





# ENV.net advocacy toolkit – how to influence environmental policy through effective advocacy

This booklet is designed for civil society organisations and people interested in contributing to the protection of the environment. It provides best practice methodology for creating an advocacy strategy. If you seek to influence your national environmental policies, strategies and systems, read on.

Let us know what you think at @envnetEU or Green\_Europe. If you have success stories or tips to share, we want to hear from you.

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

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# The ENV.NET Project

The purpose of the ENV.net project is to increase the capacity of the ENV.net partners in countries adopting the EU environment *acquis* so that citizens have a stronger voice and can better influence environmental policy. The project improves the skills and potential of ENV.net partners in policy monitoring, analysis and advocacy with the aim to improve environmental protection and increase the impact of civil society organisations.

The project strengthens the ENV.net partners' potential.

- ✓ Monitoring and analysing environmental policy reform
- ✓ Stimulating government-civil society dialogue at national and regional levels
- ✓ Creating opportunities for citizens and CSOs to have a voice in the reform process

Dissemination of information on the EU environmental *acquis* raises awareness among citizens and improves dialogue between civil society and government institutions.

Harnessing the experience of the ENV.net consortium, this advocacy toolkit provides guidance on best practice to influence decision-making processes on environmental issues at national and local levels. The ENV.net partners are: Co-Plan – Institute for Habitat Development (Albania), EEB (Belgium), punto.sud (Italy), ATRC – Advocacy Training and Resource Centre (Kosovo), 4x4x4 Balkan Bridges (FYRoMacedonia), EASD- Environmental Ambassadors for Sustainable Development (Serbia) and TEMA (Turkey).

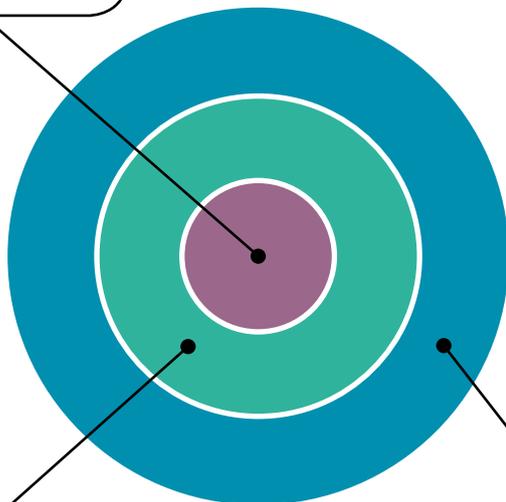
For more information about the project, check out the website [www.env-net.org](http://www.env-net.org).

## The project builds capacity, collaboration and civil society.

**Circle 1.** Strengthened capacity of the ENV.net partner organisations to analyse, monitor and advocate on environmental policy issues.

**Circle 2.** Partners share experiences and knowledge with other environmental civil society organisations (CSOs) in their own countries. Training sessions, an interactive website and a helpdesk support this process.

**Circle 3.** CSOs promote awareness of environmental issues among civil society so people are better able to influence national governments, EU Institutions and other relevant stakeholders.



# What is advocacy?

Advocacy is the organised process of influencing those who make policy. Advocacy can involve the creation, modification, implementation and enforcement of policies. The term “policy” includes government legislation, but can have a much wider meaning.

Advocacy is a process or an action to ensure community rights are respected and effective. Anybody can start an advocacy action, but the more it is structured and organised, the higher the chance of success. Lobbying and campaigning are part of advocacy.

Lobbying is undertaken by a small number of experts in a specific issue.

Campaigning is a series of initiatives, which aim at raising public or political interest on a specific issue.

We can define advocacy as a coordinated set of actions to concretely influence a decision-making process.

Research and analysis

- ✓ Define a solid base from which to start

Create alliances, identify people and organisations with the same or similar goal

- ✓ Benefit from their expertise and collaborate

Campaign

- ✓ Present the idea to a wide audience to raise awareness and/or mobilise

Lobby

- ✓ Approach policy makers in a targeted way, highlight the importance of the issues



# Ten questions for strategic advocacy planning

1. What do we want?

**Goals**

2. Who do we want our message to reach?

**Audiences**

3. What do they need to hear?

**Messages**

6. What have we got?

**Resources**

7. Who are our opponents?

**Rebuttals**

8. What do we need to develop?

**Challenges**



4. Who do they need to hear it from?

**Messengers**

5. How do we get them to hear it?

**Delivery**

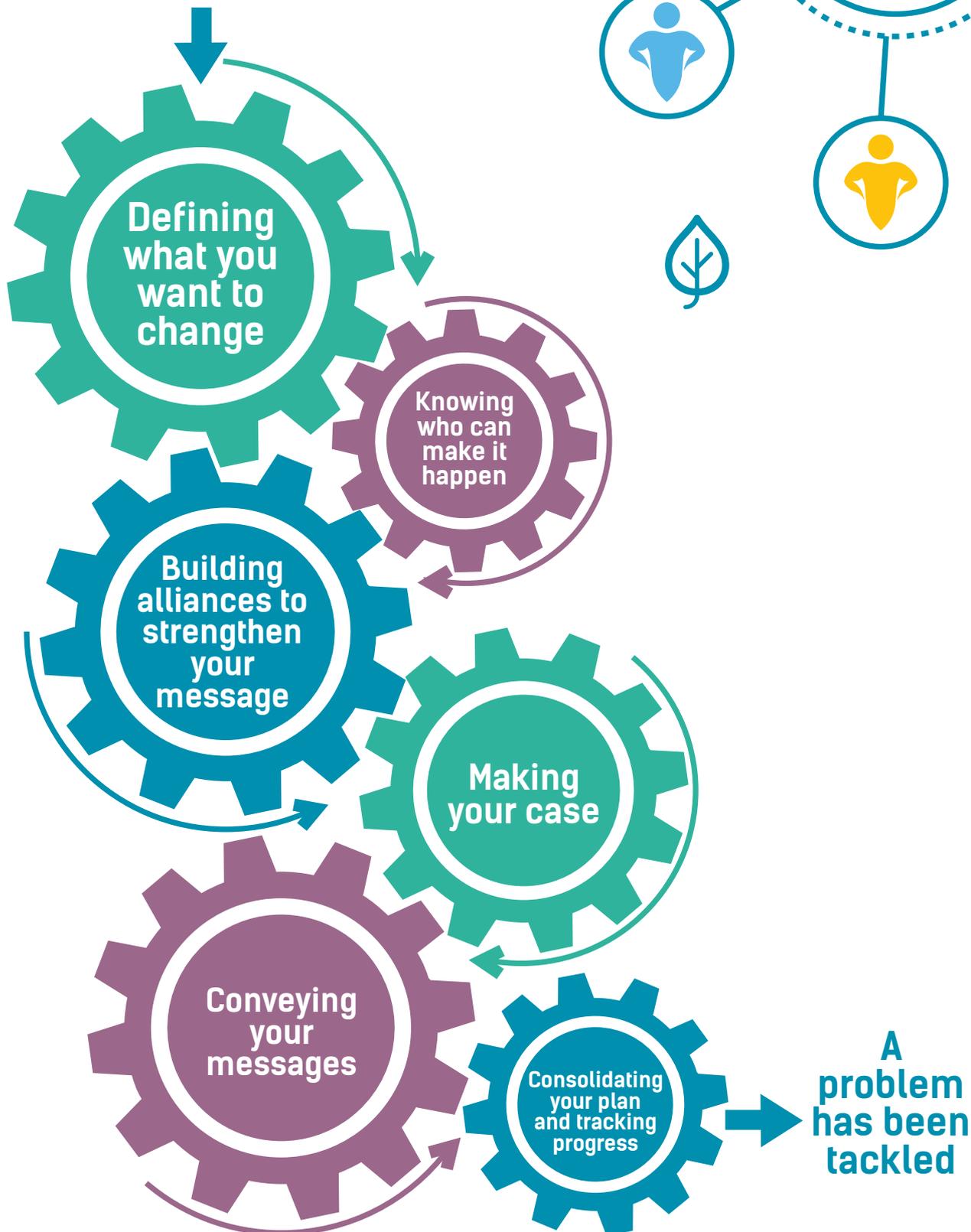
9. How do we begin?

**Step-by step**

10. How will we know if it is working?

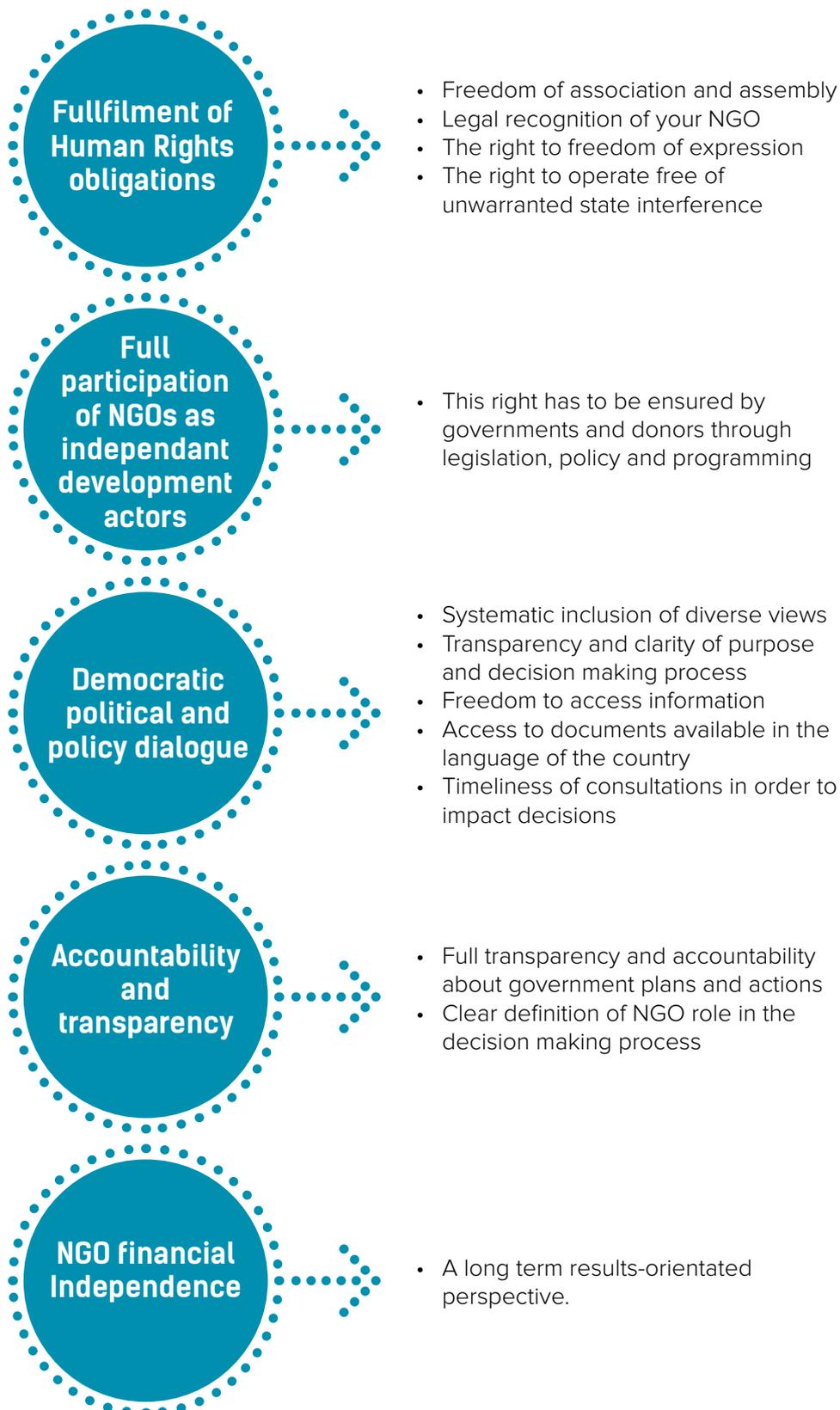
**Evaluation**

A problem has been identified



# Getting the basics right

Here are some recommendations for minimum standards





# 1. What do we want?



To build an effective advocacy strategy, first clarify and define the problem, the context and the background and then determine your main goal or general objective. It is important to have deep knowledge about the legal (and political) background that could be relevant to your goal, at both national and international levels.

