

# The European Climate Law

Webinar

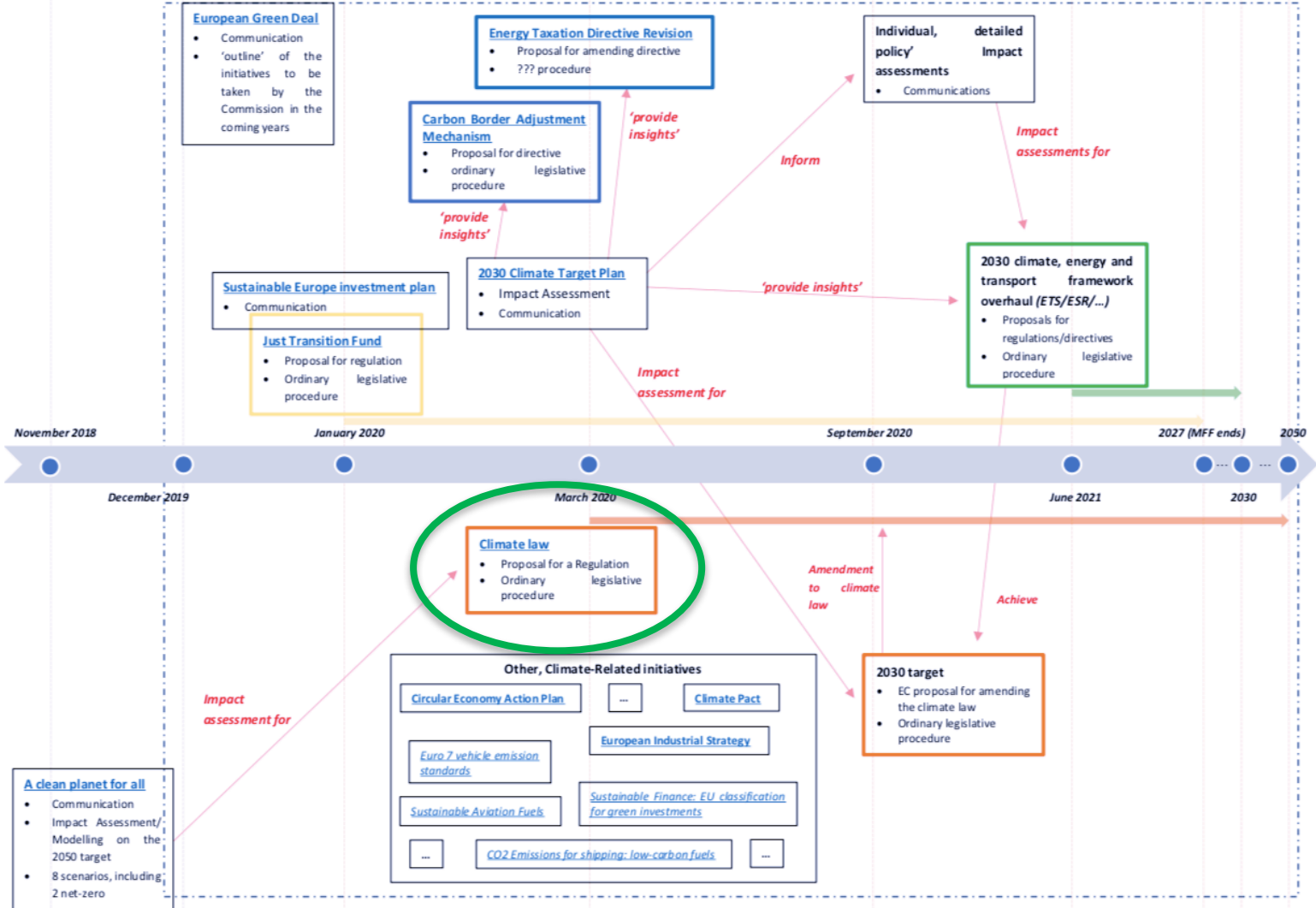
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## Background: process

- **‘Climate law’ was announced in the Political Guidelines for this Commission**
  - Part of the European Green Deal, to be proposed in the first 100 days in office
- **Roadmap published on 9 January**
  - Over 900 ‘feedbacks’ submitted
- **Proposal for regulation published on 4 March**
  - Feedback period until 1 May
- **Next Step: Ordinary legislative procedure**



# European Climate Law: introduction

- The proposal outlines the (legal) framework for achieving climate neutrality by 2050, including:
  - Setting out a process to enhance and review the trajectory towards the 2050 goal;
  - Enhancing adaptation efforts;
  - Assessment of collective progress against the commitments;
  - Assessment and/or review of existing and future policies in light of consistency with the objectives of the climate law (= *mainstreaming of climate change*)

## European Climate Law: general comments

- **Rationale of a Law:** provide certainty to all actors and stakeholders through an irreversible and gradual reduction of emissions to climate neutrality by 2050 – *legal commitment to climate neutrality*.
  - The need for certainty/predictability is important.
  - However, certainty/predictability also brings some degree of inflexibility.
  - Some level of flexibility is necessary – we live in a rapidly changing environment.
- A climate law should be 'tempered' by checks and balances and be accompanied by the required enabling framework.

## European Climate Law: general comments

- Which institution(s) should have the mandate to set (intermediate) headline targets (*Setting the trajectory – Article 3 / Article 9*)?
  - Proposed broad mandate for the Commission risks politicising the climate law proposal itself, to depoliticise the trajectory setting process.
  - Should setting the targets still be a competence of elected officials?
    - Majority in Parliament + qualified majority in Council to *approve* climate law vs. majority in Parliament + qualified majority in Council to *object* to a trajectory set out in a delegated act by the Commission
- Europe does not exist in a vacuum – we should not be indifferent to what the rest of the world does.

## European Climate Law: positive elements

- Mainstreaming of Climate Change in other policies
  - both in terms of ambition as well as socio-economic legislation and regulation.
- Alignment with the Paris Agreement process.
- Regular assessment of collective progress through *existing* governance elements:
  - Reporting under the Governance regulation = basis for assessment
  - Recommendations for Member States are complementary to the European Semester

# European Climate Law: considerations

- Definition of the climate neutrality goal:
  - More clarity needed about mitigation vs. sequestration goals?
  - The explanatory memorandum defines the climate goal as being *domestic* – use of international offsets are a priori excluded?
- Any review of the trajectory should be rooted in a framework of regularly updated impact assessments, which are to be comprehensive, have a well-defined scope and be transparent.
  - The issues to be considered, as currently captured under Article 3(3), should be better defined.



# European Climate Law: considerations

- One side of the coin is enshrined in law – climate ambition
  - The presence, objectives and assessment of the necessary flanking measures should also be enshrined in law.
- Other elements that might come up during the negotiations:
  - Carbon budgets?
  - 2030 target?