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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
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Subject:	Proposal for a Decision of the European Parliament and of the Council on a General Union Environment Action Programme to 2030 - Analysis of the final compromise text with a view to agreement

I. INTRODUCTION

On 14 October 2020, the Commission adopted a proposal for a Decision of the European Parliament and the Council on the General Union Environment Action Programme to 2030, hereafter the 8th Environment Action Programme (8th EAP). The Commission proposal sets out that the 8th EAP lays down priority objectives and identifies enabling conditions for their achievement. Furthermore, the proposal establishes a framework to measure whether the Union and its Member States are on track to meet those priority objectives. The 8th EAP should run until 31 December 2030 and contribute to achieving the environmental and climate objectives defined under the United Nations 2030 Agenda and its Sustainable Development Goals.

II. WORK AT THE COUNCIL

On 6 September 2021, the Presidency engaged in the first trilogue on the basis of the mandate agreed by the Committee of Permanent Representatives of 17 March. A second trilogue took place on 14 October. On 1 December 2021, at the third trilogue, the representatives of the Council, the European Parliament and the Commission succeeded in reaching a provisional agreement on the 8th Environment Action Programme. The consolidated outcome of the third trilogue appears in the Annex¹.

With a view to adopting the 8th Environmental Action Programme in first reading, the Committee is invited to analyse the outcome of the trilogue with a view to agreement.

III. ANALYSIS OF THE FINAL COMPROMISE TEXT WITH A VIEW TO AGREEMENT

The provisional agreement on the 8th EAP that was reached in the trilogue on 1st December sets out a guidance for environmental and climate policymaking and implementation until 2030. This agreement entails the following main issues:

Mid-term review/evaluation

The Commission will carry out a mid-term review in 2024 of the progress achieved in reaching the thematic priority objectives. Following this review and in order to reach the thematic priority objectives of the programme, the Commission shall present, where appropriate, a legislative proposal to add an annex to the 8th EAP, which contains a list and timeline of actions for the period after 2025. The provision is accompanied by a recital, clarifying the roles and prerogatives of the Council, the EP and the Commission, and outlining how the mid-term review provisions are to be understood.

¹ The numbering of the recitals and articles reflects the numbering used during the political discussions and it is not yet final. The correct numbering will be addressed during the legal linguistic revision.

Phasing out environmentally harmful subsidies

The 8th EAP provides for strengthening environmentally positive incentives as well as for phasing out environmentally harmful subsidies, in particular fossil fuel subsidies. Distinct measures are foreseen for fossil fuel subsidies and for other environmentally harmful subsidies.

The 8th EAP provides for the establishment of a binding framework to monitor and report on Member States' progress towards phasing out fossil fuel subsidies based on an agreed methodology. Furthermore, a deadline is to be set for the phasing out of fossil fuel subsidies, consistent with the ambition of limiting global warming to 1.5 degrees.

For the phasing out of environmentally harmful subsidies other than fossil fuel subsidies, the Commission will set out a methodology, in consultation with Member States, by 2023. The purpose of this methodology is to identify environmentally harmful subsidies other than subsidies for fossil fuels. On the basis of this methodology, Member States will be required to identify and report on such subsidies, allowing for a Commission report on the progress made in phasing them out.

Articulation between the 8th EAP and the European Green Deal and the summary dashboard and indicator set measuring 'beyond GDP'

The 8th EAP specifies that the action programme builds upon the European Green Deal.

Furthermore, the Commission will develop a summary dashboard and indicator set which will allow for measuring economic, social and environmental progress 'beyond GDP', while avoiding duplication and unnecessary administrative burden.

Binding targets for decreasing the Union's material and consumption footprints

With a view to reaching the 8th EAP's priority objectives, the Union's material and consumption footprints should significantly decrease so as to bring them into planetary boundaries as soon as possible, including through the introduction of EU 2030 reduction targets, as appropriate.

Governance

The 8th EAP sets stricter requirements for the Commission to take stock annually of the progress achieved. It also introduces a governance mechanism with an annual exchange of views between the institutions on the progress made, as well as on actions taken and possible future actions.

Other issues

The text of the mandate was followed in relation to the following other main issues:

- Monitoring framework
- Taxonomy Regulation and 'do no significant harm' principle
- Biodiversity and climate spending targets and budget-related provisions.

A new recital has been added to legally clarify the measures of the provisions of Article 192 TFEU: "In line with Article 192(3) TFEU, the EAP sets priority objectives to be attained. Any measures necessary for the implementation of this EAP are to be adopted under the terms of Art. 192(1) or (2) TFEU."

IV. CONCLUSION

The Presidency invites the Committee of Permanent Representatives:

- to analyse the compromise text resulting from the final trilogue, as it appears in the Annex to this note, with a view to agreement;
 - to mandate the Presidency to send a letter to the Chair of the ENVI Committee of the European Parliament confirming that, should the Parliament adopt its position at first reading in accordance with Article 294(3) TFEU and in the exact form set out in the text that appears in Annex - subject to legal-linguistic revision - the Council would, in accordance with Article 294(4) TFEU, approve the European Parliament's position and the act would be adopted in the wording which corresponds to the European Parliament's position.
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DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on a General Union Environment Action Programme to 2030

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(3) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In line with Article 192(3) of the Treaty on the Functioning of the European Union, general environment action programmes have provided the framework for Union action in the field of the environment and climate since 1973.
- (2) Decision No 1386/2013/EU of the European Parliament and of the Council³ established the 7th Environment Action Programme (the 7th EAP), which sets out the Union's environmental agenda until 31 December 2020 as well as a long-term vision for 2050.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ L 354, 28.12.2013, p. 171.