Defining the general and specific objectives is a fundamental part of the advocacy planning process. It is common for advocacy strategies to have one to three specific objectives. Any more might make your strategy unmanageable.

Ask yourself, what is the change you want to happen?

The objectives should be SMART

- ✓ Specific
- ✓ Measurable
- ✓ Achievable
- ✓ Realistic
- ✓ Timely

In addition, they should be:

- formulated using appropriate language (see the glossary)
- explicit about the four “w”s of the result: what, when, who and where
- expressed in a meaningful way

Once specific objectives are set, the next step is to identify concrete actions to achieve the objectives.

## Planning model

Any advocacy campaign should be designed first and foremost to according to the main goal or general objective. This may relate to:

- an existing law which is damaging people’s right to live in an healthy environment
- the outcome of a decision-making process
- the position of the government on a particular issue (nuclear energy, coal energy, climate change, NGOs right to participate, etc.)
- the position of the government on a specific project (large combustion plant, coal plan, hydroelectric plant, construction plan, etc.)

Status quo, the problem is:

The recognition of NGOs value and role has not been adequately translated into the national policies and legislation

General Objectives:

NGOs participation in the decision-making process on environmental matters needs to be supported and legally ensured through:

Specific objectives:

the modification of the national law which defines environmental NGO’s role

a constant exchange of information between the Government and the NGO community

a better coordination of the NGOs activities and a clear short-term and a long-term view about the advocacy action

Actions:

NGOs could develop a calendar to establish when and who is going to ask for a meeting with a Government representative

An Intranet platform could be designed to facilitate the exchange of information among NGOs

The planning of a period strategic meeting among NGOs representatives should be foreseen

## 2. Who do we want our message to reach?

Now that the goal is clear, the specific objectives are set, and you know what concrete change you want to bring about, it is essential to identify who can make the change happen.

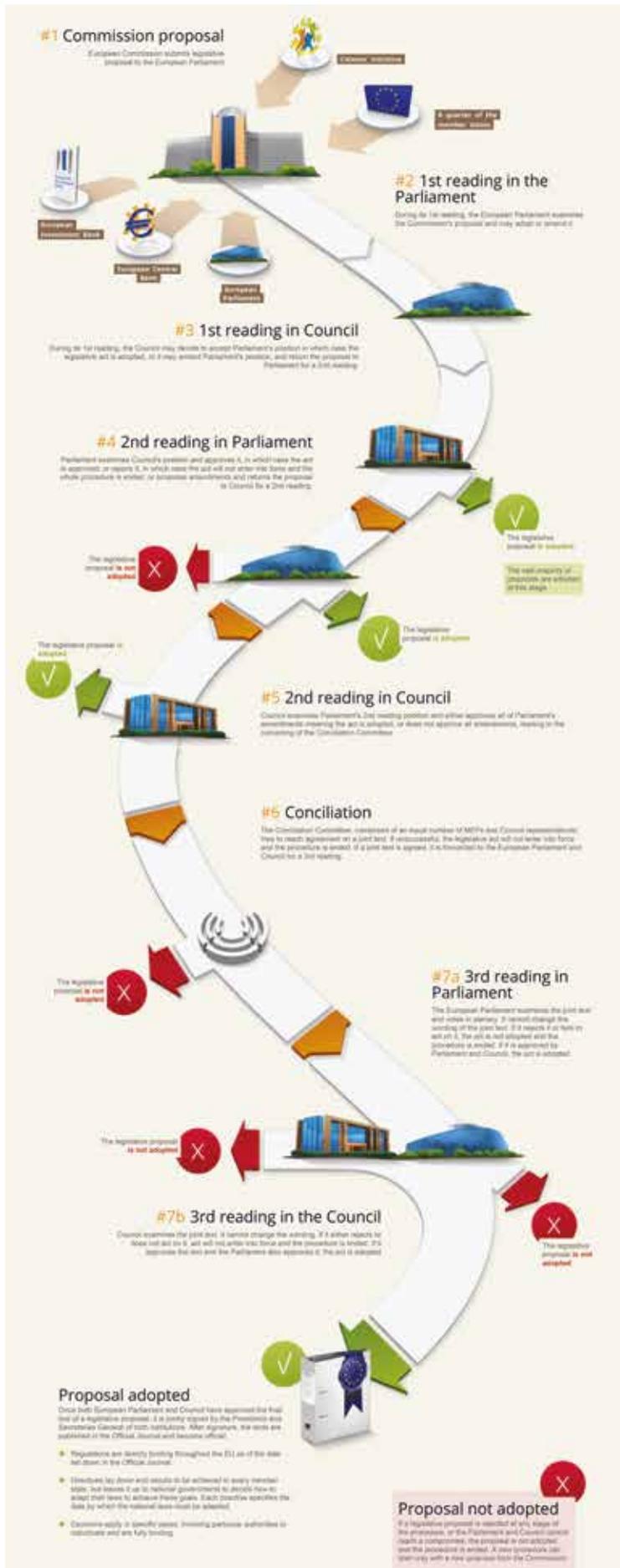
As for the previous phase, it is useful to remember the importance of having a clear picture of the political and legislative context that you want to impact, especially regarding the people or the institutions that have the power to initiate change.

A map can be a useful tool to provide a guide as to the stakeholders who play a role in your fight for change, and about the phases of their decision-making process. Up-to-date knowledge of the situation – people and processes – is vital so that you are prepared to advocate.

### 5 Steps to make good decisions



Mapping a decision-making process



Here is a graphic from the European Parliament website that shows the usual procedure for decision-making by the European Institutions – the Ordinary Legislative Procedure: [http://www.europarl.europa.eu/external/appendix/legislativeprocedure/europarl\\_ordinarylegislativeprocedure\\_howitworks\\_en.pdf](http://www.europarl.europa.eu/external/appendix/legislativeprocedure/europarl_ordinarylegislativeprocedure_howitworks_en.pdf)



## Legitimacy and access

Each step of a decision-making process is governed by competing influences and unpredictable dynamics involving different players. In a democratic context you should be able to follow all developments and participate in all stages of the process. If this is not possible, and the government does not recognize your right to contribute to the decision-making process, you should raise your case, also at international level. To do so, it is important to know the positions of the international organisations potentially involved (for example the EU or the UN).

Events, conferences and round tables with stakeholders can provide opportunities to highlight the problems faced by environmental NGOs in your country. When facing a hostile government, you may sometimes decide to target powerful actors beyond the national context that may influence policy and decision-making processes in your own country or, in any case, might be able to support you (MEPs, EC etc.)

## Democracy and credibility

Taking this into consideration, it is important to show the democratic foundations of your civil society organisation – the citizens behind it. This lends credibility and legitimacy to any NGO looking to gain the ear of the government.

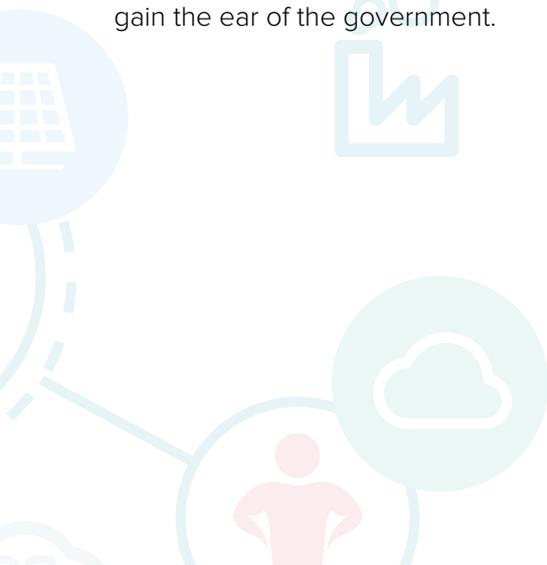
Your strategy should allow you to demonstrate how public opinion and the views of people at the grassroots level has been taken into consideration in forming your position. Citizens may have provided input through petitions (on paper or online), through meetings or public debates.

