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CLIMATE LAWS IN EUROPE

GOOD PRACTICES IN
NET-ZERO MANAGEMENT

SUMMARY

FEBRUARY 2020



This summary presents the designs of the national climate laws in the United Kingdom and eight EU Member States: Denmark, Finland France, Germany, Ireland, the Netherlands, Spain and Sweden. It is intended for policy-makers and interested stakeholders in the EU and beyond who are considering the implications of a net-zero economy and seek to understand and prepare themselves for the mammoth task of rewiring economic structures to become climate neutral. The insights can also inform the debate on the EU climate law, highlighting gaps in the existing European legislation that could be filled.

The original report, as well as the online version of this summary can be found at: www.europeanclimate.org/net-zero-2050

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The Analytical team (Ecologic Institute):

Matthias Duwe (matthias.duwe@ecologic.eu)
@Matthias_Duwe / @EcologicBerlin
& Nick Evans

with contributions from Selma Clara Kreibich and support from Clara Oldenburg.

Project coordination (European Climate Foundation):

Erica Hope (Erica.hope@europeanclimate.org)
David Lopez Morales (david.lopezmorales@europeanclimate.org)

Report design:

www.noble.studio



DISCLAIMER

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The Net Zero 2050 series of reports aims to start building a vision and evidence base for the transition to net zero emissions societies in Europe and beyond, by mid-century at the latest. The Paris Agreement commits us to making this transition, and long-term strategic planning shows that many of the decisions and actions needed to get us on track must be taken

imminently. While most of the reports look in detail at the actions and transformations needed in different sectors, the overarching governance framework is also key to making sure that these steps are identified and taken.

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*For more information, please contact:
David.lopezmorales@europeanclimate.org*

FRAMEWORK LAWS HELP GOVERNMENTS MANAGE THE CLIMATE CRISIS

Governments need new tools to manage the low-carbon transformation, and are turning to governance frameworks enshrined in national climate laws as an answer. These laws help governments organise their own actions, while sending a clear signal to all sectors of the economy: *we are serious about our long-term climate goals*. Nearly half of all EU Member States have already adopted such laws – with cross-party support – or are preparing one, while more are considering doing so. In addition, an EU climate law is currently under debate. While no two climate laws are the same, the frameworks tend to draw on a set of common elements, such as targets, planning, measures, monitoring, public participation and scientific advisory bodies. There are many examples of good practices to inform national climate laws and the debate on an EU climate law.

A LAW SPEAKS LOUDER THAN A THOUSAND PROMISES

The pace and the scope of the change needed to get to net-zero emissions present a formidable challenge to governments around the world. How can countries manage the achievement of an objective of such proportion—one that extends well beyond normal electoral cycles, yet requires bold action now to get on the right path? There is no blueprint for this transformation, which is why any determined approach needs to be both proactive and exploratory. Governments need an overarching framework that aligns governmental structures and actions with long-term goals and facilitates the involvement of a range of actors. Enshrining this framework in a dedicated law not only reflects a government's resolve to achieve its climate objectives but can also facilitate planning, improve investment security, increase buy-in and heighten transparency.

CLIMATE LAWS NEED POLITICAL BACKING BUT CAN ALSO HELP CREATE IT

The adoption and effective implementation of such laws require broad political support and societal acceptance for the framework laws to become resistant to changes in government or other shocks. Cross-party backing has been secured, through a variety of processes, in most of the countries analysed. In fact, several existing laws are already being revised in order to reflect increased ambition (e.g. UK, Denmark, France and Ireland). They are not being torn down, but expanded and improved.

At the same time, climate framework laws can in principle increase the chances of societal buy-in and support for the sectoral measures needed to deliver the transition, if they set out comprehensive public participation and consultation processes to be followed.

NATIONAL CLIMATE LAWS ARE THE DEFAULT CHOICE FOR GOVERNANCE FRAMEWORKS IN EUROPE

The adoption of the Paris Agreement refocused attention on the need for long-term structural change, prompting a growing number of EU Member States to establish governance frameworks with a long-term outlook. Neither the Paris Agreement nor existing EU legislation sufficiently provide the necessary functionality; on the contrary, meeting EU and UN obligations makes sound national systems imperative. Several of the existing laws have already been revised since their adoption, to make them stronger (France, UK) or are in the process of being revised (Denmark, Ireland) at the time of writing. Figure 1 presents a map of the climate law landscape in Europe as of January 2020.



