

CLIMATE LAWS IN EUROPE

ESSENTIAL FOR ACHIEVING CLIMATE NEUTRALITY

2023 edition

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Author: Romain Didi, CAN Europe

romain.didi@caneurope.org

With country contributions from:

Albania: Prof. Assoc. Mihallaq Qirjo, Resource Environmental Center in Albania (REC Albania)

Austria: Jasmin Duregger & Stephanie Rogl, Greenpeace in Zentral- und Osteuropa

Bulgaria: Plamen Petkov Peev, BlueLink Foundation

Croatia: Maja Bratko, Society for Sustainable Development Design (DOOR)

Cyprus: Orestis Karghotis, Terra Cypria - The Cyprus Conservation Foundation

Estonia: Hans Markus Kalmer, Estonian Fund for Nature

Finland: Hanna Aho, Finnish Association for Nature Conservation

France: Caroline François-Marsal, Fiona Steffan & Emeline Notari, Réseau Action Climat France

Germany: Charly Heberer & Kai Bergmann, Germanwatch

Iceland: Arní Finnsson, Iceland Nature Conservation (INCA)

Ireland: Dr Orla Kelleher, Maynooth University and Environmental Justice Network Ireland

Latvia: Linda Zuze, Green Liberty

North Macedonia: Elena Nikolovska, Eko-svest

Netherlands: Natuur & Milieu

Norway: Aled Dilwyn Fisher, Friends of the Earth Norway (Naturvernforbundet)

Poland: Wojciech Kukula, ClientEarth

Portugal: Bárbara Maurício & Susana Militão, ZERO - Associação Sistema Terrestre Sustentável

Romania: Ana-Maria Niculicea, Luciana Miu & Mihnea Cătuți, Energy Policy Group (EPG)

Republic of Serbia: Mirjana Jovanović, Lazar Jovčić, Jelena Ivković & Rajna Bošković, Belgrade Open School

Slovenia: Barabara Kvac & Taj Zavodnik, Focus

Slovakia: Dana Mareková, Climate Coalition Slovakia

Turkey: Özlem Katsöz, CAN Europe

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INTRODUCTION

In 2015, the Paris Agreement was adopted. This crucial treaty established for the first time a global long-term temperature warming limit below which we must stay to limit the effects of dangerous climate change. The objective to limit temperature rise to 1.5°C enshrined in the Paris Agreement is the only acceptable threshold to avert even more dangerous climate change, based on the social and economic opportunities of the zero-carbon transition and the growing evidence of extreme impacts of climate change.

After the ratification of the Paris Agreement, the European Commission opened in 2021 the “Fit for 55” legislative package. These policies aimed at revamping the entire climate and energy framework following the EU’s decision to commit to achieve climate neutrality by 2050 at the latest, and in light of that adopting a revised 2030 target of at least 55% net emissions reductions. Although this represents a step in the right direction, we are far from what science is calling for, to achieve climate neutrality by 2040 at the latest and reduce gross emissions by at least 65% by 2030.

The climate neutrality objective and the revised climate target for 2030 are both indicated in the European Climate Law, adopted in 2021. It should be noted that the EU’s climate neutrality target currently applies collectively to the Union, but does not apply to each Member State individually. The EU sets obligations for Member States to reduce emissions by 2030 in specific sectors under other legislation, such as the Effort Sharing Regulation (ESR), but does not set national climate neutrality targets through EU legislation. In parallel, the Governance Regulation imposes several planning and reporting obligations on Member States to demonstrate their compliance with their ESR and energy targets.



THE EUROPEAN CLIMATE LAW¹

The European Climate Law is a framework law that entered into force in 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 sets the intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels. It also requires the adoption of an intermediate 2040 climate target following the Paris Agreement's first global stocktake and establishes an EU level scientific advisory board on climate change (ESABCC).

THE EFFORT SHARING REGULATION²

The Effort Sharing Regulation defines the amount of emissions a Member State is allowed to emit by 2030 in the sectors of transport, buildings, agriculture, small industry not covered by the existing EU Emissions Trading System (ETS) and waste, which together 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 have both been revised in 2023 as part of the "Fit for 55" package.

THE GOVERNANCE REGULATION³

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 (NECPs) based on a common binding template, as well as national long term strategies (nLTS). Those plans set out the objectives, targets, policies and measures Member States will put in place to achieve climate neutrality. The Governance Regulation has not been revised as part of the "Fit for 55" package.

1 Regulation (EU) 2021/1119 establishing the framework for achieving climate neutrality.

2 Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement.

3 Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action.

While the Paris Agreement sets a global temperature target, it leaves Member States a great deal of flexibility to stay below this threshold. Similarly, the emission reduction obligations of EU Member States leave them some leeway in deciding how to implement them at national level. Many countries around the world therefore adopted climate change framework legislation. This type of legislation aims at setting a broad national framework to redress specific problems posed by climate change in an overarching or otherwise broadly strategic manner⁴. These laws are also the best instrument for incorporating a climate neutrality target or date.

National climate framework laws often put in place rather robust national climate governance mechanisms to create the enabling conditions for national ownership and responsibility to deliver their national neutrality climate target. They make it possible to integrate international and European climate obligations into a comprehensive national law. As such, they give teeth to the Paris Agreement and other EU planning instruments, such as NECPs and nLTS. In addition, their legally binding nature is an asset for withstanding political cycles and a declaration of sincerity about the country's climate commitments to all stakeholders. National climate framework laws can also be used in court if they are not properly implemented, with the judiciary acting as a counterweight to the legislative and executive branches.

More than half of the EU Member States and several neighbouring countries have so far adopted or are in the process of adopting framework climate laws, recognising the importance of an integrated and coherent policy framework for the medium and long term. These laws vary as much in scope as in content. In best case scenarios, the laws contain a set of governance mechanisms including, but not limited to, monitoring, public participation and the creation of an independent expert body to advise policy makers. These mechanisms have the benefit of guaranteeing that during the various planned governance stocktakes, climate will always be high in 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.

The growing number of European countries adopting national climate laws demonstrate a strong and growing consensus that robust national ownership of the responsibility to achieve climate neutrality is crucial for delivery. However, **this report shows that not all European states have adopted national framework climate laws yet and not all climate laws are equally strong.** In the EU context, it means that the European Climate Law will be implemented against a background of highly inconsistent standards of national climate ambition and governance enabling conditions. If this climate neutrality 'ownership gap' is not addressed, it risks allowing Member States to believe that others are more responsible than they are.

The EU legislative framework should be used to raise standards of climate governance at national level and ensure a level playing field in the climate governance systems of all Member States. For example, EU legislation could be used to set national climate neutrality dates, require public participation processes in climate planning in line with the Aarhus Convention, set binding standards for multi-level governance including local levels (municipalities, local and regional authorities) and community-led initiatives (citizens), etc. As we come to the end of the "Fit for 55" legislative package without the issue of minimum governance standards having been addressed, a chance has been missed. However, there will be other opportunities in the near future. Once in office after the June 2024 EU elections, the European Commission will have to revise the European Climate Law to introduce an emissions reduction target by 2040⁵. In parallel, in early 2024 the European Commission will assess the operation of the Governance Regulation and its contribution to the long term-objective of the Paris Agreement and the EU's climate neutrality objective⁶. This assessment may be accompanied by legislative proposals. **Both the European Climate Law and the Governance Regulation could be appropriate vehicles for incorporating minimum national governance standards into EU law.**

4 Thomas Muinzer (2021) 'What are national 'climate change acts?' Journal of Energy & Natural Resources Law 39, 1-20.

5 Article 4(3) of the European Climate Law.

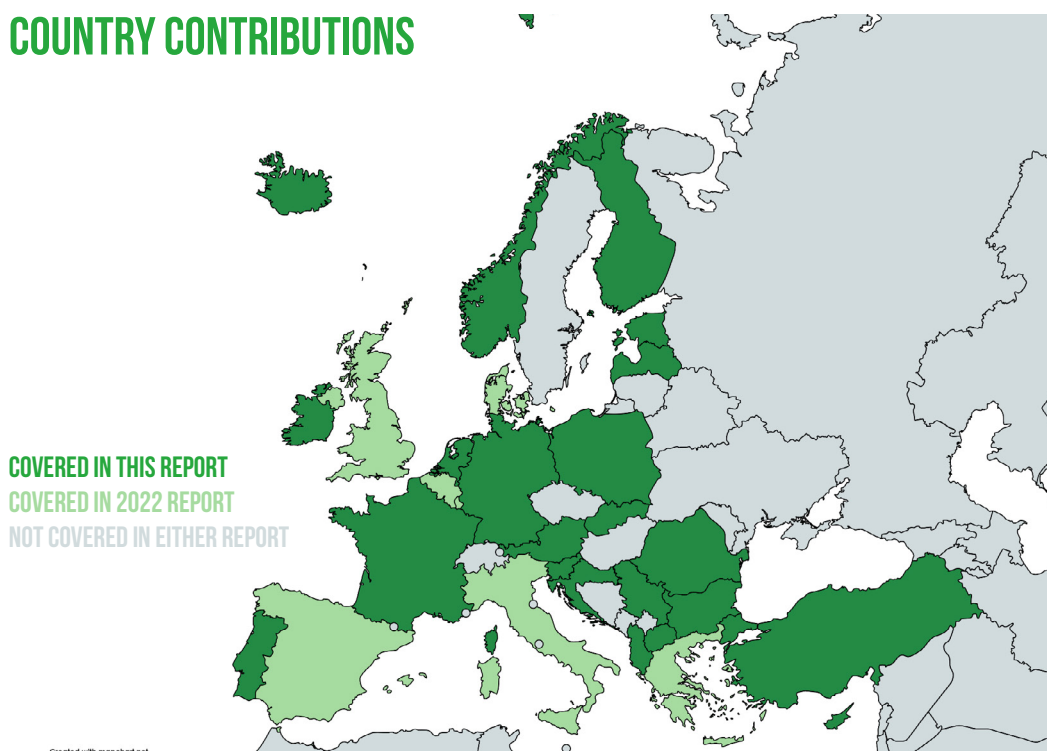
6 Article 45 of the Governance Regulation.

This report gives an overview of the climate law situation in each of the following countries: Albania, Austria, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Iceland, Ireland, Latvia, North Macedonia, the Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovenia, Slovakia and Turkey. Some of those 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. This report is an updated second edition compared to the previous one [published in May 2022](#). Several countries included in the first edition have not been covered in the current edition: Belgium, Denmark, Greece, Italy, Luxembourg, Spain and the United Kingdom.

The objective of this report is threefold.

- 1** It provides easy access to anyone that would like to know more 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 national ownership of the EU climate neutrality objective and creates a resource to support NGOs in pushing Member States to adopt national economy-wide climate neutrality targets as well as 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.

COUNTRY CONTRIBUTIONS





COUNTRY ANALYSIS

A CLOSER LOOK AT SPECIFIC CONTRIBUTIONS

ALBANIA

PROF. ASSOC. MIHALLAQ QIRJO, RESOURCE ENVIRONMENTAL CENTER IN ALBANIA (REC ALBANIA)



CONTEXT

Albania has ratified the Kigali Amendment to the Montréal Protocol, the Kyoto Protocol, and is a signatory to the Rio Convention on climate change. The recent approval of the Climate Change Law in 2020 is significant as it partially incorporates the EU's Emission Trading System (EU ETS) directives and aligns with the Monitoring Mechanism regulations. This law aims to create a comprehensive legal and institutional framework for addressing national climate actions in line with EU climate regulations. Albania's EU candidate status since 2014 has driven environmental reforms, emphasizing cross-sectoral coordination to tackle climate change. The Ministry of Tourism and Environment, particularly its Climate Change Unit, acts as Albania's UNFCCC focal point, collaborating with a diverse technical team to meet UNFCCC obligations. The State Environmental Inspectorate is responsible for handling environmental and climate issues.

In 2022, REC Albania monitored the National Strategy for Climate Change and Action Plans 2020-2030, a pivotal document for Albania's climate efforts, approved in July 2019. Despite alignment with EU environmental and climate legislation, its implementation remains insufficient. It often serves as a mere formality due to outstanding subsidiary acts and lagging viability, occasionally surpassing the existing administrative and financial capacities, posing challenges to its effective execution. The general opinion is that the National Strategy for Climate Change and Action Plans is an outdated document, which does not really support the country climate targets for 2030.



AMBITION

Albania's revised Nationally Determined Contribution (NDC) presents a greater overall emissions reduction target of 20.9 percent below business as usual, or a 6.674 ktCO₂e reduction from 2021 to 2030. The revised NDC contains more robust historical emissions data and an increased scope in mitigation targets, including the land use, land-use change, and forestry (LULUCF); industrial processes and product use (IPPU); agriculture; energy (excluding international transport); and waste sectors. It also considers inventories of non-CO₂ greenhouse gases, including CH₄ from landfills, N₂O from wastewater treatment, composting and open burning, and F-gases from the IPPU sector. Addressing Albania's high vulnerability to extreme climate-related events, the NDC's adaptation component includes prioritized adaptation measures for settlements, populations, and tourism on the Albanian coast.

ALBANIA



The Strategy's National Adaptation Plan (NAP) features an ambitious set of 13 priority actions, which are addressing Finance Readiness, Establishing a Monitoring System for the National Action Plan, as well as interventions at national and local level.

Based on these stated goals in the Strategy's NAP, REC Albania drew to the following conclusions:

- The National Strategy for Climate Change (NSCC) primarily focuses on adaptation actions, lacking a comprehensive mitigation plan, in contrast to the 2016 National Determined Contribution (NDC) document, which was entirely centered on mitigation. Achieving the objective of reducing emissions by 20.9% by 2030 necessitates the integration of mitigation measures into the NSCC, requiring a revision of the strategy to align with the newly revised NDC (2021), which now includes both adaptation and mitigation efforts.
- The Action Plan includes adaptation measures that were identified a long time ago. Some of these measures may have already expired or needed revisions by the time the NSCC was approved. This irrelevance has led to confusion in monitoring implementation and has sometimes diverted attention and resources from the genuine needs outlined in the NSCC for the specified period.
- Three years after the approval of the NSCC, monitoring tools are still absent, with no imminent prospects of their availability. This absence hinders the assessment and review of the strategy's progress and priority actions, posing a challenge to periodic evaluations and necessary adjustments based on the implementation process and the country's evolving needs.
- The Inter-Ministerial Group for Climate Change, which is meant to coordinate climate-related efforts among government agencies, has been inactive. The absence of this coordinating structure has resulted in fragmented interventions and inadequate information exchange, leading to chaotic, disconnected, and inefficient climate adaptation measures. While the Ministry of Tourism and Environment is designated as the primary institution responsible for climate-related processes, the inter-institutional communication at the technical level has been insufficient, often ad-hoc, hindering harmonized and efficient processes. Further, the NDC lays out means of implementation considerations that identify strengths and gaps in the institutional and legal aspects, knowledge and capacity, technology transfer, and finance. Nevertheless, there is little progress in developing the capacities of existing governmental structures, which are still missing in across all agencies. The gap is greater in the local governmental level where the concrete interventions and project should be implemented.