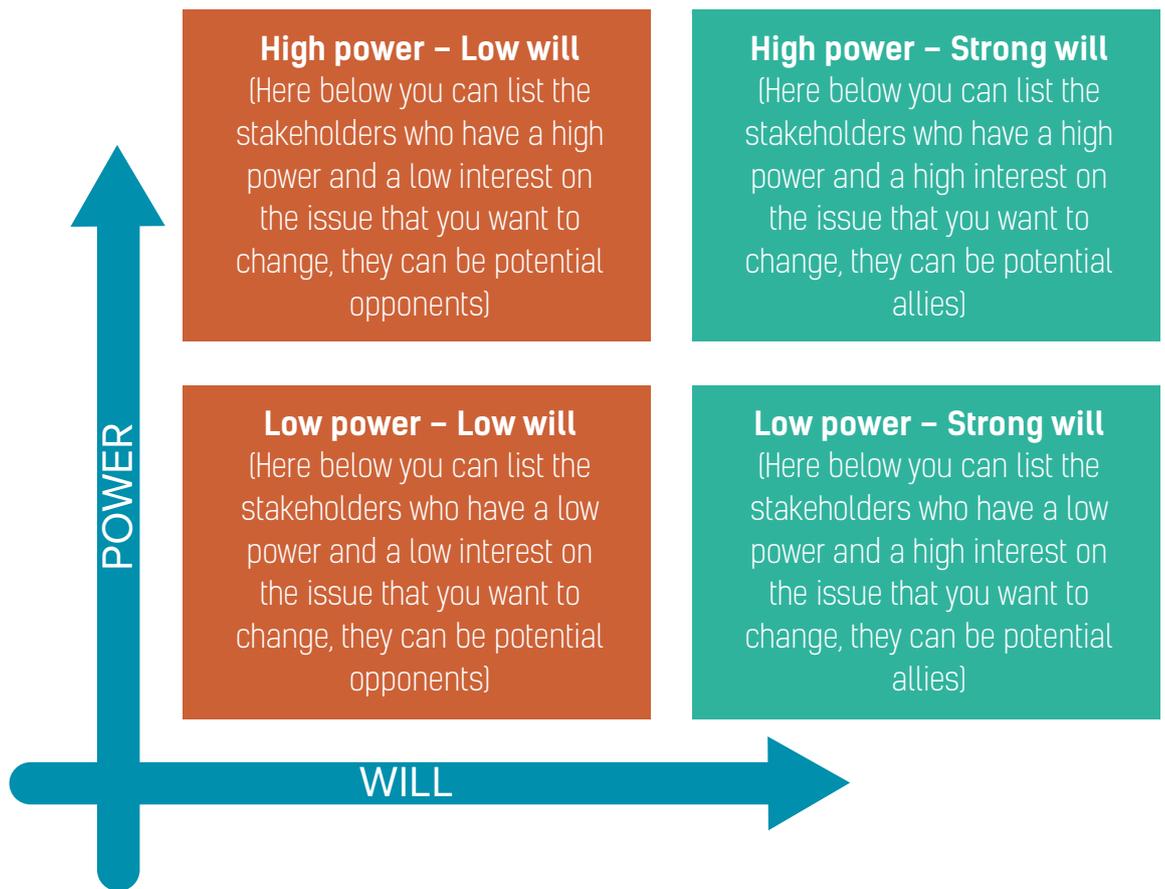
## Targeting messages

Your message should be adapted according to the different stakeholders for whom it is intended. Understanding the different perceptions held by the stakeholders you are trying to influence is crucial. It will help you to develop a more structured advocacy action and increase the chances that your message will be heard.

## Analysing audiences

Stakeholder analysis can help identify your 'key-public', those organisations or individuals who may have influence over them, any potential allies and those who may wish to oppose your action (opponents). To make a useful stakeholder analysis, build a graphic to identify allies and opponents.



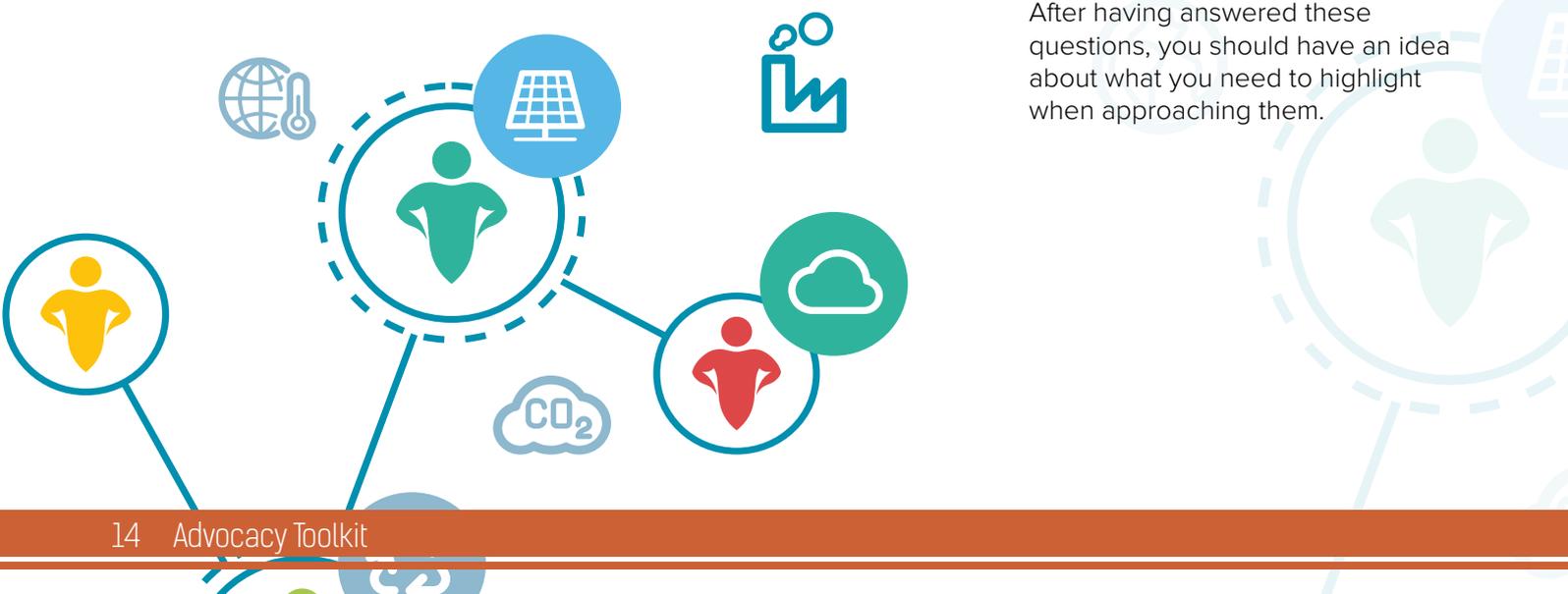


Such a matrix will allow you to start identifying potential targets, allies and possible opponents depending upon which quadrant the actors are located in. Actors with the most power (in the two upper quadrants of the matrix) will be your main targets and should be prioritised. Potential opponents, on the left hand side of the matrix, should be identified and preventive measures should be taken to anticipate their attempts to undermine your action.

### Intelligence gathering

Once you have identified your targets, dedicate some time to researching what and how deep their knowledge is on the issue you are advocating. How much do they know about the issue? Do they have a clear position on the issue? Have you already shared relevant information with them? What new information may help them change their mind or further support your position?

After having answered these questions, you should have an idea about what you need to highlight when approaching them.



# 3. What do they need to hear?

After getting a clear a picture of your stakeholders, the next step is to develop a strategy to present your message in an interesting and engaging way. The selection of what information to communicate, to whom, and through what channels is key at this phase.

## Communication strategy

The development of a written communications strategy is recommended so it can be shared among the team/coalition and referenced as the project develops, to keep communication on track.

You need to start thinking about a powerful communicator to present your messages – will this be you, your colleagues, your allies, third parties, or a combination?

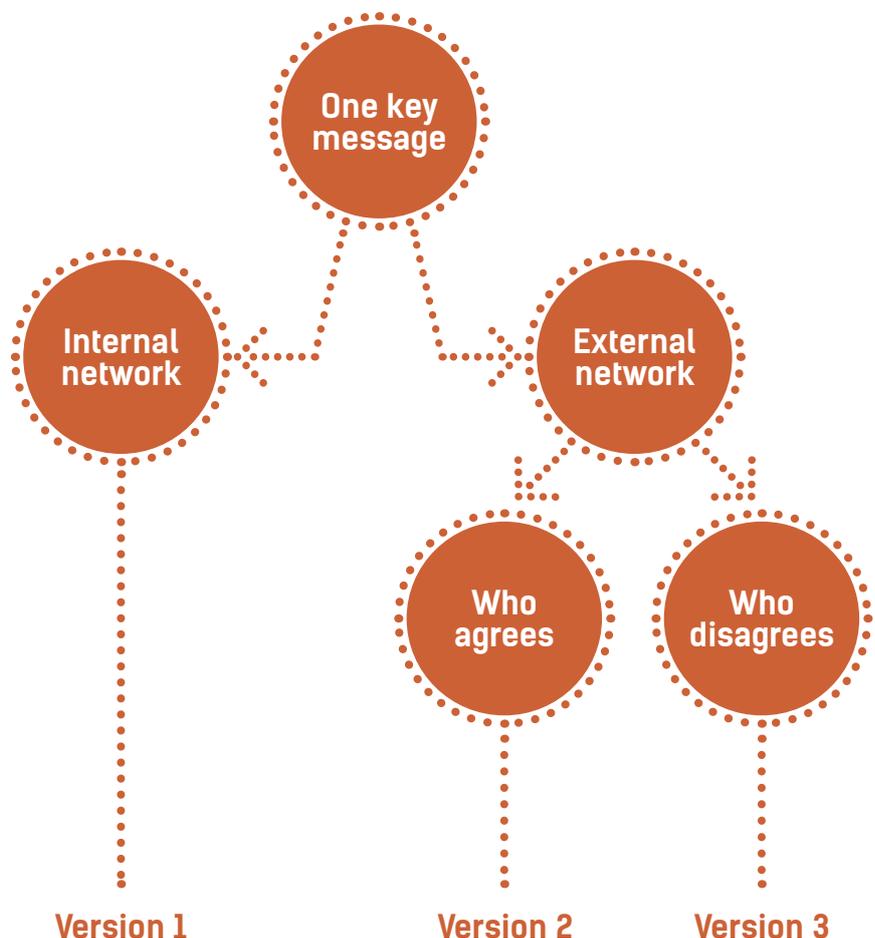
And you need to select the optimum channels to reach your audiences in order to appeal to them in their own space via familiar channels, whether at stakeholder events, or on social media, in face to face meetings, email or in their favourite newspaper or blog.

Knowing the most favoured channels of communication for each audience means they will be open and ready to hear the message as they are getting the message in a space of trust. It will help you think through whether your message will work effectively in these diverse channels.

## Key messages

Bear in mind that the message will have to be spread among an “internal network” composed of other environmental NGOs, which share the same goal, and among an “external network” of stakeholders, that may be supporters or opponents.

Aim for one key message, but three ways to present it bearing in mind the motivations of the different audiences.



The key message should be cross-checked with colleagues to ensure it is in line with the overall organisational message and to reality check that the message is clear and immediately understandable.

What makes the difference for a good message is that it is outcome oriented. What's the benefit or added value to different audiences for the outcome you are advocating? If people can see what they and others can gain from doing what you advocate they are more likely to adopt the message.

## Sub-messages

Show the relevance of the issue and the public concerns, and state what needs to change in the political system and what must be taken into consideration. Developing sub-messages that address and reinforce specific aspects of the key message, such as economic, natural resources, community, society can help bring the message to life.

Each sub-message requires quantitative evidence whether data, facts and figures or qualitative evidence such as quotes or opinion. Prove it.

## Third party endorsement

When your message is clear, identify who among your target group can help you to make a positive change. The more your position is shared, the more your message is strong and has 'spread-potential'. This is where third parties come in.

Networks, alliances and coalitions can help turn a message into a powerful wave of change.



# 4. Who do they need to hear it from?

If you are the only person delivering your message it will be hard for it to be heard by enough people to make an impact. Collaboration is key to success.

There are different ways to build fruitful collaborations with people, groups or organisations.

- **networks** – for information sharing, especially online
- **alliances** – long-term strategic partnerships
- **coalitions** – usually formed for a single issue or a campaign

## Collaboration is key

Joint advocacy can greatly enhance effectiveness by facilitating the exchange of information and ensuring an efficient use of available resources at national, regional and international levels, but they are difficult to form and sustain. If a group already exists, try to join them and explore ways in which your organization could bring added value. If a group doesn't exist, you could launch the proposal of having a coalition or an alliance to build bigger impact.

