

Ireland's NECP Update Failed to Comply with EU Law, Undermining Climate and Energy Targets

NGOs file complaints over systemic failures in climate plans across five Member States, including Ireland

Embargoed until 7th November 2024

The Environmental Justice Network Ireland (EJNI) has today joined national partners and a coalition of NGOs from across four other EU Member States to call on the European Commission to take legal action against what they report as non-compliance with EU laws in the updating of National Energy and Climate Plans (NECPs). Under the Governance Regulation (2018), Member States are required to update their NECPs in 2023/2024. These strategic plans outline how each country will achieve the EU's 2030 climate and energy targets, including goals for emissions reduction, renewable energy expansion, and energy efficiency. They also play a crucial role in ensuring a just and equitable green transition for all EU citizens.

EJNI has submitted a formal complaint and letter to the European Commission, citing Ireland's updated NECP for significant non-compliance with EU laws. This complaint is part of a coordinated action with NGOs from France, Ireland, Germany, Italy, and Sweden, highlighting widespread deficiencies in NECPs across these Member States. The complaints reveal that these countries' plans breach EU law by failing to meet binding climate and energy targets, not including required information on fossil fuel subsidies, and excluding the public from meaningful participation in plan development.

In relation to Ireland, EJNI has undertaken in-depth analysis with civil society partners in Ireland that has revealed multiple deficiencies in the updated NECP. These issues, spanning both the content and the procedural aspects of the plan, mirror shortcomings identified in Ireland's initial 2018/2019 NECP. Areas of non-compliance with the Governance Regulation include, among others:

- **Failure to set clear pathways for phasing out fossil fuel subsidies:** Ireland's NECP does not provide adequate timelines or strategies for eliminating fossil fuel subsidies.
- **Insufficient measures for achieving Ireland's legally binding climate targets:** The plan fails to outline sufficient policies and measures necessary to achieving Ireland's 2030 Effort Sharing targets, and Land Use, Land Use Change, and Forestry (LULUCF) targets.
- **Lack of a nationwide strategy for ensuring a Just Transition:** The updated NECP lacked a comprehensive nationwide approach to addressing the socio-economic impacts of the climate and energy transition.
- **Insufficient information on energy poverty:** The updated NECP failed to properly assess the extent of energy poverty in Ireland, neglecting to consider the essential domestic energy services needed to maintain basic living standards in the national context, as well as existing social policies, other relevant measures, and the European Commission's guidance on energy poverty indicators.
- **Inadequate public participation:** Contrary to the Governance Regulation and Aarhus Convention, Ireland did not facilitate early, effective public input, along with reasonable timeframes for participation, during the preparation of the NECP update.
- **Inadequate policy consistency between short and long-term climate planning:** the updated NECP was not aligned with Ireland's national Long-term Strategy.

These failures pose significant risks to both Ireland and the EU's collective ability to reach the legally binding 2030 climate goals, as well as commitments under the Paris Agreement and the Aarhus

Convention. In addition, the financial costs for Ireland of failing to meet EU objectives are significant and are projected to exceed €8 billion in certain scenarios.

Dr. Ciara Brennan, Director of EJNI, said:

"Earlier this year, the Environmental Protection Agency in their State of the Environment Report said that for too long, Ireland has aimed to 'get by', setting only minimum standards which themselves are not often achieved. Ireland's approach to updating its NECP is a perfect example of this"

"NECPs are a critical bridge between EU climate targets and on-the-ground actions. Ireland's updated NECP is, unfortunately, a missed opportunity, falling short in both substance and process."

"Our concerns echo the calls of the Climate Change Advisory Council and the Environmental Protection Agency - that serious action cannot be postponed, and that we need a rapid and resolute response to reducing emissions. The NECP update provided that opportunity."

"It's deeply concerning that, even with guidance from the European Commission and active input from civil society, Ireland's NECP remains insufficient to phasing out fossil fuel subsidies, meet climate and energy targets, and ensuring a nationwide fair climate transition for communities."

