
Introduction

J&E strongly supports the initiative to foster the implementation of the Paris Agreement by establishing a framework for the irreversible and gradual reduction of greenhouse gas emissions as well as the removal of carbon-dioxide by natural sinks and setting out a binding objective of climate neutrality in the Union by 2050. We hope for the European Climate Law to encourage the implementation of “climate consciousness” mechanisms, necessary for mainstreaming climate mitigation and adaptation measures within sustainable development and most of all induce the main urgent measures for dealing with climate emergency.

There is not much time left until climate neutrality must be reached within the European Union. The “Climate Law” should, therefore, deliver a clear message that dealing with the climate crisis is the priority of the EU – i.e. all its bodies – and should be the priority of all governments of Member States throughout all sectors and levels, including budgetary issues. After all, climate protection is a cross-cutting issue on large and small scale and not only an issue for the environmental sector.

The main global threat which led the European Parliament to declare a climate and environmental emergency, demands to align all activities with the Paris Agreement’s 1.5 °C target. In this regard, we consider the following points of outmost importance to ensure effective implementation.

Setting a new reduction target for 2030 and after

We overall welcome the Commission’s Communication on the 2030 Climate Target Plan. In this regard, J&E supports the CAN Europe call for an increase of the EU’s 2030 climate target to at least 65 % compared to 1990. We, therefore, call on the Commission to set the 2030 goal on at least the proposed 55 %.

However, we are convinced that it is necessary that this adapted 2030 goal is included in the European Climate Law before its entry into force. This approach should at least be analysed by the Commission in the impact assessment to be carried out by September 2020. Adding this goal at a later point, as it is currently intended according to Article 2 (2), would weaken the whole process of strengthening EU ambitions about climate action.

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Taking SDGs and the Agenda 2030 into consideration, intermediary climate goals for 2030, but also 2040 and 2050 must be set in an ambitious manner. This also includes setting clear goals for the different sectors.

Review of policies and regulations

For measures related to the climate crisis and the path towards the 2030 climate goals, a review of legislation and policies is very important. In essence, this requires “mainstreaming” climate change and biodiversity through all policies and regulations – on the European and national levels. We therefore strongly support the approach of Article 5 (4) to “assess any draft measure or legislative proposal in light of the climate-neutrality objective set out in Article 2(1) as expressed by the trajectory referred to in Article 3(1) before adoption, and include this analysis in any impact assessment accompanying these measures or proposals, and make the result of that assessment public at the time of adoption”.

In this respect, we propose to strengthen the strategic environmental assessment as an already existing tool and expand it in a way in which it would be a practical and operative tool to assess the impacts of all plans and regulations on climate. A possible approach would be an upgrade of the screening phase regarding climate change. Also, new tools useful for all decision-makers could be introduced.

In order to ensure carbon neutrality by 2050, setting an obligation to review EU and national policies and legislation to reach the consistency and sectoral policy coherence aligned with the 1.5 °C goal is essential. This must also be reflected in the “Climate Law”. We, therefore, support the plan to regularly assess whether the trajectory requires updating and review policies and legislation and take action in case of insufficient progress. A review of the EU trajectory on a five-year basis as provided in Article 3 (1) is more than welcome.

Additionally, a review of national policies and regulations – on a regular basis would be necessary. This applies to all policies and regulations already in force as well as to all of those to be released in the future. Considering the urgency of the climate crisis and the short time left to take effective and cost-efficient measures, a five-year basis would be adequate as well at the national level.

Monitoring implementation measures

In order to ensure effective implementation of the “Climate Law”, clear tools for monitoring of the measures taken on the EU and national levels are crucial. A regular assessment by the Commission of relevant measures as well as conclusions where it finds measures inconsistent with the climate-neutrality objective or inadequate to enhance adaptive capacity, as pointed out in Objective (18) as well as Articles 5 and 6 is therefore crucial. And it is even more crucial that the Commission is entitled to take the necessary measures if it finds that measures are inconsistent with the climate-neutrality objective.

Besides an evaluation of the National Energy and Climate Plans (NECPs) regarding the objective of an adapted trajectory, the assessment of the measures taken by each Member State is of particular importance. In this respect, we do not see why such an evaluation shall occur “under due consideration of the collective progress” as each and every Member State is obliged to take the relevant measures to fully reach the reduction goals set out for the relevant decade.
Individual, publicly accessible findings, taking into account each Member State’s socio-economic and ecological situation are therefore essential. We doubt that the optional instrument of recommendations will be sufficient to convince the Member States to provide for additional measures, which can be sufficiently effective in this regard.