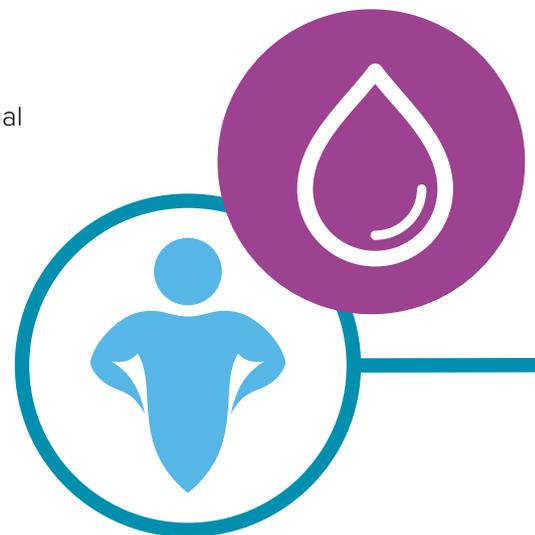
Sometimes it is not easy to work in a coalition or in a network: you should not assume that people working on the same issue share the same approach or have the same expectations. For these reasons, a good way to avoid disagreement is to agree the activities for collaboration.

## Clarity in collaboration

A **memorandum of understanding** or a **common platform** are useful tools to officially present the position and the characteristics of your alliance or coalition.

Several aspects of day-to-day activities should be considered:

- **membership**: define the criteria necessary to decide who can join the group
- **leadership**: define the criteria to identify who will lead the initiative
- **mandate**: an essential step, the more it is clear, the fewer difficulties you will face in the management of the collective action. It is important also to define what the group will not do, and to put clear limits to better understand what the group stands for
- **participation rule**: avoid any internal dispute, it is essential to be clear as to what kind of contributions member are expected to give
- **management**: internal rules should be established for the good functioning of the group. You could foresee when members should act as individual organisations or identify the group spokespeople.





# 5. How do we get them to hear it?

For effective advocacy action it is essential to do research so you have evidence to support your message. Information such as facts and figures or third party quotes from respected individuals or organisations that endorse the position that you are advocating can be the most powerful tool that you may have.

- Timely social media campaigns or Tweets by political leaders from other countries can help drive momentum for policy action. Look what they are saying.

## **A slogan is memorable**

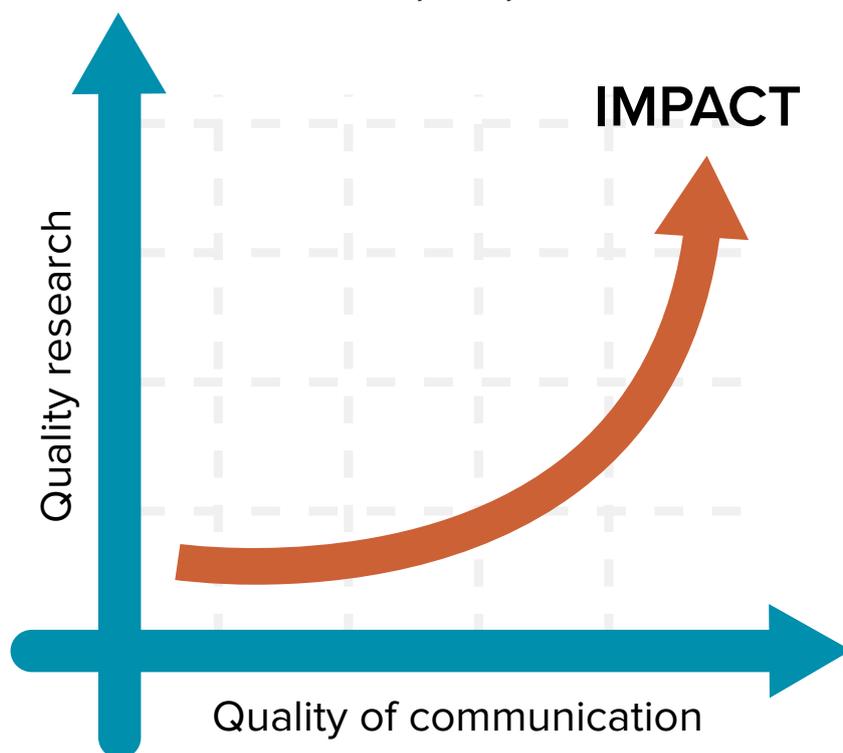
To spread your message in a faster way you could also think about developing a slogan, which can help in making your position more recognisable and help to raise visibility for both the message and the organisation. Symbols can be powerful for audiences as they grab their attention and get an emotional response.

## **An image tells a thousand words**

Getting an iconic image – a photo, a cartoon, an illustration or an infographic, to support your message is a strong way for the media and others to identify with your message.

## **Social media**

Social media can be an excellent and cost effective way to relay messages and evidence for the messages. Make sure you choose a hashtag so people can identify and follow the conversation on the issue at stake, such as #cleanair #circulareconomy #EU #environment. Do take into consideration the capabilities of your audiences as regards social media.



## **Research can provide:**

- Factual references from independent sources, which relate to the issue you are advocating could be used to open a discussion. Look at this news!
- Policy papers or media clippings in a different language can be used to reinforce your message. 'Other countries are doing it this way.'

Twitter, Facebook and other social media channels may not be available and some countries or audiences prefer one channel over another. Indeed, the availability of Internet as a whole cannot be taken for granted, so relying solely on social media to get your audience to hear your message is not recommended.

### Audience relevance

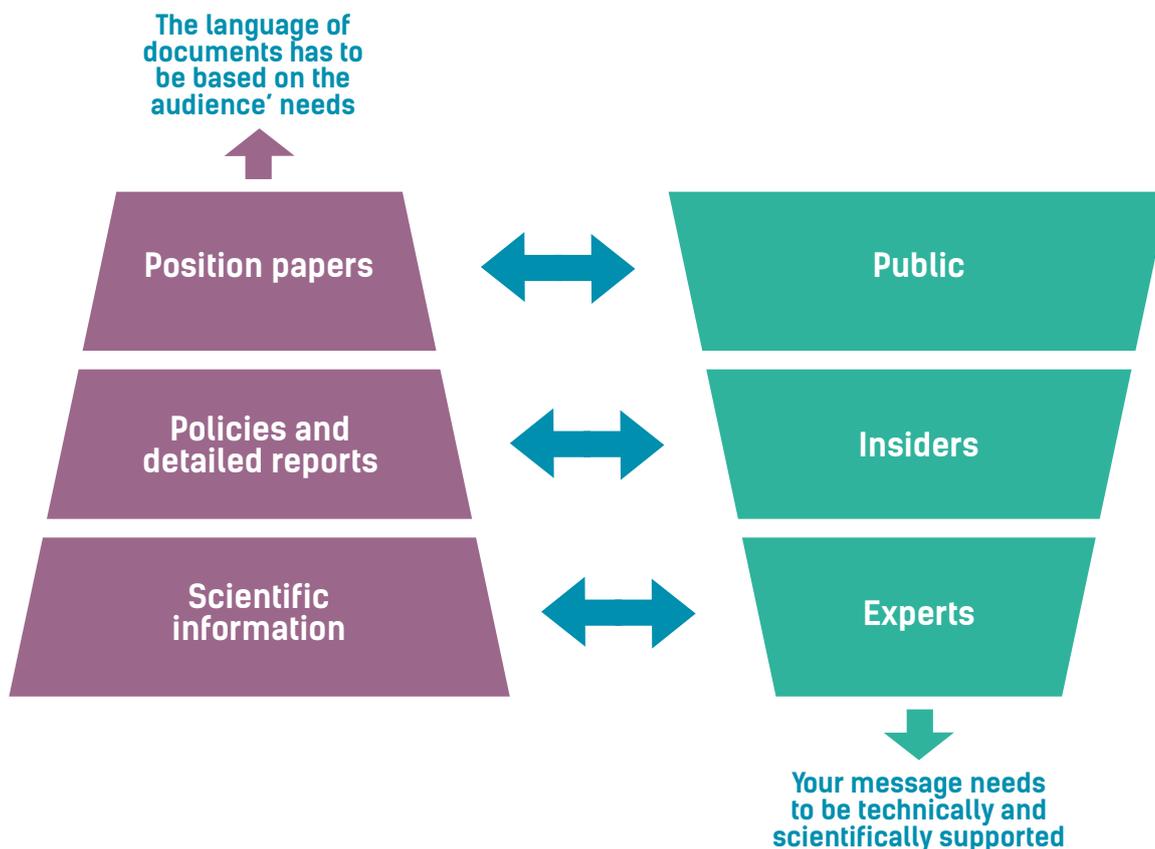
Consider what does each audience care about and why they matter. That will help determine the level of technical and scientific evidence required for each, and the optimum delivery.

Civil society: present a clear and understandable explanation of your concerns about a specific issue, providing the possible scenarios that different choices could bring. It is important to underline the practical consequences of the different outcomes on daily life.

Industry representatives: it is not always easy to place the environment as a priority for industry, so underline the negative publicity that a particular position could provoke, the legal consequences of any violation of human rights or environmental responsibility and the reputational gains.

Journalists: communication here is essential as the media has power and means to spread your message. It could be useful to create a database in which you can classify the relevant information related to the journalists that you can contact. It would be easier then to choose who is more helpful for your work.

Public officials: having efficient communication with public officials can make the difference between a successful advocacy action, and failure.





### Personal message delivery

If you are planning to meet the people to whom you are addressing your message, there is another important aspect to consider: non-verbal communication. It is important to be self-confident and dress for the part. Look like your audience. Appearance is not important per se but it is a good starting point to help the audience feel relaxed and share subconsciously the same approach which can help with the level of openness to receive and adopt your message.

### Timing is everything

Making sure you get the timing right of your message delivery. This is important to ensure the message is heard. If other issues are dominating the days' news agenda, it will be unlikely your message will get through. Sending a press release on a Friday afternoon is generally seen as a wasted opportunity. Journalists are most interested in stories on Monday through to Thursday. If your target politicians are caught up in other issues they will not be interested to hear you. Make sure you choose the optimum timing so your message can get across.

### Who, what, how, where, when?

Ask yourself these basic questions to check the effectiveness of your approach.



## The right message at the right time

## Press releases

A press release is a quick real time tool to reach audiences with a position or statement and can be sent to policymakers, to journalists, and posted on websites and social media. A press release serves as a permanent record of a position on the issue at stake.

If you really do want a newspaper or journalist to write about an issue, it is ideal to call the journalist personally and give them the story in a few words to spark their interest.

If the story is not newsworthy it may not garner much interest from journalists. In this case linking your news with the big political, economic or social themes can help link your issue to the issues that the journalist has in mind and lead to more interest on your story.

# CASE STUDY

Here below is a model **press release**, published on the EEB website.