"Ireland is still far from meeting its 2030 climate and energy targets, and its updated NECP has missed a critical opportunity to make necessary course corrections."

"The lack of compliance with EU law risks not only national progress but also the collective achievement of EU climate commitments. The European Commission must now act to ensure Member States honour their commitments and address climate policy with the urgency it demands."

[Caitlin Mcilhennon, Deputy Director of EJNI] said:

"Ireland's updated NECP lacks a comprehensive national strategy to tackle the broader impacts of the climate transition on health, environment, employment, education, and social equity. There is insufficient focus on human rights, gender equality. The NECP also lacks an integrated approach, leaving substantial gaps in supporting energy-poor communities and a just transition beyond 2030. This is a requirement of the Governance Regulation"

[Alison Hough, lecturer in Technological University of the Shannon and head of EJNI's Environmental Democracy Observatory] said:

"Ireland failed to conduct public consultations early enough in the NECP process, missing the opportunity for meaningful input while all options were still open. This represents a missed opportunity to have important discussions about the large-scale social challenges we now face as a result of climate change. Key decisions about our future are being made without cross-societal consensus, undermining their legitimacy."

"The two public consultations that did take place occurred only after the draft had been submitted to the EU Commission, and the main approaches already substantially decided without public input. Very little was done to facilitate engagement with these documents in terms of accessible

information, and the first consultation was based on an outdated policy projections scenario, while the second, conducted just days before the final NECP submission deadline in June, provided little room for meaningful adjustments. These consultations did not comply with the legal standards of the Governance Regulation, the Aarhus Convention, or the European Commission's own guidance. The delays, lack of supporting information and limited consultation windows compromised the effectiveness of public participation in shaping the NECP."

EJNI, alongside the other civil society groups, are urging the European Commission to launch infringement proceedings against the Member States involved. According to EJNI, these actions are essential to uphold EU law and maintain the integrity of climate and energy policies across Europe. The Commission has 12 months to reply to these complaints.

In her mission letters to the Commissioners-designate for climate and energy, Wopke Hoekstra and Dan Jørgensen, currently undergoing hearings before the European Parliament, Commission President von der Leyen stressed that the success of this Commission will be measured by its ability to achieve the European Green Deal's targets. She instructed them to utilise all available enforcement tools, including infringement proceedings, to ensure that Member States fulfil their commitments. In January 2024, the European Commission closed its legal case against Ireland after the Government finally submitted its Long-term Strategy on Greenhouse Gas Emissions Reductions - which was due to be submitted to the Commission on the 1st January 2020.

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Note to editors:

- For all media enquiries, contact: Caitlin@ejni.net
- EJNI is a non-profit platform undertaking collaborative research, advocacy and action to address the root causes of environmental injustice across the island of Ireland. More information can be found at www.ejni.net
- Accompanying the complaint submitted today to the European Commission is a [letter of support](#) for the complaint co-signed by Environmental Justice Network Ireland, Friends of the Earth Ireland, Community Law & Mediation's Centre for Environmental Justice, the Stop Climate Chaos Coalition, An Taisce, Feminist Communities for Climate Justice, the National Women's Council, Friends of the Irish Environment and Community Work Ireland.
- Ireland submitted its updated NECP to the European Commission in July 2024, approximately three weeks past the deadline. An initial draft of the NECP had been submitted in December 2023, five months after the original due date. The Commission published an assessment of and recommendations for Ireland's updated NECP in February 2024.
- An assessment of Ireland's draft updated NECP is available at: <https://ejni.net/wp-content/uploads/2024/06/Assessment-of-Irelands-final-draft-NECP.pdf>
- Ireland's Effort Sharing Target for 2030 is to reduce greenhouse gas emissions by 42% compared to 2005 levels. Under the With Existing Measures Scenario used in the updated NECP, Ireland will only achieve a 9% reduction by 2030. This rises to 25% under the With Additional Measures scenario adopted in the NECP - still short of what is required by 2030.