- (3) The Commission's evaluation of the 7th EAP⁴ concluded that its 2050 vision and priority objectives are still valid; that it has helped to provide more predictable, faster and better-coordinated action in environment policy; and that its structure and enabling framework have helped create synergies, thus making environment policy more effective and efficient. Moreover, the evaluation concluded that the 7th EAP anticipated the United Nation's 2030 Agenda by insisting that economic growth and social wellbeing depend on a healthy natural resource base, and facilitated delivering on the Sustainable Development Goals. It also enabled the Union to speak with one voice on the global stage on climate and environmental matters. In its evaluation of the 7th EAP, the Commission also concluded that progress related to nature protection, health and integrating environmental concerns into other policy areas was not sufficient. It also found that there could have been more consideration of social issues in the 7th EAP, building on the existing links between environment and social policy, as regards for example the impact on vulnerable groups, jobs, social inclusion and inequality. Moreover, the Commission noted in its evaluation that, despite increasingly ambitious environmental targets in many policy domains, spending on environmental protection has remained constant in Europe over many years (around 2% of GDP) and that the failure to implement environmental legislation costs the Union economy around EUR 55 billion each year in health costs and direct costs to the environment. The evaluation noted that the 7th EAP's implementation could have been reinforced by a stronger monitoring mechanism.

⁴ COM(2019) 233 final.

- (4) According to the EEA report ‘The European environment – state and outlook 2020, Knowledge for transition to a sustainable Europe’ (‘SOER 2020’), there is a unique window of opportunity for the Union in the next decade to show global leadership on sustainability by tackling the urgent sustainability challenges requiring systemic solutions. Systemic change entails a fundamental, transformative, and cross-cutting form of change that implies major shifts and reorientation in systems goals, incentives, technologies, social practices and norms, as well as in knowledge systems, and governance approaches. As stated in SOER 2020, one of the most important factors underlying Europe's persistent environmental and sustainability challenges is that they are inextricably linked to economic activities and lifestyles, in particular the societal systems that provide Europeans with necessities such as food, energy and mobility. Ensuring policy coherence with, and full implementation of, existing environmental policies would take Europe a long way to achieving its environmental goals up to 2030 and achieving the 2030 Agenda and its SDGs.
- (5) The European Commission responded to the challenges identified in the SOER 2020 by adopting the European Green Deal⁵: a new growth strategy for the twin green and digital transition that aims to transform the Union into a fair and prosperous society, with a sustainable, competitive, climate-neutral and resource-efficient economy and to protect, conserve and enhance the Union's natural capital whilst improving the quality of life of current and future generations. Swiftly achieving climate and environmental targets while protecting the health and wellbeing of people from environmental risks and impacts and ensuring a just and inclusive transition should be the priority. Regulation (EU) of the European Parliament and of the Council⁶ enshrines into law the Union target to achieve climate neutrality by 2050 at the latest.

⁵ COM(2019) 640 final.

⁶ COM(2020) 80 final

- (5a) On 28 November 2019, the European Parliament adopted a resolution urging the Commission to take fast and important action, including by addressing inconsistencies in current Union policies with the climate and environment emergency, in particular through a far-reaching reform of its agricultural, trade, transport, energy and infrastructure investment policies and by ensuring that all relevant future legislative and budgetary proposals are fully aligned with the objective of limiting global warming to under 1,5°C and that they are not contributing to biodiversity loss.
- (5b) Both in the Union and globally, land and soil continue to be degraded by a wide range of human activities, such as poor land management, land use change, unsustainable agricultural practices, land abandonment, pollution, unsustainable forestry practices and soil sealing, biodiversity loss and climate change, often combined with other factors, thus reducing their capacities to provide ecosystem services and functions.
- (5c) The COVID-19 pandemic, which has led to an unprecedented global health and economic crisis, has demonstrated again the importance of applying the multi-sectoral 'One Health' approach in policy-making, which recognises that human health depends on the state of the environment and is connected to its components and factors, including animal health, and that actions to tackle threats to health have to take into account a complexity of health and environmental interrelations. The 8th EAP should contribute to the full integration of the 'One Health' approach across all levels of policy-making.
- (5d) According to the 2020 report on Biodiversity and Pandemics by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)⁷, the underlying causes of pandemics are the same global environmental changes that drive biodiversity loss and climate change including land-use change, agricultural expansion and intensification, and wildlife trade and consumption and other drivers. Climate change has been implicated in disease emergence and will likely cause substantial future pandemic risk, whilst biodiversity loss is also associated with the transformation of landscapes and can lead to increased emerging disease risk in some cases. According to the report, the cost of inaction vastly outweighs the cost of implementing global strategies to prevent pandemics based on reducing the wildlife trade and land-use change and increasing One Health surveillance.

⁷ IPBES Workshop on Diversity and Pandemics - Executive Summary, 2020.

- (5e) Environmental degradation and the adverse effects of climate change are expected to increase further in the years to come, impacting on developing countries and vulnerable populations the hardest. In order to help build resilience and support third countries in their efforts in mitigate and adapt to climate change as well as protect biodiversity, financial assistance from the Union and Member States to third countries should promote the UN 2030 Agenda, the Paris Agreement adopted under the United Nations Framework Convention on Climate Change⁸ (the ‘Paris Agreement’) and the post-2020 global framework of the UN Convention on Biological Diversity and be in line with the priority objectives of the 8th EAP. Furthermore, the Union and Member States should also ensure that the Paris Agreement and other international climate and environmental agreements are implemented in ways that reflect the principles of equity and of common but differentiated responsibilities and respective capabilities, as laid down also in Article 2(2) of the Paris Agreement.
- (6) The European Green Deal underpins the Next Generation EU Recovery Plan which promotes the investments in key sectors for the green and digital transition to build resilience, and create growth and jobs in a fair and inclusive society. The Recovery and Resilience Facility which will power the Union’s economic recovery from the coronavirus crisis together with the Union budget for 2021-2027, is also based on the priority objectives set out in the European Green Deal. Furthermore, all initiatives under the Next Generation EU Recovery Plan should respect, where applicable, the “do no significant harm” principle as set out in the Article 17 of the Regulation (EU) 2020/852 of the European Parliament and of the Council (the ‘Taxonomy Regulation’)⁶. The Recovery Plan offers an important opportunity to accelerate the pace of the transition towards climate neutrality and the protection of the environment.
- (6a) The measures implementing the 8th EAP, such as initiatives, programmes, investments, projects and agreements should take into consideration the “do no significant harm principle” laid down in Article 17 of the Taxonomy Regulation.