In the first line of the text, the very first words provide the essential information to understand **when** the press release is issued, **who** is making the statement and **what** is the position regarding a particular issue. It is important, when elaborating a press release, to give all essential information in a very reduced number of words, so your message can be immediately understood without the audience spending a lot of time having to read the full article. People interested in knowing more detail can continue reading.

**When?**



**Who?**



**What?**



**[Brussels 12 February 2014] The EEB warmly welcomes** the strong vote this afternoon in the European Parliament's Environment Committee in favour of revisions that once adopted would strengthen the EU Directive on Environmental Impact Assessment.

**What?**

*Regina Schneider, the EEB's Head of Membership and Enforcement, said "In economically difficult times it is even more important to have a good tool limiting the risk that environmental protection is being dodged in favour of short-term economic profit. The Environment Committee vote has sent a strong and welcome signal in that direction."*

*The Environmental Impact Assessment (EIA) Directive is one of the major instruments for environment and health protection. The adopted text, while falling well short of what NGOs had originally hoped for, includes many improvements helping to overcome some of the loopholes in the current directive. It requires the independence of experts and that conflict of interest must be avoided. Additional environmental factors must be taken into account such as biodiversity and climate change. The list of binding criteria for the assessment now includes references to the accumulation of projects, which means that if a developer submits five small shale-gas projects in the same area hoping to remain below the threshold and avoid an EIA, their impacts will now be accumulated and assessed as one big project. The text also seeks to ensure better information and participation of the public, which are crucial to improve the respect of EU environmental law in general.*

## Position papers

A position paper aims to express a policy position and detailed analysis including concerns about a specific issue. Given that a policy paper can be read by informed, as well as less informed audiences, it is important that it is accessible in language and terminology.

Simplicity is essential for all audiences while including complexity of analysis and detail. A one-page summary of the position can help, which can serve as an introduction to the full paper.

Include all the information that the audience may need to understand the topic and your position. Provide a general explanation about the context, both political and factual. After having introduced the argument, you should give space to explain your position, taking care to cite and link to all references from authoritative sources that support your position.

Use simple sentences, fact rather than emotion and examples in boxes to illustrate your position.

Two examples of **position papers are provided in annex on page 31.**

- ✓ EEB Position Paper on the proposed Transatlantic Trade and Investment Partnership (TTIP)<sup>1</sup>
- ✓ Spring Alliance Position Paper on the 2030 Framework for Climate and Energy Policies<sup>2</sup>



<sup>1</sup>See Annex 2

<sup>2</sup>See Annex 2

# 6. What do we have?

Once the communications strategy is in place with a clear message, evidence for the message, an audience analysis and assessment of optimum tools and channels, the strategy must be checked against available resources and against possible political developments.

Before starting an advocacy action, have your organisational strengths and weaknesses in mind. Taking them into consideration, you should elaborate a risk assessment: you might be facing risks by embarking on your advocacy initiative and if you already foreseen them, it would be easier to identify how these might be handled at the outset.

The risk analysis is a fundamental step to properly define not only the daily work but also a long-term view in your advocacy action.

Questions to be asked in the risk assessment might include

- ✓ Resources
- ✓ Budget
- ✓ Time available
- ✓ People available
- ✓ Volunteers available
- ✓ Other issues (competing priorities)
- ✓ Management commitment
- ✓ Activities by coalition members
- ✓ Government changeover
- ✓ Third party support – fragility
- ✓ Timing of accession
- ✓ Timing of policy process



# 7. Who are the opponents?

We can consider as “opponents” of an advocacy action, the people, organisations, Institutions or activities that might have a negative impact on the achievement of your goal. They can simply be the representatives of other points of view or can be actively against your position.

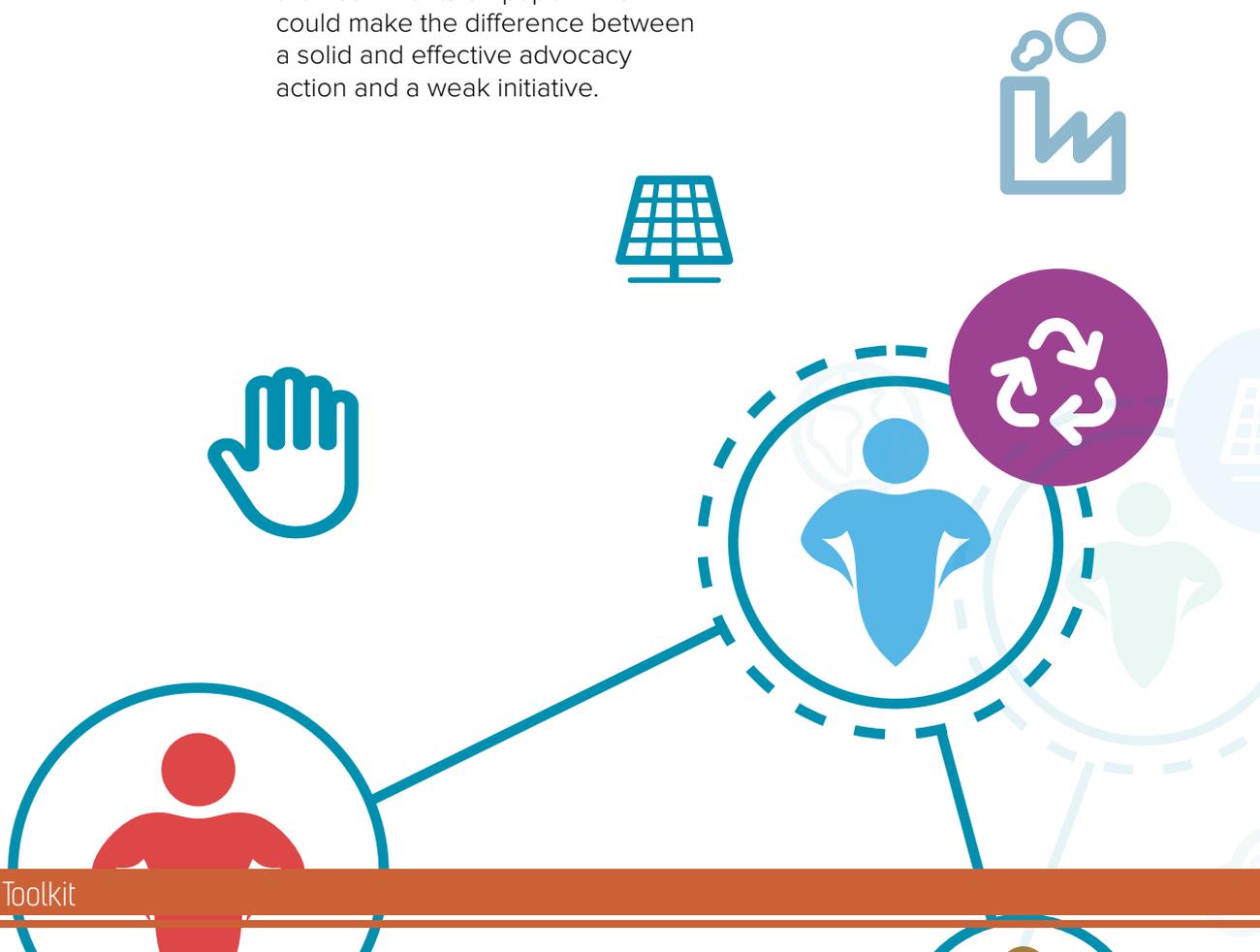
In both cases, you should be ready to share the stage with opponents: you should know their objectives and be able to provide arguments to counter or rebut their positions.

Have the right information – facts and figures – to be able to perform well in a public debate or to refute their comments on paper. This could make the difference between a solid and effective advocacy action and a weak initiative.

Stay calm, respectful and factual whoever the enemy is. This helps you keep your audience open to hear your arguments. Immediately refute inaccuracies both on social media and face to face.

Check and double-check your facts. Remember the industry opposition has many more resources and they may try to trip you up.

Getting press coverage – whether positive or negative – is essential in this phase of addressing opponents and refuting their arguments.



# 8. What do we need to develop?

## Media plan

There will be journalists willing and able to offer you the chance to spread your message, and there will be others, which will offer space to the initiatives opposing your own. It is up to your organisation to develop a **media strategy**.

Identify the newspapers, magazines, TV stations, radio stations and online news channels that could be open to carry your news. Identify journalists, bloggers, celebrities, politicians and others who individually may be interested in your message. Think about timing and approach. Focus on social media to reach your targets, and/or pick up the phone.

## Public mobilisation

Social media cannot replace face-to-face communication. The organisation of public demonstrations can provide significant opportunities to reach the public and the media in one go. Don't avoid public mobilisation as this can be a valuable way to reach your audience.

Bring people onto the streets or virtually create a loud noise on social media through a thunderclap (wave of social media messages).

## Volunteers

Keep in mind that internet may not be available everywhere, so find other ways to reach people. To ensure efficient action, create and coordinate a **network of volunteers** who can spend time in direct communication, reaching individual citizens with your messages.

## Experts

Apart from the networks among journalists and volunteers, there is another important source of credibility and support: experts' contributions. It is essential to have a "scientific base" for your arguments.

It could be useful to create a **database of experts** that you can contact to get scientific endorsement in support of your position.



# 9. How do we begin?

To start an advocacy action you should first of all do some “work on the ground”. What does this mean? Spend some time investigating problems that have already been highlighted by the public.

## **Engage people**

People are a major source of information. People can be your strongest supporters. People may be looking for someone to raise their concerns, and your organisation has the duty to involve people in the fight for change.

Look for local actions or local groups that are already established, or start by selecting the legislative acts that are most often challenged in the national courts. This can give you an idea what the “real” environmental problems are.

## **Coordinate with other environmental NGOs**

After having undertaken an analysis and developed ideas of possible solutions to the “real problems”, it could be helpful to organise a meeting with the other environmental NGOs or human rights activists, to share the results of your analysis and to establish possible alliances or other ways of collaboration.



# 10. How will we know if it is working?

It is not easy to assess if your action will have the impact you intend, but there are several elements that you can consider as indicators for success:

- ✓ public awareness will increase after your advocacy action
- ✓ implementation of public participation rights will be improved or encouraged, and this is a seed that will continue growing and will contribute to the development of a more fair society
- ✓ collaboration with other NGOs will be stronger, and this is a clear added value for any further action
- ✓ some tools you create will survive beyond your advocacy action, for example an online information sharing forum, public web platform, or network of volunteers.
- ✓ knowledge of your national and international policy process will be improved among NGO staff, which can be an advantage for your next advocacy action
- ✓ your NGO will be better known among public institutions, and your voice will be louder and more respected in the future

If your advocacy action has 100% success, you will see your input as part of a new legislative or administrative act, and this will give you an idea of your real potential for influence.

It is important to keep in mind that advocacy is an ongoing process, you never finish, and what you don't win in the first round, you may get it in the second as part of a compromise. But also the other way around, what you win today, you may lose tomorrow.

Keep a long-term perspective and make sure you celebrate whenever you win even a small success.

