

Climate Laws in Europe

Essential for achieving climate neutrality



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Introduction

In 2021 the European Commission opened the biggest number of Directives and Regulations ever regrouped under the 'Fit for 55' package. These files are all gradually making their way through the various legislative processes at EU level. This revamping of the entire climate and energy framework takes front stage after the EU's decision to commit to achieving climate neutrality by 2050 at the latest and in light of that, adopting a new 2030 target of at least 55% net emissions reduction by 2030. Although this represents a step in the right direction, we are far from what science is calling for, to reduce emissions by at least 65% by 2030, further emphasised even in the last damning IPCC reports.

Furthermore, in its 'Fit for 55' package, the Commission does not develop or propose new instruments that strengthen climate target ownership and accountability of Member States, with for example national climate neutrality targets and standards of national climate governance to ensure those targets are achieved.

At EU level the revision of the Effort Sharing Regulation¹ (ESR) has been identified as providing the best opportunity to try to apply the lessons learnt by European countries that have adopted a national climate law. Although the ESR is not economy wide, it can nevertheless be used as a legislative vehicle to introduce amendments —

¹ See tool box 1

including to the EU Governance Regulation¹ (which is economy wide) to require all Member States to adopt a national climate neutrality target and strengthen rules on national planning, public participation and access to justice in front of national courts, creating the national enabling conditions for driving transformational and societal change.

Currently, **the European Union's climate neutrality target is only enshrined in the European Climate Law²**; the target applies collectively to the Union but does not apply to each Member State individually. Yet, some **13 countries³** have already gone beyond this and have adopted – or are about to adopt – national whole economy wide climate neutrality targets. To accompany this effort, they have in many cases also put in place rather robust national climate governance mechanisms to create the enabling conditions for national ownership and responsibility to deliver their national climate neutrality target.

The growing number of European countries adopting national climate laws demonstrates a strong and growing consensus that robust national ownership of the responsibility to achieve climate neutrality is crucial for delivery. The quality of national climate governance matters just as much, being the bedrock to reach any target. The EU should take the opportunity of the 'Fit for 55' process to achieve a 'levelling up' of national standards to increase accountability of the EU's climate neutrality objective.

Looking at the national context, **half of the EU's Member States, and several in its neighbouring States, are indeed already adopting national climate laws**, in recognition of the importance of a more mid- and long-term, integrated and coherent policy framework. National governments with more robust climate frameworks increase their credibility and responsibility for doing their part to achieve the EU's climate neutrality objective. However, not all Member States have adopted national climate laws yet and not all climate laws are equally strong. This means the EU Climate Law will be implemented against a background of highly inconsistent standards of national climate ambition and governance enabling conditions. Failing to address this national climate neutrality 'ownership gap' in the ongoing 'Fit for 55' negotiations leads to uncertainty because it risks allowing Member States to believe that others are more responsible than they are. National climate laws currently in place vary as much in length as in content. In best case scenarios, the laws contain a set of governance mechanisms including but not exclusively reviews, monitoring, public participation and the creation of an independent expert body. These have the benefit of guaranteeing that during the various planned governance stocktakes, climate will always be high on the political agenda, hence increasing public awareness and creating a predictable cycle of national discussion and debate that empowers citizens, the media and political leaders from all sides to engage.

This report gives an **overview of the climate law situation in each of the following countries: Belgium, Bulgaria, Cyprus, Denmark, Estonia, France, Germany, Greece, Italy, Latvia, Luxembourg, North Macedonia, Portugal, Slovakia, Spain, Turkey and the United Kingdom.** Some of the participant countries have a climate law, for some it is in the pipeline and for others it is a bottom up push from civil society, allowing for a good mapping across the EU and increasing visibility of recommendations from civil society. The aim of this briefing is threefold.

¹ See tool box 2

² See tool box 3

³ In law for before 2050: Sweden, Finland, Germany, Spain. In law for 2050: Portugal, Greece, France, Ireland, Netherlands, Latvia, Hungary, Denmark and Luxembourg.

1. It provides easy access to anyone that would like to increase their knowledge base about the content and status of a climate law in any of the participating countries, and the national organisation that is working on it or helped develop it.
2. It seeks to promote the need for more national accountability of the EU climate neutrality objective and creates a resource to support partners in pushing Member States towards more ownership and to adopt national economy-wide climate neutrality targets as well as a national governance enabling conditions to achieve it.
3. It also showcases the successful array of governance mechanisms that already exist at national level and which could inspire improvements of the EU's climate architecture and thereby accelerate implementation across the Union.

BOX 1

The Effort Sharing Regulation

is a Regulation that defines the amount of emissions a Member State is allowed to emit in the following sectors of transport, buildings, agriculture, non-ETS industry and waste, which account for almost 60% of total domestic EU emissions. The other 40% are dealt with under the EU Emissions Trading System. The ESR and EU ETS are both part of the 'Fit for 55' package the Commission has opened.

BOX 2

The Governance Regulation

sets common rules for planning, reporting and monitoring. Under the Governance Regulation EU Member States develop integrated national energy and climate plans based on a common template, these set out the policies and measures Member States will put into place to reach climate neutrality.

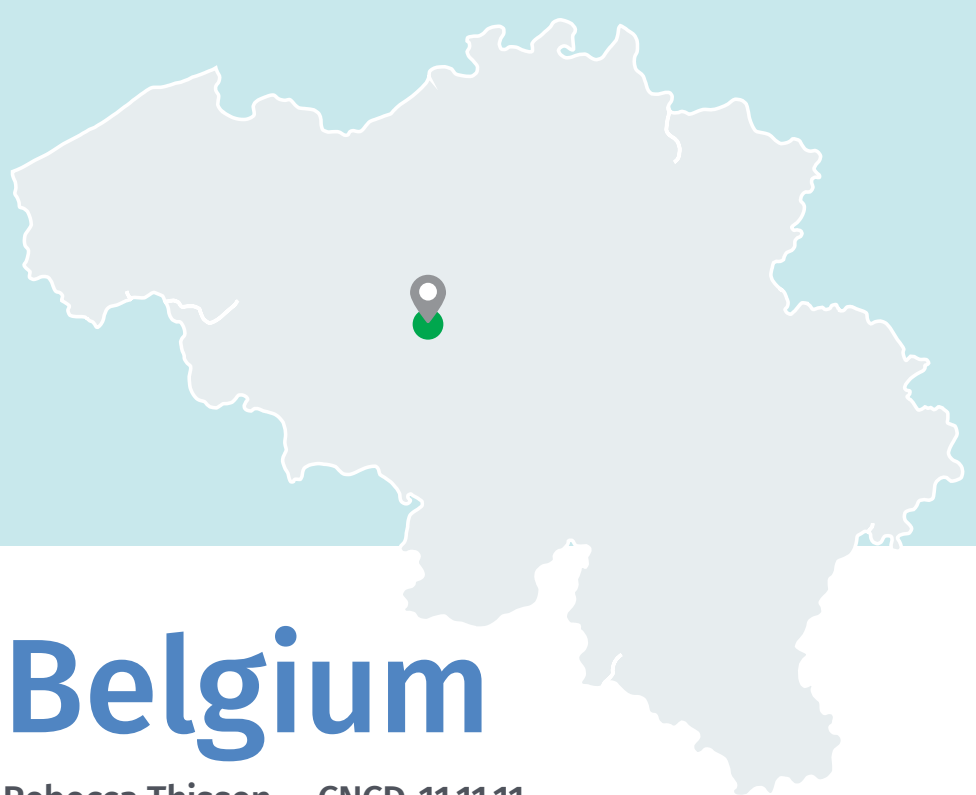
BOX 3

The European Climate Law

is a framework law that was adopted on 9 July 2021 and entered into force on 29 July 2021. It writes into law the goal set out in the European Green Deal for Europe's economy to become climate-neutral by 2050. The law also sets the intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels.

Country contributions





Belgium

Rebecca Thissen — CNCD-11.11.11



CONTEXT

There is currently no national climate law in Belgium. Several initiatives have been taken at the level of the different entities (e.g. climate decree of the Walloon Region 2014 or climate ordinance of the Brussels Region (2021)) but no legal instrument exists for all entities competent in climate matters (i.e. the 3 Regions and the Federal Government). This is a clear shortcoming of climate governance in Belgium and a law would be a powerful tool to strengthen collaboration and cooperation between the different entities, providing them with a strong communal governance framework.

A bill was put on the table in 2019 (just before the elections) but it did not pass through the doors of Parliament. This proposal came from a group of academics and was then taken up (almost as it was) by politicians. It had the merit of giving a clear and common direction to all competent entities in the field of climate change, make decision-makers accountable, making the debate more transparent and objective.



AMBITION

Belgium does not have a target enshrined in national law, so it relies on the European and international framework to set its targets. Each competent entity is then free to respect the effort distribution or to go further. As explained above, civil society is calling for a Belgian climate law, in particular to allow for a clear target anchored at the national level, which would allow for objective and transparent monitoring of the evolution of the trajectory.



PUBLIC PARTICIPATION

There is no citizen participation body as such on climate issues. Belgium currently has advisory councils on development at federal level (such as the Conseil Fédéral du Développement Durable (CFDD)), which are mixed councils (composed of stakeholders and scientists) that issue opinions either at the request of the competent ministers or on their own initiative.

Civil society asked on the one hand for the organisation of climate roundtables (that should take place in the course of 2022) and on the other hand for the establishment of a “climate day” which would allow for a day of accountability and publicity of the measures taken and to be taken by political decision-makers on climate issues. Other instruments, such as a citizen’s parliament, are also being discussed to increase the transparency and democracy of the debate on the transition.



INDEPENDENT ADVISORY BODY

Again, no such body exists at the national level. Expert committees have been established at federal level via different legislations (cf supra). Civil society is calling for the establishment of an independent expert committee at the national level that could evaluate the measures adopted (ex post) or to be adopted (ex ante) and report regularly. The mandate, the regularity of the reports, the size of the expert council could be the subject of a political debate, but the separation of the body from the decision-making power, is essential to guarantee its independent advice. It should have the function of evaluating climate policies and be able to report publicly on them (via a dedicated website, public meetings in parliament, etc.).



POLICIES AND MEASURES

As the Belgian institutional landscape is very complex and the climate competences are divided between the regions, we would not push for the climate law to define very precise objectives. It should rather have the function of giving a common direction, reorganise the functioning of the existing institutions in order to facilitate cooperation between the entities, make the climate debate transparent and objective including the establishment of a committee of independent experts, making political decision-makers accountable (via mechanisms of transparency and citizens’ debate but also by setting up a clear place for climate ministers to meet regularly, with a clear agenda).

It is also interesting to note the existence of an “inter-parliamentary climate dialogue”, which brings together the various parliaments of the country in order to debate and adopt resolutions on climate issues. This initiative partly makes it possible to overcome institutional blockages and to have an “interfederal” vision of the climate debate in Belgium.