ALBANIA



PUBLIC PARTICIPATION

Between 2019 and 2021, efforts to disseminate public information and raise awareness were conducted as integral components of the process of drafting the strategy and the Action Plan. These initiatives were predominantly organized by Civil Society Organizations (CSOs). The absence of comprehensive data pertaining to these events makes it challenging to quantitatively evaluate the impact of these interventions. Nevertheless, it is worth acknowledging a notable rise in public awareness about climate issues, evident in heightened participation in campaigns and increased media coverage of public concerns. However, significant participation determined by tangible contributions is lacking in the subsequent phases, as we're nearing the fourth year of implementation.

Meaningful public participation processes are needed in discussing legal development, as well as on monitoring and planning processes for the implementation of climate and energy related strategies and action plans.



INDEPENDENT ADVISORY BODY

No advisory watchdog has been established. In fact, what little monitoring performed has been done by REC Albania with funds from international donors.



POLICIES AND MEASURES

MEASURE 1

Priority Action 1: Climate Finance Readiness

There has been no institutional progress in financially steering climate adaptation processes. This lack of progress is evident in the absence of essential climate change adaptation financial tools, such as the "Climate Lens", "Climate Sustainability", "Climate-sensitive Strategic Environmental Assessment (SEA)", and "Climate expenditure indicators". The absence of these tools hampers the ability to monitor and evaluate the effectiveness of various interventions by different institutions. Although the release of funding from the Green Climate Fund (GCF) and the support of priority projects through state budget allocations, often via VAT refund schemes, indicate progress toward achieving the objectives outlined in this priority action, the available funds from foreign support and the state budget are deemed insufficient when compared to the country's adaptation needs. Furthermore, an improved breakdown of what constitutes climate funding is necessary, as our state budget is substantively blind to this regard.

ALBANIA



MEASURE 2

Priority Action 2: Implementation of a Monitoring System for the NAP

No advancements have been made in setting up a monitoring mechanism for the National Adaptation Plan. The absence of this system renders it unfeasible to evaluate the efficiency of implemented measures and the allocation of financial resources for each of these measures. The monitoring system should not only consider the progress made in attaining targets for mitigation actions but also monitor the evolving impacts of climate change across various sectors. This data would greatly aid in periodically reassessing and prioritizing adaptation actions.

MEASURE 3

Priority Action 3: Initiative for Capacity Development on Climate Change Adaptation

The government should develop its own institutional Capacity Development Plan for Climate Change, as part of a stand-alone policy where it can be incorporated within partnerships with the UN programs and/or other donor agencies. It is very important to integrate a Capacity Development Policy that aligns with the Climate Change Strategy. This integration would facilitate greater collaboration and coordination among various sectors and institutions involved in climate governance. Capacity development is a vital component at all stages of the policy process. This policy development should run in tandem with the establishment of a robust monitoring, reporting, and review system, which will improve the efficiency of climate strategy and measures over time. Increasing knowledge within institutions and harnessing the expertise of various agencies are key factors that enable the government to better manage the transition towards addressing climate change.

AUSTRIA

JASMIN DUREGGER & STEPHANIE ROGL, GREENPEACE IN ZENTRAL- UND OSTEUROPA



CONTEXT

As of today, the current Austrian coalition government, consisting of the conservative and green parties, has not managed to reach an agreement on a legislative proposal for a new national climate law for almost three years. Consequently, no new national climate law has been enacted since January 1, 2021, when Austria's climate law of 2011 lapsed. The Green Party is reluctant to propose a bill as ineffective as the 2011 climate law, while the Conservative Party appears unwilling to establish legal accountability.

As to the climate law of 2011, a so-called framework law, its scope and impact were decidedly limited. To begin with, the carbon reduction paths it specified did not exceed the unambitious requirements set by international and EU law. Nevertheless, even these modest targets were not achieved, due to the law's most fundamental shortcoming: it lacked any meaningful governance mechanism. While it did provide a foundational framework by designating the competent state and federal bodies and by outlining their negotiation procedures with regard to climate actions, it failed to establish effective time limits or external oversight and enforcement mechanisms. And although it did include a provision for state and federal bodies to negotiate an accountability mechanism, such an agreement was never reached. Furthermore, the involvement of scientific experts was insufficient, as they were neither included in the planning process nor in the evaluation of the effectiveness of climate actions.



AMBITION

In the Austrian government's coalition agreement for 2020 to 2024, a commitment was made to attain climate neutrality by 2040. It should be noted here that this climate neutrality pledge comes with an intention to offset emissions that may not be reduced in time through carbon capture and storage. In order to achieve climate neutrality by 2040, the coalition agreement itself outlines several criteria that the new climate law would have to meet:

- The establishment of binding pathways to achieve emission reduction targets, including mandatory interim targets until 2030.
- The incorporation of accountability mechanisms for state and federal bodies in the event of target failure.
- Enhancement of the mechanism for taking additional climate action in cases of target shortfall.
- The monitoring of climate measures at more frequent intervals, overseen by an independent body such as the Environment Agency Austria (Umweltbundesamt).
- The implementation of government accountability, for example, through the development of a 'national climate protection plan' that is binding for state-level governmental bodies and overseen by a governmental climate council.
- Strengthened collaboration across state, federal, and local governmental bodies.
- Governance mechanisms to address deviations from the target trajectory and bolstering the position of the national climate protection committee.

AUSTRIA



PUBLIC PARTICIPATION

The “People’s Initiative for Climate” (“Klimavolksbegehren”) is a grassroots organization founded in 2019 with the aim of advocating for a stronger climate law in Austria. They notably collected enough signatures for a People’s Petition that, in 2021, led to a parliamentary motion of resolution, though regrettably, little additional progress was made. The organization suggests four requirements in relation to a new national climate law:

Firstly, the law should include a constitutional provision establishing the fundamental right to climate protection. This provision would require all other national laws to be in accordance and, in certain cases, grant Austrian citizens the ability to petition for the enforcement of climate protection in the courts.

Secondly, the national climate law should establish a scientifically-based carbon budget and legally bind Austria to a path that aims for national climate neutrality by 2040. Responsibility for adhering to the budget should be distributed among the state and federal bodies as well as sectors to ensure contributions at various levels are consistent. Furthermore, the law should specify a corresponding set of measures to guarantee adherence to the reduction pathway.

Thirdly, annual disclosure of compliance with the carbon budget should be verified by an independent authority. This authority should be structured along the lines of the ‘Financial Court of Auditors’ (“Rechnungshof”) and enshrined in constitutional status. It would comprise an independent panel of experts and scientific professionals responsible for reviewing, publishing, and proposing additional measures in the event of target failure.

Finally, if the targets are not met, additional measures should be determined within six months. These measures must be supported by scientific evidence demonstrating their ability to offset the deviation from the target trajectory in the following year.



INDEPENDENT ADVISORY BODY

The 2011 national climate law established a ‘National Climate Committee’ (“NKK”) comprising 36 stakeholders representing a diverse array of sectors, including politics, public administration, civil society, and industry. However, it is worth noting that only one of its members was a scientist. Additionally, the Committee’s role was confined to that of an advisory body concerning long-term climate protection strategies and essentially limited to a passive role as a recipient of post-implementation information on climate measures.

As mentioned above, the coalition agreement outlines the enhancement of the position of the National Climate Committee as well as the monitoring of climate actions by the Environment Agency Austria (Umweltbundesamt).

AUSTRIA

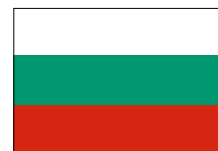


POLICIES AND MEASURES

In 2021, a draft legislative proposal was leaked that notably included four constitutional provisions. These provisions centered on the target of achieving climate neutrality by 2040, an obligation to enhance climate actions if need be, and the establishment of both a Governmental Climate Council and a "Future Investment Fund". Furthermore, it introduced a Multilevel Climate and Energy Dialogue in accordance with Article 11 of the EU Governance Regulation, a Citizen's Council tasked with issuing recommendations, and an independent Scientific Advisory Board providing advice to both the Governmental Climate Council and Parliament. The government would have to report to both the Dialogue and the Board about progress with regard to climate action every two years. The Governmental Climate Council would be tasked with formulating an action program in line with predetermined carbon budgets and sector-specific objectives. Deviations from recommendations made by the Dialogue, the Citizen's Council, or the Scientific Advisory Board would require justification. Moreover, the proposal mandated that all government actions and policies would have to be designed to be climate-resilient and climate-neutral. It also introduced the possibility of a mandatory increase in carbon taxation, if reduction goals are missed. Finally, it included provisions enabling both individuals and certain NGOs to compel the government to implement or to comply with climate actions as stipulated by the law. Unfortunately, nothing really outstanding happened since the leak in 2021 on the progress of establishing a new climate law.

BULGARIA

INITIAL CONTRIBUTION IN 2022 AND REVISION IN 2023 BY PLAMEN PETKOV PEEV, BLUELINK FOUNDATION



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 many times, with the most recent amendment in October 2023.

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 as a tool to enhance climate governance and enshrine climate targets to achieve the Paris Agreement's goals and European Climate Law's climate neutrality target by 2050.

The question whether a complete overhaul or significant amendments in the law are needed, is at the centre of the ongoing debate initiated by the NGO community with the government and parliament which should result in the climate law's revision. Some of the changes discussed include the introduction of a long-term national goal to achieve climate neutrality in Bulgaria by 2050; introducing an interim climate target to reduce emissions by 2040; strengthening the role of the National Expert Council on Climate Change, ensuring accountability and transparency regarding the implementation of climate policies in line with the requirements set out in the EU Governance Regulation.



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 concerning target ambitions — 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

The climate law does not provide for public participation in the decision-making process and in shaping of climate policies, and the involvement of the public 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 information⁷ 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.

⁷ That can be found here <https://www.moew.government.bg/>

BULGARIA



Under Art. 63 of the CCMA, the Executive Director of the Executive Environment Agency shall publish annually, on the EEA website, national reports⁸ 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.



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 mitigation⁹. 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.

⁸ That can be found here <http://eea.government.bg/bg/r-r/r-te>

⁹ 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.

CROATIA

MAJA BRATKO, SOCIETY FOR SUSTAINABLE DEVELOPMENT DESIGN (DOOR)



CONTEXT

The Paris Agreement requires countries to act in two directions: reducing greenhouse gas emissions and taking measures to reduce the damage of climate change. So far, Croatia has a law to mitigate climate change, adapt to it and protect the ozone layer, which came into force in 2020. On the other hand, it has plans and strategies. The Climate Change Adaptation Strategy, a strategy that came into force on April 7, 2020, seeks to reduce the vulnerability of natural and social systems to the adverse effects of climate change; increase their resilience to the effects of climate change; and take advantage of the potential positive effects that may also result from climate change. The Low Carbon Development Strategy to 2030 with a view to 2050, a strategy that is required to be submitted to the European Commission in accordance with Article 15 of the EU Governance Regulation. This strategy is the first to take a long-term view that seeks to create a low greenhouse gas emitting society. Finally, the National Integrated Energy and Climate Plan for the period 2021-2030. This plan covers the 5 dimensions of the Energy Union and is aligned with the objectives of the EU Directives.



AMBITION

The ambition of the law is to adopt a long-term strategy every five years with a 30-year perspective and a short-term plan every 10 years with action plans for implementation. The various plans and strategies specify that Croatia's climate targets are to be met by 2030, with the prospect in some cases of 2050. By 2030, Croatia aims to exceed the reduction of greenhouse gas emissions by -7% compared to 2005, following current policies. The national contribution in terms of renewable energy as proposed in the plans is set at a 36.4% share of energy from renewable sources in gross energy consumption in 2030. Regarding energy poverty, it is necessary to consider an assessment of the number of households suffering from energy poverty, in order to propose new targets to reduce it. In this regard, it is important to note that Croatia is considered an important link between the Central and Southeastern European electricity systems in the development of the internal energy market.



PUBLIC PARTICIPATION

Regarding public participation in the decision-making process implemented by the government of the Republic of Croatia, it should be noted that the different plans and strategies were developed in an inclusive and transparent manner with the participation of various groups, companies and institutions. To date, the objective is being achieved through the holding of different sectoral workshops, as well as national reporting - for example the reports presented by the Ministry of Economy and Sustainable Development. These reports provide published information on the evolution of greenhouse gas emission reduction targets; the draft report of the low carbon development strategy with an eye on 2050 and through electronic consultations in the process of drafting the Energy Development Strategy. The long-term plans and

CROATIA



strategies seek to generate greater participation of the entities in charge of working on energy efficiency and renewable energy projects, as well as to generate active participation of the population, through the creation of green jobs, and the search to educate and sensitize the population on climate issues.



INDEPENDENT ADVISORY BODY

In the Republic of Croatia there is no independent advisory body as such, but it is necessary to note that the role of the Minister of Economy and Sustainable Development is important in the implementation of the Strategy for Adaptation to Climate Change in the Republic of Croatia for the period up to 2040 with a view to 2070; The strategy for low carbon development up to 2030 with a view to 2050 and the integrated National Energy and Climate Plan for the period 2021-2030. The Ministry is responsible for publishing the reports of the proposed plans and strategies, which are prepared in collaboration with different local and regional entities.



POLICIES AND MEASURES

The Republic of Croatia has different measures, which come from the plans and strategies that the country has. Most of them are binding and seek to achieve the established goals. Some measures to implement will be detailed below:

MEASURE 1

Creation of new programs in the building sector and transport sector, through three renovation programs for family, multi-dwelling and public buildings, as well as including the establishment of renovation standards and the promotion of nearly zero-energy buildings. This measure seeks to include specific measures aimed at reducing energy poverty.

MEASURE 2

Low-carbon development by replacing fossil fuel power plants with renewable energy sources. Decentralization of electricity production is sought, achieving a local exchange, in which both energy producers and consumers (households and institutions) will participate. In order to achieve the integration of renewable energy sources, it is necessary to analyze different factors such as capacity, load speed and price of the technologies.

MEASURE 3

The formulation of impact indicators for the implementation of the Adaptation Strategy is an important task, and should involve all key stakeholders such as the Ministry responsible for environmental protection, relevant government agencies and entities that oversee sectors susceptible to the effects of climate change, among others.

