



# The EU Climate Law: Holding the EU Accountable for Delivering on the Paris Agreement



European  
Climate  
Foundation



# Previous Reports in the Net Zero 2050 Series





**Ecologic Institute**

Science and Policy  
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# CLIMATE LAWS IN EUROPE

Seven key insights from good practice net zero management

Berlin, 19.03.2020

**Matthias Duwe**



## CLIMATE LAWS IN EUROPE

### Good practices in net zero management

*Duwe, Matthias and Evans, Nicholas (2020): Climate Laws in Europe: Good Practices in Net-Zero Management. Berlin, Den Haag*

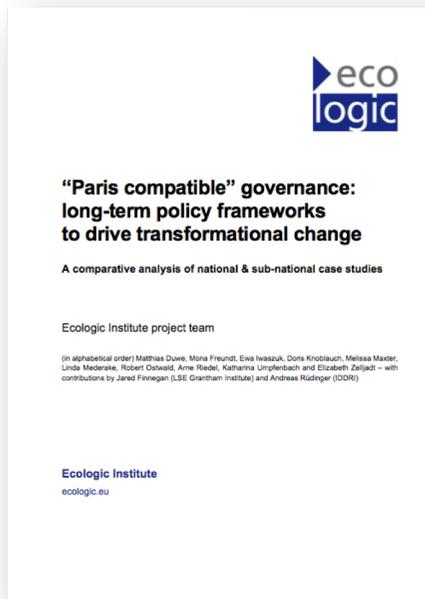
Funded by the European Climate Foundation

Thanks to many expert colleagues (LSE GRI, IDDRI, UCD, Real Elcano, IIDMA,...)