Plamen Petkov Peev, BlueLink Foundation, Bulgaria



CONTEXT

The Climate Change Mitigation Act (CCMA) was adopted, duly promulgated in the State Gazette and entered into force on 13 March, 2014. Since then, it was amended several times, the last amendment dates back to March 2021.

The law transposes the requirements of 7 EU directives and contains measures on the implementation of 5 Decisions (two of the European Commission (EC) and three of the European Parliament and of the Council) and 11 EU Regulations.

This is the scope of the Act in its current version that ought to be taken into account when we use it as a tool to enhance climate governance and enshrine climate targets leading towards the achievement of the Paris Agreement goals.

The question whether a complete overhaul or significant amendments in the law are needed, will be at the centre of the upcoming debate initiated by the NGO community which would expect some specific aspects to be included in the law revision, such as Fit for 55 Package implementation; better reflection of the international obligations under the UNFCCC; science-based and participatory climate governance; climate change adaptation integration since the adaptation policies and measures are absent in the current law; and implementation of the requirements set out in the Governance Regulation for a multilevel dialogue on climate and energy.



AMBITION

The law does not specify any climate targets as they are outlined in the European Climate Law (2021). It does not stipulate a national commitment to a concretely defined, long-term and research-based emission reduction goal. The legislation seems to serve a single purpose – to implement Bulgaria’s share of the EU 2030 goal. For example, it requires development of renewable energy sources with a view to meeting the European Union’s target of 32% of the share of energy from renewable sources in gross final energy consumption, as well as for the development of renewable energy sources, other technologies contributing to the transition to a safe and sustainable, low-carbon economy and helping to meet the 32.5% energy efficiency target by 2030.



PUBLIC PARTICIPATION

Public participation in the decision-making process and in the shaping of climate policies in accordance with the law, is virtually non-existent. It is reduced mostly to passive awareness of strictly technical issues, such as the national greenhouse gas emissions stocktaking reports.

For instance, according to Art. 62, the Minister of the Environment and Water is bound to provide to the public comprehensive information¹ on emission allowances, project activities and emission reporting with the direct participation of Bulgarian citizens or authorised third parties, depending on the nature of the required information.

Under Art. 63 of the CCMA, the Executive Director of the Executive Environment Agency shall publish annually, on the EEA website, national reports² on the greenhouse gas emissions stocktaking in the Republic of Bulgaria; annual verified reports by installation and aircraft operators and the names of installation and aircraft operators who violate the requirement to allocate sufficient allowances corresponding to their verified emissions. With this in mind, there is a marked absence of specific regulations on public participation and dialogue with civil society on climate issues.

¹ That can be found here <https://www.moew.government.bg/>

² That can be found here <http://eea.government.bg/bg/r-r/r-te>



INDEPENDENT ADVISORY BODY

To support the Minister of Environment and Water in the implementation of Bulgaria's climate change policy, the National Expert Council on Climate Change is established as an advisory body to the minister. The activity of the Council is regulated by Rules of procedure approved by an order of the Minister of Environment and Water. The fact that the National Expert Council on Climate Change at the Ministry of the Environment and Water is not an independent agency, is a shortcoming per se. A majority of its members represent different ministries and government agencies, and a minority are members of the Bulgarian Academy of Sciences, of the National Association of Local Municipalities and of NGOs whose activities are related to climate change mitigation¹. It does not function with transparency and accountability (e.g. it does not have a separate website or section on the Ministry's website where its sessions and decisions could be monitored). Some information can however be found on other institution websites, but nothing substantial.



POLICIES AND MEASURES

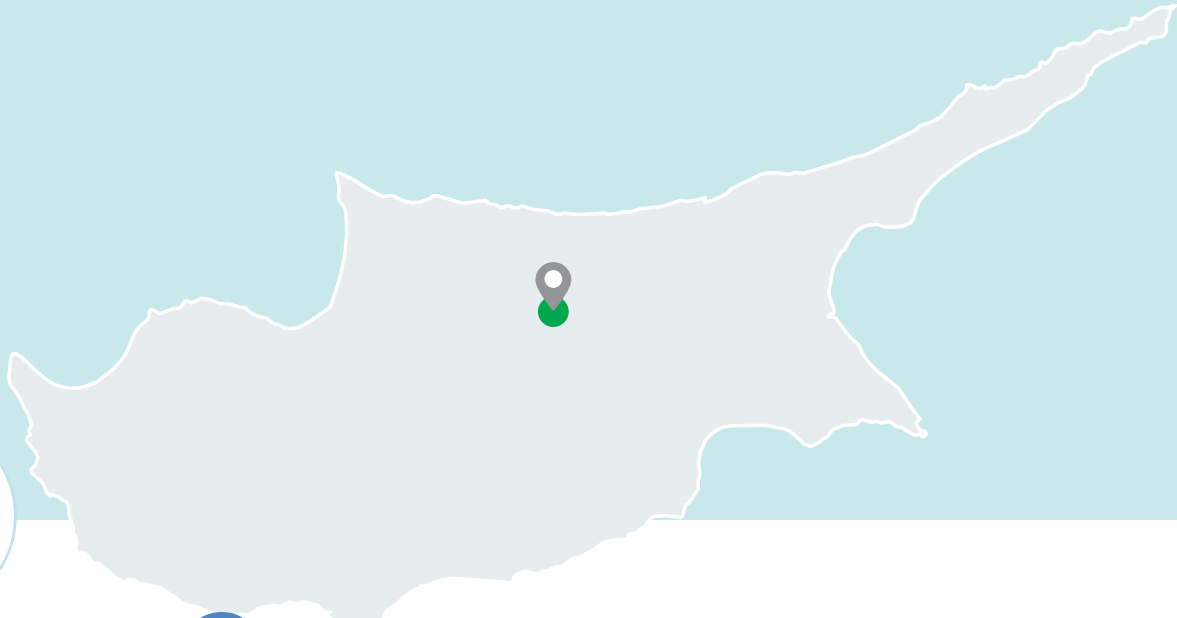
Measure 1

New and operating installations for the categories of industrial activities under Annex № 1 of the CCMA are allowed after the issuance of a permit for greenhouse gas emissions. The operator of the installation shall submit an application to the executive director of the EEA (Art.31–32 of CCMA). This measure is binding and requires the operators to apply for a permit for greenhouse gas emissions.

Measure 2

The Voluntary Emission Reduction Scheme (VERS) covers activities, installations and persons for which there are no international existing obligations for reduction of greenhouse gas emissions. The projects under VERS are implemented in compliance with the following principles, additionality, avoiding double counting of the achieved emission reductions and the principles under Art. 24, para. 1. The projects under VERS shall not receive public funding.

¹ For instance, even more extensive Internet search does not reveal the names of the members because the Rules of Procedure (as well as the law) only define representatives of which ministries, agencies and institutions are eligible to become members of the National Expert Council.



Cyprus

Orestis Karghotis, Terra Cypria — The Cyprus Conservation Foundation



CONTEXT

As to this date, Cyprus does not have a national climate law in place and relies solely on the European Climate Law to meet national climate targets.

The National Energy and Climate Plan for 2021–2030 was submitted to the European Commission in January 2020 and outlines yearly targets up to 2030 as well as specific policies and measures to achieve them. The Plan sets out an overall target of 21% reduction in emissions by 2030 in non-ETS sectors and falls short in achieving the target of 24% reduction that is required from the Effort Sharing Regulation. A 23% of renewable energy consumption target is also set, with the possibility of a larger increase in case an electricity interconnection materialises with Israel and Greece. As for energy efficiency, compared to the EU level of efforts, the primary and final energy consumption targets are assessed low and very low respectively by the European Commission.

Although the NECP is the most important climate policy instrument of the island, Cyprus does not yet have a sufficient monitoring system in place to be able to track its implementation. This jeopardises the gradual and just achievement of the current targets and even more so the new targets that will emerge from the updated Fit for 55 and NECP in 2023. The new 2030 emissions reduction target for Cyprus has been estimated at 32% decrease of greenhouse gas.

Concerning public participation, the involvement of civil society in decision making regarding climate action is very low. The only channel available for civil society's input is through public consultations, where in most cases, comments and recommendations are proven not to be taken into account.

Finally, there seems to be an absence in communication and/or cooperation between ministries regarding the implementation of policies and measures. This is highlighted in the issue of natural gas imports and extraction (promoted by the Energy ministry) which will make it difficult for Cyprus to decarbonize in time and to reach the 2050 net zero goal (issue raised by the Ministry of Agriculture, Rural Development and Environment).

A new National Climate Law could solve many of the issues raised above:

1. It could allow Cyprus to raise the ambition and set carbon budgets for specific time intervals that could exceed those set by the EU Climate Law. The new Climate Law would also increase the accountability of the Cyprus Government and, in case a target is not reached, civil society could take legal action.
2. It could improve the monitoring of the implementation of the country's targets. The new National Climate Law could establish a more complete monitoring system of the progress made.
3. It could create a better mechanism for civil society to participate in climate change policy.
4. Creating an independent expert advisory group under a new National Climate Law, could also help reach the targets. MPs are not well informed on climate change issues and priorities often change with the arrival of newly elected MPs. The expert advisory group could play a central role in setting ambition, ensure proper monitoring of progress and cross-party agreement on climate action.



Denmark

Dan Belusa, Danish 92-group



CONTEXT

The Danish climate law was adopted in 2020 and has a very wide backing in the Danish parliament meaning that it is likely to prevail regardless of change in government.

The law is a strong tool that is driving climate action in all sectors of the economy. Before the climate law was in place the main driver for climate action in Denmark was to fulfil EU obligations. Since the reduction targets in the Danish law are stricter than the EU requirements attention has shifted from EU targets to national targets.

The law sets a **2030 target** of 70% reduction and a **2025 target** of 50–54% reduction compared to 1990, using UNFCCC accounting rules. The targets are considered in line with 1.5C if reductions occur linearly.

The Danish Climate law also contains a **target of reaching net-zero** by 2050 the latest. The world as a whole needs to reach net-zero in 2050. Based on Denmark's advantages in renewable energy Denmark can reach net-zero around 2040.



AMBITION

Due to the fear of being criticised for promising more than they can deliver, changing Danish governments have a long tradition of setting unambitious targets, so they can be very sure they can be achieved. This is not so with the 2030 target in the climate law where 70% reduction in emissions relative to 1990 has been enshrined. This target has been calculated as the reduction necessary in Denmark by 2030 to remain in line with 1.5C and Paris. Therefore the 70% target is ambitious as it requires more reduction than governments would usually commit to. However, the government is following a non-linear “hockey stick” path to the 70%. This results in emitting a lot more greenhouse gas than if targets had been expressed in terms of a carbon budget, rather than as percentage reduction.

The 2025 target (50%-54% reduction compared to 1990) was set a year after the law and the 70% target was adopted. 54% reduction is considered both ambitious and to be in line with 1.5C. In contrast, 50% reduction is unambitious and not in line with 1.5C. A 54% reduction by 2025, is the reduction required to maintain a linear progression to reach 70% in 2030, and thus what is required to stay in line with 1.5C. As for the 50% reduction in 2025, it is based on an assessment of what is cheapest for the Danish economy.

