

# Progress on the implementation of national Multilevel Climate and Energy Dialogues: Assessing Member States' own reporting

A preliminary assessment of the implementation  
of Article 11 of the EU's Governance Regulation

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## Summary

A criteria-based analysis of 12 national submissions on the implementation of multilevel climate and energy dialogues (MLCEDs) as required under the Governance Regulation (EU 2018/1999) identifies significant shortcomings, which casts doubt on the quality of the delivery of these vehicles for exchange with and engagement of subnational actors.

MLCEDs were introduced in the Governance Regulation via the European Parliament, which had sought for these to be platforms with adequate resources and transparent processes, and to engage a wide range of stakeholders. The final Article in the law leaves much room for Member States to implement the dialogues as deemed adequate in their national context, but also sets out a list of specifications concerning who to involve and what to address. These have been turned into an assessment matrix for this analysis.

Member States had to submit dedicated reports on the implementation of MLCEDs for the first time in 2023. As per the cut-off date of 21.08.2023, 12 such submissions were available for analysis. This small data set means the analysis can only be counted as interim and will benefit from a full set and additional information (interviews and further desk research) to expand the fact base. Regardless of these limitations, the analysis of the reports indicated certain patterns. The essential insights are:

- Formal requirements are barely met, and **much detail is missing**. Most reports were delayed, and while those available are formally complete, none of those covered contained information on all aspects mentioned in Article 11.
- A majority of the reports (9/12) indicate that **new dialogues have been established**, although in almost half an existing structure is available. These are both implemented using a variety of formats with a dedicated committee being the most common approach.
- **Many dialogues may not be multilevel** (only half contain adequate keywords to suggest this) and stakeholder coverage is insufficient. If verified, this could mean a violation of the requirement of Article 11 and needs further investigation.
- **Mandatory topics are largely not explicitly addressed** (in the reports). NECPs are the most referred to thematic element in Member States' reporting on MLCEDs, maybe implicitly synonymous with "scenarios for energy and climate policies".

What could be done, assuming shortcomings could result from inadequate reporting and implementation? Possible actions include:

- Adding specification on what the dialogues intended objectives and adequate formats are in **Article 11 in the upcoming revision of the Governance Regulation**, currently being prepared by Commission services.

- **Expand reporting requirements** with more detail concerning all aspects mentioned in the law: who was involved when in what, how often and in what form?
- **Improve the quality assurance and quality control (QAQC) process concerning the submissions**, rejecting insufficiently detailed reports and asking Member States for more information. This could already be applied now, without a change in law.
- **Implement a follow-up on the dialogues and their implementation** in the Regulation as a process (and already now in the Commission's interactions with Member States).

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# Content

<b>1. Background</b>	<b>5</b>
<b>2. Method and data</b>	<b>9</b>
<b>3. Criteria-based analysis of national submissions on the MLCEDs</b>	<b>11</b>
3.1 Formal requirements for the reporting	11
3.1.1 Timing and completeness	11
3.1.2 Length and level of detail	13
3.2 Structure and format of the dialogues	15
3.2.1 Dialogue structure	15
3.2.2 Dialogue format	16
3.3 Nature of the dialogues	18
3.3.1 Multilevel scope	18
3.3.2 Stakeholder groups listed	19
3.3.3 Provision for active stakeholder engagement	20
3.4 Thematic scope	22
3.4.1 EU climate neutrality objective	23
3.4.2 Scenarios for energy and climate policies	23
3.4.3 Progress review	23
3.4.4 Reference to NECPs (optional)	24
3.4.5 Reference to LTSs (or similar processes) (optional)	24
<b>4. Summary and preliminary conclusions</b>	<b>26</b>
4.1 Insights from the analysis of national reports	26
4.2 Preliminary conclusions and ideas for improvement	28
<b>References</b>	<b>30</b>

# 1. Background

## **EU climate governance has been oriented towards climate neutrality.**

Following the adoption of the Paris Agreement in 2015, substantive and procedural EU climate governance has been revised to fit with the long-term objective of achieving climate neutrality and net negative emissions thereafter. New procedures and institutions have been established to firm up EU and national climate policymaking overall and guide it towards the long-term goal. With the Governance Regulation (2018/1999), adopted in 2018, energy and climate policies were integrated more closely with one another, specifically concerning planning, reporting and progress monitoring. With the European Green Deal of 2019 and the EU Climate Law in 2021 climate neutrality has become a central and binding objective for future EU policy across the board, essentially covering all relevant policy areas.

The transition to a climate neutral future requires changes in many economic and social systems and needs to happen within an ambitious timeframe, considering the magnitude of the change in infrastructure, production processes and behaviour. It also requires action on many levels and by many actors and, like the changes we experience in the global climate system, affects essentially all citizens. Alongside the integration across policy areas, steps are being taken to integrate the different levels of policymaking and implementation as well. As one concrete means through which to involve sub-national actors in processes triggered by EU policies, Article 11 of the Governance Regulation includes the obligation on Member States to carry out multilevel climate and energy dialogues (MLCEDs) involving explicitly local actors.

Involving sub-national actors, such as provinces, states or regional networks, in multilevel climate governance is important as these often compete for foreign direct investment and sell specialised products on the national as well as international level. Sub-national actors also have a decision function in supporting wind and solar power projects (Jänicke, 2017). Gustaffson and Mignon (2020) find that municipalities have the capacities to develop long-term strategies and can therefore be considered as a crucial element in reaching climate neutrality goals. Moving down the multilevel governance structure, most national climate policy affects the sectors of housing, transport, infrastructure, land use, waste management, and energy (Jänicke, 2017). Jänicke (2017) states that for this reason, cities and local communities play a key role in multilevel climate governance as it is at this level where national regulation is implemented. The author adds that local climate action often serves as best practice for national policymaking. Kern (2023) claims that capacity-building and enabling are key aspects that give prominence to cities as these foster partnerships with industry actors that can facilitate sustainable behaviour. Individuals such as citizens or non-governmental organisations (NGOs) act as consumers and voters, too. It is key that the transition to low-carbon technologies or energy consumption behaviours finds acceptance at this level within the multilevel governance system to meet climate goals (Jänicke, 2017; Kern, 2023).

## Assessing transformative climate governance mechanisms: this paper

This paper tries to establish to what extent and how Member States have met the obligation to carry out **multilevel climate and energy dialogues**. It does so on the basis of mandatory national reporting on the implementation of these dialogues that Member States had to submit for the first time by 15<sup>th</sup> March 2023. At the time of writing, the reports of only 12 of the 27 Member States were available (cut-off date: 21st August 2023). A subsequent expansion of this work aims to include the full set of reports and expand the available information base through targeted interviews.