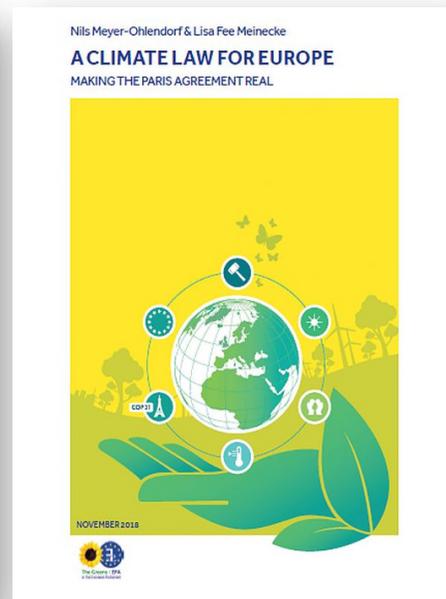


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## BACKGROUND: ANALYSIS OF CLIMATE LAW CASE STUDIES



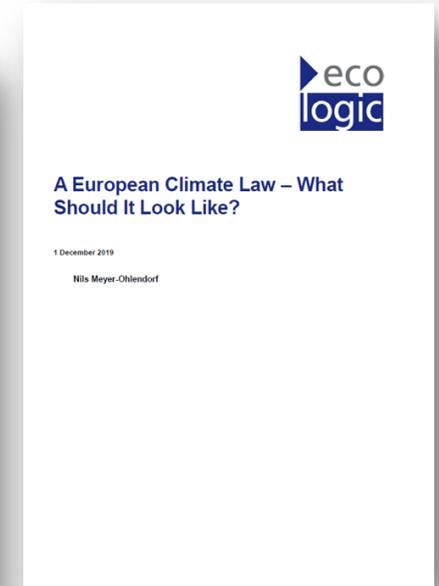
11/2017



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05/2019



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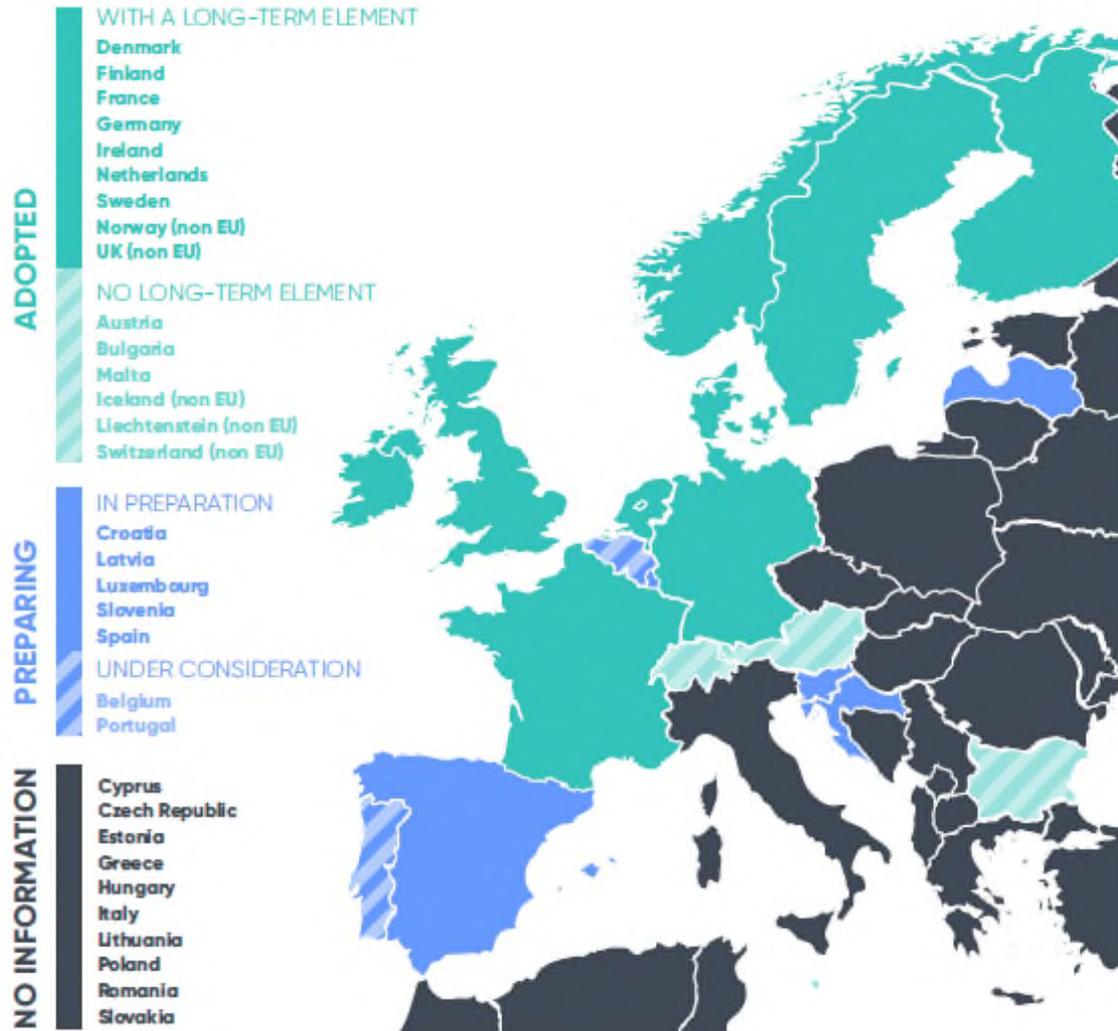
## COUNTRIES ANALYSED



COUNTRY	TITLE (IN ENGLISH)	ORIGINAL DATE OF ADOPTION	NOTES/MAJOR REVISIONS
<b>UK</b>	Climate Change Act	November 2008	Change to the 2050 target (July 2019)
<b>Denmark</b>	Act on the Climate Council, climate policy statement and setting national climate objectives	June 2014	Agreement on a new law to replace the original one (December 2019) Proposed draft law (January 2020)
<b>Finland</b>	National Climate Law	June 2015	Revision being considered to account for stronger target, adopted in 2019
<b>France</b>	Energy Transition Green Growth Act	August 2015	Changes to target and institutional set-up (September 2019)
<b>Ireland</b>	Climate Action and Low Carbon Development Act	December 2015	Major revision planned: Climate Action (Amendment) Bill (not included)
<b>Sweden</b>	Climate Law	June 2017	
<b>Netherlands</b>	Climate Act	July 2019	
<b>Germany</b>	Federal Climate Protection Law	December 2019	
<b>Spain</b>	Climate Change and Energy Transition Law (public draft)	February 2019	Available in draft form, adoption expected in 2020. Updated draft circulated to stakeholders in June 2019.



Source: Ecologic Institute research based on a range of sources (including legislative databases, direct legal texts, news reports and personal contacts)



Majority of EU Member States has a national climate law, or is preparing one - but not all laws include a long-term perspective (yet).