The law also contains a target for reaching net-zero by 2050 at the latest. The world as a whole needs to reach net-zero in 2050. Denmark should reach net-zero before 2040.

Agriculture and forestry target: 55–65% reduction: Besides the economywide targets the law also required setting a binding target for reductions in the agriculture sector. In October 2021 parties agreed on a binding target for agriculture and forest of 55–65% reduction compared to 1990. For the Danish agriculture sector, which has made no reductions at all in recent decades, this target is ambitious.

Other sectoral targets are missing.



PUBLIC PARTICIPATION

Public participation was key in getting the climate law. In early 2019, a broad coalition of NGOs initiated a citizens initiative that reached the required 50.000 signatures for the initiative to be discussed in parliament, in only a few days. During the election campaign in spring 2019 most parties made the climate law part of their platform.

The Climate Law itself required the establishment of a Danish Climate Citizens Assembly. The Climate Citizens Assembly was constituted of 99 randomly selected representative citizens receiving input from a wide range of climate and energy scientists and practitioners, such as municipality ractionners, scientists and academia. The assembly offered 117 recommendations for national climate action to the Danish Parliament. However, due to renewed covid lock down the Climate Citizens Assembly lacked political and public attention and support. Once the assembly had delivered its recommendations it was disbanded. A permanent citizen assembly would have been better.

In late 2019, shortly after the 70% target was politically agreed, the new government established thirteen “climate partnerships”, each filled with representatives from the same industry/sector of the economy. The Climate partnerships were given six months to deliver their input on how their sector could contribute to delivering the reductions needed to reach 70%. This exercise was not equally successful in all sectors, but in general the partnerships were successful in forcing industry to focus on what reductions are possible in their own sectors (as opposed to focusing on saying no reductions are possible in an attempt to save their own sectors from having to deliver reductions). Neither the public nor the NGOs were part of the partnerships (except some NGO-experts invited by the industry to participate).



INDEPENDENT ADVISORY BODY

The Climate law gave a new and higher status to the independent Danish Council on Climate Change (DCCC). The DCCC is charged “to make recommendations for and provide a status update on the government’s climate action efforts on an annual basis. An important part of the DCCC status update is an assessment of whether climate action efforts in the form of adopted instruments and other climate policy initiatives demonstrate the likelihood that the Danish 70-percent target in 2030 will be met”¹.

The watchdog role of the independent council relates strongly to the “Duty to act” of governments. Whatever government is in office it has a “duty to act” to reach the 2025, 2030 and climate neutrality targets. As part of this duty the government must annually present a Climate programme containing progress and projections. Governments must annually convince parliament that it is on the right path to fulfil the targets. To assist the parliamentary process the DCCC is required annually to issue its expert assessment of whether the government’s climate actions have been sufficient or not. In 2021 the DCCC found the governments’ climate actions insufficient, but the parliament still did not act.



POLICIES AND MEASURES

Policy 1

Duty to act: When national legislation sets targets decades into the future it is very important that the law contains a convincing “duty to act” clause, to ensure that subsequent governments will continue working towards the targets.

The duty to act provision in the Danish law might not be fully adequate. The downside of the Danish climate-consensus approach is that the government has very broad parliamentary support behind each of its climate initiatives, consequently the duty-to-act provision poses less risk to the government. Indeed, after two years with the law the parliament has so far been unwilling to judge governments’ climate action (that most of parliament have endorsed) to be insufficient.

Measure 2

“Global Reporting” The binding reduction targets in the Danish law refer only to Denmark’s territorial emissions using UNFCCC-accounting methods. Thus emissions from Danish imports or from international aviation and shipping are not counted. To prevent climate action inside Denmark causing bigger emissions outside Denmark the law requires the government to annually report Denmark’s global climate impact outside its territory resulting from imports and internal consumption. The “global reporting” requirement does not (yet) contain targets for reducing Denmark’s global emissions (emissions ignored by UNFCCC-accounting rules).

Policy 3

Biomass: Denmark relies heavily on imported biomass. The targets in the law are all based on UNFCCC-accounting methods, thus CO₂ from burning biomass is not counted or addressed by the law.

¹ Klimarådet 2021 <https://klimaraadet.dk/da/rapporter/statusrapport-2021>



Estonia

Johanna Maarja Tiik, Estonian Fund for Nature



In Estonia, there is currently no climate law in place, nor are there any officially confirmed plans for implementing it. However, in the last year there has been a well coordinated campaign by the leading industrial companies to implement a climate law for Estonia, portraying this as an opportunity to clarify obligations and specific climate targets. While a welcome development about Estonian climate governance structure, this also has some potential dangers. Most likely, these stakeholders are guided by their own interests and emphasise the need to thoroughly discuss long-term goals so that climate ambition would not harm their economic interests.

Many other stakeholders in the country do not hold a concrete position, as there is lack of knowledge around how a climate law could enhance climate governance. The Ministry of Environment is carrying out an internal analysis in 2022 to inspect whether Estonia would need a climate law and what could be its potential elements. That is accompanied by mapping what and how climate policy and governance in Estonia, as well as analysing some countries' climate laws. This analysis will be the basis for Estonian climate governance and planning for the future by the Ministry. Estonian Fund for Nature is also commissioning an analysis of its own to better understand what could be the potential benefits and constraints of a potential climate law in Estonia.

While the role of a potential climate law in the country is still up for analysis, it is clear that for a truly coherent transition to a climate neutral economy, climate governance in the country still needs much improvement. For instance, whereas the national Long Term Strategy (nLTS) is the umbrella strategy for all climate-related issues, it has insufficient legal power and there are no clear implementation mechanisms. Additionally, the inclusion of scientific advice or setting long term targets is missing from the current Estonian climate governance framework, but which could add definite value to the Estonian climate policy planning.



France

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Réseau Action Climat France



CONTEXT

France has had two climate laws in the last 4 years. In 2018, the first Climate Law set up the climate governance structures, including a new independent body, the High Council for Climate change, defined France's long-term climate neutrality goal for 2050, and changed the carbon budgets of the country accordingly.

The second Climate Law was adopted in 2021 and aimed at translating the proposals of the Citizen's Climate Assembly in order to curb emissions in all economic sectors. The Citizens' Climate Assembly, composed of 150 citizens randomly selected had the objective of "defining structuring measures to achieve, in a spirit of social justice, a reduction in greenhouse gas emissions of at least 40% by 2030 compared to 1990". As a result, the scope of the law is extremely broad, and deals with almost every aspect of the economy and the daily lives of French citizens: mobility, production, food, housing, etc. However, many decrees need to be issued for the effects of the climate law to be felt. A timetable of the publication dates of the application decrees has been published online. Major flaws: the text completely overlooks corporate responsibility and the need to encourage companies to adopt carbon footprint reduction trajectories.

Unfortunately, the French Government went against its word to translate the Citizens' proposals "without filter" and watered down most of the good provisions of the Citizen Assembly and rejected the rest.



AMBITION

The 2018 climate law had defined a long-term target: climate neutrality by 2050. The carbon budget had been adjusted accordingly, except for 2020–2023, when the carbon budget had been artificially increased by the Government, so it could pretend to be reaching national targets for those years.

The 2021 Climate law simply confirmed the 2030 climate target, a 40% reduction of greenhouse gas emissions by 2030, without anticipating the increased EU target proposed under the European Green Deal. A clear missed opportunity for France to pave the way in favour of higher climate targets in Europe. Amendments in favour of including the new EU target of at least 55% were judged inaccurate and lacking in precision as they were voted on before the renewed EU ambition was made official, by the Parliamentary majority. In its current form the law, is not even ambitious enough to achieve a reduction of 40%, and even less the needed reduction of 47,5% to be in line with the new 2030 EU target. President Emmanuel Macron will have to redraft a climate law to bring it in line with new targets.



PUBLIC PARTICIPATION

Public participation is central to the analysis of the 2021 French climate law, since the law was supposed to result from proposals made directly by citizens. The government had set up a website showing how each of the proposals made by the 150 citizens were incorporated into public policy. The 150 citizens also followed up on each of their measures on a dedicated website. The conclusions were not at all the same on the government website and on the website of the 150 citizens from the Citizens' Climate Convention. Here is the final assessment of the 150 citizens on the status of their measures: 13 were implemented, 25 were partially implemented, 45 were discussed, 24 are in danger, 42 are insufficient or abandoned. The government website, on the other hand, says that 87 measures have already been implemented, 3 have been put aside and 59 measures are still being implemented.

The citizens' climate convention, made up of citizens who initially had no expertise on the subject of climate, succeeded in 8 months of debates, hearings and discussions to propose 150 very ambitious measures. The involvement of civil society was extremely important. On the other hand, the government failed to keep its promise to take up the proposals "unfiltered". President Emmanuel Macron had indeed promised that these legislative and regulatory proposals would be submitted "unfiltered" either to a referendum, to a vote in parliament or to direct regulatory application.



INDEPENDENT ADVISORY BODY

The 2018 Climate law created the climate governance structure in France, more specifically the High Council for Climate Change (HCC), an independent body responsible for issuing opinions and recommendations on the implementation of public policies and measures to reduce France's greenhouse gas emissions. Its purpose is to provide independent advice on the government's climate policy. Its members, appointed by decree of the French Prime minister, are experts in climate science, economics, agronomy and energy transition.

The High Council for the Climate published an opinion on the 2021 Climate law in its first version. On the government's impact study of the climate law, the High Council for the Climate stated "the lack of methodological transparency and of a summary allowing for an opinion on the expected overall impact of the proposed measures on the trajectory for reducing greenhouse gas emissions, as well as the absence of any discussion of the strategic added value of the proposed reforms."



POLICIES AND MEASURES

Measure 1:

Banning the advertising for polluting products and services

This was one of the key aspects of the Citizens' Assembly's proposals, but it was the most neglected in the 2021 climate law. The government and the parliamentary majority rejected all proposals for binding measures and instead relied on voluntary commitments from the advertising industry, the effectiveness of which is doubtful. While citizens were calling for a ban on advertising for polluting products and services, parliamentarians have reduced the scope of the ban to fossil fuels and to polluting vehicles (starting in 2028 and without weight criteria to affect SUVs). The possibility of sanctioning advertising companies in the event of unfulfilled commitments was not included in the law.

Policy 2:

Vegetarian menus in collective restauration

The 2021 climate law established the obligation to propose a vegetarian menu at least once a week in collective restauration as well as every day having vegetarian options from 2023 in administration's restaurants which is a positive measure in order to reduce meat consumption and therefore emissions of the agriculture sector.

Policy 3:

Energy renovation of buildings

In the building sector, the Citizens' Assembly identified the compulsory minimum energy performance standards for buildings as a key measure to force deep renovation of buildings. It also suggests that the Administration should pave the way by being obliged to renovate all public buildings in high energy standards by 2040. The Government watered down the proposal and implemented the prohibition to rent an accommodation with G energy performance by 2025, F by 2028 and E by 2034, but without requiring any depth of the renovations and nor further planning after 2034. Thus, the standard remains too low to trigger deep renovations, but rather uncoordinated staged renovations.