A COMMON TOOLBOX: INSTRUMENTS TO ANSWER THE KEY GOVERNANCE QUESTIONS

The existing climate laws in Europe largely follow a set of common elements that are meant to answer key questions: WHAT is it that needs to be achieved (targets)? HOW will this be done (planning and specific measures to be implemented)? HOW WELL are we doing (progress monitoring)? WHO will do what (institutional arrangements)? WHO to involve (scientific advice and public participation) in the process? The overall framework that they create together is visualised in Figure 2, which highlights

the policy learning cycle that can be created by using monitoring data and other analyses to review existing plans and policies, to improve target achievement over time.

In addition to these elements, the authors assessed the extent to which the laws implement the long-term dimension and the structural change that it implies.

CLIMATE LAW STATUS QUO

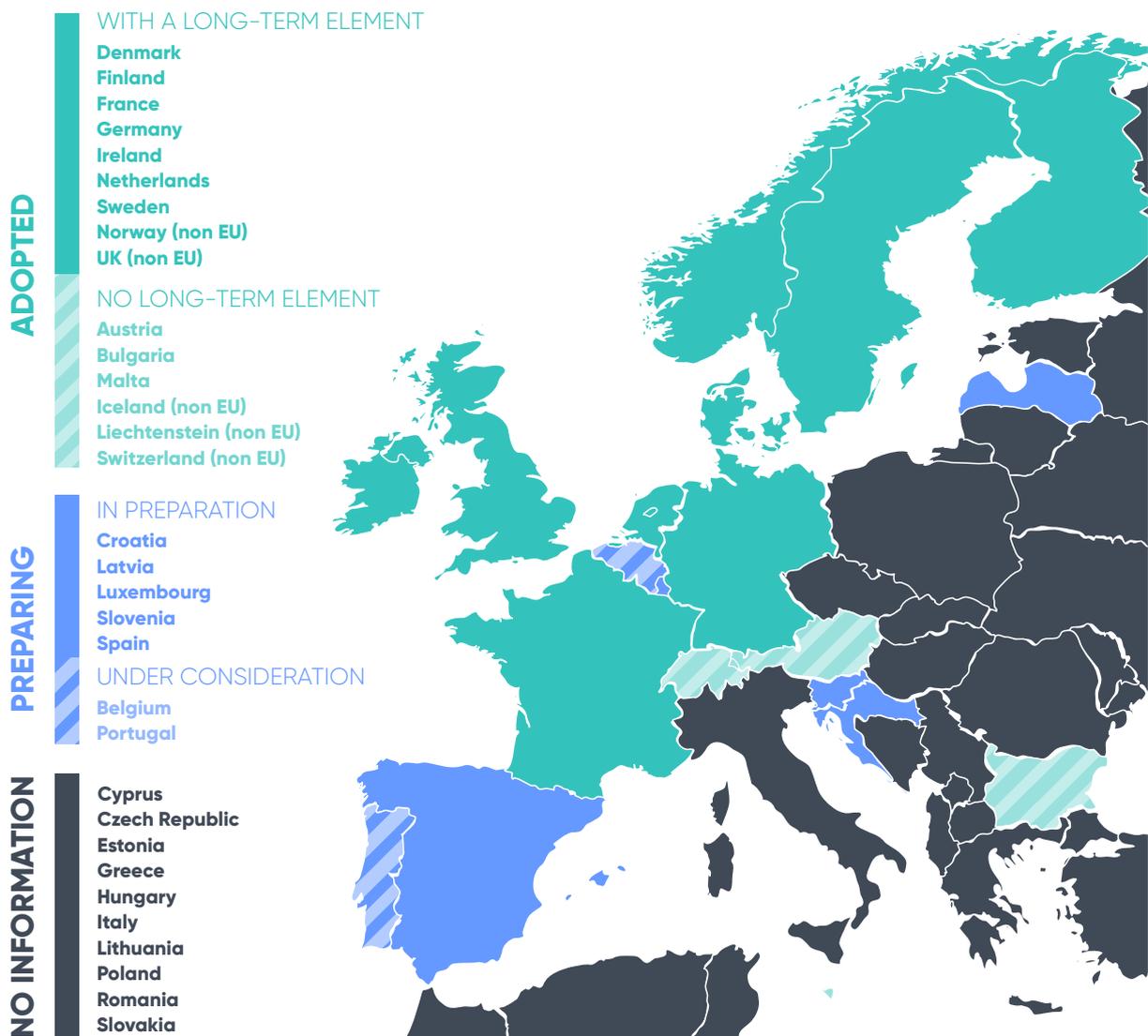


FIGURE 1: Geographic overview of the state of national framework climate laws in the EU