For the advocacy process there is no "finish line", everything is ongoing and will keep ongoing. It is up to you and your organisation how much energy you want to spend to reach your objective. And once reached, there will be another good reason to get involved.

You can decide if you want to go for it.





# Annex 1 Glossary

**Advocacy:** the act or process of supporting a cause or proposal with a long term view

**Alliance:** a merging of efforts and common activities made by people or organisations to cooperate on a specific purpose.

**Campaign:** a collective activity that aims to raise awareness regarding a specific issue.

**Citizens' initiative\*:** allows 1 million citizens from at least a quarter of EU member states to ask the European Commission to come up with proposals for new laws in fields in which it has competence.

**Coalition:** a group of people or groups who have joined together for a common purpose

**Committee of the Regions \*:** an EU consultative body with 353 members, representing local and regional authorities. It must be consulted during EU decision-making in the fields of: economic and social cohesion, trans-European infrastructure networks, health, education and culture, employment policy, social policy, the environment, vocational training and transport.

**Council of the European Union\*:** generally known as the Council (previously the Council of Ministers), represents EU member state governments. Together with the European Parliament, the Council adopts legislation proposed by the European Commission. It is one of the 7 EU institutions.

**Court of Justice of the European Union\*:** interprets EU law and makes sure it is applied uniformly in all member states. It also settles legal disputes between EU governments, individuals, companies or organisations and EU institutions. It is one of the 7 EU institutions.

**Decision-making process:** the series of steps, which results in the adoption of a law, or a formal act. These steps are clearly established by the law, which can also recognize the participatory rights of interested people.

**Directive\*:** a legislative act setting a goal to be achieved by all EU countries, but leaving the method to each member state.

**Decision\*:** The decision is a legal instrument available to the European institutions for the implementation of European policies. Decisions are binding acts which may have general application or may apply to a specific addressee.

**EU law\*:** is divided into 'primary' and 'secondary' legislation. The treaties (primary legislation) are the basis for all EU action. Secondary legislation, which includes regulations, directives and decisions, are derived from the principles and objectives set out in the treaties.

**European Central Bank\*:** (ECB) manages the EU's single currency – the euro – and tries to ensure price stability in the EU. It is responsible for framing and implementing the EU's economic and monetary policy. It is one of the 7 EU institutions.

**European Commission\*:** (EC) is the EU's executive body and represents the interests of the EU as a whole. It proposes new EU legislation and ensures its correct application. It is one of the 7 EU institutions.

**European Council\*:** brings together the Heads of State or Government of the EU member states. It makes decisions on broad political priorities and important initiatives. It does not wield legislative power. It is one of the 7 EU institutions.

**European Court of Auditors\*:** audits EU finances. Its role is to improve EU financial management and report on the use of public funds. It is one of the 7 EU institutions.

**European Economic and Social Committee\*:** an EU consultative body with 353 members representing civil society, employers and workers. It must be consulted about EU decision-making on the economy and social policy.

**European Investment bank\*:** (EIB) supports projects in EU countries, and invests in future member and partner countries. It borrows money on capital markets rather than drawing on the EU budget and lends it on favourable terms to projects in line with EU policy objectives. It is owned by the 28 EU countries.

**European Parliament\*:** Composed of 751 directly elected MEPs from 28 countries, the European Parliament (EP) represents EU citizens. It acts as a co-legislator with the Council on nearly all EU law and holds the other EU institutions to account. It is one of the 7 EU institutions.

**Green Paper\*:** published by the European Commission to stimulate discussion with interested parties at European level. They may lead to proposals for EU action outlined in White Papers.

**Lobby:** an organized group of people who work together to influence government decisions related to a particular issue.

**Network:** a group of people who exchange information and contacts for professional or social purposes.

**Official Journal of the European Union\*:** (OJ) contains EU legislation, information, notices and preliminary legislative work. It is published each working day in all of EU official languages. Only legal acts published in the OJ are binding.

**Ordinary legislative procedure\*:** under the ordinary legislative procedure (formerly co-decision) the European Parliament and the Council of the European Union decide jointly on Commission proposals on a wide range of areas, for example, economic governance, immigration, energy, transport, the environment and consumer protection. Most EU law is now adopted this way.

**Petitions to the European Parliament\*:** any EU citizen, resident, or company, organisation or association with its headquarters in the EU, can petition Parliament on any subject falling within the EU's remit and which directly affects them. Such petitions give the European Parliament the opportunity of calling attention to any infringement of a European citizen's rights by a member state, local authority or other institution.

**Position paper (called also policy paper):** is an explanatory paper to express a position regarding a specific argument. Usually it starts with an introduction to the issue, and continues with the policy arguments. At the end of the position paper, recommendations for action are made. It can be used to support your advocacy or lobby actions.

**Press release:** a brief and concise expression of opinion that includes one or two quotes addressed to journalists and to the media in general.

**Proportionality\*:** according to the principle of proportionality, the involvement of EU institutions must be limited to what is necessary to achieve the objectives of the Treaties.

**Public consultation\*:** in public consultations the European Commission asks different stakeholders, such as public authorities, member state authorities, enterprises, (private) organisations, industry associations, citizens, to submit their views on intended legislation. It usually takes the form of a questionnaire with open and closed questions.

**Regulation\*:** is a normative act defined by Article 288 of the Treaty on the Functioning of the European Union (TFEU). It has general application, is binding in its entirety and directly applicable in all Member States.

**Subsidiarity\*:** according to the subsidiarity principle, the EU should not act (except in areas that fall within its exclusive competence), unless EU action is more effective than action taken at national, regional or local level. Constant checks are made to verify that EU-level action is justified.

**White Paper\*:** Commission White Papers are documents containing proposals for EU action in a specific area. In some cases they follow a Green Paper published to launch a consultation process at European level. When a White Paper is favourably received by the Council, it can lead to an action programme for the Union in the area concerned.

Some of the above definitions\* are taken from the EU Parliament website <http://www.europarl.europa.eu/aboutparliament/en/0081f4b3c7/Law-making-procedures-in-detail.html>

# Annex II Position paper models



## Shaping the 2030 Climate Framework around People and Planet

### Spring Alliance Position Paper on the 2030 Framework for Climate and Energy Policies

#### What is the argument?

The 2030 framework for climate and energy policies provides an opportunity to put the EU on a cost-efficient path to meeting long-term decarbonisation goals in order to prevent dangerous climate change, improve competitiveness and tackle impacts of rising energy costs, particularly with a view to protecting vulnerable households.

global warming<sup>3</sup>. Extreme weather events such as flooding and long heat waves are set to increase in Europe leading to significant adaptation needs, according to the European Environment Agency<sup>4</sup>. This may also mean deepening socio-economic imbalances in Europe if climate change is allowed to play havoc in regions with low capacity to adapt.

#### What can concretely contribute to this change?

An ambitious post-2020 climate and energy policy framework will put the EU on a path towards the upper end of the 80–95% emission reduction goal by 2050 as a minimum in order to mitigate the worst impacts of climate change. Reaching this objective will require a legally binding, three-target approach:

#### What needs to be done?

There is an urgent need to step up efforts both within the EU, and globally, to halt dangerous climate change. The first report contributing to the IPCC's 5th Assessment Report was published in September 2013, showing even more certainty that human activities are causing

<sup>3</sup>The IPCC: Working Group I Contribution to the IPCC Fifth Assessment Report (AR5), Climate Change 2013 – The Physical Science Basis, 30 September 2013. <http://www.ipcc.ch/report/ar5/wg1/#.UmZMnfkwrTo>

<sup>4</sup>European Environment Agency: Adaptation in Europe – Addressing risks and opportunities from climate change in the context of socio-economic developments, 2 May 2013. <http://www.eea.europa.eu/publications/adaptation-in-europe>



- greenhouse gas (GHG) emissions reduction, the share of renewable energies in the energy mix and energy savings. A single greenhouse gas target alone will not adequately promote the entry of renewable energies to the market nor deliver cost-effective energy efficiency measures which are hampered by non-market barriers. Moreover, a greenhouse gas target, complemented by a renewable
- energy target and an energy savings target, will help to ensure the competitiveness and employment benefits of EU climate action are fully captured.

The EU should put forward a GHG emissions reduction target well ahead of the international climate summit in Paris (COP21). It was agreed at COP19 in Warsaw that all governments should announce their post-2020 climate action by the first quarter of 2015. An agreement on an ambitious 2030 climate and energy policy domestically is the EU's best leverage to ensure a successful global agreement on climate change with ambitious commitments from all the major economies. All post-2020 targets will therefore need to reflect the EU's fair share of the global effort. However, regardless of the international outcome, it is in Europe's best interests to act quickly and reap the early-mover advantages of developing energy saving and renewable technologies.

Importantly, the EU GHG target must be achieved domestically in order to ensure maximum benefits to the EU economy. The use of international credits under the current climate and energy framework has led to both quantitative and qualitative problems. The influx of cheap credits, notably from industrial gas projects, now banned under the ETS but still admissible under the Effort-Sharing Decision, have added to the surplus of allowances under the ETS and further weakened domestic effort. The post-2020 framework must be designed in a way to ensure that any international credits can only contribute on top of an ambitious domestic target and that strict qualitative criteria are set for offset credits, notably in terms of sustainability and respect of human rights, including workers' rights.

### Improving the instruments

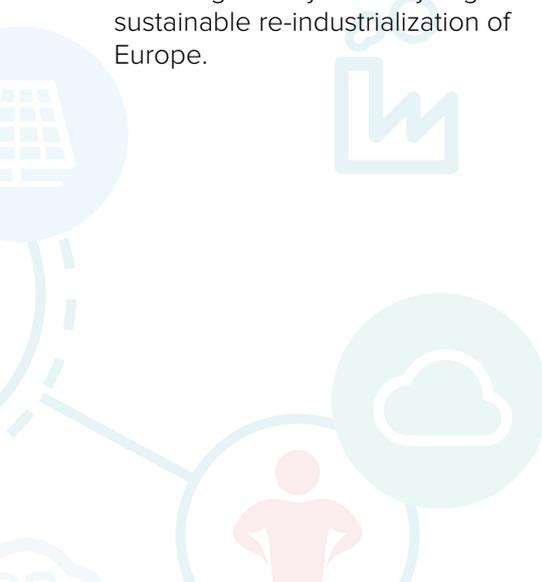
While the ETS is likely to continue as the EU's flagship climate instrument, it is in need of structural reform in order to take out the glut of surplus allowances building in the system due to over-allocation and the economic slowdown. Synergies between climate policy instruments and the tools mobilized to stimulate the re-industrialisation of Europe should be better developed. For instance, the revenues generated by the auctioning of allowances should be channelled to finance a just transition towards a low-carbon and resource-efficient economy. These financial resources should catalyse the development of breakthrough technologies in the fields of energy efficiency and renewables as well as low-carbon industrial innovation. In addition, they should support the retraining of workers impacted by decarbonisation.