## FACT

Post-Paris countries have turned to framework laws as an effective management system for long-term climate policy.

## WHY IS THAT?

- Climate crises is an **unprecedented challenge** for governments
- Cross-sectoral policy issue—  
governments **not well-equipped**
- Realisation: need a new **system to get organised for net zero**

## WHY GO FOR A LAW?

- ✓ As a **statement of sincerity**
- ✓ As a **hurdle against backsliding**
- ✓ To protect **against vested interests** and **political opportunism**
- ✓ to facilitate the **professionalisation of political structures.**



- **Laws can change:** they rely on support
- **Broad political support** in all cases analysed
- Laws often developed in a **multi-party** effort.
- **Buy-in can be created** through involvement
- **Existing laws are strong:**
  - ▶ Reviews have strengthened, not weakened them.
  - ▶ UK example: Brexit did not interfere with implementation

... Parliament has successfully negotiated a

**CLIMATE ACT**  
that sets a **2030 reduction target of**

**70%**

8 out of 10 parties in the Danish Parliament support the climate act.

Danish Ministry of Climate Energy and Utilities



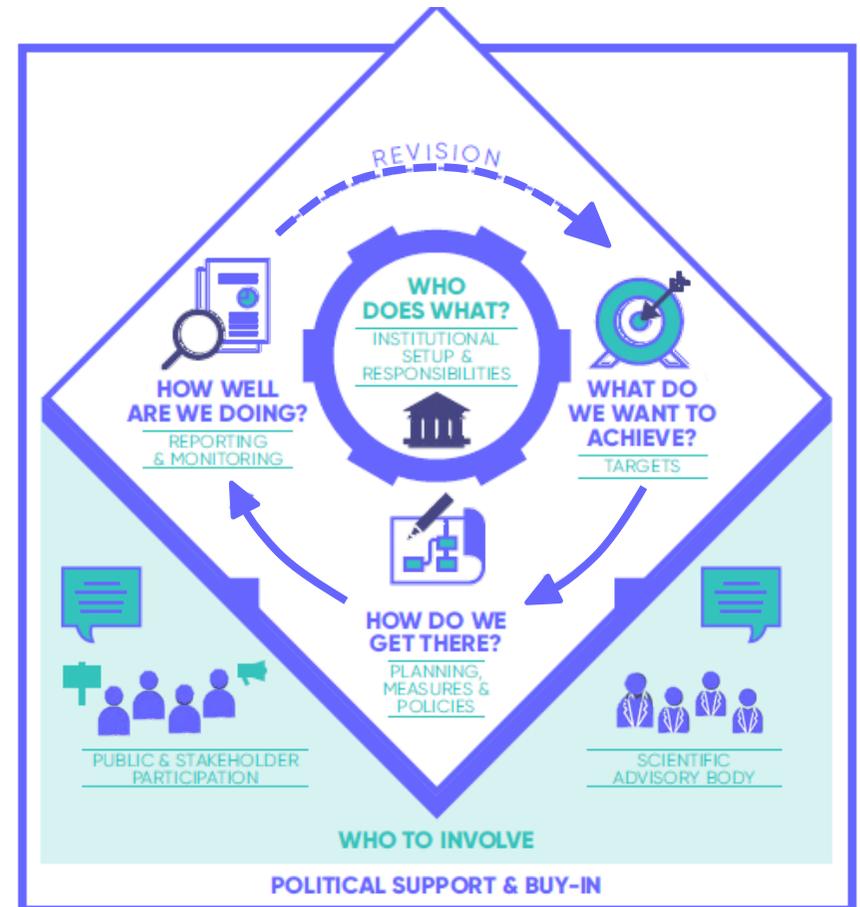
WHAT do we want to achieve?

HOW do we get there?

HOW WELL are we doing?

WHO does what?

WHO to involve?



Source: Visualisation by Ecologic Institute



## STRENGTHS



All laws analysed make use of an independent **scientific advisory body** to serve oversight and advisory functions



- Good level of **transparency**: annual review & progress reporting in all laws (differing levels of detail)



**Gaps trigger action!** Most laws have a mechanism to respond to low progress (policy cycle works...).

## WEAKNESSES



Low detail on **intra-governmental coordination** mechanisms—there is a risk that targets will not be met if sectoral gaps are not filled



**Public participation** is not incorporated in a comprehensive manner in many laws—still, the proliferation of citizen assemblies is an example of innovation in this context



1

Clear future objective

Long-term AND interim targets



2

Iterative strategic planning

Not prominent enough

3

Long-term informing the now?

