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| **ENVE-VII/005** | |
| **3rd meeting of the ENVE Commission, 8-9 June 2020 (to be confirmed)** | |

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**Commission for the Environment, Climate Change and Energy**

**WORKING DOCUMENT**

**European Climate Law: establishing the framework for achieving climate neutrality**

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| \_\_\_\_\_\_\_\_\_\_\_\_\_  Rapporteur: **Juan Manuel Moreno Bonilla (ES/EPP)**  Member of a regional government: Government of the Region of Andalusia  \_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| This document will be discussed at the meeting of the **Commission for the Environment, Climate Change and the Environment to be held from 11 a.m. to 5.30 p.m. on 8-9 June 2020 (to be confirmed)**. |

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| Reference document  Proposal for a Regulation of the European Parliament and of the Council establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law)  COM (2020) 80 final |

# **INTRODUCTION**

The aim of this document is to guide the debate on the CoR opinion relating to the Proposal for a Regulation of the European Parliament and of the Council establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law).

The objective of the proposed European Climate Law is to establish the framework for achieving climate neutrality in the EU by setting out a pathway towards meeting this objective, and by increasing certainty and confidence in the EU's commitment to businesses, workers, investors and consumers, as well as transparency and accountability. The proposal is also aimed at stepping up adaptation efforts and putting in place a process for examining the trajectory leading up to 2050, based on regular evaluation and a procedure in case of insufficient or inconsistent progress. In order to reach these objectives, the proposal seeks to complement the existing policy framework, while at the same time reviewing the legislation and current policies of the EU to check that they are consistent with the goal of climate neutrality. Apart from complementing existing policies, the proposal will also draw on the support of current and future initiatives under the European Green Deal, such as the European Green Deal Investment Plan, and the Just Transition Mechanism and Just Transition Fund, aimed at ensuring that all EU territories can reach the objectives that have been set. At the same time, for the 2030-2050 period, the proposal would empower the Commission to adopt delegated acts to supplement the Regulation by setting out a trajectory at EU level for achieving the 2050 objective over time. The Commission will also seek to ensure that existing policy instruments are consistent with the goal of achieving climate neutrality by 2050, by evaluating and increasing the EU's greenhouse gas emissions reduction target for 2030: the Commission will present a plan in September 2020, with an impact assessment, with a view to increasing, in a responsible way, the EU's greenhouse gas emissions reduction target for 2030 to at least 50% and up to 55% compared with 1990 levels.

# **MAIN ELEMENTS OF THE PROPOSAL**

**Objective and trajectory:**

The proposal clearly sets the objective of zero-net greenhouse gas emissions by 2050, to be achieved collectively by the EU. In line with the position within the EU's institutional framework, the CoR also supported the establishment of a long-term objective. Furthermore, the objective is consistent with the majority of national climate laws (where applicable), most countries aspiring to zero-net emissions in some form. In order to reach the objective of climate neutrality, and on the basis of the EU's revised climate objective for 2030, it is stipulated that the Commission will establish a trajectory at EU level, taking account of criteria such as cost-effectiveness and economic efficiency, energy efficiency, fairness and solidarity between and within Member States, etc. It is specified that meeting the goal of climate neutrality on a collective basis will require the EU's territories to take on board the commitment deriving from the measures adopted in their national integrated energy and climate plans, following final approval by the Commission. Although it may prove difficult to reach climate neutrality collectively, if it is not achieved at the level of each of the Member States, we believe that the national trajectories should also provide for regional and local trajectories, with the same criteria of cost-effectiveness, economic efficiency, energy efficient, fairness and solidarity, which ensure that the collective objectives are met.

Local and regional authorities can make a major contribution to achieving climate neutrality through their own policies. Consideration should be given to the possibility of setting sectoral goals as a range, in order to take account of the environmental, social and economic realities of states, at both regional and local level. There are major differences in the baseline scenarios among regions and municipalities which are immersed in drafting their own plans for measures. Like other European regions, Andalusia has to tailor its objectives and trajectory towards to new framework conditions at both national and EU level. Making available all existing thematic information at regional level and the tools used to draft national integrated energy and climate plans, and adopting a regional approach to emission projections, would promote the pooling of efforts at different levels.