This analysis is being carried out as one of several assessments of important governance mechanisms in the context of specific research under the 4i-TRACTION project. The objective of the project is to gain a deeper understanding of key challenges of and potential improvements for EU climate policy on the path to climate neutrality, using as analytical lens the four themes innovation, investment, infrastructure and integration. One of the a priori theses guiding the work of 4i-TRACTION is that EU climate policy needs to become transformative (see Görlach et al. (2022)). This applies also to the governance of EU climate policy, both in its substantive and procedural instruments. The research differentiates eight main procedural governance functions (Access to Justice, Decision-making, Expert Advice, Implementation & Enforcement, Monitoring & Evaluation, Participation, Planning, Target-setting) and has defined criteria for the assessment of important mechanisms to deliver these functions (see Moore et al. (2023)). MLCEDs have been chosen as one of these mechanisms for analysis. Of the list of functions, their main one is Participation, but connects with most others in some form. The dialogues certainly have a Planning dimension (as plans are meant to be discussed in the dialogues), Expert Advice (as expert stakeholders are meant to be involved and asked for input) and ultimately also Decision-Making (in terms of how and where the dialogues feature in the process) and Implementation & Enforcement (as the dialogues could facilitate it) as well as Monitoring (progress review is one of the topics mentioned in the law).

Preliminary insights from the assessment are being published at the end of August 2023 to allow the information to be used in (at the time of writing) ongoing processes to consider the performance of the Governance Regulation. The 4i-TRACTION team will expand and verify them over time and publish these more comprehensive findings separately.

## Legal obligations for Member States under the Governance Regulation

The Governance Regulation introduces a number of changes to the previous climate governance system. As a key innovation, the law combines previously separate processes for national planning and reporting. The key vehicle for communicating essential targets and policies are the now so-called **integrated national energy and climate plans** (NECPs) (Article 3), which are prepared through an iterative process of drafts and final documents, reviewed by the European Commission. The focus of NECPs is on the period towards 2030, although projections of greenhouse gas emissions need to go beyond that timeframe. NECPs need to be updated every five years (the

first sequence took place in 2018-2019 and updating is taking place in 2023-2024). To allow for regular monitoring of the implementation of the NECPs, Member States have to prepare **integrated national energy and climate progress reports** (NECPRs) every two years (starting in 2023) (Article 17). Moreover, the Regulation expands upon a previous obligation to develop **long-term climate strategies** (LTSS) to 2050, which NECPs have to be consistent with (Article 15). These had to be submitted at the same time as the first final NECPs, but updating is only expected every 10 years.

The obligation to organise a **multilevel dialogue** is contained in Article 11 of the Governance Regulation in one brief paragraph – see box below. The dialogues are also mentioned in the preambular text to the Regulation, largely repeating the language of the Article, but adding a specific mention of LTSS as a subject for the dialogues. Separate from the dialogues, the Regulation stipulates in Article 10 provisions for “Public consultation”. Article 17.2.b includes the obligation for Member States to report on progress in establishing “the dialogue referred to in Article 11”.

Article 11 *Multilevel climate and energy dialogues*

*“Each Member State shall establish a multilevel climate and energy dialogue pursuant to national rules, in which local authorities, civil society organisations, business community, investors and other relevant stakeholders and the general public are able actively to engage and discuss the achievement of the Union’s climate-neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119 and the different scenarios envisaged for energy and climate policies, including for the long term, and review progress, unless it already has a structure which serves the same purpose. Integrated national energy and climate plans may be discussed within the framework of such a dialogue.”*

The idea for the dialogues stems from the European Parliament, which adopted its position on 17 January 2008 ([TA/2018/11/P8](#)), based on the report by MEPs Michèle Rivasi and Claude Turmes ([A8-0402/2017](#)). Amendment 113 asked for the insertion of a new separate Article 10a on “Multilevel climate and energy dialogue platforms” which were intended “to support active engagement of local authorities” and other stakeholders. Their role in the process of elaborating plans, strategies and reports under the Governance Regulation was more pronounced than in the law as adopted. The Parliament had also wanted to mandate that “adequate human and financial resources” be provided to the platforms and that they “function in a transparent way”. The word “platform” also suggests a more formalised institutional setting than ultimately adopted. The option that Member States use an existing structure was not mentioned then. The final text adopted after negotiation between Council and Parliament does not include anything on resources or transparency – but the notion of a national multilevel dialogue itself remained in.

The text of Article 11 as adopted in 2018 was later amended through the EU Climate Law, which inserted a mention of the achievement of the EU’s climate neutrality goal as a topic for discussion by the dialogues.

## Key parameters for multilevel dialogues according to the Regulation

Even if Article 11 of the Governance Regulation is brief, it contains a number of specifics to observe. First off, it demands that Member States **have to establish a multilevel dialogue**, unless they already have a structure in place that “serves the same purpose”. Secondly, the text lists a broad **range of groups** that should be included in the dialogues, which are “local authorities, civil society organisations, business community, investors and other relevant stakeholders and the general public”. The **multilevel quality** is made explicit again through the mention of local authorities. In terms of the **nature of the dialogue**, the regulation says that participants should be “able actively to engage and discuss”, putting an emphasis on exchange. Lastly, there are specific **topics that should be covered**, defining the thematic scope of the dialogues. These are 1) achievement of the Union’s climate-neutrality objective (an addition introduced through the EU Climate Law); 2) different scenarios envisaged for energy and climate policies, including for the long-term; 3) reviewing progress. The final sentence adds that 4) NECPs “may be discussed within the framework of such a dialogue” but does not make this mandatory, nor does it equate NECPs with, for example, the “different scenarios envisaged for energy and climate policies”. The article does not mention 5) long-term strategies, but the respective preamble (see above) says that “it should be possible” for both NECPs and LTSs to be discussed there.

There are several things that the article does not specify. It leaves open the **form** in which such a dialogue may take place. The preambular text includes the detail that it “may” take the form of a “website, public consultation platform or another interactive communication tool”. There is no wording on the **frequency** of such dialogues anywhere.

In terms of **checking on implementation**, the Governance Regulation only contains the obligation to report “where applicable” on the establishment of the dialogues (Article 17.2.b). Its underlying Implementing Regulation ((EU) 2022/2299) that lays down details for the **progress reports**, expanded on this, requiring every Member State to spell out details on how it was implementing the obligation to carry out a dialogue.

What happens with this information? The Governance Regulation gives the European Commission the duty to assess overall progress (Article 29) using the national reports, and the power to issue country-specific recommendations to Member States (Article 34). However, the implementation of the MLCEDs is not referenced in the context of the Commission assessment. Whether the Commission could nevertheless include recommendations concerning the dialogues may be subject to the Commission’s interpretation in practice. The Commission has the obligation to issue an overall “State of the Energy Union” report every October and may well be in a position to include a reference to the dialogues there – but they are not explicitly listed as a topic that has to be included. The regulation establishes no process for what happens with the reporting on the dialogues, other than their being made publicly available through an online platform (Article 28).

In sum, the law leaves many parameters regarding the implementation of the MLCEDs to Member States to decide and includes no mechanism for assessment of the quality of this implementation or a means to request potential improvements. This makes an independent assessment and the publication of the results particularly relevant.