⁸ OJ L 282, 19.10.2016, p. 4.

- (7) Environment action programmes have guided the development and coordination of EU environment policy since the early 1970s. The 7th EAP expired on 31 December 2020 and its Article 4 (3) required the Commission, if appropriate, to present a proposal for an Eighth Environment Action Programme (8th EAP) in a timely manner with a view to avoiding a gap between the 7th and the 8th EAP. The Commission’s communication of 11 December 2019 on the European Green Deal announced that the 8th EAP would include a new monitoring mechanism to ensure that the Union remains on track to meet its environmental objectives.
- (8) The 8th EAP should support the objectives of the European Green Deal in line with the long-term objective to “live well, within the planetary boundaries” by 2050 at the latest, in line with what has been already established in the 7th EAP. The 8th EAP as the overall Union Environment Action Programme running until 2030 goes beyond the European Green Deal. The priority objectives of the 8th EAP set a direction for Union policymaking, building on, but not limited to, the commitments of the European Green Deal strategies and initiatives, such as the Biodiversity Strategy to 2030, the new Circular Economy Action Plan, the Chemicals Strategy for Sustainability and the Zero Pollution Action Plan.
- (8b) The 8th EAP forms the basis for achieving the environment and climate-related objectives defined under the UN 2030 Agenda and its SDGs, and should be aligned with the goals of the Paris Agreement, the UN Convention on Biological Diversity, the Rio Convention and other relevant international agreements. The 8th EAP enables a systemic change to a Union economy that guarantees wellbeing within planetary boundaries where growth is regenerative and should also ensure that the green transition is achieved in a just and inclusive way, whilst contributing to reducing inequalities. According to a model developed by the Stockholm Resilience Centre, the achievement of the environmental and climate-related SDGs underpins the social and economic SDGs because our societies and economies depend on a healthy biosphere and because sustainable development can only take place within the safe operating space of a stable and resilient planet. Achievement of the SDGs by the Union and its support for third countries to do the same will be essential if the Union is to demonstrate global leadership in achieving sustainability transitions.

- (9) The 8th EAP should accelerate the green transition, in a just and inclusive way, to a climate-neutral, sustainable, non-toxic resource-efficient, renewable energy-based, resilient and competitive circular economy that gives back to the planet more than it takes in the context of a wellbeing economy where growth is regenerative and which enables systemic change, and which recognises that the wellbeing and prosperity of our societies depend on a stable climate, a healthy environment and thriving ecosystems and provides a safe operating space within planetary boundaries. As the global population and the demand for natural resources continues to grow, economic activity should develop in a sustainable way that does no harm but, on the contrary, reverses climate change, protects, restores and improves the state of the environment including by, inter alia, halting and reversing biodiversity loss, prevents environmental degradation, protects health and wellbeing from negative environmental risks and impacts, prevents and minimises pollution and results in maintaining and enriching natural capital and promoting a sustainable bioeconomy, therefore ensuring the abundance of renewable and non-renewable resources. Through continuous research and innovation, transformation of production and consumption patterns, and adaptation to new challenges and co-creation, the wellbeing economy strengthens resilience, and protects present and future generations' wellbeing.
- (9-a) In line with Art. 192(3) TFEU, the EAP sets priority objectives to be attained. The measures necessary for the implementation of this EAP are to be adopted under the terms of Art. 192(1) or (2) TFEU.
- (9a) The transition to a wellbeing economy, where growth is regenerative, is embedded in the 8th EAP and enshrined in both the 2030 and 2050 priority objectives. Ensuring this transition will require the Union to develop a more holistic approach to policymaking through, inter alia, the use of a summary dashboard that measures economic, social and environmental progress 'beyond GDP'. A summary indicator set, as part of the EU's efforts to implement the UN Agenda 2030, would summarise the existing indicator and monitoring processes, whilst also providing information on distance to target, where possible, and ultimately serving as a political summary to guide policy making. The development of an indicator set is therefore included as an enabling condition in the 8th EAP.

- (9b) The Paris Agreement aims to strengthen the global response to the threat of climate change, including by holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.
- (9c) The Governance Regulation states in its Article 35 that the State of the Energy Union report shall include an element on Member States' progress towards phasing out energy subsidies, in particular for fossil fuels. Article 17 of the Governance Regulation as amended by the Climate Law provides that the Commission, assisted by the Energy Union Committee, shall adopt implementing acts, including a methodology for the reporting on the phasing out of energy subsidies, in particular for fossil fuels. In addition, based on the results of an ongoing study⁹ the Commission will support Member States also in the phase out of other environmentally harmful subsidies.
- (9d) Marine and coastal ecosystems, such as mangroves, coral reefs, salt marshes and seagrass meadows, are being degraded and negatively impacted through harmful practices, pollution and processes such as eutrophication and acidification, impacting the biodiversity they sustain and the ecosystem services and functions they provide as well as their capacity to act as carbon sinks. Urgent action is required to protect and restore marine and coastal ecosystems, including the ocean floor. Ocean protection and preservation is a global challenge and collective responsibility and there is a need to raise awareness and improve ocean literacy in order to foster the adoption and implementation of effective measures by all levels of, and actors in, society.

⁹ Study on Mapping objectives in the field of environmental taxation and budgetary reform: Environmental Harmful Subsidies (EHS). DG ENV commissioned out this study, which is funded under one of the European Parliament preparatory actions (PA 09 18 01: Operationalising capacity building for programmatic development and mapping objectives in the field of environmental taxation and budgetary reform). The contractor is VVA Brussels SPRL (consortium lead), B'Innov, RPA Europe and RPA, Metroeconomica and the Institute for Environmental Studies of the Vrije Universiteit Amsterdam.