CYPRUS

INITIAL CONTRIBUTION IN 2022 AND REVISION IN 2023 BY 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 (NECP) 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.

In 2023, Cyprus submitted as required by EU law a draft revised NECP to the Commission. The draft refers to the 2030 target for non-ETS sectors set under the Effort Sharing Regulation (ESR) (-32% compared to 2005 levels). Cyprus fails to meet it by 9 percentage points: With additional measures, only a -23% reduction is achieved by 2030 in the non-ETS sectors (with existing measures, the plan projects a 10% reduction by 2030). The draft assumes this ambition gap could be filled by potential additional measures – most notably green taxation, which could guarantee a further -10% reduction – without a quantification of the impact. Sectoral objectives for buildings and waste have largely remained the same as the 2020 NECP, while ambition has decreased in the transport sector – from 75% to 82% of car usage in the modal share. With the few and unambitious policies planned under this draft, even meeting an 82% target appears challenging (it is currently 90%).

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. During the draft NECP revision process, public consultations were poorly designed. In the first round, no draft was made available; the second round only took place after the draft was submitted to the Commission, which hampered the public from participating in the drafting process. A platform exists where comments can be submitted, but few stakeholders know about it and consequently use it.

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).

CYPRUS



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

- 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.
- 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.
- It could create a better mechanism for civil society to participate in climate change policy.

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.

ESTONIA

INITIAL CONTRIBUTION IN 2022 BY MAARJA TIIK, ESTONIAN FUND FOR NATURE
REVIEWED IN 2023 BY HANS MARKUS KALMER, ESTONIAN FUND FOR NATURE



CONTEXT

During the March 2023 elections, almost all political parties mentioned the need for a climate law. The idea was also written into a coalition agreement. Work towards the climate law is gaining new momentum. New Climate Council dedicated for climate law has been convened by the Ministry of Climate. The aim is to carry out the first public consultation in fall 2023 and to have the law ready by early summer 2024.

Officials and politicians have said that the law will lay down the framework, and ambitions regarding Estonia's goals for 2030, 2040 and 2050, as well as sectoral climate contributions. Unfortunately, they view the climate law primarily as a document that consolidates current targets and does not increase ambition. Officials dislike the idea of organizing climate assemblies and they see that public meetings and Opinion Treks with the Ministry of Climate are enough.

Earlier this year, the Estonian Nature Foundation commissioned its own analysis to better understand what the potential benefits and limitations of a potential climate law could be in Estonia. Other major interest groups from the business sectors support the idea of a climate law, but their vision has so far remained vague. Some journalists and politicians call a climate law as an import product from Europe, which Estonia does not need. The Chancellor of Justice has said that Estonia needs separate laws rather than one framework law.

The ministry wants to send the bill out for approval in May 2024 and take it to the parliament next fall. Officials hope that Estonia's Climate Law will enter into force on January 1, 2025.

As no draft has been shared yet, it is too early to provide specific comments on the future climate law's ambition, public participation or policies and measures.



INDEPENDENT ADVISORY BODY

In Estonia, there is no independent advisory body. However, a new climate council was formed in August 2023. Its task is to comment on the feedback of interest groups when forming the climate law. It has 15 members. The purpose of this body is to provide input into the law and its implementation, including regularly monitoring the fulfillment of climate goals and making appropriate recommendations. The climate council will continue to work even after the drafting of the law. In our view, the composition of the council is somewhat unbalanced, bringing together scientists, industry representatives and experts all together in the council. The climate council consists of a mix of scientists and experts who are representatives of umbrella organizations of various interest groups. Young people, and social equality experts are not involved in that council, and there are more associations of businesses than representatives of environmental organizations (only 1).

FINLAND

HANNA AHO, FINNISH ASSOCIATION FOR NATURE CONSERVATION



CONTEXT

Finland's Climate Change Act¹⁰ came to force in 2015 and was amended in 2022 and 2023 to be aligned with the 1,5 degrees target. The emission reduction targets and the climate neutrality target are based on the analysis by the Finnish Climate Change Panel. The clearest shortcomings of the Act are the lack of clear numerical targets for carbon sinks, a carbon budget and a climate plan for the ETS sector.

The Act requires the government to prepare climate plans and include the public in their planning. The climate plans prepared so far have included new climate measures but have failed to close the ambition gap. The last Annual Climate Report 2023 prepared by the Ministry of Environment also succeeded in defining the ambition gap and the need for additional measures.

The Act has been tested in Finland's first climate litigation case where the decision by the Supreme Administrative Court proves that the law is more than a paper tiger and that in case of an ambition gap, the provisions on governance should be obeyed. The case also made clear the shortcomings of the Act in formulating the provisions on corrective actions precisely and in ensuring access to justice also in case of government passivity.



AMBITION

The emission reduction targets for 2030, 2040 and 2050 and the climate neutrality target in 2035 are based on the analysis by the Finnish Climate Change Panel. The 2030 target is mostly in line with EU 2030 targets, but the 2040 and 2050 target are more ambitious than the EU one. The climate neutrality target set in the Act is 10 years more ambitious than the target during Sipilä's government (so before the Act was revised in 2022) and thus steps up climate ambition.

The targets are based on a 1,5 degrees carbon budget outlined by the IPCC, but from an equity perspective of ability to pay and not recognizing Finland's historical responsibility of emissions.

The clearest shortcoming of the Act is the lack of clear numerical targets for carbon sinks and a carbon budget. The Act includes a requirement to enhance carbon sinks and the climate neutrality target in 2035 would require net carbon sinks to be somewhat larger in 2035 (about -21 Mt CO₂-eqv) than the EU LULUCF Regulation requirement for 2030 (-17,8 Mt CO₂-eqv), based on the analysis of the Climate Panel. Including targets for net carbon sinks for 2030, 2040 and 2050 would be the most important improvements for the act.

The emission reduction targets do not include a target to reduce consumption based emissions that are very high in Finland.

¹⁰ Text available here: <https://www.finlex.fi/fi/laki/ajantasa/2022/20220423#L1P1>

FINLAND



PUBLIC PARTICIPATION

The Climate Change Act is the result of 15 years of campaigning from the civil society. The campaign started in 2008, and 34 organizations, communities and citizens participated in it. During the campaign, Finns sent more than 40,000 postcards demanding a climate law to the decision-makers. In a 2014 survey by Taloustutkimus, four out of five Finns across party lines said they supported the Climate Change Act. Finally the Finnish Parliament voted for the Act with a clear majority of 150-33 on 6 March 2015¹¹.

After the IPCC 1,5 degrees report came out in 2018 the climate movement made climate change and updating Finland's climate targets the top agenda of the parliamentary elections in 2019. Due to this the carbon neutrality target by 2035 and updating of the Climate Change Act was included in the government programme of prime ministers Antti Rinne / Sanna Marin.

There have been three rounds of participation for the drafting of the Act – the first prior 2015 and the second and third between 2019-2022.

In 2019 and 2020 the Environment Ministry concluded three online surveys to inform the preparation of the update of the Climate Change Act. It also organized four hearings to specific target groups, a library tour in five different locations across the country and so called Set break conversations to the public to enhance dialogue on climate politics. Participation was conducted in co-operation with the scientific community and especially the youth and indigenous Sami people were targeted. In 2021 before the proposal was given to the parliament the ministry concluded a public consultation. Stakeholders taking part in the round table on climate politics were able to comment on the updating of the law several times. As the Act was discussed in the parliament selected stakeholders, including environmental NGO's, were able to give their opinion to the parliament.

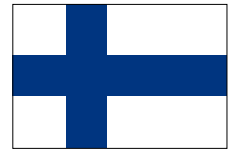
The public participation during the update of the Climate Change Act was extensive in comparison to standard legislative processes and enhances the legitimacy of the Act¹².

The update of the Act was divided into two parts and the latter part on access to justice and the obligations to municipalities was given to the parliament in fall 2022. A public consultation was conducted prior to this which is standard procedure in Finland.

11 More on the campaign Burning Issue: <http://www.polttavakysymys.fi/hallinta/wp-content/uploads/2015/12/Polttava-Kysymys-ilmastolakikam-panja.pdf>

12 For further summary and analysis of the hearing procedures, see: <https://ym.fi/documents/1410903/0/Kansalaiskuulemisten+yhteenveto+.pdf/af20c1fa-895b-85a0-281c-81a0d1e054fb/Kansalaiskuulemisten+yhteenveto+.pdf?t=1627891185868> and https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163759/OM_2022_1_SO.pdf

FINLAND



INDEPENDENT ADVISORY BODY

From the start the Act has included an independent scientific advisory board - the Finnish Climate Change Panel. The climate panel must have representation from different disciplines. The task of the Climate Panel is to produce, compile and itemize scientific information and identify information needs on climate change mitigation and adaptation for climate policy planning, implementation, monitoring and decision-making. The Panel often gives opinions to the government and parliament and compiles reports to support decision making.

The most impactful intervention of the Panel has been the recommendations for the climate targets in the revised Act. In 2022 the Panel also gave its assessment of the policy measures in the mid-term climate plan and the government committed to update the measures based on the scientific advice. The Panel has been actively aligned for a plan to save the net carbon sink since the collapse of the sink came apparent in 2022, but this has not lead to an adequate response from the government.

After the update on 2022 the Act has also included a separate Sámi climate council that must have representatives of Sámi traditional knowledge holders and representation from key disciplines. The Council was first appointed in August 2023¹³.



POLICIES AND MEASURES

MEASURE 1

The law includes planning of climate policy plans. Two climate policy plans for mid-term that focus on the ESR sector have been conducted as of fall 2023. Both have included new measures to speed emission reductions, but have not been sufficient to close the ambition gap. The processes to conduct the plans have been participatory and enhanced public conversation on climate policies.

13 More information on the Sami climate council: https://valtioneuvosto.fi/-/1410903/valtioneuvosto-asetti-saamelaisen-ilmastoneuvoston?languageId=en_US

FINLAND



MEASURE 2

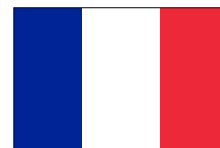
The updated law includes conducting a climate plan for the land use sector (LULUCF). This is an important improvement in Finnish climate policies and supports the fulfillment of requirements under the EU LULUCF Regulation. Unfortunately, the first plan was a severe disappointment as the target setting was not ambitious enough from the start and even though new information on the collapse of Finland's forest net carbon sink came before the finalization of the plan this was not taken into account. The plan focused on measures enhancing the sink by -3 Mt while the ambition gap between the reported net sink and the level required for carbon neutrality in 2035 was more than -21 Mt in 2021. The plan included mainly informative guidance, but also some new support schemes for paludiculture and reforestation. The analysis made by scientists for the preparation of the plan was important to inform on the different possibilities to enhance net sinks and protect existing carbon stocks beyond the target setting of the plan itself. The participatory process leading to the conduction of the plan was narrow, biased and not in the spirit of the Climate Change Act.

MEASURE 3

Annual Climate Reports have been prepared by the Ministry of the Environment five times since 2019 to inform the parliament and the public of the progress to meet climate targets in the Climate Change Act. For the first time in 2023 the report includes a clear assessment of the lack of current policies to meet Finland's climate targets for the next 15 years and the need for additional measures in the land use sector and other sectors to reach climate neutrality in 2035. Prime minister Orpo's government has as of fall 2023 not started a process to decide on additional measures to reach the targets that is a requirement of the Act. This is in violation with the Act and the decision made by the Supreme Administrative Court after the first Finnish climate litigation case in June 2023.

FRANCE

INITIAL CONTRIBUTION IN 2022 BY CÉLESTE DURIEZ, NEIL MAKAROFF & OLIVIER GUÉRIN, RÉSEAU ACTION CLIMAT FRANCE
REVIEWED IN 2023 BY CAROLINE FRANÇOIS-MARSAL, FIONA STEFFAN & EMLINE NOTARI, 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 - the Climate and Resilience 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.

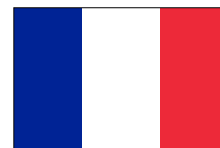
Unfortunately, the French Government went against its word to translate the Citizens' proposals "without filter" and watered down most of the good provisions of the Citizen Assembly and rejected the rest.

The 2021 Climate and Resilience Law is supposed to be reviewed by July 2023. Unfortunately, the law may not be discussed. The government could also go through the regulatory route.

In July and September 2023, the French Government and President announced the first orientations of the "Ecological Plan" which is supposed to translate the net 55% climate target for 2030 (the previous target was 40%), aiming to double the yearly rate of GHG emission reduction, which France endorsed at European level. They also announced that France will invest an additional €7 billion in the energy and climate transition in 2024 compared to 2023.

To achieve this, a multi-annual plan was drawn up by the Prime Minister's Secretariat for Ecological Planning (SGPE). This new organisation centralised all planning and ministries, giving the green transition more political weight than when it was in the hands of the Environment Ministry alone.

FRANCE



This plan will be legally set out in several different official documents: the National Low Carbon Strategy (SNBC) and the Multi-Annual Energy Programme (PPE), which are the two components of the French National and Energy Climate Plan (NECP). Initially, an Energy and Climate Programming Law (LPEC) was to be examined by the end of the year to set cut targets sector by sector and territory by territory and allocate resources. However, it seems that this law is not on the agenda anymore. Instead the government announced an energy production law without any further information. We do not know the place that this energy production law will have in the future NECP nor what it will contain. France does not expect to submit its NECP to the European Commission until these processes have been completed, i.e. before the end of 2023.



AMBITION

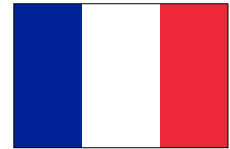
The 2018 climate law had defined a long-term target: climate neutrality by 2050. The carbon budget had been adjusted accordingly, except for 2020–2023, when the carbon budget had been artificially increased by the Government, so it could pretend to be reaching national targets for those years.

The 2021 Climate and Resilience 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.

According to the first orientations announced in July and September 2023, the “Ecological Plan” will have impact in the following sectors:

- **Fossil Fuels:** the plan aims to reduce fossil fuels in the energy mix from 60% to 40% by 2030, betting on the quick electrification of transport and industry. Coal phase-out, planned for 2022, will be postponed until 2027.
- **Transport:** the Government is designing a scheme called social leasing for electric cars, to allow households to have access to an electric vehicle for €100 per month. Furthermore, at least 1 million electric cars should be produced in France by 2027. Financial support for the purchase of electric cars will be targeted at European electric vehicles. €700 million will be dedicated to metropolitan trains (RERs), to develop strong and regular services around 13 big cities similar to what exists in Paris. The budget allocated to it has been reduced from the €800 million announced.