Germany

Audrey Mathieu, Germanwatch

CONTEXT

The first German Federal Climate Protection Law entered into force in December 2019. In April 2021, the German Federal Constitutional Court (Germany's highest court) stated that the Law placed the responsibility for reducing emissions in an unacceptable manner on to future generations and recognised that waiting and deferring emissions reductions is inconsistent with the Constitution, which states that the State is responsible for the natural resources of future generations. Following the decision of the Court, the former government coalition in Berlin hastened to revise the Law. The revised Climate Law as of summer 2021 sees an updated net greenhouse gas neutrality target for 2045 (instead of 2050).

Beside the overall binding (and 2021 updated) climate targets for 2030, 2040 and 2045, at least three important elements of the Federal Climate Protection Law should be highlighted.

Firstly, this law finally means the end of vague, non-binding goals, the most important lever of the law is the accompanying Climate Protection program 2030, based on mandatory measures for the coming years. A rapid revision of climate action program(s) is currently required given the new target of at least -65% by 2030.

A second positive aspect of the Law is the governance and tracking of actions. The law provides for a precise governance system for the implementation and pursuit of the 2030 climate target, which itself is defined sector by sector; this is a welcome innovation as it makes the different ministries more accountable for emissions in the sectors for which they are responsible. Emissions from the energy, industry, buildings, transport and agriculture sectors are tracked and revised annually. If a sector deviates from the planned emission reduction path, the government must intervene immediately and the responsible ministry must submit an immediate action program to reduce the sector's gap within three months.

In addition, an Expert council for climate issues was established in 2019. Its competencies were slightly strengthened in 2021.



AMBITION

In order to achieve climate neutrality by 2045, the Climate Protection Law as of 2021 sees an emission reduction of at least 65% by 2030 (instead of 55% according to the target adopted in 2019) as well as the introduction of a new reduction target of at least 88% by 2040. German civil society organisations asked for at least 70% emissions reduction by 2030 to be in line with a 1,5°-strategy.

If necessary, to meet EU or international obligations, the ambition of the binding national targets can be raised – but it can not be lowered (no backsliding possible).

Beside the 2019 well elaborated responsive governance for tackling possible gaps, the sectoral approach of the law linked to annual budgets per sector assigns clear accountability for each ministry but also implicates an increased inter-ministerial collaboration.

Furthermore, targets for negative emissions have been defined – only from natural sinks: at least 25 millions tones of CO₂ eq by 2030; at least 35 by 2040 and at least 40 by 2045.



PUBLIC PARTICIPATION

The German Climate Protection Law integrates stakeholder and citizen engagement. Some forms of consultation or direct public comment for example on draft versions e.g. for climate action programs are foreseen in the framework.



INDEPENDENT ADVISORY BODY

Initiated in 2019 the Expert Council on Climate Issues is asked to verify the assumptions underlying expected emissions reductions before any future ministerial climate action plan is adopted. The Council in 2019 was only mandated to perform a quality check, involving a verification of the accuracy of the data used for reporting; but not to perform an independent assessment of planned measures.

In 2021 the role of the Expert Council on Climate Issues was strengthened in the Federal Climate Protection Law. From now on there will be an assessment every two years on the development of emissions, the emission trends and on the measures, which is a welcomed improvement. However, reports of the Expert Council still have no legal consequences.

Besides, The German Environmental Agency has a technical advisory role regarding data collection and emission projections.

The composition of the German Expert Council on Climate Issues reflects a welcomed diversity in academic and research background. The Federal Government names five experts from different disciplines for a period of five years, of which at least one member each has outstanding scientific knowledge and experience in one of the areas of climate science, economics, environmental science and social issues. The Expert Council as a whole is intended to represent expertise for the sectors covered by the reduction targets of the law, i.e. for the energy, industry, transport,

buildings, agriculture, waste management and others. Women and men should be represented equally, members can be re-appointed once.



POLICIES AND MEASURES

The German Federal Climate Protection Law provides a rather robust framework, especially regarding governance and action triggers, but one thing should be clearly understood: the German Federal Climate Protection Law alone does not save a single ton of CO₂. It depends on the implementation, instruments and measures (e.g. ministerial or inter-ministerial climate action programs). On that front, not enough has been done so far. The “traffic light” coalition in charge in Berlin only since December 2021 is currently working on an “immediate climate package”. An important step will also be the Fit-for-55 package of the European Union.



Greece



Nikos Mantzaris, The Green Tank



CONTEXT

Greece's first climate law was submitted for a 2-month public consultation on November 24, 2021 after being developed for approximately 6 months in the National Scientific Committee for Climate Change as well as a special law drafting Committee.

It will probably be brought to a vote by early 2022, but we are still to this date unaware when this will happen. The law sets specific mitigation targets for 2030, 2040 and 2050. It also contains provisions for the participation of various stakeholders from all economic sectors and citizens in public consultations as well as for knowledge sharing and engagement of citizens regarding climate change mitigation and adaptation issues. The law also explicitly commits to a phase out of lignite by 2028, heavy oil from the islands by 2030, as well as the gradual substitution of all fossil fuels (including gas) by renewables, albeit the latter without a specific timeline.



AMBITION

- Climate neutrality by 2050
- At least 55% reduction in net greenhouse gas emissions by 2030 compared to 1990 levels
- At least 80% reduction in net greenhouse gas emissions by 2040 compared to 1990 levels

These are ambitious targets if one considers the following facts:

- A** Greece continuously increased greenhouse gas emissions between 1990 and 2007 and had more net greenhouse gas emissions than 1990 levels until 2013
- B** According to the latest available data (2019) Greece has managed to reduce its net greenhouse gas only by 18,8% compared to 1990 levels. Therefore to achieve its -55% 2030 climate target it almost has to double its net

greenhouse gas reductions (reduce net greenhouse gas emissions by 36,2 percentage points) between 2020 and 2030, that is in almost 1/3 of the time it took to reduce it by a mere 18,8%. This is more challenging than the EU-27 average which has to achieve the same -55% climate target by 2030 but “starting” from -27,8% in 2019 compared to 1990 levels.

Adding to the climate targets for 2030, 2040 and 2050, the climate law contains a detailed description for the development of a 5-year sectoral carbon budgets for 7 sectors (electricity and heat production, industry, transport, agriculture, buildings, waste and LULUCF) which enable and facilitate the engagement of all sectors of the economy in achieving the climate targets (an absolute prerequisite), close monitoring of the progress or lack thereof and flexibility between sectors.

The law also contains two other specific climate targets in addition to the above mentioned ones:

- At least 80% reduction in greenhouse gas emissions in the non-interconnected islands in Greece by 2030 compared to 2019 levels
- At least 30% greenhouse gas emission reduction for large tourist units, industries and large infrastructure by 2030 compared to 2022 levels. It might be preferable if the corresponding article is completely omitted since emission reductions in the industrial sector are better and more specifically addressed through the corresponding sectoral carbon budget. It is unclear whether this target will be consistent with the carbon budget or if it will undermine it.



PUBLIC PARTICIPATION

The government did not adequately promote public participation during the drafting process, other than organising a session in the Greek Parliament, mid-May 2021, dedicated to the climate law with the participation of all Greek party leaders. After that it assigned the drafting of the law to the law drafting committee. It did however allow a period of 2 months for public consultation of the draft law in November 2021.

The need for public participation in the drafting process was partially addressed by the NGOs who developed their own proposal for a climate law and submitted it for comments by anyone who wanted to comment. This draft was then sent to the drafting committee; including the Prime Minister and the political parties. Furthermore, the National Scientific Committee for Climate Change invited different stakeholders (including the NGOs) to discuss their views on the law, while developing its own recommendations for the content of the law.



INDEPENDENT ADVISORY BODY

The law contains a 9-member Scientific Committee for Climate Change which has a significant role in the overall governance structure such as giving opinions and advice on all climate policy issues including the annual report on climate progress, the development of the 5-year sectoral climate budgets, the coordination of public consultations related to climate policy issues, the submission of an annual report to the inter-ministerial committee responsible for climate change detailing the progress or lack thereof in complying with the sectoral carbon budgets, and recommendations regarding the need to revise the long term or intermediate climate targets.

However, it is not independent as its members are selected every three years by the Minister. This to above paragraph lack of independence is a key issue in the climate governance framework that results in the centralised nature and concentration of a grand majority of the decision making regarding climate policy issues in the hands of the Minister of Environment and Energy who is also heading the inter-ministerial committee.



POLICIES AND MEASURES

Policy 1

All new cars will be electric starting from 2030 (5 years earlier than the ban on internal combustion engines that the EU is implementing). This is a very ambitious target as Greece has minimal infrastructure and charging stations for electric car vehicles. Still the measure is positive and will hopefully catalyse much needed positive change in the transport sectors. It is unclear if this measure will remain as it is before the bill is discussed in the Greek Parliament and voted on.

Policy 2

All oil heaters in the residential sector will be gradually banned by 2030 at the latest. The drawback of this measure is that it encourages the replacement of oil-based heating systems with fossil-gas based, thus opposing the corresponding proposal of the European Commission for the European Performance for Buildings Directive (EPBD). Hopefully this will change when the climate bill will be brought to the Greek Parliament, although the energy price crisis might further postpone even the replacement of oil heaters

Policy 3

30% of the surface of new large (larger than 500 sq. m) commercial and industrial buildings will have to use solar energy in the form of either photovoltaic or solar thermal systems by 2023. This is a specific and good measure, although it inexplicably excludes very large buildings (most likely touristic) based on “aesthetic” arguments.



Italy

Written on the basis of: WWF Italia (2021)
“Discussion Paper — Legge Quadro sul clima in Italia”



CONTEXT

Italy does not have a national climate law at the moment, nor does its government have it in the pipeline.

However, in July 2021 a coalition of Italian NGOs — WWF Italy, Legambiente, Greenpeace Italy, Kyoto Club, Transport & Environment — published a legislative proposal for a framework law intended to harmonise and serve as a framework law for all instruments already in place.

The NGO coalition started a campaign around this proposal. The strategy revolves around the direct involvement of MPs from both Houses of the Parliament and from different political groups, in the effort to facilitate the dialogue between Chambers and have them jointly present this law as a Parliamentary initiative within this legislation by 2023.

As things stand today, however, it is difficult to foresee whether this Parliamentary initiative will end well.



AMBITION

The framework climate law proposed by the NGO coalition enshrines the goal of zero greenhouse gas emissions by 2040 and the upper carbon budget limit to achieve it. It would be a national and economy-wide carbon budget that decreases over time to reach zero, with the possibility to apply sectoral carbon budgets — in order to ensure that all sectors of the economy contribute to and are compliant with the overarching objective. It outlines the path to get there, with milestones and targets in the short and medium term, as well as how to update the objectives with the ambition required by the Paris Agreement, consistent with the European commitment. Sectoral targets are included to ensure that all sectors of the economy contribute to and are compliant with the overarching objective. It would be difficult to achieve these targets without

a strong governance framework, starting from an independent advisory body, including modalities for stakeholder participation and involvement, which the NGO proposal includes. It also puts into place environmental policy compliance by establishing ways to identify and eliminate policies that conflict with climate objectives. The proposal also eliminates and prohibits all subsidies, tax breaks, advertising and other benefits for fossil fuels and behaviours that increase the production of greenhouse gases (see below); where unfortunately the EU Climate Law failed.