A successful decarbonisation effort will rely on an economy-wide approach, which will also require the setting of more ambitious and legally binding targets for the effort-sharing sectors. The current Effort-Sharing Decision covers nearly 60% of EU greenhouse gas emissions, but it has failed to effectively drive domestic emissions reductions in non-ETS sectors due to low targets and abundant access to cheap offsets. A more ambitious and effective framework is required post-2020 to tap the large, cost-effective emissions-reduction potential in sectors such as agriculture, buildings and transport. Here, measures such as sustainable urban planning, improving the energy efficiency of buildings and access to sustainable mobility will provide significant benefits to European citizens. First of all, ambitious low-carbon policies can trigger investments yielding job creation, including in public transport, infrastructure and the construction sector. A more adequate long-term policy framework mapping the trajectory to 2050 in line with climate science can also help consolidate the technological leadership that many EU companies have in manufacturing goods that are resource and energy efficient. Maintaining this first mover advantage is key to catalysing a sustainable re-industrialization of Europe.

We also believe that energy policies can only be successful in reaching the objectives to decrease our carbon and environmental footprint if they are socially fair and thus acceptable. Support for energy-efficiency improvements and renewable energy production is fundamental in reducing energy costs and dependence on energy imports. However, specific programmes may be needed to monitor potential price increases of some basic goods and to propose ways to compensate affected households and consumers, based on evidence. A good example of such support is directing environmental tax revenue towards ensuring that the ecological transition is affordable for all.

### **Fighting energy poverty**

Energy should not be viewed as a standard commodity, but everyone should be provided access to a sufficient amount of it. Therefore energy poverty and the impact of policies on energy cost should be carefully assessed. Indeed, the European Parliament had included an obligation to evaluate the affordability for vulnerable groups in the Third Energy Package and requested Member States to display a strategy to fight energy poverty. The European Commission never did a proper evaluation of this obligation. We therefore recommend that a Council Recommendation is issued to set up national strategies to fight against energy poverty.



Energy efficiency measures are a good example of how carrying out cost-effective energy savings potentials in the EU would give households and industry net benefits of over 239 billion annually by 2030 in lower energy bills<sup>5</sup>. Consequently, public support should be geared towards helping vulnerable households in particular install insulation and undertake other measures to save energy.

### Beyond the market

Energy policy is too important to be exclusively oriented towards the search for competitiveness and security of supply. Energy raises many questions in terms of the environmental impacts of chosen technologies, social inequalities, public health effects and employment in energy-dependent sectors. All these challenges must be tackled at the same time. Their societal importance invites us to think beyond a market-driven approach, to support alternative business models and citizens' ownership, to call on public authorities to invest in modernising infrastructures, and, last but not least, to build an EU energy policy based on sustainability and solidarity.

### The Spring Alliance therefore underlines the need for:

- A broad debate on energy and climate policy that goes beyond competitiveness concerns and takes into account environmental and social issues.
- Three binding targets that put the EU on track to meeting the 2050 objective, facilitate the significant penetration of renewable energy and tap all cost-effective energy savings potential.
- A domestic GHG target without offsets and clear rules on offsets in case used on top of the domestic target.
- An improved effort-sharing decision to address non-ETS sectors.
- An evaluation of energy poverty at national level and request member states to develop strategies to tackle it.
- A clear definition of fair rules for the redistribution of ETS auctioning revenues.

<sup>5</sup> Fraunhofer ISI: Concrete Paths of the European Union to the 2°C Scenario, 2012.





## “Regulatory rollback: how TTIP puts the environment at risk”

### Position paper on the proposed Transatlantic Trade and Investment Partnership (TTIP)

#### Introduction

Summer 2013 saw the start of the negotiations between the EU and the USA on what has been called the biggest bilateral trade deal in EU history. The trade relationship between the European Union (EU) and the United States (U.S.) is the biggest in the world, with more than \$2.2 billion of goods and services traded every day across the Atlantic. The EU and the U.S. economies account together for about half of global GDP and for nearly a third of world trade flows – almost \$1 trillion annually. There is over \$3.5 trillion in two-way direct investment. EU companies in the U.S. support over 3 million jobs. With tariffs between the EU and USA already very low, a primary focus of these negotiations is on curbing regulation, including through further expanding the role of especially created extrajudicial tribunals which would allow investors to bypass national courts and challenge governments for passing regulations that harm their interests.

The high levels of confidentiality that are applied to the TTIP negotiations and the piecemeal release of documents by both negotiating parties stands in the way of any analysis of what exactly is being negotiated and hinders an assessment of its impacts. Nevertheless, a review of demands made by the main industry groups on both sides of the Atlantic who are supporting the negotiations <sup>i</sup>, as well as the few papers and statements of negotiators that have been made available to the public <sup>ii</sup> or leaked, show that a central aim of these ongoing negotiations is deregulation of present public interest policies and preventing the development of new ones. Corporate pressure for such deregulation is indeed the likely explanation for the high political priority given to TTIP by some European politicians at a time when the public good needs to be served by Europe taking a stronger stance in relation to US policies on climate change or mass surveillance. Experiences from some earlier agreed Bilateral Investment Treaties (BITs) and Free Trade Agreements (FTAs) point out several problematic issues. All in all, the Transatlantic Trade and Investment Partnership that we see emerging would pose a direct threat to the EU’s ability to implement and develop new regulations to address pressing environmental challenges.

These negotiations follow hot on the heels of another bilateral agreement between the EU and Canada (the Comprehensive Economic and Trade Agreement or CETA) that was concluded in October 2013 at a political level between Commission President Barroso and Canadian Prime Minister Harper and is due to be put before Member States and the European Parliament for approval towards the end of 2014 or early 2015. Although the text of this deal is likely to remain a secret until the 'legal scrubbing' has been concluded, elements of the deal have come out through conversations and leaked documents, such as the inclusion of an Investor State Dispute Settlement Mechanism, which tend to reinforce the environmental concerns around the TTIP.

The purpose of this paper is to outline the EEB's position, main concerns and recommendations to policy makers who are directly or indirectly involved in the negotiations on TTIP or in the next steps for CETA.

### Key concerns:

Although the impacts of these negotiations go far beyond the environmental field, this paper primarily focuses on the most imminent and direct impacts on environmental protection. These come from a number of horizontal chapters and instruments as well as from possibly more far-reaching sector-specific agreements and have particular implications for a number of environmental issues. In expressing concerns about the potential environmental implications of TTIP, the EEB does not here take a position in relation to trade and investment agreements per se or attempt to address broader issues concerning the relationship between increased trade and investment flows and sustainability. Removal of unnecessary barriers to trade and investment is on the face of it a legitimate objective. But where those 'barriers' serve fundamental purposes such as the protection of the environment, working conditions or public health, they cannot be considered unnecessary. Indeed it is essential to ensure that those purposes are not compromised in any way by any such agreement but rather are supported by it.



### 'Regulatory Cooperation or Coherence'

Under this chapter, as proposed by the EU, a set of rules, procedures and bodies would be set up to ensure closer regulatory co-operation.<sup>iii</sup> The purpose would be to explore trade-facilitative solutions when it comes to enhancing regulatory compatibility by way of recognition of equivalence, mutual recognition or reliance and exchange of data and information. The chapter would foresee a commitment from both parties to regularly apprise the other side of any regulatory or legislative initiative with a potential significant trade impact as of the planning stage. A Regulatory Cooperation Council (RCC) would be established which would consist of senior level regulators and trade representatives. The RCC would prepare a yearly Regulatory Programme- which outlines the planned and ongoing regulatory cooperation activities and develops joint proposals on how to deepen regulatory cooperation. The RCC would be assisted by sectoral ad hoc working groups and would 'interact' with a multi stakeholder advisory committee consisting of business, consumer representatives and trade unions.

Industry from both the EU and US sides<sup>iv</sup> has strongly pushed for the RCC and risks combining an EU approach to regulatory cooperation with a US approach of business being a co-writer of legislation.

### Investor-State Dispute Settlement (ISDS) Mechanisms – offshore tribunals to protect corporate interests

Investor State Dispute Settlement mechanisms have existed since the 1950s but it is only in recent years that they have been used more frequently, following their inclusion in bilateral deals between the EU, US and mostly developing countries. A commonly used argument for such mechanisms is to ensure that domestic companies do not enjoy preferential treatment over foreign investors, although few examples if any have so far been provided to prove the potential seriousness of this problem in either the EU or US, nor has it been established that other mechanisms are not adequate to deal with it if/ when it arises. In reality however, such tribunals regularly provide companies unprecedented means of attacking government policies they consider not to be in their interest. It would allow them to bypass the domestic justice system and seek compensation for revenues that they would claim to have benefitted from under an investment deal. These tribunals are generally composed of three private sector attorneys who often rotate between being 'judge' and bringing the case for a company against government. Only 15 lawyers have been involved in 55% of the total cases known to date. It is not possible to appeal their decisions and there is no limit to the amount of money a tribunal can order a government to pay.





The last 10 years has seen a doubling of the number of cases<sup>vi</sup>, which – when settled in favour of the corporation – require governments to fork out hefty fines paid by the tax payer. Examples of such cases are US energy company Lone Pine suing Canada for \$250 million over a fracking ban in Quebec, Chevron versus Ecuador where Chevron used ISDS to overturn a court ruling requiring them to pay \$18 billion in fines, or Vattenfall versus Germany, whereby in 2012, Swedish energy giant Vattenfall launched an investor-state lawsuit against Germany seeking €3.7 billion in compensation for lost profits related to two of its nuclear power plants<sup>vii</sup>. The inclusion of this mechanism in a deal between the EU and US, which both the EU and the US are supporting, can be expected to lead to a significant further expansion of such lawsuits on behalf of any of the 75.000 firms cross-registered in both the EU and US and, perhaps even more significantly, cause a ‘legislative chill’ effect in some areas, including environment. Even if a final deal contains a section on the parties maintaining the right to regulate, the inclusion of an ISDS mechanism would tend to make it unaffordable for the EU to exercise this right with any degree of ambition or leadership in those areas.

Instead of including an investor state dispute settlement mechanism, whether in a more extreme form as used by countries like the Netherlands, Germany and the UK or a milder form as the Commission claims to be supporting, a chapter on investment protection could simply recognize that both the EU and US already have well functioning court systems where an investor can be certain to defend its rights.

#### Fast track ratification of amendments to TTIP

A further point of concern is a proposal by the EU for a streamlined procedure to amend the sectoral annexes of TTIP or to add new ones through a simplified mechanism not entailing domestic ratification procedures. This would allow a deal to be struck on, for example GMOs, at a later stage, which could then be added to the agreement without further ratification procedures. It would effectively be an open and continuous invitation for backroom deals with limited democratic oversight. Especially in combination with proposals for a Regulatory Cooperation Council, this would make TTIP an open-ended affair and a very effective instrument to curb the further development of environmental policies.