- (9e) The global food system, including agriculture, fisheries and aquaculture, remains one of the key drivers of climate change and environmental degradation, including global deforestation. In the Union, the transformation of the Union food system is needed in order to ensure the achievement of the 8th EAP priority objectives.
- (10) The 8th EAP should set out thematic priority objectives in areas of climate change mitigation, adaptation to climate change, protecting and restoring terrestrial and marine biodiversity, a non-toxic circular economy, the zero pollution environment and minimising environmental pressures from production and consumption across all sectors of the economy. Those thematic priority objectives, which address both drivers and impacts of environmental damage, are inherently interlinked and a systemic approach is therefore necessary for their achievement. The 8th EAP should furthermore identify the enabling conditions to achieve, in a coherent way, the long-term and the thematic priority objectives for all actors involved.
- (10a) The term ‘ecosystem approach’ is established under the UN Convention on Biological Diversity as a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way in order to help reach a balance between conservation, sustainable use and benefit sharing of biological diversity, the three objectives of the Convention.
- (10b) According to the EEA, nature based solutions (NBS) for climate change adaptation and disaster risk reduction are actions which work with and enhance nature to restore and protect ecosystems and to help society to adapt to the impacts of climate change and slow further warming, while providing multiple additional benefits¹⁰. The implementation of the NBS should be coherent with the 8th EAP’s priority objectives.
- (10c) Natural Capital accounting, a tool aiming to measure the changes in the stock of natural capital at a variety of scales and to integrate the value of ecosystem services into accounting and reporting systems, should support measuring progress towards ambitious targets and measures to reduce greenhouse gas emissions and protect and restore biodiversity, which it cannot replace.

¹⁰ EEA Report No 1/2021 “Nature-based solutions in Europe: Policy, knowledge and practice for climate change adaptation and disaster risk reduction”.

- (10d) To meet the needs of the EU Biodiversity Strategy, including investment priorities for Natura 2000 and green infrastructure, the Commission has assessed that at least €20 billion a year should be unlocked for spending on nature. This will require mobilising private and public funding at national and EU level, including through a range of different programmes.
- (11) Environment policy being highly decentralised, action to achieve the priority objectives of the 8th EAP should be taken at different levels of governance, i.e. at the European, the national, the regional and the local level, with a collaborative approach to multi-level governance. Efficient monitoring, implementation, enforcement and accountability are essential, and effective governance is required in order to ensure coherence between policies. The integrated approach to policy development and implementation should be strengthened with a view to maximising the synergies between environmental, social and economic objectives by systematically screening and, where appropriate, assessing the potential trade-offs between them, as well as systematically evaluating the needs of vulnerable and marginalised groups. This integrated approach should meet the specific needs of all regions, including urban and rural areas and outermost regions. Moreover, access to environmental information, public participation in environmental decision-making, and access to justice, including transparent engagement with and between public authorities at all levels of decision making, non-governmental actors and the broader public in line with the Aarhus Convention are important for ensuring the success of the 8th EAP.
- (11a) Impact assessments undertaken in the context of the 8th EAP should take into account the full range of immediate and long-term impacts on the environment and climate as part of an integrated analysis of economic, social and environmental impacts, including their cumulative effects, as well as the costs of action and inaction. Those impact assessments should be based on wide and transparent consultation, and within eight weeks of closure of a public consultation, the Commission should present detailed feedback on stakeholder consultation responses, distinguishing between contributions from different types of stakeholders.

- (11b) Action to achieve the Union's environmental and climate objectives needs to be carried out in line with and be compatible with the implementation of the European Pillar of Social Rights.
- (11c) The United Nations Environment Programme and the OECD Global Forum on Environment have highlighted that environmental changes have gender-specific impact. Gender-differentiated roles also cause differentiated vulnerabilities of women and men to the effects of climate change, and climate change impacts exacerbate gender inequalities. Therefore, a gender perspective on actions and goals related to the achievement of the priority objectives of the 8th EAP is necessary in order to help ensure that gender inequalities are not perpetuated.
- (11ca) In line with the Chemicals Strategy for Sustainability, the 8th EAP should support the Union's efforts to promote the sound management of chemicals through international cooperation and partnerships, in bilateral, regional and multilateral fora as well as cooperation with third countries. The EU will, in line with international commitments, ensure that hazardous chemicals banned in the European Union are not produced for export, including by amending relevant legislation if and as needed.
- (11cb) Progressing towards the recognition of the right to a clean, healthy and sustainable environment, as laid out in Resolution 48/13 of the U.N. Human Rights Council, is an enabling condition for achieving the priority objectives of the 8th EAP.
- (12) Green diplomacy and enhanced cooperation with third countries, including developing countries, and supporting good global environmental governance, including promotion of access to information, public participation in decision-making and access to justice in environmental matters, are key to achieving SDGs as well as the Union's environmental and climate objectives. Ensuring synergies and coherence between all internal and external Union policies, including trade policies and agreements, and adhering to Policy Coherence for Sustainable Development (PCSD) is also essential.

- (13) The European Commission should assess the progress in achieving the priority objectives of the 8th EAP by the Union and the Member States in the context of the just and inclusive transition towards sustainability, wellbeing and resilience within planetary boundaries. This is in line with calls of heads of state and government of Member States of the European Union¹¹, the Council¹² and the European Economic and Social Committee¹³ for measuring economic performance and societal progress “beyond GDP”, and moving towards using well-being as a compass for policy, which is also supported by the OECD¹⁴.
- (14) The assessment of progress towards the priority objectives of the 8th EAP should reflect the latest developments as regards the availability and relevance of data and indicators. It should be coherent with and without prejudice to monitoring or governance tools covering more specific aspects of environment and climate policy, such as in particular Regulation 1999/2018 of the European Parliament and of the Council¹⁵, the Environmental Implementation Review or monitoring tools relating to a circular economy, zero pollution, biodiversity, air, water, soil, waste, or any other environment policies. Together with tools used in the European Semester, the Eurostat SDG Monitoring and in the Commission’s Strategic Foresight Report¹⁶, assessment of progress towards the 8th EAP’s priority objectives should form part of a cross-cutting, coherent and interconnected set of monitoring and governance tools, covering not only environmental but also social and economic factors.
- (14a) Further developing the scientific knowledge base on planetary boundaries and environmental footprints, including in relation to relevant indicator sets, is important in view of the 8th EAP’s priority objectives, in particular its long-term priority objective.