PUBLIC PARTICIPATION

The NGO coalition calls for wide stakeholder participation and involvement beyond the legislative process. Stakeholder participation would take place in the form of public consultations involving all of civil society, offering them the opportunity for a transparent and constructive dialogue towards a climate neutral and resilient society.

It also calls for the creation of a Citizens' assembly. The reference point is the Spanish Climate Law of May 2021, where a specific article on "public participation" provides for the mandatory establishment of a Citizens' Assembly. This Assembly ensures a structured involvement of civil society in the deliberative processes on climate change both at national and regional and territorial level. The composition of these assemblies must take into account the principle of balanced representation between women and men and include the participation of young people.



INDEPENDENT ADVISORY BODY

The NGO coalition calls for the creation of an independent advisory body (i.e., Scientific Technical Committee on Climate Crisis) following the example of The UK Climate Act. This advisory body would recommend an annual carbon budget, identify and map out climate scenarios, identify risks and opportunities with respect to the climate situation, and monitor progress on reducing emissions and adapting to ongoing climate change impacts.



POLICIES AND MEASURES

An important aspect of this NGO proposal is a comprehensive and structured reform of the tax system that pays greater attention to environmental issues, including a series of measures to correct possible market distortions. This could guarantee the resources needed to finance the transition, increase its social acceptability and have no impact on the budget.

The tax component, especially in the energy sector, allows ample room for manoeuvre to internalise environmental damage. The proposal is aimed at reorienting rates in a manner consistent with decarbonization objectives, so as to shift the tax burden from labour to the most polluting and environmentally damaging activities; establishing well-designed carbon taxes on a carrier-by-carrier basis; providing for the gradual but rapid elimination of fossil fuel subsidies; and establishing tax-deferral measures for innovating firms that are committed to achieving certain decarbonization goals; and increasing incentives for the development of new technologies and industrial conversion processes for decarbonisation.



Latvia

Laura Treimane, Pasaules Dabas Fonds
Krista Petersona, Green Liberty



CONTEXT

The first draft was published on July 30th, 2021. In December, its revised version was published, including comments received from other ministries and from the public consultation. Currently, the Law¹ is being harmonised between ministries, before being discussed and then adopted by the Parliament.

The current draft Climate Law offers a rather narrow focus on the EU Emissions Trading System (ETS) and has a limited scope of its subjects. As defined in Article 4, the Law refers to:

- reporting requirements for climate adaptation, however, without listing any targets or measures;
- reporting requirements for the reduction of greenhouse gas emissions;
- establishment of a voluntary carbon capture and storage scheme;
- rules for financial mechanisms established under climate change mitigation policies, including eligibility criteria for Modernization fund;
- basic principles for the capture, storage and transport of carbon dioxide;
- procedure of using Kioto units;
- requirements for the operation of the equipment, permits and monitoring of greenhouse gas emission in the ETS.

The ETS, has traditionally been the strongest climate policy area favoured by the government because it provides income to the state budget.

The Climate Law is a combination of already existing legislation. It has been developed to improve and update the climate policy framework by expressing all climate policy provisions in one place – reduction of greenhouse gas emissions and

¹ The draft Climate Law is available here <https://tapportals.mk.gov.lv/structuralizer/data/nodes/817e9ddc-cf49-4429-9964-58dd3b0ed8ca/preview>

carbon sequestration, ensuring adaptation to climate change, as well as Latvia's reporting obligations regarding climate change, including some good practices such as an – Advisory Council for Climate Finance Instruments, analysis of the State budget and Voluntary system for CO₂ sequestration.



AMBITION

The Climate Law states in its Article 2 that: “The goal of the law is to limit climate change and promote climate resilience in Latvia, in order to attain climate neutrality by no later than 2050, keeping it afterwards and striving to attain a negative greenhouse gas emission balance”.

The Climate Law proposal does not include any specific sectoral targets (See Article 6). Rather, it stipulates that the sectoral policies, targets and measures will be developed by the sectoral ministries and adopted by the Cabinet of Ministers. The ministries will take the coordinating roles for their own sector and the Cabinet of Ministers will take the final decisions. The sectors include energy, transport, industrial processes and production, agriculture, waste management and LULUCF. An inter-ministerial working group will be responsible for the process; no additional participatory procedures are envisioned.

A “Long-Term Climate Change Policy Strategy” must be adopted by 2029 and renewed once per decade. It will replace the current long-term strategy – the informative report on Latvia's pathway towards climate neutrality. The National Energy and Climate Plan will be the main policy instrument for its implementation. The Strategy will be amended in case the information included in the strategy has become significantly out of date.

According to the current proposal, each year the ministries would prepare and submit to the Cabinet of Ministers an informative report regarding the fulfilment of the greenhouse gas emissions reduction targets within sectors. Every year the Minister of Environment, in coordination with the Cabinet of Ministers and would then submit to the Parliament a report on achieved and planned activities in terms of national climate change policy.

Also, the Law sets out an obligation to the Cabinet of Ministers to develop requirements for ensuring the traceability of climate financing within the state budget.



PUBLIC PARTICIPATION

The public consultation on the first draft of the Law took place from July 30th to August 24th, 2021.

A report with answers to all written proposals from ministries, CSOs and others has been published on the official website.²

The Law states that an application within the ETS for a greenhouse gas emission permit or its amendments will be available to the public. The Law anticipates the establishment of an Advisory Council for Climate Finance Instruments (such as

² <https://tapportals.mk.gov.lv/annotation/39e510b5-7518-478d-b0ad-cae6e0bf8fa4&sa=D&source=docs&ust=1651557696830093&usg=AOvVaw2WNh8oZ-6Yg4XbVJ3iocie>

Modernization fund and ETS) to provide information on the monitoring of projects implemented, to promote transparency and compliance in the use of ETS and Modernization fund finance.



INDEPENDENT ADVISORY BODY

As mentioned above, the Law stipulates an “Advisory Council for Climate Finance Instruments”. The role of this board will be to monitor the projects financed by the Emission Allowance Auction Instrument and the Modernization Fund. The board will be steered by the Minister of Environmental Protection and Regional Development. The members will include ministry representatives, two NGO representatives from the Environmental Advisory Board, as well as two representatives from NGOs working in related sectors. The board will be entitled to obtain information about the financial status of the climate funds.

However, the Climate Law does not support the idea to establish a Scientific Advisory Board (e.g. an independent Climate Council). Thus, it does not institutionalise a closer science-policy interaction, nor considers strengthening the capacity of existing working groups. Latvia’s Science Council had submitted comments in favour of establishing a new platform for scientists’ contribution to governmental decision-making. The ministry responsible for drafting the Law responded that new advisory bodies are not planned because there are opportunities to join the existing ones. In fact, there are no regular scientific dialogues on climate change policy, and the communications of ministerial working groups are not accessible to the general public. Although the ministries do contract universities and institutes to perform studies and modelling for the policy making, these remain individual contributions, lacking critical peer assessment.



POLICIES AND MEASURES

The Law is rather technical, as it allocates obligations and terms to the Cabinet of Ministers, and specifies the reporting systems. However, there are a few specific policy incentives that we want to highlight (see below).

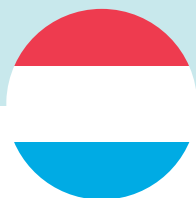
CSOs have been advocating for more, though, e.g. Independent scientific/civil society advisory board; integration of nature based solutions as a field in climate finance; mention of biodiversity, just transition and sustainable development in the wording of the Law’s purpose; exclusion of gas and waste incineration in climate finance criteria; exclusion of specific activities and/or capacity of the equipment regarding ETS; right to sue in the event of breach of the Law.

Policy 1:

Article 40 – Voluntary system for CO₂ sequestration. By the end of 2023, the competent Ministry will prepare a conceptual note on carbon sequestration to establish a voluntary mechanism in Latvia.

Policy 2:

Article 42 – Climate funding traceability. The Cabinet of Ministers will prepare regulation on traceability of climate funding in the state budget, including the minimum requirements for the report on the compliance of the next year’s state budget proposal with climate objectives and planning documents. Basically, the report lists the budgetary resources allocated to the financing of climate action, assesses their adequacy and the impact to climate of key fiscal interventions.



Luxembourg

Christophe Murroccu — Mouvement Ecologique



CONTEXT

On 15 December 2020, Luxembourg's climate protection law came into force. The government acclaimed it as a forward-looking law that would pave the way for effective climate protection in line with the Paris Agreement. The fundamental objective of the law was to stipulate CO₂ savings of 55% by 2030, as well as climate neutrality by 2050 at the latest. However, it took over 6 months and pressure on civil society, to ensure that the most crucial element of the law, specific reduction targets for the individual sectors, came into force.



AMBITION

While non-governmental organisations urged for the introduction of sectoral reduction targets in the law the government and the majority parties decided, when voting on the law, to do so only by means of grand-ducal regulations. A draft of the corresponding regulations did not even exist when the vote was taken in the parliament! On July 22nd 2021 these reduction targets finally came into force.

The fundamental objective of the law was to enshrine greenhouse gas reductions of 55% by 2030, as well as climate neutrality by 2050 at the latest, while excluding the use of nuclear energy.

It is complicated for civil society to judge the different annual emission allocations of the sectors which came into force later.

Furthermore, it will be interesting to see how provision 4 of the law's Article 5 will be implemented. This article states that if a sector has not achieved its targets, it should negotiate with another sector to see if the latter would be willing to compensate the unachieved reductions of the sector concerned (a frankly absurd provision in the eyes of Mouvement Ecologique). In conclusion the law doesn't specify any binding emergency measures to be taken in case the targets are missed.