## 2. Method and data

To assess the progress on Member States' implementation of MLCEDs, we conducted a **three-step qualitative analysis**.

First, we investigated the key regulations that provide the legal basis for the implementation of MLCEDs by Member States, namely the EU Governance Regulation ((EU) 2018/1999) as amended by the EU Climate Law (EU 2021/1119) and the European Commission's Implementing Regulation ((EU) 2022/2299) of the Governance Regulation and its Annex XXIII, which lays the ground for the reporting on the MLCEDs. The essentials have been outlined in the section above.

Second, we consulted the EU's public platform 'CIRCABC'<sup>1</sup> where the part of Member States' reporting under the Governance Regulation that falls into the responsibility of DG ENERGY at the European Commission is publicly available.<sup>2</sup> These reports include the reporting on the MLCEDs. We downloaded all 12 available reports out of 27 as per the cut-off date of 21 August 2023 and collected and dissected the data in tabular form. The country reports available belong to Austria, Cyprus, Denmark, Finland, Greece, Lithuania, Malta, the Netherlands, Portugal, Slovenia, Spain and Sweden.

To increase the data sample, we contacted DG Energy at the European Commission, which is in charge of this aspect of the reporting under the Governance Regulation, asking for the remainder of the submitted reports. We were informed that 11 of the remaining reports were under quality assurance and quality control (QAQC) at the time of our analysis and that these would be made available later. Further, we were informed that four Member States had not submitted any reporting at that point in time: Germany, Luxembourg, Poland, Romania.<sup>3</sup> Thus, the data sample of our analysis consists of the 12 reports that were available at the cut-off date. A comprehensive set of all Member States' reports would enhance the validity of our findings. A planned expansion of this work for publication later in 2023 should include that information.

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<sup>1</sup> European UNION Communication and Information Resource Centre for Administrations, Businesses and Citizens, CIRCABC, is a collaborative fully open source to securely share information between various interest groups, and is published under the EUPL license. Accessible online at <https://circabc.europa.eu/> - last visited 23 August 2023

<sup>2</sup> The reporting that falls under the purview of DG CLIMA is published via a different portal, managed by the European Environment Agency, called Reportnet 3 – online at <https://reportnet.europa.eu/public/dataflows>, last accessed 23 August 2023.

<sup>3</sup> For some of the Governance Regulation's reporting duties, national submissions for all EU27 Member States are available publicly in Reportnet 3 as per the cut-off date of 21 August 2023, so the missing submissions only concern certain aspects of the reporting under the law.

*Table 1: Criteria chosen to analyse Member States' MLCED reporting, based on legal requirements.*

Main cluster	Criteria / parameters	Specification in EU law
<b>Formal requirements</b>	Timing and completeness of the submission	The reporting was due 15 March 2023 (Art 17). Member States need to report on 1) the general setup and 2) progress in establishing the dialogue (Implementing Regulation)
	Length and level of detail	Character count and perceived level of detail (in terms of parameters covered)
<b>Structure and format of the dialogues</b>	Dialogue structure	Existing vs newly established dialogue structures
	Dialogue format	The Regulation says that “ <i>dialogue may take place by means of any national structure, such as a website, public consultation platform or another interactive communication tool</i> ”.
<b>Nature of the dialogues</b>	Multilevel scope	Checking for specifics on the dialogue being explicitly across multiple levels of government.
	Stakeholder groups involved	The Regulation lists the following stakeholder groups: “ <i>local authorities, civil society organisations, business community, investors and other relevant stakeholders and the general public</i> ”.
	Provision for active stakeholder engagement	The Regulation prescribes that stakeholders “ <i>are able actively to engage and discuss</i> ”.
<b>Thematic scope</b>	EU climate neutrality target	Based on the legislation, we check for the following topics:  1) the achievement of the Union’s climate-neutrality objective, 2) the different scenarios envisaged for energy and climate policies, including for the long term, 3) progress review, 4) reference to the NECPs, 5) reference to LTSs and other relevant processes.
	Energy and climate scenarios	
	Progress review	
	National Energy and Climate Plans & Long-Term Strategies or other relevant processes	

Third, we assessed the level of detail of each report and compared the submissions and their content to the requirements spelled out in the Governance Regulation, as outlined in the previous chapter. To this end, we broke down the different parameters included in the legal text into a set of assessment criteria, which are contained in Table 1. This allows for both an individual and a comparative evaluation of the national reports and the information they cover. The results are presented in the following section (chapter 3). We summarise the analysis and draw preliminary conclusions in chapter 4.

Relying solely on the reports themselves as a source of information for this exercise, at this point limits the validity of the findings. Additional desk research and qualitative interviews could be used to expand on this fact base in the future, to clarify information where the message is unclear, to verify the content of national reports and to provide additional information where the reports have gaps. What **we can analyse with this approach** is thus essentially not the implementation of the dialogues themselves, but the **quality and content of the national reporting on the dialogues**, as a **proxy for** an assessment of the dialogues' **real-world implementation**.

## 3. Criteria-based analysis of national submissions on the MLCEDs

In this section, we present the information contained in Member States' reporting on the implementation of MLCEDs along the criteria laid out in chapter 2, capturing all essential legal requirements. A noteworthy upfront observation in this context is the great diversity in the level of detail and the topic coverage in the reporting. The break-down into specific aspects along the criteria developed here allows to dissect this diversity and identify more specific commonalities and differences as well as apparent gaps in the coverage.

### 3.1 Formal requirements for the reporting

#### 3.1.1 Timing and completeness

Member States must submit their integrated progress reporting under the Governance Regulation by 15<sup>th</sup> March every two years, starting in 2023. The reporting requirements include "*Where applicable, information on the progress in establishing the dialogue referred to in Article 11*" (Article 17.2 GovReg). The seeming limitation on the reporting to those Member States establishing a new dialogue structure was lifted in the Implementing Regulation (EU 2022/2299), which provided a mandatory format for Member States in its Annex XXIII (see Figure 1). Annex XXIII contains two cells to fill in: a more general "detail on multilevel climate and energy dialogue" and the specific "progress in establishing" one. For the purpose of counting reporting as complete, we consider that Member States using an existing structure for the dialogues do not need to fill in the second cell – but all countries have to provide text in the first.

Under this criterion, we aimed to check a) for timely delivery of the submission against the deadline of 15<sup>th</sup> March, and b) the completeness of the submissions compared against the template in Annex XXIII.