#### Uncertain economic gains, mostly dependent on roll back of public policy

Various claims are made about the expected benefits from an eventual deal about jobs and growth that TTIP could deliver and it is because of this prospect that these negotiations have been getting traction and strong support from Commission President Barroso and US President Obama. The European Commission has produced an impact assessment (commissioned to the Centre for Economic Policy Research as well as drawing on studies by ECORYS)<sup>viii</sup>, which is now widely used to claim that a deal could lead to ‘millions of euros of savings to companies and create hundreds of thousands of jobs. It is expected that every year an average European household would gain an extra €545 and our economy would be boosted by around 0.5% of GDP, once the deal was fully implemented.’

Despite the fact that these figures are the result of a limited modeling exercise using highly unrealistic assumptions about levels of removal of Non Tariff Barriers (NTB) – without assessing the benefits such ‘barriers’ bring in terms of protection public health, environment or workers’ rights – they continue to be widely quoted and referred to as a given. It also raises the question as to whether or not this study meets the Commission’s own internal standards for impact assessment and better regulation, which are otherwise so rigorously applied in EU environmental policy making. The reality is that only the scenario with the highest levels of NTB removal assessed in the study produced the widely-quoted increase of €120 billion to the EU economy (amounting to the aforementioned 0.5% of EU GDP). According to the study itself, however, it does not occur instantly, and it does not represent a boost to annual growth of 0.5%. The EC study estimates that it would take ten years for the agreement to have full effect, during which period the impact on annual economic growth would not be 0.5%, but 0.05%, and for ten years only. Furthermore, this is, as previously stated, the most extreme of the study’s scenarios for what might actually be achieved in the negotiations. For its more realistic scenarios, the study estimates an increase in GDP after ten years of little more than 0.1%, i.e. an increase in the annual GDP growth rate of 0.01% for the ten year period. The figures on the other side of the Atlantic are little better. The projected increase in GDP in the US as a result of removing the few remaining tariffs (which are higher on the EU side) would be \$20.5 billion<sup>x</sup>, which – as a comparison – is a fifth of the impact that the introduction of the Apple iPhone5 is estimated to have had on US GDP<sup>x</sup>.

Much of the gains that are claimed by TTIP proponents would however derive from the removal of ‘non tariff barriers’ or ‘trade irritants’ which include health, safety, environmental and financial sector regulation. There are no figures for the financial implications of this, though. None of the above mentioned studies have assessed the potential costs in the form of, for example, more environmental pollution and degradation of ecosystems and their services as a result of removing such barriers. These would only be assessed, if at all, as part of a Sustainability Impact Assessment (SIA), which only started several months after the start of the negotiations. It is still unclear how this will impact the outcome of the negotiations. The fact that the political decision to proceed with the TTIP negotiations was taken by the EU without there being a credible assessment of the full potential costs resulting from the removal of NTBs indicates a deeply flawed, politically skewed decision-making process.



### Non-Transparent procedures

Unlike international negotiations on, for example, a new climate treaty, the negotiations on TTIP are taking place in a culture of secrecy. Negotiating documents and positions are only released partially, often omitting the most important elements. Only a limited number of member state representatives and MEPs are informed in more detail about the development, but on a confidentiality basis. The prospective members of a TTIP Advisory Group, that was proposed a couple of months after the negotiations started and after the Commission realized the political risk the negotiations were running into and that would consist of both industry and civil society stakeholders, have also been asked by the Commission to treat certain information received as confidential. Only at the very end of the negotiations will the text of the final agreement be provided to the European Parliament and EU Ministers of Foreign Affairs, who then only have a choice between approving or rejecting the deal. This lack of transparency is not acceptable.

### Climate and energy policies

At a time when Europe is struggling to find the political will to put into place climate and energy policies that would be effective enough to tackle climate change, a number of provisions negotiated under TTIP could directly threaten both existing policies and the ability to develop new ones. The potential chill effect from a RCC and ISDS could come from the stated objective of 'eliminating or reducing technical barriers to trade' through a process by which 'equivalence' or 'mutual recognition'<sup>xi</sup> of existing standards would be determined, or from an obligation to change existing standards to new internationally agreed ones as part of TTIP. Examples of such 'technical barriers' that have been listed by either negotiators or the industry groups pushing for this deal are **energy efficiency labels, fuel efficiency standards for cars, green or sustainable public procurement policies, regulation of unconventional fossil fuel extraction including shale gas and tar sands, sustainability standards for bio-energy and the banning of f-gases in appliances such as refrigerators and freezers**<sup>xii</sup>. This could mean for example that it would become near-impossible to close a well known loophole in the EU's regulation of car emissions by which emission levels from cars are in reality 23% higher than those results the car industry reports from the test laboratories. More fundamentally however, the existing problems to strengthen EU's climate policies would not benefit from a TTIP-based US involvement in the process.



### Chemical policies

The EU's flagship chemicals policy, REACH, was one of the most fiercely debated pieces of EU environmental law, both during the creation of REACH as well as during its implementation. As a result, some of the most contentious issues are still to be resolved by EU lawmakers, including how to address Endocrine Disrupting Chemicals, cocktail effects and new materials such as nano. Not surprisingly, REACH has been claimed by the US chemicals industry as the largest trade barrier for US Chemical manufacturing<sup>xiii</sup>. At the same time, for REACH to achieve its principled objective of protecting people's health from hazardous chemicals, much more remains to be done by the EU. The TTIP could undermine REACH implementation by including provisions that would hamper REACH implementation directly, for example through business confidentiality clauses or slowing down the already cumbersome process by which Substances of Very High Concern will be identified, or indirectly through a system of 'mutual recognition', by which a company could be able to turn to the other side of the Atlantic if its substances would fail to be approved in the EU.

### Agriculture and food safety including GMOs

Threats to policies on sustainable agriculture and food arise principally through negotiations on Sanitary and Phyto Sanitary restrictions (SPS). Here, industry on both sides is pushing for the 'elimination and reduction of non-tariff barriers such as SPS measures that are not based on science'<sup>xiv</sup>. This could mean that the burden of proof as to whether a product is safe or not would fall on the authorities and allow companies to claim scientific uncertainty to secure market access for their product. If so, it would directly undermine the application of the treaty-legislated precautionary principle, which allows the EU or a government to act in the face of a certain degree of scientific uncertainty. More specifically, this could mean it would become a lot harder for European countries to not authorize **GM crops**, or to continue refusing to import **chlorinated chickens, pork from pigs fed with ractopamine growth drug** or fruits with higher **pesticide residues** than currently allowed in the EU. A particular threat comes to **EU food labeling** and in particular organic food labeling, where the planned revision of the EU organic food regulation could be used to undermine standards directly or again indirectly through mutual recognition rules.





In addition to food safety concerns, there are potential implications for animal welfare, where in the US the federal regulator does not take animal welfare into account as regards food and drug safety, except through the Humane Slaughter Act that only covers the last day of the animals live<sup>xv</sup>. Moreover, the use of antibiotics as a growth promoter is still allowed in the US, unlike in the EU where this has been phased out and is now banned. TTIP could also make it more difficult to address the prophylactic use of antibiotics, whereby these drugs are frequently given to whole herds or flocks via their feed and water as a preventive measure, which happens both in the EU and US and which is linked to growing resistance to antibiotics among humans<sup>xvi</sup>.

## Key demands:

Given the clear and imminent potential threat to environmental protection and to the associated benefits for European citizens, the EEB calls for:

- EU negotiators to provide full public access to all negotiating documents, and to ensure that a comprehensive Sustainability Impact Assessment is rapidly finalized and used as a basis for further negotiations, including a decision on whether to proceed with the negotiations at all;
- The European Parliament and EU Member States to firmly reject the recently agreed CETA deal with Canada as it is understood to include an Investor State Dispute Settlement mechanism, which the Sustainability Impact Assessment commissioned by the European Commission advised not to include.
- The European Commission to work to ensure that TTIP excludes mechanisms for regulatory cooperation, investor state dispute settlement, fast track ratification as well as deeper forms of regulatory cooperation in the field of energy, climate, chemicals, agriculture and food, and other areas where environmental policy risks to be weakened.
- The European Parliament and Member States to stand ready to reject a final TTIP deal should the Commission fail to exclude any of the above contentious issues.

i See: [http://ec.europa.eu/enterprise/policies/international/cooperating-governments/usa/jobs-growth/consultation-on-regulatory-issues\\_en.htm](http://ec.europa.eu/enterprise/policies/international/cooperating-governments/usa/jobs-growth/consultation-on-regulatory-issues_en.htm)  
 ii Available at DG Trade website: <http://ec.europa.eu/trade/policy/in-focus/ttip/resources/>  
 iii Link to leaked EU negotiating paper on RCC: <http://corporateeurope.org/sites/default/files/ttip-regulatory-coherence-2-12-2013.pdf>  
 iv BusinessEurope and US Chamber of Commerce; "Regulatory Cooperation in the EU-US Economic Agreement", October 2012, page 4. <http://corporateeurope.org/sites/default/files/businesseurope-uschamber...>  
 v Profiting from Injustice, available at: <http://www.tni.org/sites/www.tni.org/files/download/profitfrominjustice.pdf>  
 vi [http://unctad.org/en/PublicationsLibrary/webdiaepcb2013d3\\_en.pdf](http://unctad.org/en/PublicationsLibrary/webdiaepcb2013d3_en.pdf)  
 vii Overview of ISDS cases from the US and Canada available at: <http://www.citizen.org/documents/investor-state-chart.pdf>  
 viii Reducing Transatlantic Barriers to Trade and Investment, An Economic Assessment, Centre for Economic Policy Research available at: [http://trade.ec.europa.eu/doclib/docs/2013/march/tradoc\\_150737.pdf](http://trade.ec.europa.eu/doclib/docs/2013/march/tradoc_150737.pdf) and EC Impact Assessment Report available at: [http://trade.ec.europa.eu/doclib/docs/2013/march/tradoc\\_150759.pdf](http://trade.ec.europa.eu/doclib/docs/2013/march/tradoc_150759.pdf)  
 ix [http://www.ecipe.org/media/publication\\_pdfs/a-transatlantic-zero-agreement-estimating-the-gains-from-transatlantic-free-trade-in-goods.pdf](http://www.ecipe.org/media/publication_pdfs/a-transatlantic-zero-agreement-estimating-the-gains-from-transatlantic-free-trade-in-goods.pdf)  
 x <https://mm.jpmorgan.com/EmailPubServlet?h=825pgod&doc=GPS-938711-0.html>  
 xi Reference to non tariff barriers  
 xii Overview and further references at: <http://www.citizen.org/documents/TAFTA-climate-factsheet.pdf>  
 xiii At: <http://www.socma.com/PressRoom/index.cfm?subSec=3&sub=71&articleID=4382>  
 xiv Overview and further references at: <http://www.citizen.org/documents/TAFTA-food-factsheet.pdf>  
 xv Compassion in World Farming, TTIP Briefing  
 xvi While most of the examples given here relate to areas where the EU has a more progressive regulatory regime than the US, there are other examples where a more progressive approach in the US could be similarly undermined by TTIP, e.g. in relation to air pollution standards or regulation of the financial sector.

## ENDNOTES

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