**Public involvement**

Civil society plays an important part in raising awareness, developing new concepts, and pointing out weaknesses of measures and policies. We, therefore, appreciate that result of any assessments by the Commission such as according to Article 5 (4) and 6 (2) be made public.

The [European Climate Pact](#), which is currently subject to public consultation, could also provide an important instrument in this respect.

It is not only necessary that the Commission facilitates an **inclusive and accessible process** at all levels, but this obligation **should also concern each Member State**, including an option to challenge the relevant measures according to the provisions of the Aarhus Convention.

J&E welcomes the obligation to dialogue at the national level on the EU climate-neutrality objective. As not all national stakeholders are able to participate at the EU level, the last sentence of Article 8 should make it compulsory for the Commission to draw on the multilevel climate and energy dialogues.

Regarding the amendments of Article 11 Regulation (EU) 2018/1999, J&E suggest that the Member States should be **required** to discuss NECPs within the climate and energy dialogue instead of stating that the plans “may be discussed” within this framework.

**Taking into account biodiversity and animal welfare**

As pointed out in Recital (2), the 2019 Global Assessment Report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) showed worldwide erosion of biodiversity. It, therefore, needs to be ensured that climate neutrality is not reached at the cost of biodiversity or animal welfare.

The first imperative in the path towards this goal is that the loss of biodiversity should be stopped at the same time. Protecting biodiversity in this manner is not only a possible co-benefit, but it should be the defined co-effect. Climate mitigation measures should be tailored in the way that their effect would significantly contribute to stopping biodiversity loss which is the second, equally life-threatening global problem. Climate mitigation and adaptation aspects and biodiversity protection must, therefore, be considered, especially in the area of spatial planning.

We strongly support adopting measures for addressing the emissions from the maritime and aviation sectors, not only inside the EU, but also coming from outside. We would also like to highlight the prospective to maintain and further increase natural sink of forests, soils, agricultural lands, and wetlands.

Albeit mentioned in the explanatory memorandum and Recitals (2) and (5), biodiversity issues are not addressed in any Article of the Climate Law proposal. In fact, we question that the first two issues to be considered when setting the trajectory are cost-effectiveness and economic efficiency as well as competitiveness of the Union’s economy. From an environmental perspective, we suggest adding biodiversity protection and animal welfare to this list, preferably as one of the first items being the most problematic consequences of human activities threatening human and all other life.
**Additional remarks**

The European Climate legislation currently lacks an emphasis on *production and consumption patterns* and general awareness raising about their impacts on climate. The environmental (GHG) cost should be internalised in all products that are consumed in the EU (regardless if they are produced in the EU or outside) – financial and tax “tools” can be very effective in this matter. Although it seems the change of energy production is the core issue in addressing climate change, the overall change in society – production and consumption - is necessary, especially in the fields of food production and transport.

*Food production* should follow three imperatives: enough food for all, producing food that is healthy for people, and has a low environment/carbon footprint. Land should be used mostly for producing healthy food for people, taking into account the negative environmental effects of deforestation.

The focus should also be set on measures for supporting *circular economy* and mechanisms for *low carbon production*.

*Transport* seems as it is “out of reach” – to have its own growth that “cannot be stopped”. However, it is not logical to reduce GHG emissions in the transport sector in a way that is not an overall reduction. The EU has to make some significant steps to allow member states to address transit transport with “climate-friendly” measures or to adopt common measures to address this problem.

In order to reach any climate goals, *financial instruments* must be used effectively, which includes internalizing external costs. Besides taxes for GHG emissions, subsidies for fossil fuel must be renounced. In this respect, we would like to recall that the EU Sustainable Development Strategy 2001 already committed to phase-out subsidies to fossil fuels by 2010. Furthermore, the EU and its member states must exhaust all financial mechanisms to support desirable practices and taxation for not desirable practices.

Finally, the EU “Climate Law” should include the establishment of a Scientific “*European Climate Change Committee*” to advise the European Commission in the setting of the trajectory for achieving climate neutrality as well for the assessments. The introduction of such a body could follow the example of the UK Climate Change Committee as well as the comparable institutions in France and Sweden.

*The present Position Paper was adopted by the Climate Topic Team of J&E on 29 April 2020.*

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