## ANNEX XXIII

## REPORTING ON MULTILEVEL CLIMATE AND ENERGY DIALOGUE REFERRED TO IN ARTICLE 11 OF REGULATION (EU) 2018/1999

Table 1

 Progress in establishing multilevel climate and energy dialogue referred to in Article 11 of Regulation (EU) 2018/1999 <sup>(1)</sup>

Details on multilevel climate and energy dialogue	M	
Progress in establishing the multilevel climate and energy dialogue	M <sub>sup</sub>	

Notes:

 M = mandatory; M<sub>sup</sub> = mandatory if applicable

<sup>(1)</sup> Member States to provide details of multilevel climate and energy dialogue pursuant to national rules, in which local authorities, civil society organisations, business community, investors and other relevant stakeholders and the general public engaging and discussing the different scenarios envisaged for energy and climate policies, including for the long term

*Figure 1: Annex XXIII of the Implementing Regulation, screenshot*

### Submission timing

At the time of our assessment, most of the submissions on the MLCEDs that were publicly available on the CIRCABC platform did not contain the exact date of submission to verify timeliness. To obtain this information, we consulted CIRCABC, who informed us of the dates when Member States submitted their progress reports on the topics concerning DG ENERGY – with four still missing. In this one instance, we are thus using a slightly larger sample (23 out of 27).

Table 2 indicates the Member States that submitted their reporting in the following categories: 1) prior to the given deadline, 2) submissions on time (within a month of the deadline), 3) delayed (more than one month after the deadline), and 4) overdue.

Grouped along these categories, eight countries submitted their reports on time (e.g., Denmark, Finland, Netherlands, Portugal, Sweden), while 15 Member States were delayed in submitting their reports (e.g., Austria, Greece, Malta, Spain) and four countries had not yet submitted their complete reports at that time, namely Germany, Luxembourg, Poland, and Romania. In sum, a **two-third majority of Member States were delayed** by more than one month with their reporting.

*Table 2: Timeliness of national reports on multilevel climate and energy dialogues.*

Pre-deadline publications	On time (within a month of the deadline)	Delayed (more than one month after the deadline)	Not submitted (as of 21 August 2023)
Total: 0	Total: 8 (HR, DK, EE, FI, NL, PT, SI, SE)	Total: 15 (AT, BE, BG, CY, CZ, FR, EL, HU, IE, IT, LV, LT, MT, SK, ES)	Total: 4 (DE, LUX, PL, RO)

Source: CIRCABC, 2023. Note: At the time of analysis, some of the submitted reports were undergoing a quality check and were thus not available via the CIRCABC platform.

## Completeness of the submissions

Of the 12 reports available for this analysis, **all Member States' submissions included the sections that they had to fill in**. In fact, some provided text in the second cell even if they did not have to (e.g., Austria). This formal completeness check would arguably have been included also in the Commission's QAQC process and the result is thus to be expected.

All told, the submitted reports analysed were formally complete, but many arrived with delay.

### 3.1.2 Length and level of detail

As a second dimension to the formal requirements, we analysed a) the general length of the submitted texts as a proxy for detail (using a character count), and b) a check on aspects covered as another means to verify to what extent the reports contained the needed detail.

#### Length of submissions

The length of the reports by means of a character count reveals two information points. One, there is the significant variation in the length of these reports. Second, length of the submission is not indicative of the quality or comprehensiveness of the content within the reports. For example, while Spain has the highest character count of 5400 and Sweden the lowest - of 212, both countries cover identical themes and neither has fully covered the mandatory scope in their reporting.

#### Level of detail

To assess the level of detail, we used summaries of more specific evaluations on other criteria to provide an overarching picture for each submitted report. Table shows the level of detail included in Member States' reports by summarising the findings from the criteria-based analysis that follows in the subsequent chapters. No Member State provides full information in the report on all the assessment criteria our analysis is built upon. The Netherlands is the only country that covers almost all parameters.

In summary, eight countries include most criteria (Austria, Denmark, Finland, Greece, Lithuania, Malta, Portugal, and Slovenia), two (Cyprus and Spain) – some criteria, and only one country – Sweden – includes none of the assessment criteria in its reporting. The Swedish report includes so little information that it warrants asking whether it should have passed the QAQC process.

The following chapters examine these criteria in depth and conclude with a summary of key insights and preliminary ideas for improvement of future reporting.

Table 3: Level of detail included in reporting - by Member State.

	Character count	Existing or new structure?	Clearly multilevel ?	Format specified?	Stakeholder groups listed?	Info on active dialogue?	Mandatory scope coverage (see 3.4)	Summary
AT	910	Existing	Yes	Yes	Yes	Yes	Mandatory scope largely not covered in report	Incomplete, but covers several parameters
CY	3637	Existing	Unclear	Yes	Unclear	Yes	Mandatory scope largely not covered in report	Incomplete, and covers only some parameters
DK	1081	New	Yes	Yes	Yes	Yes	Mandatory scope largely not covered in report	Incomplete, but covers several parameters
FI	1793	Both	Yes	Yes	Yes	Yes	Mandatory scope largely not covered in report	Incomplete, but covers several parameters
EL	3255	New	Yes	Yes	Yes	Yes	Mandatory scope not covered in report	Incomplete, and covers only some parameters
LT	2247	Both	Yes	Yes	Yes	Yes	Mandatory scope largely not covered in report	Incomplete, but covers several parameters
MT	698	New	Yes	Yes	Yes	Yes	Mandatory scope not covered in report	Incomplete, and covers only some parameters
NL	3123	New	Yes	Yes	Yes	Yes	Mandatory scope partially covered in report	Almost complete, covers most parameters
PT	1683	New	Yes	Yes	Yes	Yes	Mandatory scope largely not covered in report	Incomplete, but covers several parameters
SI	3663	New	Yes	Yes	Yes	Yes	Mandatory scope largely not covered in report	Incomplete, but covers several parameters
ES	5400	New	Unclear	Unclear	Yes	Yes	Mandatory scope not covered in report	Incomplete, information limited
SE	212	Unclear	Unclear	Unclear	Unclear	Unclear	Mandatory scope not covered in report	Incomplete, information is insufficient

## 3.2 Structure and format of the dialogues

The Governance Regulation prescribes that Member States must establish a new governance mechanism for MLCEDs unless there is already an existing structure in place that serves the same purpose. The regulation also provides suggestions on the format of MLCEDs. These may take place by means of a website, public consultation platform or another interactive communication tool.<sup>4</sup>

This chapter examines the nature of the dialogue structures that Member States report to have used, as well as the types of MLCED formats reported by countries. Based on the available reporting, about half – five - countries had established dialogue structures prior to the Governance Regulation whereas the majority – eight - Member States established new dialogue structures. Further, we find that that the reports lack precise definitions of the various formats used and that Member States report on the utilisation of a variety of dialogue formats.

### 3.2.1 Dialogue structure

Five out of 12 Member States report that they already had **existing dialogue structures** in place before the adoption of the amended Governance Regulation in 2018: Austria, Cyprus, Finland, Lithuania and Sweden. Austria and Cyprus state that they established structures in 2017, Lithuania in 2009, and Finland in 2011. Sweden refers to its 2018 NECP reporting, which suggests that the country already had dialogue structures set up (although the short text of the submission does not explicitly say so).