PUBLIC PARTICIPATION

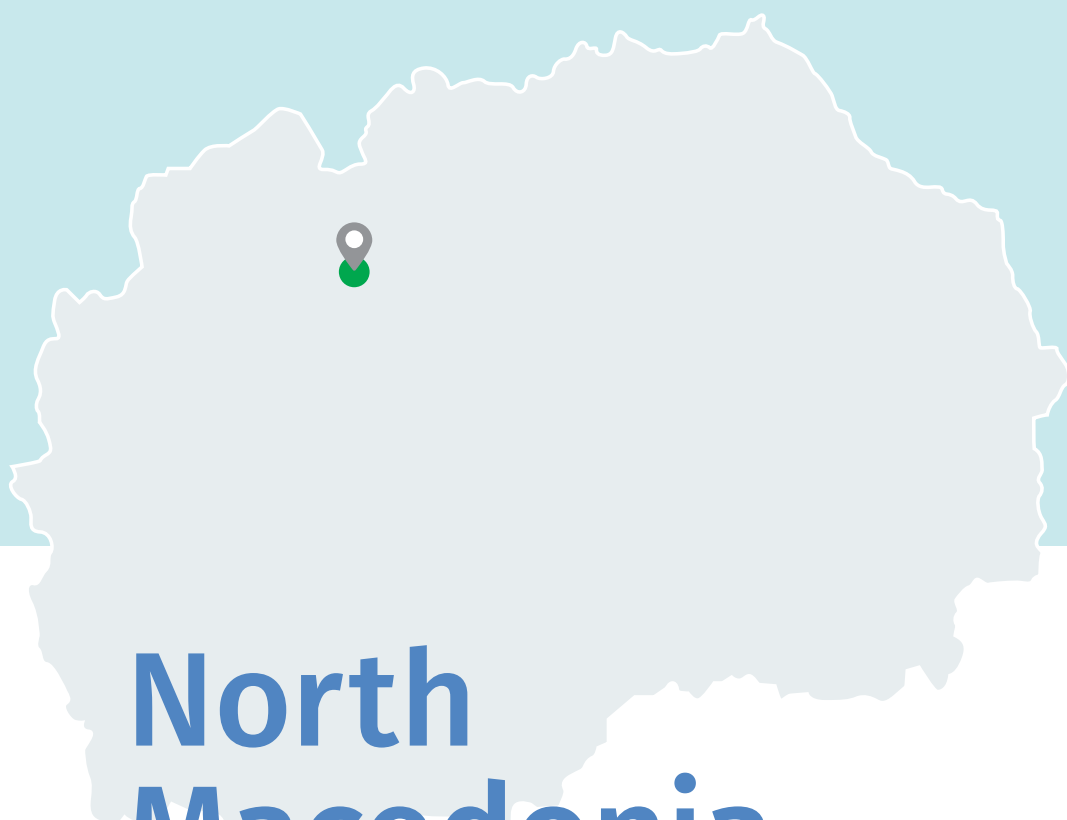
There was no official public participation regarding the law. There was only a public consultation for the specific reduction targets for the individual sectors. Mouvement Ecologique had however some meetings with the minister in charge.



INDEPENDENT ADVISORY BODY

The law stipulates that the Observatoire de la politique climatique (scientific advisory board) and a Plateforme pour l'action climat et la transition énergétique (civil monitoring body for the implementation of the goals of the law) will be set up.

The Observatoire has recently been put into place, but hasn't had the time to have an impact. Regarding the Plateforme, proposals of its composition have been made, with which we do not agree (Civil society isn't represented enough, governance is not ideal,...). However it seems that the minister is open for discussion on this point.



North Macedonia

Elena Nikolovska, Eko-svest



CONTEXT

The Climate Action Law in North Macedonia was in its final draft phase in April 2021 as part of the IPA2 funded project for the Preparation of the Long-term Strategy and Law on Climate Action (EuropeAid/139221/IH/SER/MK). While the Climate Action strategy was adopted at the end of August 2021, the Climate action Law is still a working version. This is mostly due to the fact that it fails to transpose crucial directives from the EU Climate Acquis. The current version of the draft Law deals mainly with monitoring, reporting and verification of carbon dioxide emissions from maritime transport regulation, and provides a legal framework for monitoring and reporting it greenhouse gas emissions. It lays out the conditions for issuing permits for greenhouse gas emissions that apply to operators of stationary installations and a framework for monitoring and reporting on greenhouse gas emissions from aviation activities.



AMBITION

There are no targets included in the Climate Action Law, instead they are in the Climate Action Strategy. This is frequent in national legislation to be able to postpone or avoid implementation. Civil society organisations (CSOs) demand targets from revised NDCs to be placed in the Climate Action Law so that these become binding to responsible institutions.



PUBLIC PARTICIPATION

CSOs participated in working meetings with two government representatives, which gave CSOs the opportunity to comment in the early stages of preparation of documents. A problem that arose is the time and resources needed for CSOs, considering the process took place in such a short period of time due to delays in the implementation of the project. None of the concerns of CSO representatives were taken into account in the draft Climate Action Law.



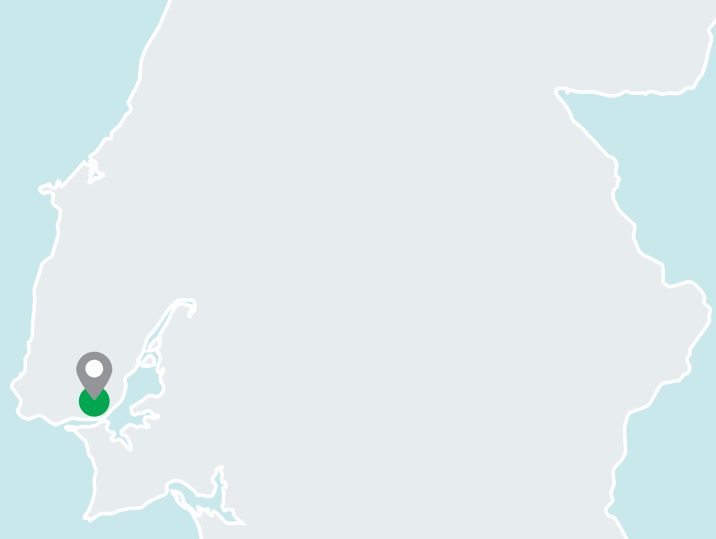
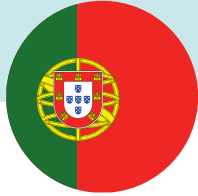
INDEPENDENT ADVISORY BODY

An advisory body is included in the Climate Action Law, however recommended members are ministers from relevant ministries, no academia and no CSOs are involved, which only creates a parallel governmental body and seriously lacks transparency.



POLICIES AND MEASURES

No policies or measures.



Portugal

Pedro Nunes, ZERO — Associação Sistema Terrestre Sustentável



CONTEXT

The Portuguese Climate Law (Lei nº 98/2021, de 31 de Dezembro — Lei de Bases do Clima) was approved by the Parliament on Nov. 5, 2021, by a vast majority of deputies (c.a. 95%); it was published on December 31st 2021 and entered into force on February 1, 2022. Following the rejection of the 2022 state budget, the country had elections at the end of January, and the new government only took office at the end of March, which resulted in a near halt in parliament for a few months. Next, the law will have to be implemented with additional complementary legislation. Overall, it is a positive text, with some strong points, such as the possibility of bringing forward climate neutrality from 2050 to 2045, or the aim that all legislative measures and major public investments are strategically assessed for their contribution to meeting the climate targets.

On the other hand, the law lacks ambition in some chapters, such as the ban on the sale of combustion vehicles, lagging behind the European Commission's proposal in its Fit-for-55 package, or the end of subsidies for fossil fuels, planned only for 2030. The law has the potential to improve climate governance in Portugal, but one of the challenges, as for all laws in the country, will be its enforcement.



AMBITION

For 2030, the law enshrines a reduction of at least 55% in greenhouse gas emissions relative to 2005 (excluding LULUCF), which is below what is recommended by NGOs such as ZERO, since that value, to comply with the 1.5 °C objective of the Paris Agreement, should be no less than 60%. For 2050, it enshrines a reduction of at least 90% in greenhouse gas emissions and 13 Mt for carbon sinks, which, in practice, implies that the country should achieve net neutrality prior to 2050 and be carbon net negative by 2050.



PUBLIC PARTICIPATION

Overall, the law has good instruments for public participation. The law establishes as a principle the participation of citizens and NGOs in the planning, decision-making and evaluation of public climate policies. The law provides citizens with the right to participate in the process of developing climate policy instruments and their review. In addition to public consultations in the traditional form of written contributions, clarification and debate sessions will be organised between citizens and decision-makers, either at the initiative of the administration or at the request of, at least, 30 citizens.

Finally, the law stipulates that the government shall create and make available a public and accessible web tool to enable citizens and civil society to participate in climate action and monitor national climate data. Unfortunately, the citizens' climate assembly figure was forgotten, contrary to the recommendation of ZERO NGO.



INDEPENDENT ADVISORY BODY

The law stipulates the creation of a Climate Action Council (CAC) with the duties of presenting biennial recommendations on the development of energy and transport infrastructures; to comment on scenarios for the decarbonisation of the economy and on the planning, implementation and effectiveness of climate policy; to contribute to the public discussion of climate policy, issuing opinions on the state budget and the state general account with regards to climate action. The CAC will be supported by a technical structure and will integrate a young citizen and a representative of the NGOs, but the selection process is yet to be regulated. The law provides a good basis for the useful and good functioning of this body, but it still needs to be regulated in autonomous legislation.

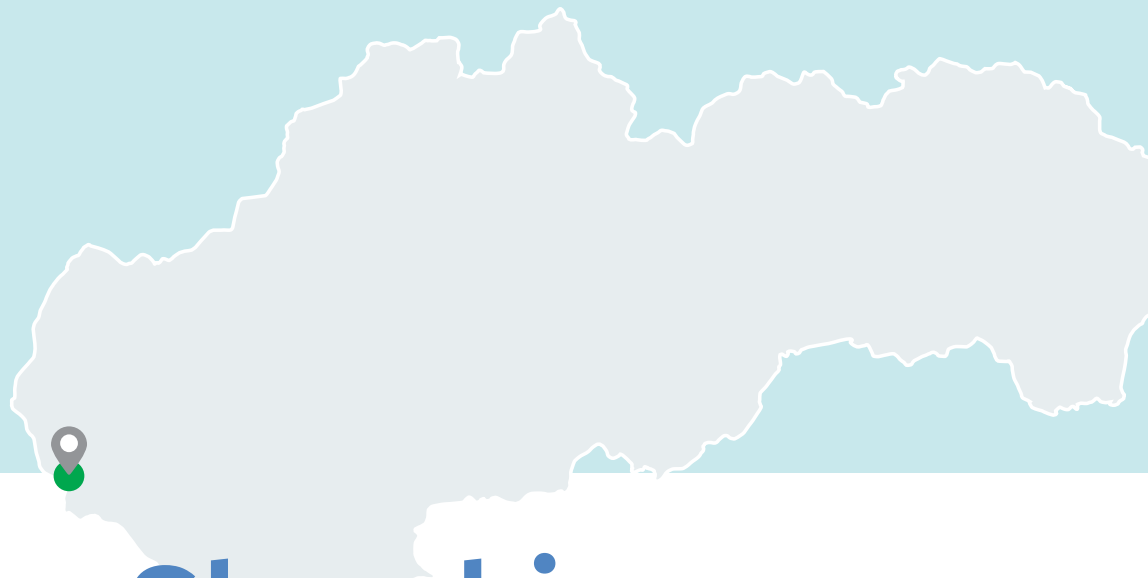


POLICIES AND MEASURES

Three important policies and measures:

1. The Climate Law recognises that climate should be considered as Common Heritage of Humanity, committing Portugal to promote this recognition at the United Nations. This recognition implies the concrete definition of a stable climate as a legal asset under international law that should be managed as a common good, which points to a structurally different framework from the current legal status of climate as a "Common Concern of Humanity" – this is a legal innovation of international relevance;
2. The municipalities must approve municipal climate action plans and the Regional Development Coordination Commissions must approve regional climate action plans within twenty-four months from the entry into force of the law;
3. The law establishes a set of principles for sustainable financing and taxation, including for the private sector (public and private stakeholders should take into account climate risk and climate impact in their financing decisions).