¹¹ <https://www.consilium.europa.eu/en/press/press-releases/2021/05/08/the-porto-declaration>

¹² See e.g. <https://data.consilium.europa.eu/doc/document/ST-10414-2019-INIT/en/pdf>

¹³ <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/reflection-paper-towards-sustainable-europe-2030>

¹⁴ See e.g. the OECD Well-being Framework, the OECD Framework for Policy Action on Inclusive Growth, the Better Life Initiative and the New Approaches to Economic Challenges Initiative.

¹⁵ Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, *OJ L 328*, 21.12.2018, p. 1–77.

¹⁶ COM(2020) 493 final.

- (15) Robust and meaningful data and indicators are needed in order to monitor progress towards the achievement of the 8th EAP's priority objectives. The Commission and the EEA and other relevant agencies should access, re-use and build on the data and indicators provided by the Member States in accordance with applicable Union legal acts. In addition, other data sources, such as satellite data and processed information from the European Union's Earth Observation Programme (Copernicus), the European Forest Fire Information System, the Biodiversity Information System, the Land System Parcel Identification System and the European Flood Awareness System, or data platforms such as the European Marine Observation and Data Network or the Information Platform for Chemical Monitoring should be utilised. The application of modern digital tools and artificial intelligence allows managing and analysing the data in an effective way and thereby reducing administrative burden whilst increasing timeliness and quality. To assess progress, non-legally binding targets could be used in addition to legally binding targets set out in Union law.
- (16) Furthermore, in accordance with the requirements set out in Directives 2003/4/EC, 2007/2/EC and 2019/1024/EU from the European Parliament and the Council, Member States should ensure that the relevant data, information and indicators for monitoring the implementation of the 8th EAP are freely available, non-discriminatory, with open access, adequate, of high quality, comparable, up-to-date, user friendly and easily accessible online.
- (17) To reach the priority objectives of the 8th EAP, the EEA and ECHA, as well as Member States, should be equipped with adequate capacity and sufficient resources to ensure a sound, accessible and transparent knowledge and evidence base to support the implementation of the strategic priorities of the European Green Deal and the assessment of progress under the programme. Where relevant, other bodies and agencies should also be involved and contribute to the implementation of these strategic priorities and to the assessment of progress under the 8th EAP.

(17a) Article 192(3) first subparagraph, of the Treaty on the Functioning of the European Union provides that it is for the European Parliament and the Council, in accordance with the ordinary legislative procedure, to adopt general action programmes setting out priority objectives to be attained in the field of Union policy on the environment.

As the Commission Communication on the European Green Deal contains a roadmap of key actions relevant for the field of environment and climate in the coming years, this Decision on an 8th EAP exceptionally does not define actions to achieve its priority objectives until 2025. However, there will be a need to do so for the period after the European Green Deal's key actions are expected to have been put in place by 2024 to ensure that the thematic priority objectives set out in this Decision can be achieved and that the 8th EAP continues to set the overarching vision of the Union's environmental policy. This is also necessary in order to respect the prerogatives of the European Parliament and the Council pursuant to Article 192(3) first subparagraph, of the Treaty on the Functioning of the European Union, without prejudice to the prerogatives of the European Commission pursuant to Article 17 of the Treaty of the European Union.

For this purpose, there should be a mid-term review carried out by the Commission by 31 March 2024, followed, where appropriate, in order to reach the thematic priority objectives, at the latest by 31 March 2025, by a legislative proposal adding an annex to this Decision.

(18) In order to take account of evolving policy objectives and the progress made, the 8th EAP should be evaluated by the Commission in 2029. The Commission should present a report to the European Parliament and to the Council containing the findings of that evaluation, followed, if appropriate, by a legislative proposal for the next environmental action programme. Such a legislative proposal should be presented in a timely manner, with a view to avoiding a gap between the 8th and the 9th EAP.

- (18a) Pursuant to Article 191(2) of the Treaty on the Functioning of the European Union (TFEU), Union policy on the environment is to aim at a high level of protection taking into account the diversity of situations in the various regions of the Union, and is to be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should, as a priority, be rectified at source and that the polluter should pay.
- (19) Since the objective of this Decision cannot be sufficiently achieved by the Member States, but can rather by reason of the scale and effects of the proposed action programme, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve those objectives.

HAVE ADOPTED THIS DECISION:

Article 1

Subject matter

1. This Decision sets out a general action programme in the field of the environment for the period up to 31 December 2030 ('the 8th Environment Action programme' or '8th EAP'). It lays down its priority objectives, and identifies enabling conditions necessary for the achievement of the priority objectives. It sets a monitoring framework to measure progress of the Union and its Member States towards the achievement of the priority objectives. It also establishes a governance mechanism to ensure full achievement of the priority objectives.
2. The 8th EAP aims at accelerating the green transition to a climate-neutral, sustainable, non-toxic, resource-efficient, renewable energy-based, resilient and competitive circular economy in a just, equitable and inclusive way and at protecting, restoring and improving the state of the environment including by, inter alia, halting and reversing biodiversity loss. It supports and strengthens an integrated policy and implementation approach, building upon the European Green Deal.
3. The 8th EAP forms the basis for achieving the environmental and climate objectives defined under the United Nations 2030 Agenda and its Sustainable Development Goals, as well as to those pursued by multilateral environmental and climate agreements. Its monitoring framework shall contribute to the Union's efforts to measure progress towards sustainability, wellbeing and resilience.
4. The 8th EAP shall be based on the precautionary principle, the principles of preventive action and of rectification of pollution at source and the polluter-pays principle.