Nine countries report to have established **new dialogue structures**. These are Denmark, Finland, Greece, Lithuania, Malta, the Netherlands, Portugal, Slovenia and Spain. Lithuania and Finland are the only **two countries which report on both existing dialogue structures and establishing new ones** for their MLCEDs (see Table 4 below). Finland reports on the creation of an independent Climate Change Panel in 2011, represented by academia, with the aim to enhance the communication between science and politics on issues related to climate change. In 2020, Finland reports to have launched a national 'Climate Policy Roundtable' to discuss key carbon neutrality government initiatives, legislative proposals and strategies. In 2021, the country also states it established a 'Citizen's Jury on Climate Action' – a representation of civil society contributing public opinion. Similarly, Lithuania includes in its reporting the establishment of a 'National Climate Change Committee' in 2009. The Committee is said to provide advice on the development of domestic climate change policy and the coordination thereof. In 2021, Lithuania reports to have adopted its 'National Climate Change Management Agenda' which according to the report, outlines the country's strategy on how to implement NECP-related policies. To make science-based decisions on the formulation, assessment and implementation of national climate

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<sup>4</sup> European Union (2018), (30)

change management policies, Lithuania reports to have established an independent ‘Committee of Scientists’ in 2023.

*Table 4: Nature of the dialogue structure, as reported by Member States.*

	AT	CY	DK	FI	EL	LT	MT	NL	PT	SI	ES	SE	
Existing dialogue structures	•	•		•		•						•	Total: 5
New dialogue structures			•	•	•	•	•	•	•	•	•		Total: 9

Note: “•” indicates information obtained from Member States’ reporting.

While a considerable number of existing reports indicate the establishment of new dialogue structures, the majority of these reports lack a clear statement regarding whether these structures were specifically created to facilitate a MLCED. It is therefore crucial to assess the dialogue structures together with the remaining evaluation criteria outlined in the subsequent chapters.

### 3.2.2 Dialogue format

Member States report the utilisation of a variety of dialogue formats (see Table). The most common means for the implementation of MLCEDs reported is the establishment of a **dedicated committee**, with seven Member States reporting on this. Denmark, for instance, reports that it has established two committees to discuss opportunities and barriers for the green transition, namely the Danish Association of Local Authorities and Danish Regions. The country also reports to have founded specific climate initiatives at municipal and regional level as well as a green forum for industry actors. For the latter two, Denmark does not provide any specific names.

Five Member States – Cyprus, Finland, Portugal, Spain and Sweden report to have run a **public consultation**.

In third place are several formats: **a working group, a citizens’ jury, parliament or assembly, and an online platform**. Five Member States report on these. According to its reporting, in 2019, Denmark founded a citizens’ parliament and a youth climate council. The national climate law of Greece also establishes a “Climate dialogue website” to foster MLCEDs – but does not explicitly state this in its reporting. The Netherlands reports to have specifically engaged with youth citizens as well. Portugal reports that it has established the NECP 2030 Coordination Group to coordinate the updating of its NECPs.

*Table 5: Types of MLCED formats reported by Member States.*

Type of dialogue element	AT	CY	DK	FI	EL	LT	MT	NL	PT	SI	ES	SE	Total
Commission		•									•		Total: 2
Committee	•	•	•		•	•			•		•		Total: 7
Public consultation		•		•					•		•	•	Total: 5
Working Group						•	•		•	•			Total: 4
Council or Panel				•						•	•		Total: 3
Roundtable				•									Total: 1
Citizens' Jury, Parliament or Assembly			•	•				•			•		Total: 4
Awareness campaign							•	•					Total: 2
Online platform					(•)		•	•		•	•		Total: 5
National conference							•						Total: 1
Targeted workshops							•		•	•			Total: 3
Unclear												•	Total: 1

Note: "•" indicates information obtained from Member States' reporting, while "(•)" indicates information obtained from other sources.

Additionally, three Member States report on using **a council or a panel**, while two state to have engaged a **dedicated commission or an awareness campaign**. Malta states that it launched an awareness campaign in 2021 – "ClimateOn", supported by an online platform aiming to foster continuous dialogue among stakeholders. The Netherlands reports to have created two campaigns – a "national umbrella campaign" and a National Climate Week. Portugal reports that its resolution of the Council of Ministers no. 53/2020 prescribes that the "Climate Action Commission" is to ensure the promotion and monitoring of national NECPs.

Other means of dialogue reported include **a roundtable** and **a national conference**. Sweden does not provide any detail on the format of its dialogues.

Moreover, we find that the reports lack precise definitions for the various formats used. The distinctions or similarities among terms like "committee," "commission," and "working group" remain unclear. These terms might carry distinct, similar, or even identical meanings, potentially influenced by national languages and interpretations. In order to comprehensively understand the

formats of MLCEDs, our research treats these formats as distinct entities. Due to the difficulty in ascertaining the exact intentions behind these terms in the reports from Member States, it is advisable to approach the information regarding dialogue formats with a degree of caution.

### 3.3 Nature of the dialogues

The Governance Regulation describes an MLCED as:

- 1) Taking place across **multiple levels of government**,
- 2) Including **“local authorities, civil society organisations, business community, investors and other relevant stakeholders and the general public”**,
- 3) Giving stakeholders the freedom and opportunity **“actively to engage and discuss”** various topics.

Against this backdrop, we examine the nature of the dialogues according to three criteria:

- Are multiple levels (e.g., national, sub-national, municipal) involved?
- Which stakeholder groups are involved?
- Is there clear dialogue and active engagement?

#### 3.3.1 Multilevel scope

In assessing the presence of a multilevel dimension in the dialogues, we investigated whether the reports from Member States indicated engagement beyond the national level. Our analysis centred on the mention of sub-national actors involved, as well as of specific keywords such as “regional,” “sub-national”, “municipal”, and “local”. Table 6 provides a summary of which Member States provided a reference to a multilevel scope in their reports.

The reports of six Member States include **wording that suggests a dialogue across multiple levels of government**: Austria, Cyprus, Denmark, the Netherlands, Slovenia and Spain. A frontrunner in referring to the multilevel scope, the Netherlands mentions involving local governments, “co-governments”, local councils, and regions. Austria reports on involving “federal provinces and local governments”. Denmark mentions two green cooperation committees with its National Association of Municipalities and Danish Regions, which “discuss opportunities and barriers for the green transition as well as concrete climate measures at municipal and regional level”. Spain includes wording on the “Spanish Federation of Municipalities and Provinces as a representative of the local administration”. Slovenia specifically talks about “local authorities”.

The reporting of Finland, Greece, Lithuania, Malta, Portugal and Sweden **does not provide a clear statement about whether dialogues took place on multiple levels** in the form of the keywords listed above.

*Table 6: The multilevel dimension of MLCEDs, according to Member States' reporting.*

	AT	CY	DK	FI	EL	LT	MT	NL	PT	SI	ES	SE	
Multilevel dimension	•	•	•					•		•	•		Total: 6
Unclear				•	•	•	•		•			•	Total: 6

Note: "•" indicates information obtained from Member States' reporting.