FRANCE



- **Heating:** the government has decided not to ban the sale of new gas boilers by 2026 (oil boilers are already banned). However, the production of heat pumps should be tripled by 2027 to reach 1 million.
- **Investments and Budget:** an additional €7 billion was announced for the green transition in 2024. This represents an unprecedented budgetary effort. However, the government refuses to explore extra taxation on the wealthiest to finance it. In addition, for the first time, France will have a multi-annual financial plan for the green transition, providing clarity for investors, businesses and citizens. The additional fundings would go to:
 - An increase in the Green Fund, a mechanism supporting local authority projects, with no visibility at this stage on the types of projects.
 - 1.6 billion in additional commitments to finance housing renovation.
 - 1.1 billion for mobility, in particular transport infrastructure and the greening of the car fleet.
 - 1.3 billion in commitments and €0.8 billion in additional funding for agriculture and forestry, mainly to finance the national food sovereignty fund, increase resources for hedgerow and protein plans, and support forestry renewal and the timber industry.

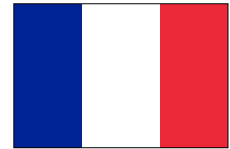
General ambition of the 2023 “Ecological Plan”: the proposals are certainly more ambitious, but a change of course is not reflected yet in the proposed measures. There is still a great deal of vagueness about the legislative and regulatory resources that the government will propose to put its ecological planning into practice.



PUBLIC PARTICIPATION

Public participation is central to the analysis of the 2021 French Climate and Resilience 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.

FRANCE



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.

Public participation in the development of the other climate laws and the NECP has been rather vague. There have been several instances of consultation. There were both specific working groups on the NECP, consultations within the framework of the "refoundation committees", bilateral meetings with the general secretariat for ecological planning, consultations within the framework of the "national council for ecological transition" (ministerial consultative body with representatives of associations and businesses)... And still today we are having difficulty identifying where the decision was made and which working group really influenced the government's plan.

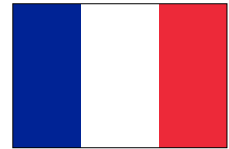


INDEPENDENT ADVISORY BODY

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."

FRANCE



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.

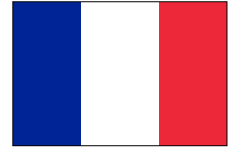
MEASURE 2 - VEGETARIAN MENUS IN COLLECTIVE RESTAURATION

The 2021 climate law established the obligation to propose a vegetarian menu at least once a week in collective restoration 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.

MEASURE 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.

FRANCE



2023 POLICIES/MEASURES FROM THE “ECOLOGICAL PLAN”

For now we do not have concrete information on what will be put in place as structuring measures to be able to achieve the plan presented by the general secretariat for ecological planning. This is also the immense problem that civil society is emphasizing.

Nevertheless, the Government has disbursed 7 billion euros in new money for the ecological transition in its 2024 budget. This is real progress in line with the Pisani Ferry and Selma Mahfouz report, a report commissioned by the Government to have orders of magnitude on the investments necessary to achieve carbon neutrality. The question now is how we will be able to sustain this effort in each budget, and in a fair manner. We are convinced that we need financing for the transition that is equitable and that the highest incomes as well as large companies are involved. In particular via the establishment of a green wealth tax and conditionality of public aid to businesses.

In addition, the Government is preparing a multi-year plan to finance the ecological transition for next year, a measure that we have vigorously supported. It is therefore a great victory for CAN France. On the other hand, we will have to be very vigilant to ensure that the financing of the ecological transition is fair, and that the State does not rely too much on private finance and private investments but also provides direct subsidies.

GERMANY

INITIAL CONTRIBUTION IN 2022 BY AUDREY MATHIEU, GERMANWATCH
REVIEWED IN 2023 BY CHARLY HEBERER & KAI BERGMANN, 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 a gross 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 gross 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 cannot be lowered (no backsliding possible).

GERMANY



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 tonnes of CO₂ eq by 2030; at least 35 by 2040 and at least 40 by 2045.

A coalition agreement from March 2023 foresees to weaken the annual sectoral budgets of the law. The corresponding reform proposal is currently being negotiated in the Bundestag (expected option in later November), it is apparent that changes to the proposal will be required. Further, the agreement foresees to introduce a target for negative emissions, including technical sinks (to be introduced in 2024).



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.

GERMANY



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 worked on an “immediate climate package” that only was adopted by the cabinet in September 2023. This package, according to the Expert Council, falls short by at least 200Mt CO₂e to meet the climate goal for 2030. An important step will also be the Fit-for-55 package of the European Union.

ICELAND

ARNÍ FINNSSON, ICELAND NATURE CONSERVATION (INCA)



CONTEXT

In Iceland, a comprehensive law on climate was adopted in 2012. In December 2017 Iceland's new prime minister declared that Iceland had set a climate goal of reaching carbon neutrality by the year 2040. In spring 2019 the Parliament amended the law on Climate from 2012, to include the Climate Council, which had been established in spring 2018, but only through a regulation.¹⁴ In 2021, the law on climate was amended to include the goal of climate neutrality by 2040. However, the new law said nothing of interim targets in order to achieve carbon neutrality. In the period since 2019, Iceland's emissions have increased.

As explained in the legal text, the objectives of this law are:

- to reduce greenhouse gas emissions in a cost-effective and efficient manner,
- to increase the sequestration of carbon from the atmosphere,
- to promote adaptation to the consequences of climate change,
- to create conditions for the government to meet Iceland's international commitments in climate matters,
- to achieve carbon neutrality no later than the year 2040. Should the government's climate goals be updated, amendments to this provision shall be proposed accordingly.

The last item was added in 2021. Carbon neutrality is defined as:

"A state in which a balance has been reached between the emission of greenhouse gases and the sequestration of human-made carbon, and there is therefore no net emission".

Yet, this balance is not defined in terms of how much emissions of greenhouse gases must be reduced and then how much carbon can be sequestered.

The strength of the Icelandic climate law can be measured against the fact that since 1990 emissions have increased by 29%. Since 2005, emissions have decreased by 12%. Also, Iceland's emission target under the EU 55% is not clear yet.

However, the prospects of Iceland achieving her commitments under the Paris Agreement / the EU 55, are dim.

¹⁴ See the Council's official website: <https://loftslagsrad.is/english/>

ICELAND



TIMELINE:

- **1995:** the Icelandic government decided on the first climate action plan. The target was to increase the annual sequestration of CO₂ by 100,000 tonnes before the end of the century.
- **Since 1995,** Iceland's climate policy has been focused on reducing carbon in the atmosphere by land use change.
- **1997:** Iceland was granted a 10% increase in emissions of greenhouse gases during the first commitment period of the Kyoto Protocol. Iceland had asked for 62%.
- **2003:** Iceland was granted 8 million tonnes of CO₂ during the first commitment period, on average 1.6 million tonnes per year. Thus, enabling Iceland to attract foreign investors in aluminum and other energy intensive industries.¹⁵
- **2009:** Iceland joins the EU climate policy.
- **2012:** Iceland's Parliament adopts a comprehensive law on climate, which stipulates that the environment minister is to present an action plan every three years. The first Action Plan was presented in 2020.
- **2013:** Iceland becomes part of the EU ETS, which stands for some 40% of Iceland total emissions. However, the income was used to boost the budget
- **2017:** Iceland's new prime minister declares in Paris that Iceland will aim for carbon neutrality by 2040.
- **2018:** A Climate Council is established by a regulation issued by the environment minister.
- **2019:** The law on Climate was amended to include a provision on the Climate Council (see below).
- **2019:** Iceland's Parliament adopts a resolution mandating the foreign minister to sign an agreement under the EU/EEA agreement obligating Iceland to reduce emissions by 29% under the Effort Sharing Regulation.
- **2021:** The Parliament adopts an amendment to the climate law, making climate neutrality a mandatory goal by 2040. However, this is a long term target with no interim targets, measured in time and quantity.
- **2023:** Government officials have said that under the EU Effort Sharing Regulation, Iceland will have to reduce emissions by 41% in 2030. Nothing on paper, yet.

¹⁵ "Decides that the total industrial process carbon dioxide emissions reported separately by a Party in accordance with paragraph 2 above shall not exceed 1.6 million tonnes of carbon dioxide annually on the average during the first commitment period and cannot be transferred by that Party or acquired by another Party under Articles 6 and 17 of the Kyoto Protocol;" see: <https://ccsr.aori.u-tokyo.ac.jp/old/unfccc4/pdfs/unfccc.int/resource/docs/cop7/13a01.pdf>

ICELAND



AMBITION

See goal on climate neutrality by 2040 (above).

The Action Plan presented in 2020 says:

"... the Climate Action Plan will lead to a decrease of emissions in 2030 by more than one million tonnes of CO₂ equivalents compared to 2005 in sectors that fall under the EU effort sharing regulation - ESR (transport, agriculture, fisheries, waste management etc.). This means that Iceland should meet its climate commitments for a 29% reduction in ESR emissions from 2005 levels, as analysis indicate that Iceland should be able to reduce emission in these sectors by 35% by implementing the actions in the Plan. In addition to this, actions currently in preparation are estimated to result in an additional cut in emissions of 5-11%, for a total decrease of 40-46%. The Icelandic government has signalled a willingness to achieve a reduction in emissions in ESR-sectors by 40%, or more than is currently demanded by Iceland's present international commitments".¹⁶

The Environment Agency, however, says current policies and measure will only reduce emissions by 28% before 2030.

In the Platform for the Coalition Government of the Independence Party, the Left Green Movement and the Progressive Party¹⁷ it says:

We will set ourselves an independent national target of a 55% reduction in emissions for which Iceland is directly responsible by 2030, compared to 2005 levels. Emphasis will be placed on targeted and ambitious measures to reduce emissions from land use and accelerate energy conversion in all areas. The goal is to achieve carbon neutrality and full energy conversion no later than 2040, which will make Iceland the first state to be independent of fossil fuels.

Thus, Iceland not only aims for climate neutrality by 2040, but become first state to be independent of fossil fuels.

Iceland is yet to "formulate and communicate long-term low greenhouse gas emission development strategies", as stipulated in Article 4, paragraph 19, of the Paris Agreement.

¹⁶ No new commitments under Fit for 55 has been presented. An update is expected later in the autumn 2023 in close collaboration with the industry.

¹⁷ <https://www.government.is/library/05-Rikisstjorn/211101%20Stjornarsattmali%20EN%20A4%202022.pdf>

¹⁸ ESA, EFTA Surveillance Authority, Climate Progress Report 2023. https://www.eftasurv.int/cms/sites/default/files/documents/gopro/Climate_Progress_Report_2023_Final.pdf

ICELAND



The Recent ESA Climate Progress Report concludes:

"It is clear that both Iceland and Norway must step up their efforts to achieve their climate goals. We at ESA are committed to playing our role in this effort, working with all our partners toward a greener, healthier and more sustainable future."¹⁸

Furthermore ESA states:

"Iceland is not expected to have excess emissions against the targets currently in force. However, the targets for Iceland and Norway are expected to be reviewed in light of the increased level of ambition to reduce emissions by at least 55 per cent by 2030, compared to 1990, pending agreement between the European Union, Iceland and Norway. Iceland is encouraged to consider additional measures to reduce their emissions under the Effort Sharing and LULUCF Regulations, considering it's small margin to stay within the current targets, having in mind expected revisions to the targets as reflected above."¹⁹

The Icelandic government has not yet publically announced to what level will raise her climate ambition under Fit for 55.



PUBLIC PARTICIPATION

Whereas the bill on climate, first adopted in 2012, includes some good language on public participation, consultations with NGOs have been few and far between during the period 2012 – 2023. The Icelandic Climate Law says:

"When creating an action plan [...] Iceland's international obligations and the objectives of this law shall be considered. Also, stakeholders must be consulted during the preparation of the action plan. The action plan must be reviewed and, depending on the circumstances, updated no less frequently than every three years".

The first comprehensive action plan was presented in June 2020. The public was invited to comment but the government did not respond to any criticism.

NGOs can comment on law bills in a draft form (called intended bills) and also when a bill has been presented by the minister to the Parliament (Althingi). However, since the current government coalition entered their offices in November 2017, and again in November 2021, consultations with NGOs has been minimal. Especially when compared with the extensive consultations²⁰ with industry and business associations. When push comes to shove, vested interests in energy, industry and fisheries will take priority with the government.

¹⁹ Ibid.

²⁰ <https://www.greenbyiceland.com/>

ICELAND



INDEPENDENT ADVISORY BODY

There is no independent advisory body or watchdog like in for example in Sweden²¹ and Denmark²². According to the Icelandic Climate Law, as amended in 2019, a Climate Council was established, which role is to advise the government on strategic decisions and goals related to climate issues. The tasks of the council are to:

- provide advice on reductions in greenhouse gas emissions and measures to increase carbon sequestration,
- provide advice on adaptation to climate change,
- scrutinize the government's plans related to climate issues in the preparation stage,
- have an overview of the dissemination of education and information about climate issues to the public, companies, institutions and municipalities,
- review proposals received from professional organizations on monitoring and research related to climate change,
- work on other projects that the minister assigns to the council from time to time.

Given the last bullet point, the Council is hardly an independent body. Indeed, most of the tasks undertaken by the Council have been assigned to it by the minister for the environment.

There are about 15 members of the Council, representing environmental youth, NGOs, industry, the fishing industry, finance, academia, consumers, the city of Reykjavik, local governments, farmers, the Icelandic Forestry Association and labour unions. This is a wide representation, but it hampers the efficiency of the Council.

The Council has criticised the government twice. In June 2022 the Council issued the following opinion:

"On the occasion of the IPCC's warning²³, the Climate Council reiterates its previous challenge to the Icelandic government to enforce with much more firmness the decisions that have already been taken and speed up further policy changes and actions in climate matters. Targets for the reduction of greenhouse gas emissions by 2030 are vague and insufficient. It is necessary for the government to clarify and implement these goals in more detail".

This point was reiterated in a rather long analysis presented in June 2023, essentially saying that a climate policy with clear targets must be formulated.

INCA has called for a change in the law on climate, emphasising and clarifying the independent status of the Climate Council.

²¹ <https://www.klimatpolitiskaradet.se/en/>

²² <https://klimaraadet.dk/en>

²³ <https://www.ipcc.ch/report/ar6/wg3/>

ICELAND



POLICIES AND MEASURES

Iceland's largest sources of emissions under the ESR are: Road transport, fisheries and agriculture (ruminants).