Connections could be stronger

4

Mainstreaming

Some laws make a start (finance)

5

Structural change

Some laws have explicit signals



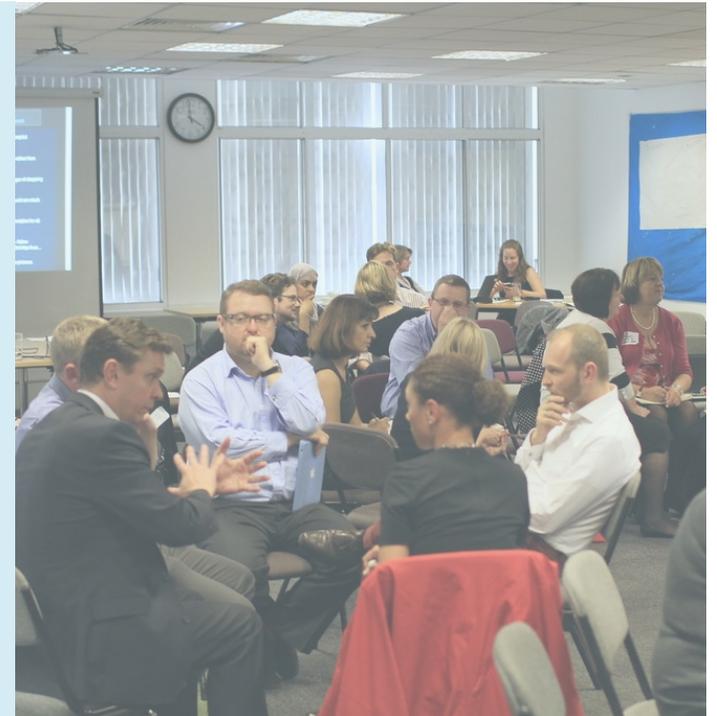
WHAT? TARGETS	HOW? MEASURES	HOW? PLANNING
<p><b>Long-term target</b></p> <p>Almost all laws build on quantitative targets and enshrine these in the laws (except <b>Sweden, Ireland</b>). The majority of the laws set net-zero emission targets in various forms.</p>	<p><b>Regular process</b></p> <p>All laws include some form of regular policy development process, updated every 4-5 years, for a time horizon of the next 10-15 years—similar to the EU-based NECPs (which <b>Spain</b> wants to use explicitly for this purpose).</p>	<p><b>Long-term strategies</b></p> <p>Dedicated long-term strategy only fully included in half the laws (<b>Finland, France, Ireland, Spain</b> and referenced in <b>Germany</b>), reviewed every 5 years (10 in <b>Finland</b>). <b>Ireland</b> integrates long-term planning with policy identification in one document. <b>Finland</b> makes it the central document in its overall climate planning system, and lays out a clear overall structure. <i>LTS development an EU obligation: all laws should reference this and update regularly.</i></p>
<p><b>Interim targets</b></p> <p>The vast majority include interim targets, or a process for setting these. Innovative approach in the <b>UK &amp; France</b>: rolling five-year carbon budgets, set 10-12 years in advance, with a view to 2050. <b>Germany</b> uses annual budgets for sectors up to 2030.</p>	<p><b>Specific policies</b></p> <p>Some countries include very specific instruments directly in the law – most prominently <b>France's</b> carbon tax – or the more recent CO<sub>2</sub> standard for thermal power plants, which implies a coal phase-out by 2022 (with support offered to affected workers). <b>Spain</b> aims to only allow new vehicles with zero emissions as of 2040.</p>	<p><b>Review mechanism</b></p> <p>Several countries include the option to review targets on the basis of better information (<b>Spain, UK</b>) and/or stricter EU or UN targets (<b>Finland, Germany</b>). <b>Germany</b> and <b>Spain</b> include an explicit “no backsliding” clause.</p>
<p><b>Long-term target</b></p> <p>Almost all laws build on quantitative targets and enshrine these in the laws (except <b>Sweden, Ireland</b>). The majority of the laws set net-zero emission targets in various forms.</p>	<p><b>Main-streaming</b></p> <p>The <b>Swedish</b> climate act demands the alignment of climate policy and budgetary policy goals. The <b>French</b> and the draft <b>Spanish</b> law include reporting obligations for financial institutions on climate risk.</p>	<p><b>Long-term strategies</b></p> <p>Dedicated long-term strategy only fully included in half the laws (<b>Finland, France, Ireland, Spain</b> and referenced in <b>Germany</b>), reviewed every 5 years (10 in <b>Finland</b>). <b>Ireland</b> integrates long-term planning with policy identification in one document. <b>Finland</b> makes it the central document in its overall climate planning system, and lays out a clear overall structure. <i>LTS development an EU obligation: all laws should reference this and update regularly.</i></p>
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→ see report for numerous examples!