Considering the fact that the word "multilevel" is in the title of Article 11 and that the engagement of actors beyond the national level is thus an essential ingredient to the dialogues, this omission in half the submissions analysed is noteworthy and requires further elaboration. If the dialogues reported on by these Member States did not in fact involve subnational actors, then they may not in fact qualify as "multilevel" – which would essentially be a violation of the requirement of Article 11 of the Governance Regulation.

### 3.3.2 Stakeholder groups listed

The majority of Member States – ten – report on including various stakeholders in their MLCEDs. Five countries – Austria, Denmark, the Netherlands, Slovenia and Spain – have included **local authorities** in their dialogues, according to their submissions. Eight countries (Austria, Finland, Lithuania, Malta, the Netherlands, Portugal, Slovenia and Spain) report on involving **civil society organisations**, such as NGOs. The same number of countries (Austria, Denmark, Greece, Lithuania, Malta, the Netherlands, Portugal and Spain) state to have engaged with **businesses** (in the case of Austria and Portugal – regarded as "industry"), while six countries (Denmark, Finland, Lithuania, the Netherlands, Slovenia and Spain) report to have involved the **general public**.

Four Member States report to have included **other relevant stakeholders** such as experts from science. Finland states that it has also involved journalists. The Greek report lists a variety of stakeholders - predominantly representatives of energy operators, but also including managing directors, such as the one of WWF, for example, as well as "external experts" who "can be invited by the Chairman, without a right to vote" during meetings of the Inter-Ministerial Committee.

**No Member State reports on interacting with investors.** This may indicate that these are not considered as a separate stakeholder group by most national authorities – they could be subsumed under the category "business", for example.

The reports of Cyprus and Sweden do not provide any statements about the type of stakeholder groups involved and are thus insufficient to judge upon as to whether the implementation is in line with the legal requirements.

In sum, no Member State report mentions all the five groups listed in the law. **Stakeholder coverage is thus clearly incomplete, judging from the reports.**

*Table 7: Stakeholder groups listed in Member States' reporting on MLCED.*

		AT	CY	DK	FI	EL	LT	MT	NL	PT	SI	ES	SE	
Stakeholder groups	Local authorities	•		•					•		•	•		Total: 5
	Civil society organisations	•			•		•	•	•	•	•	•		Total: 8
	Business	(•)		•		•	•	•	•	(•)		•		Total: 8
	Investors													Total: 0
	General public			•	•		•		•		•	•		Total: 6
	Other	Science				Science, journalists	Vari-ous	Science						
Unclear			•										•	Total: 2
<b>Total</b>		3/5	0/5	3/5	2/5	1/5	3/5	2/5	4/5	2/5	3/5	4/5	0/5	

Note: "•" indicates information obtained from Member States' reporting.

### 3.3.3 Provision for active stakeholder engagement

To check if the requirement that stakeholders should be able to "actively (...) engage and discuss" has been met, we scanned the reports against specifications on the way in which the interactions have taken place. We deduced four themes indicating likely an active engagement of stakeholders, although only a more in-depth assessment could verify this (see Table 8).

**Discussions:** Some Member States report on discussing relevant thematic topics with stakeholders (e.g., Austria, Malta). The Netherlands' report states that "conversations" on climate policy are being held with companies, NGOs and citizens and young people in particular. The words "discussion" and "conversation" both suggest an interactive format.

**Advisory role:** Member States mention stakeholders taking up an advisory role in different forms. For instance, Denmark reports that the work of its citizens' council has resulted in two reports containing 192 recommendations. Finland also reports on its citizens' jury presenting

recommendations on 14 relevant measures to the country's Climate Policy Roundtable. Lithuania reports to have established a National Climate Change Committee which provides advice on the formulation, assessment and implementation of domestic climate change management policies. The Netherlands reports that its National Climate Platform "provides solicited and unsolicited advice". These are indications of avenues for providing an input to the policy process – and are thus an engagement option. To what extent recommendations indeed inform policy, or in what way a response to the recommendations may have manifested would require further investigation.

**Dedicated civil society fora:** Denmark reports to have actively engaged with actors from the civil society by establishing a Citizen's Assembly and a Youth Climate Council – with the aim to engage with and encourage individuals and young people in particular to participate in climate debates. Slovenia mentions the involvement of its Youth Movement for Climate Justice in the debate and its contribution to the "climate and energy future". Finland also states that it has engaged a national Citizens' Jury on Climate Action. According to the Netherlands' report, citizen assemblies have been or are being organised in the North Brabant and Gelderland regions. Malta reports that a series of workshops to engage stakeholders took place, alongside its ClimateOn awareness campaign and its respective online platform. Cyprus reports that discussions with relevant stakeholders on the proposed policies and measures of the current NECP have been continuous throughout the implementation period.

**Public consultations:** Five Member States report on conducting public consultations (Cyprus, Finland, Portugal, Slovenia, Spain). Slovenia reports on a three-stage public participation process that consists of a five-week pre-consultation, a targeted consultation through communication workshops, and a one-month concluding consultation and dialogue.

The **Greek** reporting considers its overall governance structure "comprehensive and inclusive", but only speaks of stakeholders that "may be invited" to the meetings of its interministerial committee, "without a right to vote". There is no indication as to the nature of the input they can provide – and thus it remains unclear, on the basis of the report, whether this is in any form a means to "actively (...) engage and discuss". The same is true for the **Swedish** submission, which does not contain sufficient information to assess this criterion. **Denmark** and the **Netherlands** stand out in comparison, with three types of relevant formats or roles mentioned.

All told, in a majority of Member States the reports indicate some form of ability for active exchange (without judgement as to which stakeholders this refers to or whether this is indeed a multilevel interaction).

*Table 8: Provisions for active engagement in Member States' reporting on MLCEDs.*

	AT	CY	DK	FI	EL	LT	MT	NL	PT	SI	ES	SE	
Discussions	•						•	•					Total: 3
Advisory role			•	•		•		•					Total: 4
Dedicated civil society fora			•	•				•		•			Total: 3
Public consultations		•		•					•	•	•		Total: 5
Unclear					•							•	Total: 2
<b>Total</b>	1/4	1/4	2/4	3/4	0/4	1/4	1/4	3/4	1/4	2/4	1/4	0/4	

Note: "•" indicates information obtained from Member States' reporting.

Across the three aspects evaluated under the heading "nature of the dialogues", only three out of the 12 countries with reports provide information that suggests the criteria can be counted as largely fulfilled: Denmark, the Netherlands and Slovenia. **Information is overall insufficient or not specific enough in the vast majority of the reports** to get a sense as to whether the implementation lives up to the intended nature of the MLCEDs.

### 3.4 Thematic scope

The Governance Regulation prescribes that Member States must cover several specific topics in their MLCEDs. These include:

- 1) "the achievement of the **Union's climate-neutrality objective**",
- 2) "the different **scenarios** envisaged for energy and climate policies, including for the long term," and
- 3) **progress review** in this context.

Additionally, the Regulation explicitly mentions as a possibility, but does not oblige Member States to:

- 4) discuss **NECPs** and **LTSs** within the framework of their dialogues.