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

ESSENTIAL INSIGHTS FROM THE EXISTING NATIONAL CLIMATE LAWS

The analysis of the nine countries' climate laws has yielded the following overarching insights.

Targets: The vast majority enshrine clear quantitative long-term targets directly in the laws. Most countries include targets of net-zero emissions in some form – or emissions reductions that come close to it. Most laws implement interim targets and some even set successive carbon budgets to steer a clear path towards the long-term goal.

Planning & measures: Climate planning has become mandatory through EU legislation, but only some laws currently include it explicitly. However, all laws have policy identification included at regular intervals, with a view towards the long-term. This connection between long-term planning and near-term policies can be improved through mainstreaming requirements into other policy areas, such as finance, which some countries create as an obligation.

Progress monitoring: All laws include regular annual reporting and progress checks, even if they organise them differently. Importantly, most laws contain triggers for additional action if gaps are identified, thereby closing the policy learning cycle.

Institutional arrangements: Most laws assign responsibilities, but few provide detailed arrangements, or create a dedicated mechanism to compel sectoral ministries to contribute adequate policies to start on the path towards net-zero in their

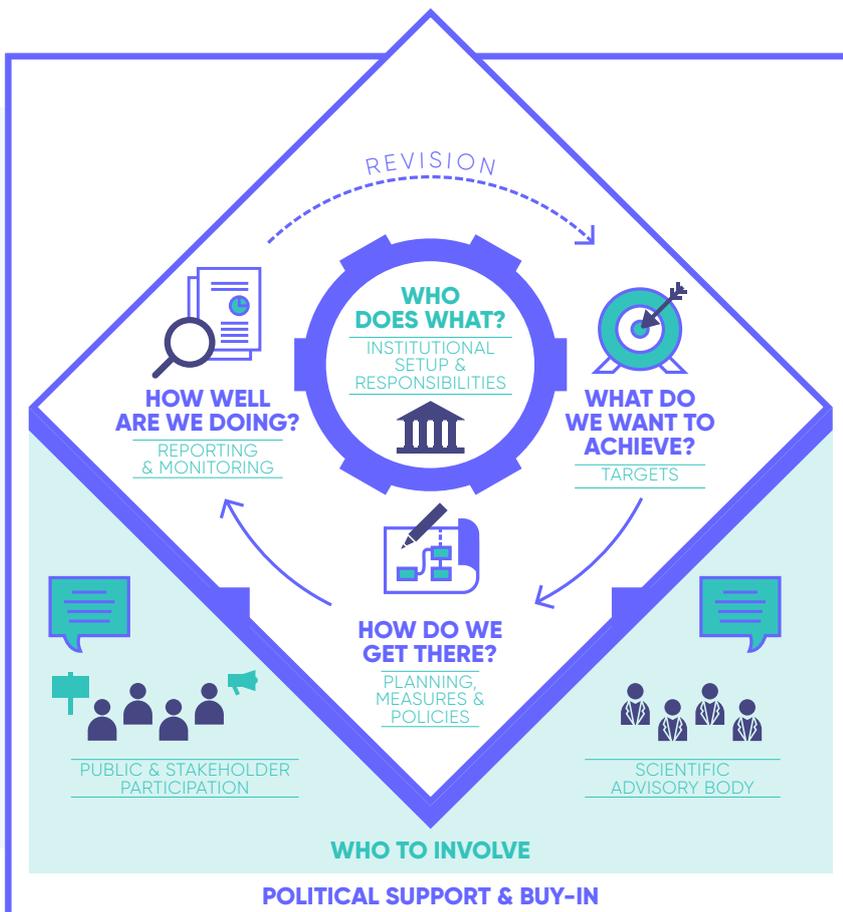
areas. This creates the risk that some ministries may not contribute adequately, endangering target achievement. A lack of coordination could also neglect approaches which require a coordination between sectors. National parliaments are involved explicitly in most national systems, creating opportunities for debate and enhancing transparency.