Article 2

Priority objectives

1. The 8th EAP shall have the long-term priority objective that by 2050 at the latest, people live well, within the planetary boundaries in a wellbeing economy where nothing is wasted, growth is regenerative, climate neutrality within the EU has been achieved and inequalities have been significantly reduced. A healthy environment underpins the well-being of all people, biodiversity is conserved and ecosystems thrive and nature is protected and restored, leading to increased resilience to climate change, weather and climate-related disasters and other environmental risks. The Union sets the pace for ensuring the prosperity of present and future generations globally guided by intergenerational responsibility.
2. The 8th EAP shall have the following six interlinked thematic priority objectives, for the period up to 31 December 2030:
 - (a) swift and predictable reduction of greenhouse gas emissions and, at the same time, enhancement of removals by natural sinks in the Union, to attain the 2030 greenhouse gas emission reduction target as laid down in Regulation (EU) 2021/1119¹⁷, in line with the Union climate and environment objectives whilst ensuring a just transition that leaves no one behind;
 - (b) continuous progress in enhancing and mainstreaming adaptive capacity, including on the basis of ecosystem approaches, strengthening resilience and adaptation and reducing vulnerability of the environment and of society as well as all sectors of the economy to climate change, while improving prevention of, and preparedness for weather and climate related disasters;

¹⁷ OJ L 243, 9.7.2021, p. 1

- (c) advancing towards a wellbeing economy that gives back to the planet more than it takes, and accelerating the transition to a non-toxic circular economy, where growth is regenerative, resources are used efficiently and sustainably, and the waste hierarchy is applied;
- d) pursuing zero-pollution, including in relation to harmful chemicals, in order to achieve a toxic-free environment, including for air, water, soil as well as in relation to light and noise pollution, and protecting the health and well-being of people, animals and ecosystems from environment-related risks and negative impacts;
- e) protecting, preserving and restoring marine, terrestrial and inland waters biodiversity inside and outside protected areas by, inter alia, halting and reversing its loss and improving the state of ecosystems and their functions and the services they provide, and the environment, in particular air, water, and soil, as well as combating desertification and soil degradation;
- (f) promoting environmental aspects of sustainability and significantly reducing key environmental and climate pressures related to the Union's production and consumption, in particular in the areas of energy, industry, buildings and infrastructure, mobility, tourism, international trade and the food system.

Article 3

Enabling conditions to achieve this programme's priority objectives

1. Achieving the priority objectives of the 8th EAP shall require from the European Commission, the Member States, local and regional authorities and stakeholders, as appropriate:
 - (a) ensuring effective, swift and full implementation of Union legislation and strategies on environment and climate and striving for excellence in environmental performance at Union, national, regional and local levels including through providing sufficient administrative and compliance assurance capacity, as laid out in the regular Environmental Implementation Review, supporting and cooperating with networks of practitioners, such as for example the IMPEL network¹⁸, the ENPE¹⁹ and the EUFJE²⁰ as well as with EnviCrimeNet;
 - (aa) improving guidance and recommendations including on effective, dissuasive and proportionate penalties, to reduce risks of non-compliance with environmental law, as well as stepping up action in the area of environmental liability and responses to non-compliance and strengthening judicial cooperation in the area of, and law enforcement against, environmental crime as laid down in relevant Union legislation, such as Directive 2008/99/EC of the European Parliament and of the Council²¹;

¹⁸ European Union Network for the Implementation and Enforcement of Environmental Law.

¹⁹ European Network of Prosecutors for the Environment.

²⁰ European Union Forum of Judges for the Environment.

²¹ Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).

- (ab) prioritising enforcement of Union environmental law where implementation is lacking, including through infringement proceedings, as well as by ensuring that sufficient financial and human resources are allocated for this purpose and that information on these proceedings is complete and easily accessible, while respecting Union law;
- (b) strengthening the integrated approach to policy development and implementation, in particular by:
- mainstreaming the priority objectives set out in Article 2 as well as, where relevant, the SDGs, in all relevant strategies, legislative and non-legislative initiatives, programmes, investments and projects at Union, national, regional and local levels, as well as in relevant international agreements concluded by the Union after [the date of entry into force of this Decision], in order to ensure that these strategies, legislative and non-legislative initiatives, programmes, investments, projects and international agreements and their implementation are consistent with, contribute, where relevant, and do no harm to any of the priority objectives set out in Article 2;
 - maximising the benefits from implementing the Directives 2011/92/EU²² and 2001/42/EC²³ of the European Parliament and of the Council;
 - systematically screening and, where appropriate, assessing synergies and potential trade-offs between environmental, social and economic objectives for all initiatives, so as to ensure that people's wellbeing, and in particular their needs for a healthy environment, clean air and affordable, accessible and high-quality food, water, energy, housing, green infrastructure and mobility are met in a sustainable way that leaves no-one behind;

²² Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment Text with EEA relevance, OJ L 124, 25.4.2014, p. 1–18, as amended.

²³ Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, OJ L 197, 21.7.2001.

- adopting a ‘think sustainability first’ approach, including by integrating, where relevant, the SDGs in the Better Regulation guidelines and toolbox, as well as streamlining and operationalising the ‘do no harm’ principle;
 - regularly evaluating existing policies and proposing new legislation where appropriate, based on, where relevant, impact assessments that build upon wide and transparent consultations - following procedures that are accountable, inclusive, informed and simple to implement - and which take into account the full range of immediate and long-term impacts on the environment and climate as part of an integrated analysis of economic, social and environmental impacts, including their cumulative effects, as well as the costs of action and inaction;
 - presenting, within eight weeks of closure of a public consultation, detailed feedback on stakeholder consultation responses, distinguishing between contributions from different types of stakeholders, by the Commission;
- (c) effectively integrating the SDGs as well as climate and environmental objectives in the European Semester of economic governance, without prejudice to its original purpose, including in the National Reform Programmes and National Recovery and Resilience plans;
- (ca) developing a summary dashboard and indicator set measuring 'beyond GDP', based on, inter alia, a targeted consultation with all relevant stakeholders as well as a report, which identifies the interlinkages between existing indicator sets, monitoring frameworks and processes at EU level measuring social, economic and environmental progress and which proposes action on how existing dashboards and indicator sets can be streamlined;
- (d) mobilising resources and ensuring sufficient sustainable investments from public and private sources, including of funds and instruments available under the Union budget, via the European Investment Bank and at national level, consistent with the Union's sustainable finance policy agenda;