### 3.4.1 EU climate neutrality objective

**No report specifically refers to the EU climate neutrality goal. Cyprus may do so indirectly, by mentioning the European Green Deal.** Member States largely refer to the Governance Regulation and its implementation. And there are references to long-term goals and the transition. Austria, for example, mentions “the long-term reduction of greenhouse gas emissions towards a low-carbon society”. Lithuania mentions “climate change goals” and engages five working groups on decarbonisation. However, none of these references relate to the specification of the Governance Regulation (as amended by the EU Climate Law in July 2021) for the dialogues to “discuss the achievement of the Union’s climate-neutrality objective”.

### 3.4.2 Scenarios for energy and climate policies

**Six Member States report explicitly on scenario discussions with relevant stakeholders.** For example, Austria specifically reports on discussions relating to “long-term scenarios to increase energy efficiency and the share of renewable energies”. Cyprus mentions “continuous” discussion on “proposed policies and measures of the current NECP with key stakeholders”. Finland reports on discussions of initiatives and proposals related to the transition and mentions “roadmaps”. Denmark addresses barriers and opportunities related to NECP policies. Slovenia obtains guidance from experts and the general public on the update of the NECPs. Lithuania reports on exchanges to “find the best measures to implement”, while the Netherlands reports on “monitoring [...] the time path towards 2030”.

**Five reports remain vague or do not mention policy scenarios.** Greece, Malta, Portugal, Spain and Sweden do not provide any information on presenting policy options to relevant stakeholders. Portugal for example reports on “collecting perspectives on the updating of NECPs”. It may be that other Member States that do not explicitly mention scenarios for policies equate the discussions on the NECPs as synonymous with these – however, this cannot be verified on the basis of the reports alone.

### 3.4.3 Progress review

**The review of progress is mentioned in the reports of only two countries.** According to the submission of the Netherlands, “the Climate Agreement Progress Meeting (VGO) discussed the progress of the Climate Agreement”, the latter of which is described in the report as “a package of measures and agreements between approximately 150 parties [...] to reduce greenhouse gas emissions by 2030”. Additionally, Portugal specifically states that progress review was included within the framework of its NECP and its revision.

### 3.4.4 Reference to NECPs (optional)

**NECPs are the most referred to thematic element in Member States' reporting on MLCEDs.** Nine countries (Austria, Cyprus, Finland, Greece, Lithuania, Portugal, Slovenia, Spain, Sweden) out of the 12 covered mention the plans in one form or another.

### 3.4.5 Reference to LTSs (or similar processes) (optional)

**Four countries mention their LTSs or related relevant national climate and energy policy processes: Finland, Lithuania, the Netherlands, and Slovenia.** Finland and Slovenia, for example, mention their national aims for climate neutrality, while the former also refers to its National Climate and Energy Strategy. Lithuania includes the National Climate Change Management Agenda (Strategy) in its reporting. The Netherlands mentions the country's Regional Energy Strategies. Denmark and Malta provide no information about LTSs or long-term climate planning.

The dissection of the reports shows that **the topics that the dialogues really should address are not adequately covered in the reporting** by Member States. None of the reports covers all three mandatory aspects. The first one, the achievement of the EU's climate neutrality goal is not once mentioned explicitly by the 12 reports, although the amendment that inserted this aspect was adopted more than 1,5 years prior to the reports being prepared. Only the Netherlands can be considered to be partially covering the mandatory aspects through reference in some form to both policy scenarios and progress review. Four additional reports cover at least one item explicitly. The other seven country submissions do not explicitly reference the topics that should be addressed as per Article 11 of the Governance Regulation.

The picture is slightly better concerning the legally more "optional" topics, with three out of the 12 countries referencing both NECPs and LTSs (or related processes). NECPs are mentioned in nine out of 12 reports, making it the single most stated policy process the dialogues are connected to in some form (regardless of the form or nature of this connection).

Malta fails to include mention of any of the five topics checked for, Denmark only makes indirect mention of one. Spain and Sweden only have the NECP reference.

The many NECP references may be due to the fact that NECPs are considered as the key process under the Governance Regulation even if that is not the case for Article 11 itself. It is also possibly the process most on governments' minds, as the updating of NECPs is the most high-level process under the Governance Regulation in 2023. One could also argue that some Member States may have implicitly taken NECPs as being synonymous to, for example, "scenarios for climate and energy policies", and thus NECP references might be counted as speaking to that content pillar.

Table 9 provides a summary of the thematic scope coverage of MLCEDs, while the following assessment examines Member States reporting for mention of these topics in more detail, distinguishing between their mandatory and optional natures.

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*Table 9: Thematic scope coverage in Member States’ reporting on MLCED.*

	EU climate neutrality goal	Scenarios	Progress review	NECPs (optional)	LTSs et al (optional)	Summary of mandatory scope	Summary of optional scope
AT	Not mentioned	<b>Mentioned</b>	Not mentioned	<b>Mentioned</b>	Not mentioned	Mandatory scope largely not covered	Optional scope partially covered
CY	<b>Somewhat mentioned</b>	<b>Somewhat mentioned</b>	Not mentioned	<b>Mentioned</b>	Not mentioned	Mandatory scope largely not covered	Optional scope partially covered
DK	Not mentioned	<b>Somewhat mentioned</b>	Not mentioned	Not mentioned	Not mentioned	Mandatory scope largely not covered	Optional scope not covered
FI	Not mentioned	<b>Mentioned</b>	Not mentioned	<b>Mentioned</b>	<b>Mentioned</b>	Mandatory scope largely not covered	Optional scope fully covered
EL	Not mentioned	Not mentioned	Not mentioned	<b>Mentioned</b>	Not mentioned	Mandatory scope not covered	Optional scope partially covered
LT	Not mentioned	<b>Somewhat mentioned</b>	Not mentioned	<b>Mentioned</b>	<b>Mentioned</b>	Mandatory scope largely not covered	Optional scope fully covered

<b>MT</b>	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Not mentioned	Mandatory scope not covered	Optional scope not covered
<b>NL</b>	Not mentioned	Somewhat mentioned	Mentioned	Not mentioned	Mentioned	Mandatory scope partially covered	Optional scope partially covered
<b>PT</b>	Not mentioned	Not mentioned	Mentioned	Mentioned	Not mentioned	Mandatory scope largely not covered	Optional scope partially covered
<b>SI</b>	Not mentioned	Mentioned	Not mentioned	Mentioned	Mentioned	Mandatory scope largely not covered	Optional scope fully covered
<b>ES</b>	Not mentioned	Not mentioned	Not mentioned	Mentioned	Not mentioned	Mandatory scope not covered	Optional scope partially covered
<b>SE</b>	Not mentioned	Not mentioned	Not mentioned	Mentioned	Not mentioned	Mandatory scope not covered	Optional scope partially covered
<b>Totals</b>	Somewhat mentioned: 1	Somewhat mentioned: 4. Mentioned: 3	Mentioned: 2	<b>Mentioned: 9</b>	Mentioned: 4	<b>Fully covered: 0</b> Partially covered: 1 Largely not covered: 7 Not covered: 4	<b>Fully covered: 3</b> Partially covered: 7 Largely not covered: 0 Not covered: 2

However, a less positive interpretation of the results could also be that they indicate the reporting on implementation of the dialogues itself has not been considered worthy of enough attention by national governments to speak to the aspects covered by the law. Considering the lack of detail on other aspects evaluated in this paper, this theory could be worthy of further exploration through additional research.