Apart from the general objective of climate neutrality, the proposal stipulates that the EU institutions and the Member States shall ensure progress in improving adaptation capacity and boosting resilience to climate change in line with the Paris Agreement, and tasks the Member States with drawing up and implementing adaptation strategies and plans. As regards adaptation, the regional and local factor is crucial in drafting strategies and plans. Geographic, climate, social and economic considerations are key to assessing and evaluating vulnerability, managing risks and identifying future scenarios for climate variables. The establishment of predictive tools for adaptation and resilience-building that can be adapted to the different regional and local realities would represent a major leap forward in developing these strategies. At the same time, there should be a greater commitment to policies for removing greenhouse gases, where regional and local authorities would need to play an important role in helping to meet the climate neutrality objectives in a way that is compatible with economic development.

**Points for discussion:**

* Should the proposal include specific or sectoral objectives?
* Should the proposal include provisions on the specific or sectoral objectives provided for other legislative proposals that contribute to the objective of climate neutrality?
* Should the proposal include provisions on provisional objectives in the post-2030 trajectory?
* Should the proposal be more ambitious in terms of revising existing legislation with a view to achieving the objective of climate neutrality?
* What should be the role of local and regional authorities in establishing the post-2030 trajectory and, in particular, in the long-term national strategies?
* How can local and regional authorities contribute to the post-2030 trajectory, for example via locally determined top-down contributions, voluntary bottom-up commitments?
* What are the most important aspects that local and regional authorities must take into account when establishing the trajectory?
* Should the adaptation strategies be explicitly linked to the national energy and climate plans (NECPs)?
* How can local and regional authorities contribute to the adaptation strategies?
* How can better synergies be ensured between European, national, regional and local budgets in order to achieve the objective of climate neutrality by 2050?
* Could the multilevel dialogue on climate and energy be a tool for ensuring vertical integration of the 2050 roadmap?
* Will the Commission have the power to adopt delegated acts between 2030 and 2050 in order to supplement the Regulation with a trajectory at EU level?
* How can we ensure that the climate change objectives remain an economic priority post COVID-19?

**Evaluation of progress:**

The proposal provides for the evaluation of progress made by the Member States in achieving the objective of climate neutrality and adaptation, by 30 September 2023 at the latest and every five years thereafter. The European Commission will publish the conclusions of the evaluation alongside the report on the state of the Energy Union. In this same timeframe, the consistency of the EU's action with the climate neutrality objective will be examined, as will the suitability of the EU's measures to ensuring better adaptation. Finally, the Commission will assess, also within the same timeframe, whether national measures are consistent with the climate neutrality objective and whether national measures to improve adaptation are appropriate. The evaluation of progress, consistency and suitability will also take account of scientific evidence, information submitted on the basis of the Regulation on the Governance of the Energy Union and Climate Action, reports by the European Environment Agency, statistics, data and any complementary information. Although the provisions on the evaluation of progress, consistency and suitability may leave scope for local and regional contributions, the role of local and regional authorities in this area is not explicitly taken into account.

The evaluation of progress, consistency and suitability at local and regional level would require a major coordination effort on the part of those authorities with the national level, so that the necessary data can be gathered and processed uniformly at all levels. A territorial approach to monitoring progress would allow for a better analysis of any possible deviation from the trajectory and help with drawing up recommendations to rectify it.

In the case of Andalusia, in the Spanish context, as, we imagine, in other European regions, it is essential that regional authorities have detailed knowledge of how the national inventory of emissions and removals of greenhouse gases (GHG) is drawn up, as well as a disaggregated inventory at regional level, with the same guarantees of quality as the national inventory. For this reason, national authorities should provide access to this information. With regard to adaptation, the availability at regional and local level, as is the case in Andalusia, of a wide network of meteorological and air quality stations, and of a network of climate change observatories, is essential in order to monitor progress in this area.