These are important points of principle, but without additional legislation to regulate them, they might remain ineffective.



Slovakia

Dana Mareková, Climate Coalition Slovakia



CONTEXT

The Slovak Climate Act is currently at a discussion stage, it is still a “law in the making”. The Ministry of Environment (MoE) announced that it will be the next key legislation they will work on.

In terms of timeline, the law is part of the governmental “2022 Plan of the Legislative Tasks” proposal and the MoE is expected to send the draft version for official consultations by September 2022. The MoE already announced in summer 2021 that “the first Slovak Climate Act” is being prepared to “draw a road-map thanks to which Slovakia will change from a post-industrial corner of Europe, which is lagging behind into a prospering country with a healthy environment”, according to our MoE.

In February 2022, the MoE sent a first draft: “the first informal proposal of the Climate law” to an ad hoc formed group, which includes few NGO representatives compared to the large number of industry representatives. This draft ignores most of the proposed features put forward by the Climate Coalition that were discussed with the Ministry during several months.

The Climate Act needs to be efficient and not a bare formality, it needs to have binding targets for relevant sectors, regular public reporting by responsible ministries, an independent body of experts to produce independent advice, and for the public to have access to courts to guarantee the enforcement if needed.

The MoE is not keen to incorporate access to justice provisions and we have yet to see how they will react to other proposals, given the very low ambition of the current draft. Other ministries, especially the Ministry of Economy, and Industry, are expected to try and further water down any provisions setting binding targets and are very likely to object to any control and enforcement mechanism.



AMBITION

The current draft law outlines climate goals, which are compatible with the EU targets: Slovakia will reach carbon neutrality by 2050, reach 55% decrease of greenhouse gas emissions by 2030 and the law further specifies reduction for the ETS (- 43%) and non ETS (- 22,7%) sectors.

So far these have only been political declarations, our MoE supported the EU climate law including the initial proposal of the S&D rapporteur, Jytte Guteland, of a 65% reduction target for 2030. The Climate Act needs to enshrine such political declarations into law, making them binding. The MoE has committed to deliver a law that reflects all relevant EU targets, lays out the targets for each relevant sector and make them binding for the ministries in charge, including sanctions for not adhering with obligations and mechanisms for revision, including the principle of no downward revision. The MoE also declared a desire to increase transparency and public access to information regarding climate solutions.

The draft Climate Law currently on the table, does not contain most of the promised features. NGOs intend to hold the MoE to their promise and propose provisions concerning:

- Sectoral targets elaborated for and reported in bi-annual period (not until 2030 as proposed by the draft)
- Independent expert body advising, assessing reports and proposing steps forward if obligations are not met (not the body as outlined in the point 4 as proposed by the draft)
- Public engagement at least via regular information (public reporting of sectoral targets) and possibility to file a court claim (climate justice)

In Slovakia there are concerns and threats to a progressive climate agenda. The first being, powerful business and political opposition. Adding to that, Slovakia has serious problems with collecting and assessing data, such as outdated targets coupled with an outdated decarbonisation trajectory, therefore not being aligned with EU targets in the main Slovak climate strategies – the Low Emission Strategy and National Energy and Climate Plan. More specifically, the Low Emission Strategy only has a 80% reduction target and the NECP includes 19,2% of renewable energy sources being a long way off the 40% contained in the proposed in the Fit for 55 package.



PUBLIC PARTICIPATION

The MoE has initiated an informal dialogue with a few NGOs and a Government Plenipotentiary for NGOs with the intention to organise a broader participation process related to the Climate law. Such a process did not take place, but several NGOs have been in continual communication with the pen holder, in charge of drafting the law, and have provided extensive input and later discussed their proposals also with the State Secretary of the MoE.

Additionally, the MoE organised two online meetings of an ad hoc group, consisting mostly of industry and government representatives. They also declared their openness to receive language proposals on specific provisions of the draft.

Since the process is ongoing, we are not yet able to assess how meaningful the public participation will be.



INDEPENDENT ADVISORY BODY

In their draft the MoE has not yet reflected the NGO proposal to establish an independent body with the primary function to advise and monitor. Instead the current draft incorporates the already existing “Government Council for European Green Deal”, but without specific functions for implementation of climate policies outlined by the draft Law.

This Council is chaired and presided over by the MoE and 5 members of the government (ministers of the most climate-relevant ministries) as vice-presidents. The Chair of the Council appoints the other members and presently several representatives of NGOs, academia and other institutions sit on the Council. Based on the experience so far, it seems to be a purely formalistic body.

NGOs are presenting a draft proposal for the climate law, which outlines an independent body as one of the three key elements, which must be included in the Slovak Climate Act to make it effective and enhance the Slovak climate governance framework. Its role would be to assess climate policies, national long term strategies (nLTS), NECPs and sectoral decarbonisation targets. The body would focus on compliance checks concerning the aforementioned areas (are they in line with EU policies and performance), and if authorities are implementing the decarbonisation trajectories, hence guaranteeing Slovakia is on the right path to climate neutrality.

This body needs to be independent, making the appointment of its members crucial, needing to have no conflicts of interest and be from different fields, in order to be able to deliver expert independent advice.

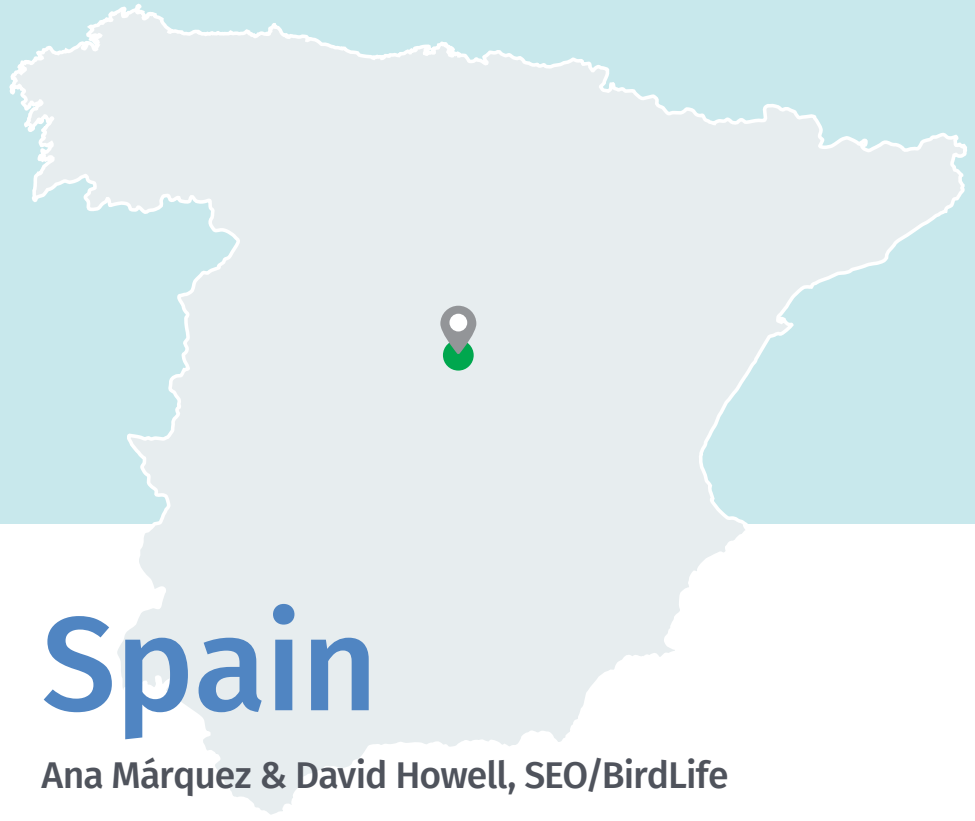
As proposed by NGOs, the body should report to the parliament and reporting will be fully transparent and easily accessible to the public.



POLICIES AND MEASURES

Measure 1:

Enforcement mechanism via court action enabling members of the public to take insufficient measures to court. Specifically, litigation should be possible if binding targets are not met and the key climate strategies are not up-to-date and sufficiently ambitious – coherent with EU targets and commitments.



Spain

Ana Márquez & David Howell, SEO/BirdLife



CONTEXT

Important advances have been made in Spain in climate policy since the new Government arrived in 2018, such as the publication of the National Energy and Climate Plan (NECP), the Long-Term Strategy (LTS) and the new climate law. After too many years of uncertainty, there is more policy clarity and a strong basis for better climate action.

The Spanish Climate Law, entitled Climate Change and Energy Transition Law, was adopted in May 2021, marking a long-awaited key milestone on the pathway towards complete decarbonisation of the economy in Spain, one of the most exposed countries in Europe to climate change devastating impacts.

The main objective of the law is to help Spain comply with its international commitments in the fight against climate change and to achieve climate neutrality by 2050, and for this, it encompasses the legal framework that Spain needs to move towards a decarbonised and climate-resilient country.

This state regulation establishes a series of intermediate goals and concrete measures, but the core legal basis in a decentralised country needs to be boldly and effectively applied at different legislative levels to fully succeed in its purpose. For SEO/BirdLife, it must act as a regulatory umbrella that, with a holistic approach, activates an ambitious climate action that should be widely and coherently developed at regional level.



AMBITION

In its Climate Law, Spain has established an objective of 23% reduction in greenhouse gas emissions by 2030 compared to 1990, three points higher than the preliminary version, and the goal of reaching climate neutrality before 2050. In addition to these global goals, the regulation establishes a series of specific goals for this decade through energy and sectoral targets, as well as an upward

revision system of those targets to comply with the Paris Agreement, setting the first overhaul in 2023.

If evaluated in the national context, the proposed target involves a significant step. Spain substantially exceeded its Kyoto Protocol emissions objective, through a decade of unsustainable growth starting in the mid-90s. Emissions peaked in 2007, over 50% above 1990 levels, and fell rapidly afterwards due to the global financial and economic crisis, which hit Spain extremely hard. With the economic recovery, emissions rose again from 2013–2017, indicating an oscillating trajectory with a tendency to rise along with the unsustainable Spanish economy over the years.

However, when evaluated in the European context, Spain as a developed country must bring its fair share to the emissions cut with responsibility and solidarity. As the Climate Analytics modelling study suggests, and as Spanish civil society organisations have long insisted upon the fact that the –23% objective, is not aligned with a 1.5°C compatible scenario, in line with science and climate justice. For SEO/BirdLife, Spain has important solar and wind resources, together with a strong technical capacity in the renewables and power sectors, and is also one of the richest countries in terms of biodiversity in Europe, with large carbon-rich forest, offering multiple options to accelerate its transition to a decarbonised economy and bring forward its 2030 and 2050 targets.