- (e) strengthening environmentally positive incentives as well as phasing out environmentally harmful subsidies, in particular fossil fuel subsidies, at Union, national, regional and local level without delay, inter alia by:
- a binding Union framework to monitor and report on Member States' progress towards phasing out fossil fuel subsidies based on an agreed methodology;
 - setting a deadline for the phasing out of fossil fuel subsidies, consistent with the ambition of limiting global warming to 1.5 degrees;
 - a methodology set out by the Commission, in consultation with Member States, by 2023, for identifying other environmentally harmful subsidies. Member States shall on the basis of this methodology identify other environmentally harmful subsidies and report them regularly to the Commission, allowing for a Commission report on the level and type of such subsidies in the Union, and on progress made on phasing them out;
- (eb) making the best use of environmental taxation, market-based instruments and green budgeting and financing tools, including those required to ensure a socially fair transition, and supporting businesses and other stakeholders in developing and applying standardised natural capital accounting practices;
- (ec) mainstreaming biodiversity action in the Union's policies and contributing to the achievement of the overall ambition of providing 7,5 % of annual spending under the multiannual financial framework 2021-2027 to biodiversity objectives in 2024 and 10 % of that annual spending in 2026 and in 2027, with such spending to be tracked using an effective, transparent and comprehensive methodology, while considering the existing overlaps between climate and biodiversity goals;

- (ed) ensuring effective climate and biodiversity mainstreaming and proofing of Union budget as well as consistency between climate and biodiversity funding;
- (ee) ensuring that social inequalities resulting from climate and environmental related impacts and policies are minimised and that measures taken to protect the environment and climate are carried out in a socially fair and inclusive way;
- (ef) gender mainstreaming throughout climate and environmental policies, including by incorporating a gender perspective at all stages of the policy making process;
- (f) ensuring that environmental policies and action at Union, national, regional and local level, are based on the best available scientific knowledge and technologies, and strengthening the environmental knowledge base, including indigenous and local knowledge, and its uptake, including by research, innovation fostering green skills, training and retraining, and further building up environmental and ecosystem accounting;
- (fa) developing and consolidating the knowledge base on, inter alia, the requirements for systemic change, how to shift from a silo- and sector-based policy focus to a systemic approach to policy coherence, as well as the capacity of different ecosystems to act as greenhouse gas sinks and stocks;
- (fc) closing gaps in, and optimising, relevant indicator sets, such as those relating to systemic change, planetary boundaries and the Union's production and consumption footprints, as well as those that address the interface between environmental and socio-economic factors, such as inequalities arising from environmental change, whilst ensuring that indicator sets are comparable at all levels of policy making;

- (fd) mobilising broad support by civil society, working with businesses, in particular SMEs, social partners, citizens, communities and other stakeholders;
- (fda) encouraging cooperation in the development and implementation of strategies, policies or legislation related to the 8th EAP and ensuring the full participation of, regional and local authorities in urban and rural areas including in outermost regions across all dimensions of environmental policy-making through a collaborative and multi-level approach and ensuring that local and regional communities have adequate resources for implementation on the ground;
- (fdb) strengthening cooperation between all Union institutions on climate and environment policy, including between the Commission and the Committee of the Regions in the framework of the enhanced cooperation, and exploring how to improve dialogue and information pooling;
- (fg) addressing land degradation and ensuring the protection and sustainable use of soil including by a dedicated legislative proposal on soil health by 2023;
- (fh) transforming the Union's food system, so that it, inter alia, contributes to protecting and restoring biodiversity within and outside the Union, and ensures a high level of animal welfare whilst ensuring a just transition for affected stakeholders;
- (fi) promoting the sound management of chemicals at international level, whilst also promoting the global phase down of substances which are not authorised in the Union;

- (fj) swiftly substituting substances of concern, including substances of very high concern, endocrine disruptors, very persistent chemicals, neurotoxicants and immuno-toxicants, as well as tackling the combination effects of chemicals, nano-forms of substances and exposure to hazardous chemicals from products, assessing their impacts on health and the environment, including climate, and biodiversity, whilst promoting safe and sustainable by design chemicals and materials and stepping up and coordinating efforts to promote the development and validation of alternatives to animal testing;
- (g) harnessing the potential of digital and data technologies to support environment policy, including by delivering real-time data where possible and information on the state of ecosystems, while increasing efforts to minimise the environmental footprint of these technologies, and ensuring transparency, authenticity, interoperability and public accessibility of the data and information;
- (ga) holistically recognising the interconnections between human health, animal health and the environment through integration of the ‘One Health’ approach in policy making;
- (gb) advancing towards the recognition of a right to a clean, healthy and sustainable environment internationally;
- (h) making full use of ecosystem approaches and green infrastructure, including biodiversity-friendly nature based solutions whilst also ensuring that their implementation restores biodiversity and enhances ecosystem integrity and connectivity, has clear societal co-benefits, requiring full engagement with, and consent of, indigenous peoples and local communities, and does not replace or undermine measures taken to protect biodiversity or reduce greenhouse gas emissions within the Union;

- (ha) making use of existing tools and methodologies as well as further improving monitoring methods, evaluation tools and measurable indicators for NBS;
- (i) effectively applying high standards for transparency, public participation and access to justice in accordance with the Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention)²⁴ both at Union and Member State level;
- (j) making the data and evidence linked to the implementation of the 8th EAP publicly available, easily accessible and comprehensible, without prejudice to provisions on confidentiality in domain specific legislation;
- (ja) raising awareness about the importance of achieving the priority objectives, as well as strengthening the capacity of citizens to act through promoting, inter alia, debate and communication at all levels, lifelong environmental education, civic involvement and community-led action;
- (jaa) contributing to supporting civil society, public authorities, citizens and communities, social partners and the private sector identify climate and environmental risks, assess their impact and take action to prevent, mitigate and adapt to such risks, as well as fostering their engagement in closing knowledge gaps by, inter alia, encouraging citizen observation and reporting of environmental issues and compliance gaps, including promotion of good practices of citizen science using digital technologies;
- (jb) significantly decreasing the Union's material and consumption footprints to bring them into planetary boundaries as soon as possible, including through the introduction of EU 2030 reduction targets, as appropriate;

²⁴ <https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>.