**Points for discussion:**

* How can we ensure that emissions are measured, notified and verified in an accurate and transparent manner?
* Should data be gathered to oversee and evaluate progress at regional or local level?
* Should the proposal include provisions to reduce measures to achieve the climate neutrality objective at local or regional level?
* Should the proposal broaden the revision of existing legislation (for example, the Governance of the Energy Union Regulation) for the purpose of planning and overseeing progress and measures at local or regional level?
* What mechanisms could be developed in order to map the data on the progress achieved at regional or local level?
* Is the proposed timeframe for evaluating progress, consistency and suitability appropriate?
* Should data on the progress achieved be communicated only every five years or should it be readily (and publicly) available?
* Should the evaluation of the consistency and suitability of national measures include a local or regional perspective?
* Should the evaluation of the consistency and suitability of the EU's measures include a local or regional perspective?
* As regards adaptation to climate change, and given the diversity within each Member State, should it be the regional level that deals with designing adaptation measures and monitoring their implementation?
* Should the design and management of meteorological and climate information networks, as well as the multitude of complementary data (hydrological, ecological, city-related, etc.) at regional level be assessed to ensure a uniform minimum level of quality across Europe, so that the planned measures can be monitored, assessed and/or rectified?

**Public participation:**

The proposal tasks the Commission with engaging with all sections of society so that they can take measures to achieve a climate-neutral and climate-proof society. The local and regional level is highlighted in this connection. Although all sections of society should be empowered to adopt measures to achieve the climate neutrality objective, public participation should be distinguished from multilevel governance within the EU. Local and regional authorities are tasked with implementing most EU policies, climate mitigation measures, climate adaptation policies and sustainable development objectives, and should be regarded as fully-fledged partners and not as stakeholders on the journey towards climate neutrality. Furthermore, the proposal outlines multilevel dialogues on climate and energy as a channel of participation. Society as a whole plays a key role in adopting models for sustainable living, locally-based consumption, circular economy, new behavioural patterns, etc. All of this will have to be taken on board by every section of society in order to bring about the systemic changes that can help deliver net-zero emissions by 2050; for this reason, it is important that the proposal highlights the role of society in this shared objective, granting a prominent place for individuals, for European citizens, who by acting ethically and in solidarity in each region will help reach the common European objective.

**Points for discussions:**

* Should the proposal include a provision on the participation of local and regional authorities separately from public participation?
* How can it be ensured that the local and regional dimensions are properly incorporated into the multilevel dialogue on climate and energy, specifically at the level of national integrated energy and climate plans?
* What additional mechanisms could be developed to ensure that all levels of government contribute to achieving the objective of climate neutrality?
* Should there be a platform for an ongoing technical exchange at various levels?
* Should there be a platform for an ongoing political exchange at various levels?
* Should the proposal include a provision on a platform dedicated to the participation of the interested parties?
* Should the proposal be more ambitious with regard to linking the climate neutrality objective to other flagship initiatives the EU has committed itself to (for example, the Conference on the Future of Europe)?
* In the area of public participation, would it be useful to place an emphasis on identifying, at regional level, the main levers of change that will play a key role in meeting the climate neutrality objectives?
* Would it be a good idea to devote a few lines within the proposal to the role of European citizens as an important and prominent element of the law, given that, with their habits of behaviour, consumption, movement, etc., they will be key to achieving the shared objective?

Brussels,

# **PROCEDURE**

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| **Title** | Proposal for a Regulation of the European Parliament and of the Council establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law) |
| **Reference(s)** | COM(2020) 80 final |
| **Legal basis** | Article 307(1) |
| **Procedural basis** | Rule 41(a) of the Rules of Procedure |
| **Date of Commission letter** |  |
| **Date of President's decision** | 19 March 2020 |
| **Commission responsible** | Commission for the Environment, Climate Change and Energy (ENVE) |
| **Rapporteur** | Juan Manuel Moreno Bonilla (ES/EPP)  Member of a regional government: Government of the Region of Andalusia |
| **Analysis** |  |
| **Discussed in commission** |  |
| **Date adopted by commission** | Scheduled for 8-9 June 2020 |
| **Result of the vote in commission**  **(majority/unanimity)** |  |
| **Date adopted in plenary** | Scheduled for 1-2 July 2020 |
| **Previous Committee opinions** |  |
| **Date of subsidiarity monitoring consultation** |  |

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