TRANSPORT

Road transport accounts for about 30% of the ESR emissions and fisheries about 20%. Hence, since 2012, the government has set a target to significantly increase the number of electric cars by granting a tax rebate on new electric cars as well. The government has set as policy to stop imports of fossil fuel cars by 2030, which violates the target of climate neutrality by 2040. Such a ban should be implemented by 2025 already – as is the case in Norway.

The success of electric cars, currently some 10% of the car fleet and about 50% the sales of new cars, has created a hole in the state budget, due tax discounts for electric cars. Thus tax rebates on electric cars will be thrown over board in 2024. What will replace it, is still unknown.

The current government has been reluctant to raise carbon taxes on fuel or new cars according to their size.

Emissions from the fishing fleet has decreased by 20 in the last 25 years or so. However, most of the climate action undertaken by the fishing industry must be categorised as no regret measures. This because the Individual Transferable Quota system (ITQ) system, distributing the total allowable catch (TAC) has enabled the industry to significantly reduce the number of trawlers. In order to save fuel costs new trawlers have more efficient engines or not so new trawlers have been equipped with better engines.

FISHERIES

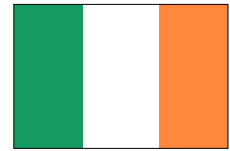
Whereas the fishing industry likes cutting costs, it has been largely in a state of climate denial. Following the presentation of the 2020 action plan, a special committee on climate and fisheries was established under the auspices of the minister of finance. Nothing has been heard of this committee since.

AGRICULTURE

There are no credible climate actions in the sector of agriculture.

IRELAND

DR ORLA KELLEHER, MAYNOOTH UNIVERSITY AND ENVIRONMENTAL JUSTICE NETWORK IRELAND



CONTEXT

Ireland adopted its first national climate framework law in 2015, the Climate Action and Low Carbon Development Act 2015. This was substantially amended in 2021, by [the Climate Action and Low Carbon Development \(Amendment\) Act 2021](#). Unlike the 2015 Act, which did not set any emission reduction targets or require the setting of carbon budgets, the amended 2021 Climate Act sets a long-term target of net-zero by 2050 and introduced an interim target of a 51% reduction in GHG emissions by 2030 compared to the 2018 level (or a 44.5% reduction in GHG emissions by 2030 compared to 1990 levels). These targets are given effect to through a series of 5-year carbon budgets (grouped into 15-year carbon budget programmes). Provision is also made for sectoral emissions ceilings i.e., the divvying up of the carbon budget between the different sectors of the economy. The 2021 Act also strengthens the provisions on climate mitigation policy planning with annually updated Climate Action Plans (for short and medium term) and a Long-term Climate Action Strategy (which is meant to have at least a 30-year perspective).

While the 2021 amendments significantly strengthened Ireland's climate framework law, its level of ambition still falls short when measured against the demands of climate science and climate justice. According to Ireland's Environmental Protection Agency (EPA), Ireland is failing to stay within its first two carbon budgets – which are meant to achieve a 51% reduction by 2030 compared to 2018 levels – and is projected to exceed them by [‘a significant margin of between 24 and 34%.’](#)

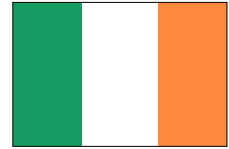


AMBITION

As previously stated, Ireland's climate framework law sets a long-term target of net-zero (or a 'climate neutral economy') by 2050 and an interim target of a 51% reduction in GHG emissions by 2030 relative to 1990 levels. It is first worth mentioning that Ireland's targets are predicated on the future availability of large-scale removals of carbon dioxide – which according to the IPCC are subject to [‘subject to multiple feasibility and sustainability constraints.’](#)

As a wealthy, developed country Ireland should be aiming to decarbonise long before 2050. Other EU Member States have already begun moving their net zero target years forward e.g., Finland, Austria, Germany, Denmark and Sweden. Ireland's interim 2030 has been described as [‘extremely ambitious by international standards’](#). However, Ireland's 2030 target is less ambitious than the interim targets of other EU Member States e.g., Germany and Denmark. Ireland's first two carbon budgets, which give effect to the 2030 target, also exclude emissions from international aviation and shipping. As previously noted, Ireland is completely off course to actually stay within its first two carbon budgets. In 2022, it was estimated that [to get back on course to stay within the first carbon budget emission reductions of approximately 14% per annum in 2023, 2024 and 2025 would be required.](#)

IRELAND



PUBLIC PARTICIPATION

There was not an official public participation process on the draft Climate Action and Low Carbon Development (Amendment) Bill 2020, as such.

However, the bill did benefit from pre-legislative scrutiny by an Irish parliamentary committee (the Joint Oireachtas Committee on Environment and Climate Action). NGOs, trade unions and academics could make submissions to the committee during pre-legislative scrutiny. The [committee made some 78 recommendations on strengthening the draft Bill](#). For example, the committee was warned [by academics](#) and [civil society](#) that the bill as initially drafted could have undermined the basis of the Supreme Court's judgment in [Climate Case Ireland](#). In its recommendations, the committee therefore asked the Minister to preserve the effect of the Supreme Court judgment in Climate Case Ireland. Section 4(5) of the Climate Action and Low Carbon Development Act 2015 (as amended) preserves the 'winning' provision from Climate Case Ireland.



INDEPENDENT ADVISORY BODY

The Climate Action and Low Carbon Development Act 2015 (as amended) reformed and strengthened the role of the Climate Change Advisory Committee. Under the 2015 Climate Act, the Climate Change Advisory Council was composed of 11 members, including 4 ex officio members: the principals of the EPA, the Sustainable Energy Authority of Ireland, the Economic and Social Research Institute and Teagasc (a semi-state agricultural body). The first Council was [criticised for its lack of diversity](#) as the majority of its members were male and economists. Since its inception it has been tasked with producing Annual Reviews on progress to reduce emissions but this watchdog role was ['hampered by the absence of long-term or intermediate GHG targets'](#).

Under the 2021 Act, the Climate Change Advisory Council has an advisory role in the setting of carbon budgets and now has clear, prescribed benchmarks against which to assess government's performance in its Annual Reviews: the net-zero by 2050 target, the carbon budgeting programme and the sectoral emissions ceilings. The Council now has 13 members with ex officio members from the EPA, Teagasc and Met Éireann. The 2021 Act provides more guidance on the criteria for appointment of members to the Council including in relation to areas of expertise and gender balance. The current Council has better gender balance and more varied expertise.

In its [2018 Annual Report](#), the Climate Change Advisory Council described Ireland's current and projected emissions up to 2035 as 'disturbing' and cautioned that 'the National Mitigation Plan does not put Ireland on a pathway to a low-carbon transition'. In [Climate Case Ireland](#) where the the Irish Supreme Court quashed Ireland's first National Mitigation Plan, it attached 'significant weight' the Council's criticisms of the Plan.

IRELAND



POLICIES AND MEASURES

Ireland's Climate Action and Low Carbon Development Act 2015 (as amended) is a climate framework law, such that it does not provide for specific sectoral policies or measures, as such. However, the Climate Act does make provision for various types of climate mitigation plans including the annually updated Climate Action Plan. Examples of some of the measures contained in the Climate Action Plan 2023 (CAP2023) include a commitment to the large-scale deployment of renewables; retrofitting 500,000 homes to BER B2 by 2030; reducing car journeys by 20% / increasing active travel journeys by 50%; and significantly reducing the use of chemical nitrogen as a fertilizer. According to Ireland's EPA, Ireland is not on track to meet its 2030 target of a 51% emission reduction compared to 2018 levels even if it implements the CAP 2023 measures; further measures will still need to be identified and implemented to meet the 2030 target.

Friends of the Irish Environment, represented by Community Law and Mediation are currently challenging the legality of CAP 2023 before the Irish High Court. They argue that the CAP 2023 fails to comply with the obligations of the Climate Action and Low Carbon Development Act 2015 (as amended) to quantify the expected emissions reductions from the implementation of the Plan and to adopt any further measures necessary to comply with the first carbon budget.

LATVIA

INITIAL CONTRIBUTION IN 2022 BY LAURA TREIMANE, PASAULES DABAS FONDS & KRISTA PETERSONE, GREEN LIBERTY
REVIEWED IN 2023 BY LINDA ZUZE, 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. In September 2023 an updated version of the law was going through another public consultation stage and currently the latest version²⁴ is being prepared to be 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. 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 Kyoto 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 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.

It should be noted that the Law does not address social inequality seriously. During transformation towards climate neutral future, prioritizing financial support for those who are endangered by energy poverty and low income households is crucial - the law offers support for energy efficiency projects for households and transportation, but does not offer any other incentives for reducing social inequality (see Article 36).

24 <https://tapportals.mk.gov.lv/structuralizer/data/nodes/d3c99cf3-67bb-455d-b908-7fa182b2d87d/preview>

LATVIA



AMBITION

The Climate Law states in its Article 3 that: “The purpose of the law is to limit climate change and ensure climate resilience in order to achieve climate neutrality no later than 2050, ensuring the achievement of national climate goals in accordance with European Union and international obligations, taking into account ecological, social and economic sustainability. The law is based on the obligations of the Paris Agreement under the United Nations Framework Convention on Climate Change.”

Although the target clearly states the importance of ecological sustainability, we find no measures, principles or rules in the proposal on how to interpret or achieve that. This has brought up hot discussions between the Ministry of Climate and Energy and the environmental NGOs, but we see no intention of the Ministry to implement measures to secure ecological sustainability on the way to climate neutral future.

The Climate Law proposal does state that Latvia should reach 17% emission reduction by 2030 (See Article 5) without setting specific sectoral targets. Rather, it stipulates that the sectoral policies, targets and measures will be developed by the sectoral ministries and defined in National Energy and Climate Plan (NECP) 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.

Unfortunately, no mechanisms to involve public or independent advisory board in this process are mentioned in the proposal.

A “Long- Term Climate Change Policy Strategy” must be adopted by 2028 and renewed once per decade. It will replace the current long-term strategy — the informative report on Latvia’s pathway towards climate neutrality. The NECP 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.

LATVIA



Some meaningful additions are an obligation to the Cabinet of Ministers to develop requirements for ensuring the traceability of climate financing within the state budget. Also, the latest version of the law proposes to introduce a principle of Climate-proofing on new infrastructure projects. This would prevent the vulnerability of the infrastructure to the possible long-term effects of the climate change, while also providing an assessment of the project implementation on the reduction of greenhouse gas emissions and vulnerability to climate change and risk review.



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 website²⁵.

Second opportunity for public to engage was from September 4th to September 18th, 2023 when public consultation was ongoing.

Ministry of Climate and Energy organised public meeting to discuss their answers to suggestions, also publishing them on the official website²⁶.

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 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. The Advisory Council for Climate Finance Instruments would consist of 15 representatives, including only 3 representatives of environmental NGOs.



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 Climate and Energy. The members will include six representatives from different ministries (Ministry of Climate and Energy, Ministry of Environmental Protection and Regional Development, Ministry of Economy, Ministry of Agriculture, Ministry of Transport and Ministry of Finance), three environmental NGO representatives, as well as three representatives from NGOs working in energy, transport, agriculture, forestry, waste management and industry sectors. Also, the board will include three representatives of Latvian Union of Local Governments, Latvian Free Trade Union and Confederation of Latvian Employers, one from each organisation. The board will be entitled to obtain information about the financial status of the climate funds.

25 <https://tapportals.mk.gov.lv/annotation/39e510b5-7518-478d-b0ad-cae6e0bf8fa4&sa=D&source=docs&ust=1651557696830093&usg=AOv-Vaw2WNh8oZ-6Yg4XbVJ3iocie>

26 https://tapportals.mk.gov.lv/public_participation/2ba38699-56fd-43ba-ab82-cc1229878dbf

LATVIA



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.

MEASURE 1

Article 46 — 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.

MEASURE 2

Article 43 — 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.

NORTH MACEDONIA

INITIAL CONTRIBUTION IN 2022 AND REVISION IN 2023 BY ELENA NIKOLOVSKA, EKO-SVEST



CONTEXT

The draft Law on Climate Action in North Macedonia was finalized by the Ministry of environment and spatial planning during the end of 2022 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 draft Law on Climate Action was published on the Macedonian electronic registry for laws under public consultations at the end of February 2023. Public consultation were organized and draft law is now closed for comments on the electronic registry for laws and in a procedure for consultation between governmental institutions since July 2023. Even though text on the draft law is fully completed, it has still not entered in parliament for adoption procedure.

The draft Law deals mainly with establishing a system for monitoring, reporting and verification of GHG emissions, and provides a legal framework for monitoring and reporting greenhouse gas emissions in the country. Conditions for issuing permits for greenhouse gas emissions that apply to operators of stationary installations are still very basic and not sufficiently defined within the draft law and a framework for monitoring and reporting on greenhouse gas emissions from aviation activities is transposed from the EU climate acquis.

A significant step forward is opening a space for discussion on a clear division of the roles of the institutions in implementing climate action in the country through the establishment of a national coordinating body defined in the draft law on Climate Action with the establishing of a National coordinative mechanism for climate action that includes CSO members and academia.

The draft law contains articles on financing climate action plan through the establishment of a national carbon tax mechanism as a way to provide sufficient funding for the decarbonisation of carbon intensive sectors and support the implementation of the Measurement, Reporting and Verification (MRV) regulation.

National contributions to climate change are voluntary for North Macedonia and as such are not seen as a serious obligation by the competent institutions. Therefore, this document together with the description of the development process should be included in the draft Law on Climate Action in order to provide a legal framework for the same and to ensure full transparency. The same situation is mirrored at the local level, where Local Adaptation Plans are not prepared at all or do not contain the necessary measures and are adopted without the participation of stakeholders and informing the public. A description of the drafting process and content of Local Adaptation Plans must be included in the Climate Action Law to provide a legal framework for them.

NORTH MACEDONIA



North Macedonia is a signatory to at least five conferences related to the climate sector, which it has also ratified, but it is unknown which institution is responsible for monitoring the implementation of these obligations, including the particularly important plan for adapting the health sector to climate change. It is necessary to integrate the obligations originating from other international agreements and pacts into the draft law on Climate Action in order to facilitate and ensure their implementation (desertification and droughts, health and climate, innovation and education).

Administrative capacities for the implementation of climate action obligations across relevant institutions remain very low. The Ministry of Environment has only two employees in the climate sector, while the rest of the institutions with responsibilities in climate action do not have dedicated employees who understand this topic at all which makes the draft law on Climate Action impossible to implement in reality.



AMBITION

The draft law on Climate Action has committed to limit global warming to below 1.5C and support efforts for a climate neutral Europe by 2050.



