's impact in this area to a broader range of countries.
- Empower consumers by setting up a system to verify and enforce green claims and anchor as fundamental the right to repair, the right to know and the right to sustainable circular consumption.
- Create strong precedent for circular economy provisions in the battery and construction products sectors, inter alia by using the opportunity of the revision of the Batteries Directive and Construction Product Regulation.

## 8. Call for a toxic-free environment and an ambitious Chemicals Strategy for sustainability

- Call on the Commission to develop an ambitious overarching regulatory framework for chemicals to effectively reduce pollution at source. The Chemicals Strategy for Sustainability must ensure a high level of protection for people and the environment, implement the precautionary principle and expand generic risk assessment approaches to protect vulnerable groups and biodiversity.
- Ensure that the Chemicals Strategy for Sustainability prioritises the rapid and complete enforcement and implementation of REACH and other chemical laws - including on mercury.
- Demand for the Chemicals Strategy for Sustainability to guarantee transparency on substances in products and materials along the life-cycle.
- Call on the Commission to clean the circular economy and put an end to "toxic recycling".
- Accelerate EU plans for substitution, innovation for safe alternatives and Green Chemistry.
- Apply the polluter pays principle to plug funding gaps when calling for the development of the Chemicals Strategy for Sustainability as well as on a horizontal level.
- Ensure EU global leadership for a toxic-free environment.
- Show leadership towards phasing out dental amalgam and mercury from lamps under the Restrictions of Hazardous Substances Directive.
- Furthermore, in preparation of and at the ICCM5 meeting (now planned for 2021), promote an ambitious global regulatory framework on chemicals and waste with SAICM post 2020 and strengthen related legally binding chemicals conventions such as Minamata and Stockholm.





## 9. Promote democratic accountability and rule of law through better access to justice

- Maintain pressure and constructively engage with the Commission to ensure that an ambitious legislative proposal for revision of the Aarhus Regulation, ensuring that the EU is in full compliance with the Convention, is published by the September deadline and thereafter move swiftly to coordinate the position of the Member States in the co-decision process. The German Presidency should also convey its support for ensuring adequate access to justice in Member States through an ambitious and expansive new Commission proposal for a Directive on Access to Justice.
- Ensure that harmful business conduct is accounted for, by seeing to that the EGD Green Oath to “do no harm” is not undermined by the Better Regulation process and one-in-one-out principle or innovation approaches, as well as by supporting efforts to strengthen human rights and environmental due diligence in supply chains, both at EU level as well as within the context of the open-ended working group of the UN.
- Sustainable development must become the overarching objective for all EU policies and programmes. The «do no harm» approach, based on clear criteria, should be introduced in all sectors as an overriding test requirement in order to support the precautionary principle, which is bindingly enshrined in the Treaties.
- Guarantee meaningful public participation and a safe space for civil society engagement that is increasingly under threat, also as a result of emergency responses to the Corona crisis. The Presidency should support, whenever possible, the Commission with the Rule of Law Framework and support any effort to introduce measures which could protect NGOs, journalists and activists from SLAPPs (strategic litigation against public participation).

## 10. Promote European Solidarity, wellbeing, and social and environmental justice

- Cooperate with deep solidarity across the EU on the Corona crisis and the post Corona reform. This should take into account: social justice between social groups, including women, and minorities, such as Roma and wider BAME communities and refugees, often more strongly affected, economically and health-wise, by the Corona crisis and environmental pollution, and ensure equal access to clean water, sanitation and nature.
- Encourage a reform of the EU’s Economic Governance Framework so that it puts wellbeing and sustainability at its core. This includes deep level changes such as turning the Stability and Growth Pact into a Sustainability and Wellbeing Pact and critical reflections on the impact of the historic growth model that too often relies on over-extraction and the destruction of nature, creating unacceptable risks for human health and society.
- Monitor progress on the European Green Deal and Sustainable Development Goals through a reformed European Semester that truly integrates wellbeing and sustainability indicators as headline indicators.
- Urgently increase the consultation with and participation of all segments of society, in particular youth, women and those groups that have shown to be particularly vulnerable during the pandemic, so as to ensure better representation of the next generation’s concerns and identify solutions to improve inter-generational justice.

**In these challenging times, Germany has both a unique opportunity and responsibility to work with all EU Member States to promote a recovery from the Corona crisis that embraces the green transition and leaves no one behind.** Returning back to business-as-usual is not an option and progressive policies, identified by our Ten Tests above (and further details below), need to be embraced to catalyse a transition towards sustainability that invests in the EU’s ecological, social and economic resilience, and has a future-orientated policy that strengthens our ability to face future crisis and give the youth of today the future they deserve. The German presidency, the EU and its Member States will be judged by citizens and by history on what they commit to, promote and achieve in these Corona crisis times.