PUBLIC PARTICIPATION

Since the presentation of its preliminary version at the end of 2018, the draft law has undergone a long process of preparation, including meetings with stakeholders and civil society, but with little chance for multi-actor debates. This was followed by a quick 6 weeks process of public consultation of the draft law, that generated a great number of consultation responses from civil society organisations, and a subsequent parliamentary process in 2019 and 2020 through numerous amendments from parties, all of which have greatly improved and strengthened the final text.

As established in the climate law, the Government has also created the Citizen Assembly for Climate, that aims to promote the direct involvement and active participation of Spanish society in the fight against climate change. Its members were chosen at random and are being advised by an independent committee of experts. After its first meeting at the end of November, a Citizen Consultation took place to assess the relevance of the thematic areas selected to be discussed by the Assembly and the possibility of including additional topics. Final conclusions will be presented to the Spanish Parliament and the Government, although they will not be binding.



INDEPENDENT ADVISORY BODY

SEO/BirdLife and Spanish civil society warmly welcome the creation of a committee of experts on climate change, established as a priority in the Spanish Climate Law. This body should allow the new emission reduction targets to be backed by science, one of the key asks of the NGO community during the draft approval process, along with the inclusion of biodiversity criteria in the energy transition implementation.

This committee of experts shall evaluate and make recommendations on energy transition and climate change policies and measures, including regulations, and prepare an annual report sent to the Spanish Parliament to be debated.

If constituted quickly, it should contribute decisively to the upward revision of the objectives of Spain in 2023, as established by the law.

However, almost a year later, no steps have been taken for its creation, no regulation has yet been approved to provide a solid basis for the expert committee in advising the Government on climate change and energy transition. For SEO/BirdLife, in order to adequately establish the committee, it is important to ensure: (i) the independence of its members from pressure groups, parties or companies; (ii) their independence and financial stability, with sufficient resources for the development of their functions (fees, support staff, hiring studies, etc.); (iii) in addition to its advisory function provided for in the law, its own initiative to continuously monitor and evaluate the Government's action in the application of the law; (iv) be heard when making key decisions, such as the approval or modification of objectives, plans, strategies or budgets; (v) their transparency by publishing their reports and other writings, in addition to the results of their meetings.



POLICIES AND MEASURES

In its preamble, the Spanish Climate Law is also presented as an instrument to channel European recovery funds through the energy transition implementation that should allow the mobilisation of more than €200 billion of investment in the period 2021–2030. Among the policies and measures included in the law, the following are highlighted:

Measure 1

Power sector: the promotion of biodiversity-compatible renewable projects.

The Climate Law calls for massive deployment of new renewables compatible with biodiversity conservation, and establishes territorial planning to prioritise the implementation of large renewable projects in low sensitivity areas such as urban, industrial, built-up or degraded areas, and certain agrosystems when compatible with their activity. It is essential that these zones are developed into binding regulations at all levels, and to guarantee good coordination between regions and the central government. The Government has prepared two indicative maps (solar and wind), but the lack of binding standards between Spanish regions, where this issue has practically not been addressed despite the urgency, is worrying.

Measure 2

Building sector: the impulse of energy efficiency and self-consumption.

The Climate Law commits the Government to modify and reform the Horizontal Property Law that regulates residential buildings to simplify procedures, facilitate photovoltaic installations for prosumers in community blocks, and neighbours' access to credits for building renovation. Spain has adopted a specific Prosumers roadmap to boost this energy model and remove chronic barriers, establishing a 2030 target of 9 GW up to 14 GW. This objective could be higher as a boom in renewable penetration is shortly expected. Financing support is crucial and the Spanish RRP includes grants for prosumers facilities (up to 900 million), storage behind the metre (up to 220 million) and air conditioning with renewable energy (up to 200 million), aimed at both new and refurbished households.

Measure 3

Transport sector: the creation of Low-Emission Zones in cities.

The Climate Law obliges 149 municipalities with more than 50,000 inhabitants to create Low-Emission Zones (LEZs) before 2023 to limit access of vehicles in city centres and prohibit passage of the most polluting ones to improve air quality. Municipalities that implement these LEZs will be subsidised by the Spanish RRP (€1,500 million) in the next two years, part of which will go to the purchase of electric buses and the construction of bike lanes and pedestrian areas. However in the absence of standardised regulation, there are differences in approaches of these clean and traffic-decongested areas in Spanish cities. The Government launched some non-binding guidelines that include minimum thresholds related to air quality, energy efficiency, noise and climate change, and establish the procedure for the implementation, monitoring indicators and measures that municipalities may adopt for a more environmentally sustainable mobility. Government legislation will set common minimum standards for all municipalities to ensure they effectively fulfil their mission.



Turkey

Özlem Katisöz & Elif Cansu İllhan, CAN Europe
Yağız Eren Abanus, Green Thought Association

CONTEXT

At the beginning of 2021 the Minister of Environment, Urbanisation, and Climate Change (“Climate change” was added to the Ministry’s name in October 2021) announced a climate law would be enacted in 2021. Following those developments, Turkey ratified the Paris Agreement in October 2021, before COP26.

Again in October 2021, the Minister announced that a “climate council” would be established in January 2022 in order to develop a participatory (with the presence of civil society, governments, private sector, academia etc.) roadmap for climate policy actions in Turkey. He added that those council works would contribute to form a basis for a climate law as well.

In January 2022 the climate council was established, meetings are being held online and some of the CSOs are informed via direct invitations to participate in several commissions. The outcomes of the commissions were discussed in a closed meeting with different parties in the last week of February.

The commissions are open to representatives of civil society. The participants can make interventions and suggestions throughout the online meeting. On the other hand, not all suggestions were reflected in the outcomes. For instance, the participants insisted on adding a “no new coal” announcement and an exact coal exit date in the list prepared by the commission facilitator, but officials are inclined to stress the long-term targets and the so-called international finance needs of Turkey instead of focusing on the concrete and short-term actions such as subsidy reform, preparing and submitting the 2030 NDC and a coal phase-out date. The Minister declared that the law will be adopted in 2022.

NGOs from Turkey prepared a “principles document” for the basis of climate law. The principles document is shared with government officials and the head negotiator of Turkey in the COPs¹.

¹ You can see the Principles Document here https://docs.google.com/document/d/1JGJYjNUJuZpTwjBGqALTzgQmd_C1jbS8/



PUBLIC PARTICIPATION

The government is inviting NGOs to the climate council, which is said to be effective in the law-making process. However, NGOs are invited to the council meetings at the very last moment, some of them (NGOs working on climate change) and most of the trade unions are not invited. The points made by NGOs are not well reflected in the outcomes. Closed meetings are yet to be held. Those will be more determining for the state of participation. The central government's most important up-to-date climate policy, Climate Change Action Plan 2011–2023, was heavily criticised for its flaws. Criticism is specifically about not including the opinions of CSOs in the final documents and not involving the representative of CSOs in the monitoring process. Also, the government has been organising councils on the topics which are mostly perceived as in crises for example the Agriculture and Forestry Council (2019), Water Council (2021) but none of these have changed their policies in a meaningful way.



United Kingdom

Katherine Kramer, Christian Aid



CONTEXT

The UK's Climate Change Act 2008 was a world first, but was preceded by a widely-supported Private Member's Bill that did not pass through Parliament before the 2005 election. After the election, which had been won by the left-leaning Labour Party, 412 of the 646 Members of Parliament formally called for a Climate Change Bill to be introduced.

There was cross-party consensus that existed, and exists, on the need for climate action, only three MPs voted against it.

The Act has served as a model to a number of other countries, including Canada, the EU, France, Germany, Italy, Japan, Norway, Russia and South Korea.

The Act sets out a strong framework, targets and possible policy pathways being based on independent scientific advice. There are many mandatory provisions in the Act to require preparation of proposals and policies to meet the carbon budgets and to report on them, and also report annually on UK emissions. The importance of UK domestic action is also enshrined in law, although borrowing and banking provisions could weaken the nature of the budgets. The Act is a strong enough framework that government climate inaction can be challenged in the courts on its basis.



AMBITION

A key feature of the CCA 2008 is the setting of both long term (2050) and nearer term 5-year carbon budgets, set 12 years before the beginning of the budget period in question, with annual indicative targets. Originally, the law proposed a –60% target by 2050 against 1990 levels, but as the bill progressed, this target, enshrined

in Article 1, became –80%. This framework allows longer-term planning horizons for government and the private sector.

The carbon budgets, and possible pathways to reach them, are proposed by the independent Climate Change Committee (CCC), established under the Act, that provides scientific and economic analysis, as well as reporting to Parliament annually on progress to date.

The 2050 goal was revised in 2019 to become a net zero target, but the 4th (2023–27) or 5th (2028–2032) carbon budgets were not amended, not least as the government remains off track to fulfilling these. The government has since published its net zero strategy on how to achieve the goal.

While the net zero target is in line with the global target set out by the IPCC, this date does not reflect the UK's historical responsibility as an individual country and thus the need to act quicker than the global average. It is also notable that to minimise impact of climate change, cumulative emissions are what matters and the UK has not significantly frontloaded its climate action to the near term. Also important for achieving net zero is avoiding false solutions and realising sustainable development co-benefits. The UK's plans include on-going support for the fossil fuel industry, for creation of blue hydrogen and CCS, rather than really towards true sustainability. There is no sign that the UK is yet seeking a joined up approach across the different dimensions of sustainability.



PUBLIC PARTICIPATION

In June 2019, six Select Committees of Parliament called for a citizen's assembly to understand public views on how climate change, and in particular reaching the net zero goal, should be tackled. The assembly was created to form a representative sample of the UK population. Their recommendations were presented to the Select Committees and were debated in the House of Commons (the lower house), but the recommendations were not binding on the government.



INDEPENDENT ADVISORY BODY

The government is required to respond to the reports by the CCC and report regularly on the risks to the UK from climate change and measures to address these risks.

The Act does not give the CCC policy powers, but the research done by the CCC to be able to make recommendations on target levels includes possible policy pathways to reach them. The CCC also has an advisory role over adaptation in the UK.

The CCC has a hugely important role in shaping the UK's discourse on climate change – the levels of ambition, needed adaptation and possible pathways for achieving proposed goals. It proposes the carbon budgets and Parliament has, without exception, adopted these. Successive governments have also accepted some of the policies proposed by the CCC, including that the UK net zero goal should not be achieved with use of international credits. Its independence and modelling rigour (scientific and economic) make it a respected and influential voice on UK climate policy.



Annex — Country-based contacts

One of the goals of this briefing is to provide easy access to anyone that would like to increase their knowledge base about the content and status of a climate law in any of the participating countries, and the national organisation that is following its developments.

This information has been summarised in this annex, which includes names and contact details of the people and organisations that have contributed to this briefing and are monitoring developments around climate laws in their own respective countries.

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