PUBLIC PARTICIPATION

CSOs participated in early working meetings with representatives from the Ministry of environment and spatial planning. Comments and concerns were addressed before the official public consultation process of the draft law. Answers to comments from the National Climate coalition of CSOs that were submitted as part of the official national legislative procedure are still not published.



INDEPENDENT ADVISORY BODY

A National coordinative mechanism for climate action including academia and three CSO members, a national council for sustainable development and an Advisory Scientific Body are mentioned under articles dealing with coordinating climate action but the communication and coordination between these three bodies is still not clear.

NORTH MACEDONIA



POLICIES AND MEASURES

MEASURE 1

Defining a national mechanism for MRV is very important because it creates a clear division of roles and responsibilities within institutions and an institutional and municipal level obligation for data gathering and the drafting of an annual GHG inventory.

MEASURE 2

Carbon tax as a mechanism for climate financing also sends a clear signal to carbon intensive sectors to transition to clean technologies and to citizen that both big pollutants and physical persons share the same obligations to reach climate targets.

MEASURE 3

A national coordinative mechanism for climate action ensures transparency in future implementation of climate action policies and measures.

NETHERLANDS

NATUUR & MILIEU



CONTEXT

In the Netherlands, a Climate Law has been in effect since 2019. Its main objective is to reach zero greenhouse gas emissions in 2050 and reduce emissions by 55% in 2030. A clear advantage of the law is to set those clear goals, which are less or more in line with the Paris Agreement.

The Law also sets several climate governance mechanisms. One requirement is for the government to present a Climate Plan, to be then revised every 5 years. The Climate Law itself is silent on the measures to attain the climate objectives, but the Climate Plan ensures policy will be made and measures will be taken. The first Plan covered the 2021-2030 period. In addition, the 'Planbureau voor de Leefomgeving' (an official institute that calculates and models policy for the government) makes an assessment/progress report per economic sector each year. The report focuses on whether the 2030 and 2050 objectives will be reached. The progress report is sent to the Parliament with a note from the relevant Minister explaining the associated policy, the budgetary and financial effects, how the report will be used and the status of execution of the Climate Plan.

The Climate Law also has weaknesses. The emissions budget approach (giving the country a maximum amount of CO₂ it can emit) was taken out of the Climate Law. In addition, the goals in the Climate Law are 'political goals', not 'legal goals', so Parliament can hold the government to these goals, but law suits cannot be introduced against the Government. Finally, the Law contains no interim targets.



AMBITION

The targets of the Climate Law are 55% emission reduction in 2030 and zero emissions in 2050.

The targets seem ambitious but when you read the Climate Law in more detail we see that they are only 'political targets' so law suits like the Urgenda-lawsuit (the lawsuit by an NGO against the Dutch government to force climate action) cannot be started to hold the government to their own goals and targets.

There are also no interim goals so the Netherlands could still do nothing or very little for years to come, even though we know that after 2030 it might not be possible to keep global warming under 2 degrees.

Overall the Climate Law has positive aspects, as at least it sets a direction and ambitions are better than no ambitions. But the weaknesses outlined above make us wonder whether the Climate Law will have enough of an effect on climate measures.

NETHERLANDS



PUBLIC PARTICIPATION

The Climate Law requires the minister of the Ministry for Economic Affairs and Climate (the ministry responsible for writing and executing the Climate Plan) to use input from multilevel governments like provinces, 'waterschappen' (very Dutch institutes undertaking water management as the Netherlands is largely below sea level), city councils and "other relevant stakeholders".

Generally, the Dutch government has good processes in place to ensure public participation. This is also the case for the Climate Plan. Many stakeholders, including NGOs, were involved in writing the Climate Agreement, which was the first Climate Plan. However, a good public participation process does not ensure good policy. Fossil fuel companies are also stakeholders and they were present for the Climate Agreement in much larger numbers than NGOs.



INDEPENDENT ADVISORY BODY

It's unsure whether it can be qualified as a watchdog, but the 'Planbureau voor de Leefomgeving', the official institute that calculates and models policy for the government, makes an assessment/progress report per economic sector each year to assess whether the 2030 and 2050 goals will be reached. Therefore, independent monitoring of the results of the Climate Law is ensured.

Additionally, we see that the government seeks out scientific advice when making revisions to Climate Plans. The NECP process ties into our Climate Plan process and an independent scientific advisory board was formed to input the government's draft NECP.



POLICIES AND MEASURES

The Climate Law itself does not include policy or measures. These are written in the Climate Plan. Each economic sector – i.e.: industry, built environment, mobility, energy generation etc. – has its own sub-target (though not binding) and for each economic sector there are specific measures and policies in the Climate Plan to try and reach the target.

NORWAY

ALED DILWYN FISHER, FRIENDS OF THE EARTH NORWAY (NATURVERNFORBUNDET)



CONTEXT

Norway's Climate Law has applied since 2018. The law sets Norway's climate targets for 2030 and 2050, and procedures for a five-yearly overview of the law and annual reporting to parliament as part of national budgeting (including detailing the consequences of the budget for emissions and future scenarios). The 2030 target is now 50-55% emissions reductions compared with 1990 levels (as updated by the previous government in 2020) and is currently in the process of being updated to 55% by the current government. The 2050 goal is a low-emissions society, implying 90-95% emissions reductions compared with 1990 levels, with explicit reference to fulfilment of the target in light of Norway's involvement in the EU's Emissions Trading System (ETS). The law has been criticised for being among the weakest in Europe by the [Norwegian Human Rights Institution](#) and environmentalists, who have called for changes to the law to make it formally legally binding, applicable for indirect/consumption-based emissions, clearer on the use of emissions trading and domestic emissions cuts, explicit on the need for climate finance, stricter in terms of implementation and reporting, and so on. Other suggestions include setting up a Climate Change Committee based on the model of the UK Climate Change Act.



AMBITION

Norwegian civil society has since 2018 (based on Stockholm Environment Institute's methodology for Norway's fair share of the Paris Agreement) called for Norway's climate target for 2030 to be of at least 55% emissions reduction in Norway compared with 1990 levels. The government's ongoing update will integrate this request in the law. This also puts Norway's climate targets in line with the EU, with whom much of Norwegian climate policy is to be jointly implemented. However, organisations continue to be critical of the law's silence on the extent to which emissions trading can be used to fulfill this target. Environmentalists want Norway to contribute in line with the country's major historical responsibility and contributions to the climate crisis, and the very large capacity Norway has economically to take a lead on a just transition. As such, organisations continue to demand that the target applies to Norway's territory, with any emissions trading coming over and above this. However, in the national debate politically and in the media, most of the discussion assumes that the law is too ambitious, especially given that Norway has only cut emissions by 4.7% since 1990 until now. When asked at a recent election debate whether they believed Norway was on track to achieve its climate goals, only one party leader (the prime minister) raised his hand; young people and the public are also very skeptical of the possibility of actually meeting the 2030 target. The government has contributed to confusion and uncertainty by stating in their governing platform that they will aim to meet the targets through emissions cuts in Norway, but refusing to make this goal a part of the climate law or report this as Norway's goal to the UN. As such, both civil society and business have been critical of the lack of clarity over the law, the extent to which it is legally binding, its consequences for each sector, and the extent to which emissions trading can compensate for a lack of fulfilment. Organisations have also demanded binding targets

NORWAY



and climate budgets for each sector. The government is currently updating the law, but has rejected all suggestions from civil society for strengthening the law as part of the ongoing formal consultations in parliament.



PUBLIC PARTICIPATION

As with all laws, the climate law has been put out to formal consultation by parliament, both when passed and (usually) when it has been updated. Organisations and individuals are invited to submit written and oral testimony to a parliamentary committee, who then evaluate the submissions and give their recommendation to parliament. As mentioned above, the government has so far rejected all suggested improvements to the law in the current consultation round; the parliamentary committee responsible for the law has nonetheless insisted on a second consultation round based on the new submission to parliament that rejected any additional changes.



INDEPENDENT ADVISORY BODY

There is no independent advisory body attached to Norway's climate law. As mentioned above, this is something several organisations have suggested, inspired by the UK Climate Change Committee. The government has responded that there are other institutions in Norway, including the environment agency and the civil ombudsman, that have independent responsibilities related to the law, and that a new body is therefore unnecessary.



POLICIES AND MEASURES

The law does not specify any concrete measures or policies, beyond updating the law and reporting annually to parliament. Both the current and former government have insisted on this as a matter of principle, stating that it is up to each parliament/government to follow up the law as they see fit. The most concrete measures based on the law are seen in annual reporting, which requires updates on Norway's carbon budget and future scenarios. Reporting on the climate-related consequences of the budget as part of the national budgeting process has been a welcome step forward; the budget now includes a "green book", which outlines how the budget affects emissions and future emissions scenarios. However, this has not led to the kind of binding budgets and sector targets that civil society has envisaged, meaning the reporting is considered weak and purely descriptive. Norway lacks a clear plan/phase out strategy for oil and gas; has a national transport plan that did not consider climate targets; has an agreement for cutting emissions in agriculture that has no plan or policies; and generally lacks any kind of coordinated climate policies beyond setting a (now relatively low) carbon tax and participating in ETS. As such, the general view is that the law has had little direct effect on climate policy. This is precisely why organisations (and certain opposition parties) are keen to strengthen the law in the current consultations around updating the 2030 target. The EFTA Surveillance Authority (ESA), which oversees Norway's fulfilment of joint obligations with the EU, have also recently criticised Norway's lacklustre attempts to meet its own climate targets, and requested new policies.

POLAND

WOJCIECH KUKULA, CLIENTEARTH



CONTEXT

As of the end of 2023, Poland's climate law is solely at the discussion stage. The discussion started in spring 2023. There is no official governmental proposal for such law. ClientEarth Poland has proposed a climate protection bill in April 2023 and is now advocating for its adoption. The proposal is very strong (including solid climate targets etc. – see below), but it has not got enough political support yet and currently there is no specific timeline for legislative process.

However, during the recent election campaign (in autumn 2023) the bill was supported by the Polish Left and Greens, and both parties will most likely join the new government. Moreover, in 2023 the departing right-wing government started working on two elements included in ClientEarth's proposal: local climate adaptation plans and additional climate verification of investment projects.

The full bill is available in English at ClientEarth's website²⁷, on which more information on the process can also be found²⁸.



AMBITION

ClientEarth proposes national binding targets of:

- -55% emissions reduction by 2030 (compared to 1990);
- Climate neutrality by 2050 (at the very latest).

We assess them as rather strong. This is the EU average resulting from the EU climate law and Poland has always been a climate laggard. In the Polish National Energy and Climate Plan (NECP) the government proposes emission reduction of around 30% by 2030 and currently there are no binding climate targets in national legislation.



PUBLIC PARTICIPATION

ClientEarth proposes a solid improvement in public participation in all climate-related proceedings in Poland, especially by proposing a new right to live in a climate-safe environment, i.e. the right of citizens to enforce the state's climate obligations in court.

The bill grants everyone the right to live in a climate-safe environment. This right includes the right to be protected from the effects of adverse climate change, as well as the right to require public authorities, natural persons and legal persons to comply with their obligations by operation of law relating to climate protection, and to desist from unlawful infringement or threat of infringement of the state of the climate.

Regarding the climate law, ClientEarth has been conducting very wide public consultations of the proposal since April 2023, including with the general public, politicians and the government.

27 <https://www.clientearth.pl/media/qdhdwcp0/2023-04-13-act-on-climate-protection-draft.pdf>

28 <https://www.clientearth.org/latest/latest-updates/news/why-poland-needs-a-climate-law/>

POLAND



INDEPENDENT ADVISORY BODY

ClientEarth proposes a new Climate Protection Council, which is to be an official and independent advisory watchdog body. The tasks of the Council are to include, in particular:

- providing opinions on legal acts and documents relating to climate protection or that may be relevant to climate protection; and
- monitoring actions in scope of climate policy, as well as preparing analyses, reviews and assessments of its application.

Concrete examples of the Council's interventions include:

- application to the competent bodies for a legislative initiative or the issuance or amendment of other normative acts on matters relating to climate protection or that may affect the state of the climate; and
- informing the relevant supervisory or control bodies of perceived irregularities that adversely affect or threaten climate protection, in particular, the achievement of the climate targets (among others). We assess such a body as very useful in Poland's conditions (the country does not have a similar entity yet).



POLICIES AND MEASURES

ClientEarth proposes i.a. the following binding measures, covering all sectors of the economy:

- To finance tasks related to the achievement of the climate targets and climate change adaptation objectives, expenditures from the national budget that are not less than 1% of the Gross Domestic Product are allocated annually.
- Adaptation plans that are to be developed: at the national level as the National Adaptation Plan, at the regional (voivodeship) level as the Voivodeship Adaptation Plans, and at the local (commune) level as the Commune Adaptation Plans. The Commune Adaptation Plans are to be developed in every commune with a population of 20,000 or more.
- Additional climate verification of relevant draft laws and investments. According to ClientEarth's proposal, before taking any actions that may affect the achievement of the climate targets or climate change adaptation, in particular during the drafting of legislative instruments and planning documents, as well as before making final decisions on financing and decisions required before the start of implementation, operation or continued operation of the project, the relevant public administration bodies are required to consider whether the impact may be significant and whether the planned actions therefore require climate verification.

ClientEarth assesses all the proposed measures as necessary and efficient.

PORTUGAL

INITIAL CONTRIBUTION IN 2022 BY PEDRO NUNES, ZERO - ASSOCIAÇÃO SISTEMA TERRESTRE SUSTENTÁVEL

REVIEWED IN 2023 BY BÁRBARA MAURÍCIO & SUSANA MILITÃO, 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 November 5th, 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. Now, the law has 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. Yet in the draft revised NECP submitted to the EC on June 30rd, 2023, in the Power sector, it isn't foreseen the end of subsidies to fossil gas.

Additionally, more than one year after the law's entry into force, many provisions have passed their due date and are still pending to be implemented, in particular the carbon budgets, the sectoral plans and green financial provisions.

Thus, the law has the potential to improve climate governance in Portugal, but one of the challenges, as for all laws in the country, is its enforcement.



AMBITION

For 2030, the law enshrines a reduction of at least 55% in greenhouse gas emissions relative to 2005 (excluding LULUCF). The draft revised NECP was already updated according to the national Climate law, as the economy-wide target, which had previously a range from 45-55% reduction, and is now updated to 55% reduction. However, this level of reduction is still 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 Portugal. For 2050, the law 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.

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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. Still it is not provided further information on how this request can be formalized.