Download: [Full report](#) | [Summary](#)

## EXCURSION: Power to the people! Innovative approaches to citizen engagement

- **Irish Citizen Assembly**
  - Convened around a number of policy areas including climate
  - Goal: Ensure that climate action be a central pillar of Ireland's policy-making through new governance structure and carbon tax
  - Assembly's resolution paved the way for the country's "landmark" climate action plan and net-zero target, both announced in 2019
- **French Citizens' Convention for Ecological Transition**
  - Established in April 2019 in response to "yellow vest" protests
  - Charged with making specific legislative proposals towards the goal of "reducing greenhouse gas emissions by at least 40% by 2030, in a spirit of social justice"





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# THANK YOU FOR YOUR ATTENTION

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# The EU Climate Law: Holding the EU Accountable for Delivering on the Paris Agreement



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# European Climate Law

**Nils Meyer-Ohlendorf**

19 March 2020,



## Climate neutrality by 2050

- **Union-wide emissions and removals “shall be balanced at the latest by 2050, thus reducing emissions to net zero by that date.”**
- **Collective EU target, not a MS target**
- **International aviation and shipping not included**
- **No quantification of climate neutrality**



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## Interim targets

- **No 2030 or 2040 target in the proposal**
- **But:**
  - By Sep. 2020: Review of 2030 target in light of climate-neutrality **target**, and options for a new 2030 target of 50 to 55%. COM may make proposals to EP and Council to amend target.
  - By 30 June 2021: COM assesses how to amend **EU legislation** to achieve 50 to 55 % plus proposals if necessary.
- **Too late and too little**

## Trajectory through delegated act (1)

- **Commission to set a EU trajectory to achieve climate-neutrality; review every five years.**
- **Criteria for setting trajectory:**
  - Starts 2030 and ends 2050 but both not yet clearly defined
  - Other criteria, such as cost effectiveness or scientific evidence
- **EP and Council may object within two months**



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## Trajectory through delegated act (2)

- **Just drawing line between 2030 and 2050 or a fundamental change in EU target setting?**
- **Faster and more effective**
- **Is it line with 290 TFEU?**
- **How to bring it in line with TFEU?**
  - Reduce COM discretion
  - Emission budget and trajectory set by legislator?
- **Why trajectory when national target continue after 2030?**

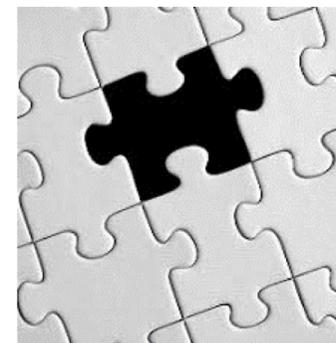
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## Compliance

- **COM assessment of collective progress by all MS and EU towards climate-neutrality in line with trajectory**
- **If insufficient progress,**
  - At EU level: COM proposes measures
  - At MS level: COM issues recommendations of which MS take „due account“
- **Alone this is too weak:**
  - No clear benchmark for MS: what is consistent?
  - Soft consequences, no infringement?
  - To be complemented by EU rules

## What is missing?

- **Independent scientific advisory body = present in practically all national climate laws.**
- **Clearly defined and quantified EU emission budget until 2050**
- **Specifying sinks, priority for restoring natural sinks**
- **No objective on negative emissions**
- **Ending fossil fuel subsidies**



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## Conclusions

- **Climate neutrality by 2050 as a legal obligation = milestone, big step forward**
- **Clear link to 2050 marks progress**
- **ECL is no Christmas tree but a number of gaps need to be closed**
- **Strong compliance needs individual responsibility of Member States; collective (ir)responsibility is not enough**



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# Thank you!