- (k) supporting the global uptake of the priority objectives laid down in Article 2, ensuring coherence between internal and external approaches and coordinated action, in particular as regards:
- engaging with third countries on climate and environmental action, encouraging and supporting them to adopt and implement rules in these areas that are at least as ambitious as those of the Union, and ensuring that all products placed on the Union market fully comply with relevant Union requirements in line with the Union's international commitments, including with regard to halting deforestation and land degradation;
 - fostering sustainable corporate governance, including establishing mandatory due diligence requirements at Union level, and promoting the uptake of responsible business conduct in Union external policies, including in trade policy;
 - enhancing cooperation with governments, businesses, social partners and civil society in third countries and international organisations to form partnerships and alliances for environment and climate protection and promoting cooperation on environment and climate change, including in G7 and G20;
 - demonstrating leadership in international fora by, inter alia, achievement by the Union of the SDGs as well as the objectives laid down in the Paris Agreement, the Convention on Biological Diversity, the Convention to Combat Desertification and other multilateral environmental agreements, notably by strengthening their implementation, and supporting third countries to do the same, including by increasing transparency and accountability as regards progress on the commitments made under those agreements;

- strengthening international environmental governance by closing remaining gaps and strengthening respect for and application of recognised international environmental principles;
- ensuring that the Union and the Member States' financial assistance to third countries promotes the UN 2030 Agenda.

Article 4

Monitoring framework and governance

1. The Commission, supported by the European Environment Agency and the European Chemicals Agency, without prejudice to their independence, shall monitor, assess and report on the progress of the Union and the Member States with regard to achieving the priority objectives laid down in Article 2 on an annual basis, taking into consideration the enabling conditions laid down in Article 3, and the overall goal of achieving systemic change. The information resulting from that monitoring, assessment and reporting shall be made publicly available and easily accessible.
- 1a. The monitoring, assessing and reporting referred to in paragraph 1 shall aim at facilitating high-level strategic political communication. Following a consultation process with all relevant stakeholders, the Commission shall, by 31 March 2022, present a monitoring framework, based on a limited number of headline indicators, which include, where available, systemic indicators that address inter alia environmental-social and environmental-economic nexus. The list of headline indicators shall remain stable to ensure accountability. It shall, however, be updated where appropriate to reflect the latest policy and indicator developments.

2. The monitoring and assessment referred to in paragraph 1 shall reflect the latest developments as regards the availability and relevance of data and indicators and build on data available in the Member States and at the Union level, in particular those operated by the European Environment Agency and the European Statistical System, with a view to minimising administrative burden. It shall be coherent with and without prejudice to other monitoring, reporting and governance frameworks and exercises covering environment and climate policy. It shall be based on a methodology that enables, where possible, measurement of distance to targets in regard to the priority objectives and selected headline indicators.
- 2a. The European Parliament, the Council and the Commission shall take account of and exchange views annually on the assessment referred to in paragraph 1 as well as actions taken and possible future actions.
3. The European Environment Agency and the European Chemicals Agency shall support the Commission in improving the availability and relevance of data, indicators and knowledge, in particular by carrying out the following:
 - (a) gathering, processing and reporting evidence and data with modern digital tools, whilst improving methodologies for data collection and treatment and for developing harmonised indicators;
 - (aa) strengthening and providing support to basic research, mapping and monitoring;
 - (b) working towards closing the relevant monitoring data gaps, together with Member States, taking into account the need for systemic change;
 - (c) delivering policy-relevant and systemic analyses, and contributing to implementing policy objectives at Union and national level, including by proposing recommendations to enhance the progress in achieving the objectives;

- (d) integrating data on environmental, health, social and economic impacts, and exploiting fully other available data and services, such as those delivered by Copernicus;
 - (da) contributing to closing critical knowledge gaps on ecological tipping points, while taking into account geographical and ecological differences across regions;
 - (db) developing quantitative and qualitative tools, including foresight and models, which could provide, inter alia, information on potential future system-wide impacts of policies related to environment and climate and on ‘distance to targets’;
 - (e) further improving availability, interoperability and access to data through Union programmes;
 - (f) ensuring transparency and accountability.
4. The Commission shall regularly examine data and knowledge needs at Union and national level, including the capacity of the European Environment Agency and the European Chemicals Agency as well as other European bodies and agencies, where relevant, to carry out the tasks referred to in paragraph 3.

Article 4a

Mid-term review

1. By 31 March 2024, the Commission shall carry out a mid-term review of the progress achieved in reaching the thematic priority objectives defined in Article 2(2), taking into consideration the status of the enabling conditions laid down in Article 3, and progress made towards monitoring and assessing systemic change. The Commission shall propose, where appropriate, changes to the headline indicator set in light of the outcome of the mid-term review. The mid-term review shall be based on the assessments carried out under Article 4(1) and any other relevant findings. The Commission shall submit the mid-term review report to the European Parliament and to the Council.
2. In the light of the review referred to in paragraph 1 and the European Parliament's and the Council's possible response to that review, in the light of other relevant policy developments, and of the European Environment Agency's report "The European environment – state and outlook", in order to reach thematic priority objectives, as defined in Article 2(2), the Commission shall present, where appropriate, a legislative proposal for adding an annex to the present 8th Environment Action Programme, for the period after 2025, containing a list of actions with a view to reaching such objectives, as well as the respective timeline of these actions.

Article 5

Evaluation

By 31 March 2029, the Commission shall carry out an evaluation of the 8th EAP. The Commission shall submit a report to the European Parliament and to the Council containing the main findings of that evaluation, followed, if appropriate, by a legislative proposal for the next environmental action programme, at the latest, by 31 December 2029.

Article 6

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