Finally, the law stipulates that the government shall create and make available a public and accessible portal to enable citizens and civil society to participate in climate action and monitor national climate data. Yet, the government merely keeps a sub-section in the Portuguese Environment Agency's website, containing brief information, in the form of charts and reports, which are insufficient and not easily accessible by the citizens. According to the law, this in fact should be transformed into a detached climate action portal and ZERO already presented recommendations on how it should be organized.

Unfortunately, the citizens' climate assembly figure was forgotten, contrary to ZERO's recommendation. Yet, ZERO will continue to push for public participation processes to be contemplated as permanent and binding at the local political sphere; putting ordinary people at the heart of decision making and giving a mandate to the local government to act with a transformative local-based response to the environmental and social crises that we are facing today.



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.

CAC will be supported by a technical structure and will integrate a young citizen and a representative of the environmental NGOs, but the selection process needs to be further coordinated.

The law provides a good basis for the useful and good functioning of this body and the decree-law was finally promulgated by the President of the Republic on the 3rd of August, followed by its [official publication](#). Yet, due to budgetary legal constraints, CAC will only be established in the beginning of 2024, expected to be fully operational by mid-2024. Also, this means that the 2024 State Budget will not take into account CAC's recommendations.

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It is now vital to continue campaigning for the implementation of other dispositions within the Climate Law, such as the carbon budgets, the annual report on adaptation actions to climate change, and the green industrial strategy, so that they do not continue to be postponed with the excuse that they depend on an operational CAC.



POLICIES AND MEASURES

Three important policies and measures can be underlined:

- 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;
- The municipalities must approve local climate action plans and the Regional Development Coordination Commissions must approve regional climate action plans by February 1st, 2024. Most municipalities are not going to be able to present a ‘PMAC’ within this deadline, as they lack technical/economical resources. No guidelines nor training was provided by the government to support the municipalities, only presenting guidelines regarding the regional climate action plans.
- 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). Furthermore, the State Budgets (2023 and the 2024, now under discussion) continue to lack conformity with the national climate law, namely in what concerns the application of the “Green IRS” (Personal Income Tax) and green budgeting, including in the Portuguese Climate Law.

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

ROMANIA

ANA-MARIA NICULICEA, LUCIANA MIU & MIHNEA CĂTUȚI, ENERGY POLICY GROUP (EPG)



CONTEXT

At the moment, Romania does not have a climate framework law and at the national level, climate governance is scattered and ad-hoc. It lacks proactive national ownership and efforts, as it is mainly dominated by EU transpositions and independent pieces of legislation. Even the EU climate governance standards dictated by the Governance Regulation have been implemented with long delays and lack of ambition. The National Energy and Climate Plan (NECP), published in April 2020, contained targets that were deemed insufficient by the European Commission - a concern insufficiently addressed in the current version of the plan. A first draft version of the updated NECP was published in November 2023, long after the submission deadline. The Romanian draft Long Term Strategy (LTS) was delayed by more than two years and only published in May 2023, after the launch of infringement procedures by the European Commission for not meeting the publication deadline. While the LTS includes an objective of reaching climate neutrality by 2050, the emissions reduction trajectory to which it commits falls short of truly reaching climate neutrality.

Nevertheless, the Romanian government has shown that it can adopt ambitious legislation. First by passing a coal phase-out law in December 2022, committing to exit coal from the energy mix by 2032, and then by enshrining climate neutrality by 2050 in its LTS. In 2022, as part of the Prime Minister Chancellery, the Inter-ministerial Committee for Climate Change was established to coordinate governmental efforts in climate change policy.

As part of their governing programme, the current coalition stated its intention to adopt a Climate Protection Law, aligned with the EU Climate Law. The law would also have provisions on public participation, stakeholder engagement and the creation of a Scientific Advisory Council on Climate. However, little time is left to adopt a climate law, as general elections will be held in late 2024.

RECOMMENDATIONS

Romania would greatly benefit by passing a climate framework law tailored to its national context, including the following elements:

- The climate neutrality target set in the LTS should be backed up by legally enshrining it in the national legislation along with interim emission reduction targets. These should be periodically revised and ramped up, if necessary. Additional planning instruments, besides the NECP and LTS could be stipulated, such as sectoral plans and carbon budgets.

ROMANIA



- Formulate clear institutional responsibilities to ensure policy coherence and coordination at the government level. Establish a clear monitoring, revision and verification mechanism with periodic impact assessment, reporting minimum once every two years and using evidence-based impact assessment methodologies, including for socio-economic impact. Include obligations for future policies in all areas to address climate change concerns, and for energy and climate policies to incorporate the assessment of socio-economic impact and just transition measures, in line with the provisions of the climate law.
- Improve and strengthen public participation on climate plans and law revisions, including making documents readily available for comment, actively engaging civil society, and setting up a permanent stakeholder engagement platform. To make sure that the stakeholder input is taken into consideration, their recommendations could be integrated in the report of the independent scientific advisory body, to which the government must issue a response.
- Establish an independent, well-resourced scientific advisory body to guide policymaking and keep governments accountable. This group would be appointed by the government, on a fixed term, and would be made up of independent experts from academia, research institutes, think tanks, the public or private sector that have extensive expertise in different topics related to climate change mitigation and adaptation. It should have a dedicated secretariat with own staff and resources to conduct preliminary research and analysis.

REPUBLIC OF SERBIA

MIRJANA JOVANOVIĆ, LAZAR JOVČIĆ, JELENA IVKOVIĆ & RAJNA BOŠKOVIĆ, BELGRADE OPEN SCHOOL



CONTEXT

In Serbia, the Law on Climate Change was adopted at the beginning of 2021. However, despite this, the law still cannot be fully implemented, because a large number of by-laws are yet need to be adopted (of which only three have been adopted to date). In its negotiating position on Chapter 27, Serbia requested that the implementation of Directive 2003/87/EC on the EU Emissions Trading System (EU ETS) be postponed, but it is unknown for how long. The instrument for taxing imported carbon into the EU market, the Carbon Border Adjustment Mechanism, will begin with implementation –in a transitional period– from October 2023. However, Serbia is not yet ready to do so, because key by-laws necessary for the functioning of the system of monitoring, reporting, and verification of GHG emissions have not yet been adopted. The GHG inventory has still not been made public. The Low Carbon Development Strategy and the updated Nationally Determined Contributions were adopted late and with unambitious targets for decarbonization. The Climate Change Adaptation Program has not been adopted (it is in the public discussion phase). Serbia failed to report to the UN Framework Convention on Climate Change through the Second Biennial Update and the Third National Report. Work on the development of the Integrated National Energy and Climate Plan began in 2021; however, the NECP has not been adopted.

The Law fails to cover Serbia's obligations arising from the Paris Agreement and membership of the Energy Community. The Law does not mention the Nationally Determined Contributions (NDCs), or the obligation to update and improve, implement and report them. The Law prescribes, but does not elaborate in detail, obligations arising from the UN Framework Convention on Climate Change, such as the preparation of the Biennial Report and the Report of the Republic of Serbia on the situation in this area.



AMBITION

The Law does not set any targets (these are usually set in policy documents in Serbian system of policy and legislation).

The Law only partially transposes EU legislation related to the EU Emission Trading System (EUETS), and only covers the provisions related to the monitoring, reporting and verification (MRV) of GHG emissions. No provisions on carbon pricing are integrated in the Law. Serbia must also establish a scope for verification and accreditation to ensure that emissions are monitored in accordance with the Monitoring Mechanism Regulation.

Serbia must also ensure the independence of GHG emission verifiers, as they are essential to provide assurances to competent authorities and other interested parties that the emissions report is an accurate, true and fair representation of emissions. For this purpose, the Rulebook on the Verification and Accreditation of GHG Report Verifiers ("Official Gazette of RS", No. 107/2021) was adopted.

REPUBLIC OF SERBIA



The Law on Climate Change does not transpose provisions related to the reduction of GHG emissions and does not contain mechanisms for the full implementation of the ETS or the introduction of other instruments to tax GHG emissions. The Negotiating Position for Chapter 27 states that electricity producers in Serbia will not receive free permits for CO₂ emission units during the period between 2021 and 2030, and that Serbia will not have access to the Modernization Fund. According to the document, this will be a burden for industry, which will require a transitional period and/or deviation from the transposition of the target legislation that regulates the EU ETS.

It is particularly significant that the Law does not make any provisions for adjusting to the Carbon Border Adjustment Mechanism (CBAM). Although the CBAM was introduced after the Law on Climate Change came into force, it was known that CBAM would be adopted before the Law was passed. The omission of the CBAM from the Law means that the Serbian economy will be unprepared for its introduction, without any transitional provisions and measures. This is particularly important given that Serbia exports over 65% of its products to the EU market, the production of which relies heavily on lignite. The transition phase of the CBAM will begin on October 1, 2023. From then on, exporters from Serbia will need to submit verified data on GHG emissions from the production of goods from defined sectors to the EU market. The transition period will last until the end of 2025 and will only require reports on GHG emissions. From the beginning of 2026, each unit of GHG emissions released during production of goods will be charged. Namely, when importing goods, importers from the EU will be required to buy carbon certificates, the price of which will correspond to the price of CO₂ emissions that they would have paid if the goods had been produced within the EU. This will lead to an increase in the price of goods imported into the EU, which will have negative consequences for producers in Serbia. EU importers will purchase certificates based on the attached report on carbon dioxide emissions per product unit. Reports are compiled on the basis of information provided to importers by manufacturers. If the manufacturer does not submit an emissions report or the data is considered insufficiently reliable, the EU importer will estimate the emissions based on the "default value". The most likely consequence will be that the estimated amount of emissions generated during the production of goods will be higher than the actual amount. For exporters from Serbia to be competitive on the EU market, the system for monitoring, verification and reporting on GHG emissions in Serbia must therefore function effectively. However, the system for MRV of GHG emissions is not yet fully ready or tested in Serbia. The Regulation on Types of Activities and Greenhouse Gasses specifies the facilities for which operators must submit an application for obtaining a permit for GHG emissions, within six months of the entry into force of the relevant regulations. The Ministry of Environmental Protection is then obliged to provide an answer within four months. Operators cannot submit requests yet, as they must attach monitoring plans, the content of which should be regulated in more detail by the Rulebook on Monitoring Plans, which has not yet been adopted. According to the new National Program for the Adoption of the EU Acquis (NPAA), the adoption of the Rulebook is planned for the last quarter of 2023.

REPUBLIC OF SERBIA



GHG emission permits cannot therefore be expected to be issued before November 2024. It is unclear whether these two regulations are the same. If these are different regulations, then a more detailed specification of the contents of the request for a GHG emission permit is not even planned in the coming years.

Only three by-laws were adopted even though the legal deadline for doing so –one year after the Law on Climate Change entered into force– has long passed. These by-laws are: the Regulation on the types of activities and greenhouse gases, which lists the types of activities and gases for which a permit for GHG emissions is necessary; the Rulebook on the Verification and Accreditation of GHG Emissions Report Verifiers which further elaborates the provisions of the Law related to the verification of emissions and accreditation of verifiers; the Rulebook on fuel economy and CO₂ emissions data from new passenger vehicles.



PUBLIC PARTICIPATION

In March 2018, the Ministry of Environmental Protection presented the Draft Law to the public, inviting stakeholders to take part in a public hearing process. Public hearings were held in six cities between March 15 and April 20th, 2018. The Members of Coalition 27, along with other civil society organizations and expert community submitted numerous comments about the Draft, expressing concern that the document, in the form in which it was presented to the public, would not be sufficient to prepare the Serbian economy for climate change challenges, EU membership and the obligations arising from EU membership related to climate change. In June 2018, the Ministry of Environmental Protection published the Report on the Public Hearing about the Draft Law on Climate Change covering all the objections, comments, and suggestions received, and the Ministry's responses.



INDEPENDENT ADVISORY BODY

The Law on Climate Change prescribed the establishment of a new Government Working Body, the National Council for Climate Change. The Council consists of representatives of the Ministry and other bodies and organizations, representatives of the scientific and professional public, as well as representatives of civil society, whose area of activity is important for determining and implementing activities in the field of climate change, as well as a representative of the Commissioner for the Protection of Equality. The National Council for Climate Change has an advisory role. So far, two meetings of the National Council for Climate Change have been organized, the first in September 2021, the second in September 2022. The Rules of Procedure prescribe that Council sessions are public, that they will be able to be broadcasted and reported on.

REPUBLIC OF SERBIA



POLICIES AND MEASURES

The Law on Climate Change provides a broader framework rather than precise policies and measures. Policies and measures are normally set in strategic policy documents (such as the Low Carbon Development Strategy). It does not set targets or deadlines for coal phase-out. Its effectiveness depends solely on more than 20 by-laws, but it does set the objective to adopt various policy documents such as NECP, Low Carbon Development Strategy, Climate Change Adaptation Program.

SLOVENIA

BARABARA KVAC & TAJ ZAVODNIK, FOCUS



CONTEXT

The draft Climate Law²⁹ published by the Ministry of Environment, Climate and Energy for public consultation on 16 October 2023 represents an important step towards more effective climate action as it puts Slovenia on the map of countries that already regulate this subject by law. Public consultation on the draft law is open until mid-November, with the law expected to be adopted by the summer of 2024.

The law contains some important and necessary concrete measures (economic and financial instruments, annual progress reports, adaptation strategy and action plan), but the current lack of binding targets is highly problematic. In this context the public consultation process is an opportunity to set national climate targets higher, to a level that will ensure that the Paris Agreement objectives are met, and the more detailed targets should become legally binding.

Below assessment refers to the first draft climate law published on 16 October 2023.



AMBITION

The law does not include any concrete legally binding targets. It merely states the general long-term ambition of climate neutrality by 2050.

Although the draft law includes an article stating that if targets are not being met - referring here to the National Energy and Climate Plan (NECP) targets - the action plan is to be prepared to address the shortcomings, it is relatively useless as the NECP targets are not legally binding.

According to the latest science we advocate for a climate neutrality target to be reached as soon as possible and at the latest by 2040.



PUBLIC PARTICIPATION

Public participation started early with collecting views from all interested stakeholders on the law content. Before the first draft was published 3 public events were organized where additional views of interested stakeholders were collected. The draft published includes some of the views expressed during these consultations. Draft law will be in public consultation for the recommended 30 days.

29 Available here: <https://e-uprava.gov.si/si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=16041>

SLOVENIA



INDEPENDENT ADVISORY BODY

In addition to the Climate council, which is already in place as a scientific advisory body (as part of existing Environmental Act) and will be included in the Climate Law once adopted, the draft law introduces Climate coordinators, to be established in the ministries in charge of implementing the measures from the NECP. The aforementioned Climate council had a constituent session on 3rd October 2023, so its effectiveness cannot be assessed yet.