## 4. Summary and preliminary conclusions

### 4.1 Insights from the analysis of national reports

In this paper, we assessed Member States' progress on the implementation of MLCEDs by analysing national reports on these dialogues against the requirements set out in Article 11 of the Governance Regulation. The evaluation can only deliver an interim picture with preliminary insights as it is built on only a small data set of 12 out of 27 Member States' reports. Moreover, it depends solely on the information provided by Member States, and the analysis largely speaks to the quality of these reports and can only infer from their content as a proxy to the actual implementation of the dialogues. Regardless of these limitations, the analysis of the reports indicated certain patterns. The essential insights are:

### Formal requirements barely met, much detail missing

- While **two-thirds of Member States reports were delayed** by more than one month, of the 12 reports available for this analysis, **all submissions included the sections that they had to fill in**. This was to be expected after a Quality Assurance check.
- **No Member State report analysed included enough detail to cover all aspects** required and only the Netherlands covered almost all of them. In contrast, the Swedish report includes so little information that it warrants asking whether it should have passed the QAQC process. Overall, the evaluation shows that the **length of the submissions is not indicative of the quality or comprehensiveness** of the content within the reports.

### New structures deployed in most countries and in unique national ways

- A majority of the reports (9/12) indicate that **new dialogues have been established**, although in almost half an existing structure is available. These are both implemented using a **variety of formats** with the creation of a dedicated committee being the most common approach.

### Many dialogues may not be multilevel and stakeholder coverage is insufficient.

- Only **half of the existing reports contain keywords or information indicating a multilevel dimension** of the MLCEDs. If half of the dialogues did not in fact involve subnational actors, then they may not qualify as “multilevel” – which would essentially be a violation of the requirement of Article 11 of the Governance Regulation. This aspect requires further investigation.
- Countries include various stakeholders in their MLCEDs, but no Member State reports on engaging all five types listed in the law. Investors are the group not covered at all explicitly in the reports but mentioned in the law. Even excluding this group, **the reports do not indicate adequate coverage of stakeholders in most countries**.
- Assessing the level of participation, the analysis finds that **most countries report on conversations or discussions with stakeholders**, or an **advisory role** of for example a committee or working group to a higher level actor – suggesting that an active engagement is possible.

### **Mandatory topics largely not explicitly addressed, NECPs dominate the reporting**

- The three **topics that the dialogues should address are not adequately covered** in the reporting by Member States. None of the reports covers all three mandatory aspects. No report specifically refers to the EU climate neutrality goal, and only two mention a review of progress.
- **NECPs are the most referred to thematic element** in Member States' reporting on MLCEDs, but this is an optional process to address, as per the letter of the law. A friendly interpretation sees this as being implicitly synonymous with "scenarios for energy and climate policies" which should be a subject of the dialogues.

In sum, the picture emerging is one of significant uncertainty over the quality of the implementation of MLCEDs in EU Member States. Judged by the information contained in the reports, it is not clear whether most of these are indeed multilevel, whether the dialogue has taken place with the stakeholders intended and on the issues it was meant to address. A small share of country reports covers most aspects required and indicates that adequate multilevel dialogue may be occurring – but others contain too little information to assess what is happening. Based on the reports alone, the implementation of Article 11 of the Governance Regulation cannot be judged adequately – and it can certainly not be assessed as successful.

## **4.2 Preliminary conclusions and ideas for improvement**

While the results in this paper must be seen as preliminary, considering the small data set, and require further investigation, they indicate a pattern that can provide the basis for consideration of their implication. The shortcomings in the reports are clear, and likely indicate weaknesses in the implementation in the real world. What are the reasons for the lack of detail and quality in the national submissions? There are at least two scenarios that could lead to this picture.

- a. It is possible that in some cases the reporting itself is inadequate and has not been given enough attention to include all the necessary information. This could result from a lack of capacity to prepare the report, a low perceived importance of doing so in detail or a lack of access to the information needed by the authority (or individual within) filing the report.
- b. It is also possible that the implementation itself is indeed flawed in that it only partially or hardly meets the spirit and the letter of Article 11, with Member States carrying out structures designed for other purposes and reporting these under their obligation of a MLCED, even though the fit is not very strong.

It is also possible, that these two options happen in combination.

### What does this mean going forward, where and how is improvement needed and possible?

Part of the flaw may lie in the negotiated form of Article 11, as it currently stands. The notion of the multilevel dialogue is not being given a justification in the law, there is no clear definition of its goals or what would be accepted as passing for such a dialogue. Such specification can be provided by **making Article 11 more precise in the upcoming revision of the Governance Regulation**, currently being prepared by Commission services. This would also signal the importance of these dialogues and give them more weight, both in implementation and for the reporting.

A second possible source are the **reporting requirements**, which leave it entirely open to Member States to include whatever they see fit. These **could be expanded** to ask for more detail concerning all aspects considered in this assessment, as mentioned in the law: who was involved when on what, how often, and in what form? This would require an adjustment of the Implementing Regulation, for example following a change in the Governance Regulation.

Moreover, the **QAQC process concerning the submissions could be improved** and strengthened, rejecting insufficiently detailed reports and asking Member States for more information. This could already be applied to the current set and to future reports, regardless of a change in the format for the reports.

Lastly, **actual follow-up on the dialogues and their implementation** could have an impact. There is no formal process other than the reporting in the law at present. Member States do not expect to be checked upon concerning their implementation. Such a follow-up could be anchored in the Regulation as a process (e.g., by including information on MLCED implementation in State of the Energy Union reports, and by including it in topics the Commission may issue recommendations on). However, the Commission could also address this issue already in its interactions with Member States and place attention on these dialogues by providing space in meetings, giving it airtime in bilaterals, as well as providing resources to technical exchange and other fora.

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## About the project

4i-TRACTION – innovation, investment, infrastructure and sector integration:  
TRANSformative policies for a ClimaTe-neutral European UnION

To achieve climate neutrality by 2050, EU policy will have to be reoriented – from incremental towards structural change. As expressed in the European Green Deal, the challenge is to initiate the necessary transformation to climate neutrality in the coming years, while enhancing competitiveness, productivity, employment.

To mobilise the creative, financial and political resources, the EU also needs a governance framework that facilitates cross-sectoral policy integration and that allows citizens, public and private stakeholders to participate in the process and to own the results. The 4i-TRACTION project analyses how this can be done.

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