Scientific advice: All laws feature an independent scientific advisory body - almost all set up for the express purpose of advising government on policies or supporting progress monitoring. These bodies need dedicated resources to function effectively, enhancing the transparency of governmental action.

Public participation: Most laws refer to public consultation in some form, but it is unfortunately not a dedicated focus of most. However, some countries have existing stakeholder fora on climate policy, and others are experimenting with new ways to engage citizens.

Long-term element: Several laws have made the structural change implied by the long-term focus a clear priority that they communicate, either through their titles, through individual “feature policies”, or through explicit provisions stating that all policies must be aligned with the long-term targets. However, this dimension needs strengthening further in many laws, based on good practice examples in other countries.

A detailed overview of good practice examples for each element is provided in Table the table at the end of this summary.



CLIMATE LAW TOOLBOX

FIGURE 2: Core elements of framework climate laws and their main interaction - UNDER REVISION

Source: visualisation by Ecologic Institute

FILLING GAPS IN EU GOVERNANCE THROUGH A EUROPEAN CLIMATE LAW

One of the flagship measures of European Commission President Ursula von der Leyen's European Green Deal is to deliver a European Climate Law proposal by March 2020. What do the insights from national climate laws mean for this promise? How can this law facilitate national climate governance?

Existing EU legislation provides some support for Member States through minimum common standards, for example for planning and monitoring. There are however several gaps in overall EU climate governance which reduce the ability of the EU itself to manage achievement of its targets effectively. An analysis of the existing legislation identifies several improvements to EU climate governance that could be made through an EU climate law, based largely on the examples in Member States.² These include:

- Enshrining in legislation the **long-term target** of climate neutrality by 2050 adopted by the European Council in December 2019.
- A dedicated mechanism for **reviewing and setting future interim targets**, in line with the Paris Agreement cycle for nationally determined contributions.
- A comprehensive **carbon budget approach** that provides transparency over the EU's remaining share of the global budget for staying below a warming of 1.5 degrees.
- **Regular updates to the EU long-term strategy**, currently mandatory only for Member States.
- **Regular updates on policy development**, an equivalent overview to the National Energy and Climate Plans that all Member States have to produce.
- Provisions for **mainstreaming climate policy** goals as benchmarks for other policy areas including the EU budget and related expenditure.
- **Enhanced institutional arrangements** at EU level to ensure that implementation of the strategy towards climate neutrality is happening in a coordinated and transparent manner.
- Creation of an **independent advisory body** to support all EU institutions, including the European Commission (which often plays that role), in providing relevant analysis and issuing recommendations.
- A **dedicated stakeholder forum** on climate policy to create ongoing opportunity for input, and a role for the European Parliament in the processes governing monitoring of progress.

GOOD PRACTICE EXAMPLES TO INSPIRE OTHER NATIONAL CLIMATE LAWS

The following table presents a more detailed overview of the design choices of the current national laws as well as the good practice examples that were identified. The full report contains detailed descriptions of the various ways in which countries have implemented each element.





ENDNOTES

- 1 For Denmark and Spain, the report draws on the drafts available at the time of writing, whereas for Ireland the existing law (adopted in 2015) is being analysed (a draft amendment was published in January 2020).
- 2 For an in-depth look at the existing legislation and its gaps and key elements for an EU climate law, see Meyer-Ohlendorf, N. (2019): “A European Climate Law – What Should It Look Like?” Berlin: Ecologic Institute.

PREVIOUS REPORTS IN THE NET-ZERO 2050 SERIES INCLUDE:

“Net Zero By 2050: From Whether To How” (September 2018)

“Funding Innovation to deliver EU Competitive Climate Leadership” (November 2018)

“Net-Zero Agriculture in 2050: How To Get There” (February 2019)

“Towards Fossil-Free Energy in 2050” (March 2019)

“Industrial Transformation 2050 – Pathways to Net Zero Emissions from EU Heavy Industry” and Industrial Transformation 2050 – Towards an Industrial Strategy for a Climate Neutral Europe” (April 2019)

“Planning for Net Zero: assessing the draft National Energy and Climate Plans” (May 2019).

<https://europeanclimate.org/net-zero-2050/>
2050@europeanclimate.org