The Climate Council is composed of nine independent experts and nine alternates with expertise in greenhouse gas emission reduction and climate change adaptation, for a period of six years. Four members of the Climate Council are nominated by public universities, three by the Slovenian Academy of Sciences and Arts, and two by non-governmental organisations.

The tasks of the scientific advisory body are to:

- monitor the implementation of the long-term climate change strategy, the NECP, the climate change adaptation strategy and other strategic documents that may have an impact on climate change mitigation and adaptation, and comment on reports of their implementation;
- make proposals for the adoption and implementation of climate change mitigation and adaptation measures in accordance with the latest scientific knowledge;
- give an opinion on the draft Climate Mirror (review of climate targets established under the Act) and any recommendations contained therein and forward it to the National Assembly;
- contribute to the overall consideration of climate change measures, including sectoral measures;
- prepare an annual report on its work;
- cooperate with expert institutions in the field of climate change, as well as with national institutions and local communities.

In addition, the law stipulates that at least one meeting of the climate coordinators shall be held in cooperation with the scientific advisory board.

SLOVENIA



POLICIES AND MEASURES

The law regulates strategic climate policy planning and, in addition to the Long-Term Climate Strategy and the NECP, also regulates the National Adaptation Strategy and the Regional Action Plans. The latter will be prepared by the Regional Development Agencies and adopted by the Regional Development Councils after prior approval by the Ministry responsible for climate. Climate Mirrors - annual progress reports - will be enacted to monitor the implementation of mitigation and adaptation policies.

MEASURE 1

Projects receiving public funding must be climate-resilient, for which a specific analysis must be carried out during project preparation. In addition they have to contribute to the objectives of the NECP.

MEASURE 2

The law introduces the green budget reform and makes financial planning in line with this methodology compulsory. As from 1 January 2027, a mandatory share of the national budget will be set to achieve the objectives of the NECP and the government will be required to submit to the National Assembly, together with the annual accounts, a report assessing the realised budget according to this methodology.

MEASURE 3

Eliminating financial support for fossil fuels by the end of 2025 and earmarking the current CO₂ tax - until now a revenue of the state budget. The law foresees that it will become earmarked revenue of the Climate Fund. The State will also be able to issue bonds to finance climate action.

SLOVAKIA

INITIAL CONTRIBUTION IN 2022 AND REVISION IN 2023 BY DANA MAREKOVÁ, CLIMATE COALITION SLOVAKIA³⁰



CONTEXT

The Slovak Climate Act is still a “law in the making”. The Ministry of Environment (MoE) in charge of climate policy started drafting in 2021, based on the program of the government, which was in power since 2020. In 2022 the law became listed in the “Plan of the Legislative Tasks”, however the law has not been enacted before the caretaker government took over in 2023. Big words did not materialise (yet): “the first Slovak Climate Act will draw a roadmap 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.

Faith of this law is now in the hands of the government coalition, which came into power after early elections in September 2023. Prospects are rather gloomy. Candidates for the Minister of Environment are, among other troublesome features, climate-sceptics.

Developments until now: Proposed law entered legislative proceedings in February 2023. The draft is low in ambition (targets), but a really good one as regards to the governance. It contains all the key elements needed to drive decarbonisation: sectoral targets, regular reporting and control mechanisms, independent expert council, and climate litigation available to public. It also outlines at least in general terms data, policy and measures for municipalities. Official commenting, opened also to public, brought more than 700 comments. The most relevant and critical ones came from other ministries, which will bear the most responsibilities.

In 2021 NGOs formed an active coalition advocating a “Strong climate law”. They managed to get the most of their legislative proposals incorporated into the official draft, lobbied different key stakeholders (including ministries and business) and engaged with public. Campaign focus remained towards the MoE, which was generally opened for cooperation.

However insufficient attention paid to the process - participatory law making - backfired. MoE failed to get on board even the crucial players (ministries in charge of sectoral decarbonisation) and NGOs did not have enough capacities for a systematic work with opponents or to generate sufficient power from allies.

NGOs are not giving up. Together with the president and the Government Plenipotentiary for NGOs they are planning expert roundtables for ministries to consolidate the most polarising views.

³⁰ More information on the Slovak Climate Law here: <https://klimatickakoalicia.sk/en/projects/initiative-for-a-strong-climate-law-en/> and here: <https://silnyklimazakon.sk/podporovatelia/>

SLOVAKIA



AMBITION

The current draft law outlines climate goals, which are compatible with the EU targets: "The long-term climate target of Slovakia is to reach neutrality by 2050. Climate target of Slovakia is to decrease greenhouse gas emissions until 2030 at least by 55% in comparison with 1990 levels."

The law further specifies reduction for the ETS (– 62%) and non ETS (– 22,7%) sectors. Non ETS sector is broken down to "sectoral targets" by 2030 for:

- **Transport** – target is to not increase emissions by more than 29% compared to 2005 levels
- **Buildings** – target is to decrease emissions by 12% compared to the average of years 2018, 2019 and 2020
- **Agriculture** – target is to decrease emissions by 10% compared to 2005 levels
- **Land use and forest management** – target is to increase carbon capture by 25% compared to 2005 levels
- **Waste** - target is to decrease emissions by 24% compared to 2005 levels
- **Specified industrial processes** - target is to not increase emissions by more than 40% compared to 2005 levels

The biggest criticism of the current draft and demands of the NGO coalition concerned a very low ambition of some of the specific sectoral targets and missing a 2040 target.

However, one of the main goals of the law, set by the MoE, was to address a complex issue related to relevant data: missing and/or insufficient data, poorly set processes of collection, distribution, and use of data for climate policymaking. Due to this fact it is difficult to comprehensively assess level of targets ambition. For this reason and assessing political situation, NGOs made a strategic decision to focus on climate governance provisions in the draft.



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. Ongoing NGO advocacy, repeated contacts with different levels of the MoE, including several meetings with (different throughout the drafting process) Ministers and State secretaries, brought results. Key parts of the law draft have been shaped in accordance with proposals provided by NGOs.

SLOVAKIA



Additionally, the MoE organised two online meetings of an ad hoc group, consisting mostly of industry and government representatives. These however were a one-way presentation format, rather than a space for consultations and discussions. Lack of engagement of key stakeholders, particularly ministries in charge of implementation, resulted in a big opposition to the draft when it finally entered the legislative proceedings.

NGO coalition attempted to consolidate the polarised situation concerning the draft law by individual meetings with representatives of most relevant ministries. NGOs received support from the president, proposing expert round tables to discuss contested parts of the proposal among ministries.



INDEPENDENT ADVISORY BODY

"Council is an independent, expert and advisory body" with 7 members: 2 appointed by president, 2 proposed by Minister of Environment and appointed by government and 3 appointed by parliament after a public hearing. Candidates can be proposed by variety of expert organisations, institutions, and interest groups, including climate NGOs. Draft law also outlines conditions, which need to be met by candidates, primarily related to their expertise.

Mandate and activities of the Council include:

- Annual report, publicly available, assessing how the targets and other commitments enshrined in the law are met
- Binding opinion for national long-term strategy (LTS) and national energy and climate plan (NECP), Adaptation Strategy, sectoral climate plans (obligation of each Ministry responsible for given sectoral target)
- Compliance statement to public investments above 5 mil EUR
- Other controlling powers towards authorities and institutions to assure that commitments enshrined in the law are met

An NGO Advisory Committee, "representing future generations, which are most affected by climate change", is a part of the Council.

The efficiency of the Council is further strengthened by the fact that it is a paid function, and its members are entitled to remuneration for their duty. Furthermore, organisational, and technical support of the Council is provided a paid administrative staff.

SLOVAKIA



POLICIES AND MEASURES

MEASURE 1

Municipalities with 3000 inhabitants and more are obliged to prepare strategic documents outlining their low emission development and climate adaptation. MoE will prepare methodology to support municipalities.

MEASURE 2

Sectoral climate plans (plans prepared by each ministry responsible for implementation of a respective sectoral target) are subject of a court review. This enables public to initiate court action against a lack of or insufficient climate action.

TURKEY

INITIAL CONTRIBUTION IN 2022 BY ÖZLEM KATISÖZ & ELIF CANSU İLLHAN, CAN EUROPE & YAĞIZ EREN ABANUS,
GREEN THOUGHT ASSOCIATION - REVIEWED IN 2023 BY ÖZLEM KATISÖZ, CAN EUROPE



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, however the law-making process was suspended and delayed to following year due to the general elections. Following setting up the new parliament, former Environment Minister who is now the head of Parliamentary commission for Environment declared that the climate law will be enacted in October when the Parliamentary starts operation.

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 COPs in 2022 and revised according to the recent developments such as 2053 announcement, climate CSOs call for 2030 absolute reduction.



AMBITION

The law has not been enacted yet. There is a draft text leaked by one of the chambers of trade.

TURKEY



PUBLIC PARTICIPATION

The government invited NGOs to the climate council in early 2022, 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.

The draft climate law texts of 2022 and 2023 versions were distributed to only the public officials and business NGOs for consultation. The Ministry is not carrying out a participatory and inclusive law-making process, which jeopardises the social acceptance of the law.



INDEPENDENT ADVISORY BODY

The draft law text doesn't include an independent advisory body.



POLICIES AND MEASURES

The law hasn't been enacted yet. However, when examining the draft text, there are major bottlenecks such as the draft text doesn't refer to 2053 net zero target, it doesn't define an effective climate policy governance and postpones it to bylaw. Moreover, the draft text was prepared as an ETS regulation rather than a climate law.

ANNEX I

COUNTRY-BASED CONTACTS

One of the goals of this briefing is to provide easy access to anyone that would like to increase their knowledge 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.

Albania - Resource Environmental Center in Albania (REC Albania)

Prof. Assoc. Mihallaq Qirjo, Director and Key Expert - director@recshqiperi.org; info@recshipqeir.org; development@recshqiperi.org

Austria - Greenpeace in Zentral- und Osteuropa

Jasmin Duregger - jasmin.duregger@greenpeace.org

Bulgaria - BlueLink Foundation

Plamen Petkov Peev - peevplamen@yahoo.com

Croatia - Society for Sustainable Development Design (DOOR)

Maja Bratko - maja.bratko@door.hr

Cyprus - Terra Cypria, The Cyprus Conservation Foundation

Orestis Karghotis - okarghotis@terracypria.org

Estonia - Estonian Fund for Nature

Hans Markus Kalmer - hansmarkus.kalmer@elfond.ee

Finland - Finnish Association for Nature Conservation

Hanna Aho - hanna.aho@sll.fi

France - Réseau Action Climat France

Caroline François-Marsal, Fiona Steffan & Emeline Notari - caroline.francois-marsal@reseauactionclimat.org; fiona.steffan@reseauactionclimat.org; emeline.notari@reseauactionclimat.org

Germany - Germanwatch

Charly Heberer & Kai Bergmann - heberer@germanwatch.org; bergmann@germanwatch.org

Iceland - Iceland Nature Conservation (INCA)

Arní Finnsson - arni@natturuvernd.is

Ireland - Maynooth University and Environmental Justice Network Ireland

Dr Orla Kelleher - Orla.Kelleher@mu.ie

Latvia - Green Liberty

Linda Zuze - linda@zalabriviba.lv

North Macedonia - Eko-svest

Elena Nikolovska - elena@ekosvest.com.mk

Netherlands - Natuur & Milieu

<https://natuurenmilieu.nl/contact/>

Norway - Friends of the Earth Norway
(Naturvernforbundet)

Aled Dilwyn Fisher - adf@naturvernforbundet.no

Poland - ClientEarth

Wojciech Kukula - wkukula@clientearth.org

Portugal - ZERO - Associação Sistema Terrestre
Sustentável

Bárbara Maurício & Susana Militão - barbara.mauricio@zero.org; susana.militao@zero.org

Romania - Energy Policy Group (EPG)

Ana-Maria Niculicea - ana.niculicea@enpg.ro

Republic of Serbia - Belgrade Open School

Mirjana Jovanović - mirjana.jovanovic@bos.rs

Slovenia - Focus

Barabara Kvac & Taj Zavodnik - barbara@focus.si; taj@focus.si

Slovakia - Climate Coalition Slovakia

Dana Mareková - dana.marekova@gmail.com

Turkey - CAN Europe

Özlem Katisöz - ozlem.katisoz@caneurope.org

ANNEX II

FURTHER RESOURCES

CAN Europe, *Climate Laws in Europe - Essential for achieving climate neutrality*, 1st edition, May 2022

Link: <https://caneurope.org/climate-laws-in-europe-essential-for-achieving-climate-neutrality/>

Ecologic Institute, *Climate laws in Europe - Good practices in net-zero management*, 2020

Link: <https://www.ecologic.eu/17233>

Ecologic Institute, *The Landscape of National Climate Framework Laws in Europe - A status update*, summer 2023

Link: <https://www.ecologic.eu/19399>

Ecologic Institute, *Climate Framework Laws Info-Matrix*, 2023

Link: <https://www.ecologic.eu/19320>

C. McIlhennon and C. Brennan, *Climate laws: what are the experts saying? - Reviewing opinions on the benefits of national framework climate laws*, June 2023

Link: <https://ejni.net/wp-content/uploads/2023/06/EJNI-Climate-Laws-Review-June-2023-1.pdf>

N. Menzies and others, *World Bank Reference Guide to Climate Change Framework Legislation*, 2020

Link: <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/267111608646003221/world-bank-reference-guide-to-climate-change-framework-legislation>

London School of Economics and Grantham Research Institute on Climate Change and the Environment, *Climate Change Laws of the World (database)*

Link: <https://climate-laws.org/>

Climate Action Network (CAN) Europe is Europe's leading NGO coalition fighting dangerous climate change. With 200 member organisations active in 40 European countries, representing over 1,700 NGOs and more than 40 million citizens, CAN Europe promotes sustainable climate, energy and development policies throughout Europe.

CAN Europe is a regional node of **Climate Action Network**, the world's largest environmental network with over 1,900 Non-Governmental Organisations (NGOs) active in more than 130 countries, driving collective and sustainable action to fight the climate crisis and to achieve social and racial justice by convening and coordinating civil society at the UN climate talks and other international fora.

CAN Europe members work to achieve this goal through information exchange and the coordinated development of NGO strategy on international, regional, and national climate issues.

CAN Europe members place a high priority on both a healthy environment and development that "meets the needs of the present without compromising the ability of future generations to meet their own needs" (Brundtland Commission). CAN Europe's vision is to protect the atmosphere while allowing for sustainable and equitable development worldwide.



Climate Action Network Europe
Mundo-B, Rue d'Edimbourg 26
Brussels 1050, Belgium

www.caneurope.org

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