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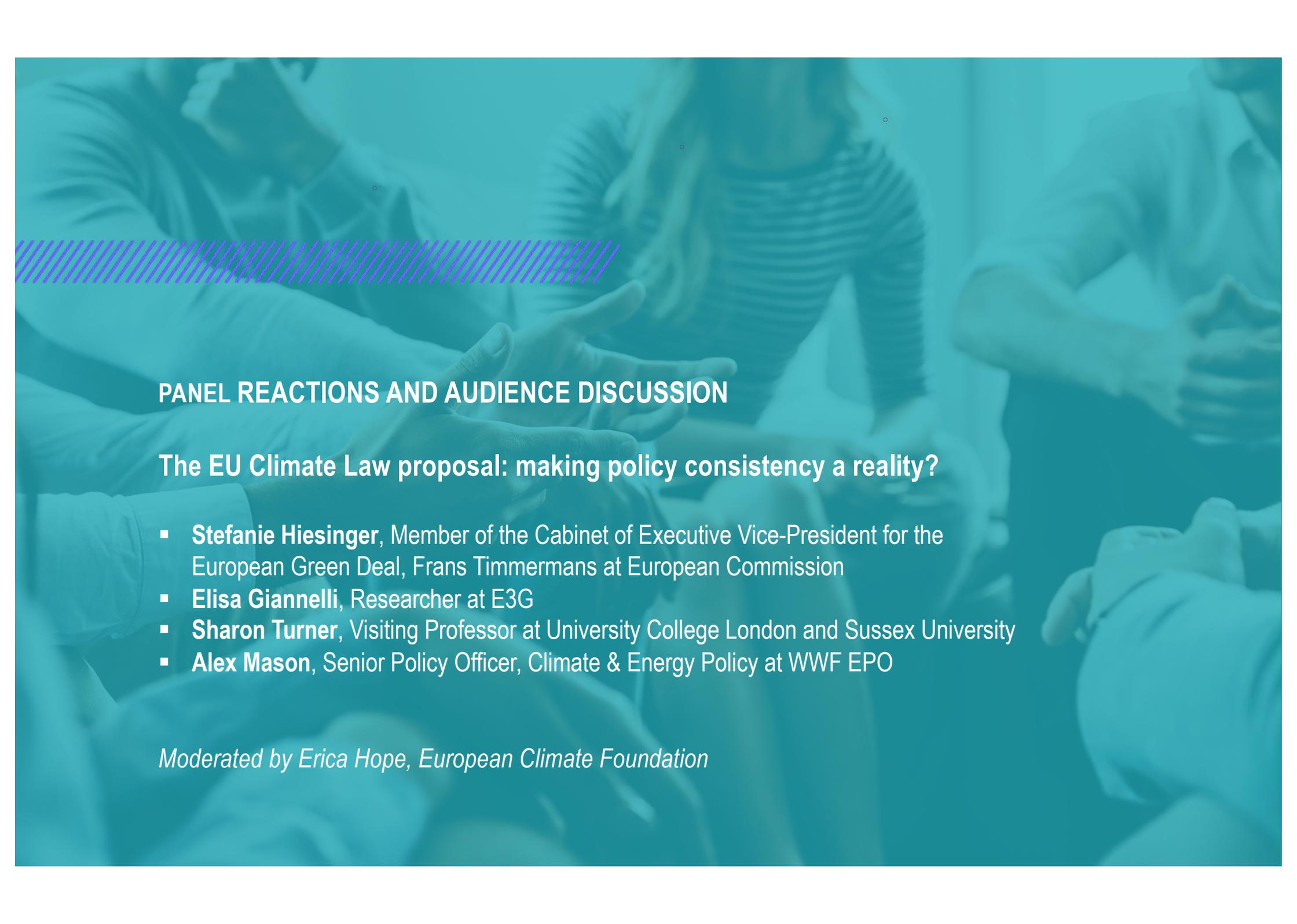
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## PANEL REACTIONS AND AUDIENCE DISCUSSION

### The EU Climate Law proposal: making policy consistency a reality?

- **Stefanie Hiesinger**, Member of the Cabinet of Executive Vice-President for the European Green Deal, Frans Timmermans at European Commission
- **Elisa Giannelli**, Researcher at E3G
- **Sharon Turner**, Visiting Professor at University College London and Sussex University
- **Alex Mason**, Senior Policy Officer, Climate & Energy Policy at WWF EPO

*Moderated by Erica Hope, European Climate Foundation*



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