

Introduction

The Legal-informational centre for NGOs (PIC) strongly supports the initiative to set the climate-neutrality goal as an official goal of the EU, at the latest by 2050.

As the proposed regulation mentions the Paris Agreement and achieving the binding temperature goal of the agreement, it is imperative that the Climate Law is an effective act from the practical point of view. The irreversible and gradual reduction of greenhouse gas emissions is critical, and thus the setting out a binding objective of climate neutrality in the Union by 2050 is welcomed, but must be further enhanced by clear and more ambitious intermediate goals for 2030, and also for 2040. We strongly encourage even separate goals for every 5-year period, in which the Commission shall evaluate national measures through the prism of achieving the climate-neutrality objective.

There is not much time left until climate neutrality must be achieved. In this regard, it is imperative that the Climate Law is not simply a substantial act, but that it also presents, establishes and stresses a public and common fact: **dealing with the climate crisis is the priority of the EU, across all its bodies, all its policy areas, all sectors and levels, including the financial and budget policies and issues.** As this fact should be proclaimed as the European goal, it should also be the priority of all national governments. It is not simply a matter of the environmental sector; it is a crosscutting issue, which should be addressed as such, in substantive and declaratory fashion.

The main global threat, which led the European Parliament to declare a climate and environmental emergency, demands aligning of all activities with the Paris Agreement's 1.5 °C target. In this regard, we present further points which we believe are of the utmost importance to reach the EU objective and to make the Climate Law and its supplementing acts effective and successful.

Setting a higher goal for GHG reduction for 2030, 2040 and clearly defining intermediate goals

We strongly support the calls for the **increase of the EUs 2030 climate target to at least 65% compared to 1990.**

We are convinced that it is imperative to include this goal in the Climate Law as a fixed goal before its entry into force, and not as a goal, which will be further evaluated and discussed as recommended, as it is currently proposed by Article 2 (paragraphs 3 and 4). Not having a clear goal at the point of Climate Law's entry into force might weaken the process of achieving the EUs climate target.

Building on the aforementioned emphasis, we also strongly recommend that the goal for 2040 be set, or that a clear method of setting the 2040 climate goal within supplementing acts be set within the Climate Law.

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. We therefore support the plan in the Climate Law 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 5-year basis as provided in Article 3 (1) is more than welcome.

We also recommend that the Commission strongly considers setting intermediate goals, building on the periodic review of the implementation of national measures on the basis of the National Energy and Climate Plans in Article 5 (1 and 2) and 6 (1. a). If this is to be included in the trajectory, then we stress the importance of intermediate goals as a way of checking progress on a regular basis and not wasting essential time because of member states' failures to meet the 2030 goal, the potential 2040 goal and the goal of climate-neutrality by 2050. We are running out of time; vigilant and up to date reporting and the successful and timely achieving of targets is imperative.

Review of Policies and Regulations

From the point of view of putting the climate crisis, climate change and biodiversity loss at the epicentre of all EU legislation, we strongly support the Article 5 (4). "The Commission shall 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 **review and strengthen the strategic environmental assessment** as an already existing tool, which proved effective in environment protection. We propose to review and expand it in a way in which it would be a practical and operative tool to assess the impacts of all national plans and regulations on climate. A possible approach in this regard would be to upgrade the screening phase regarding climate change. In this way, climate assessment would be an important part within the SEA procedure and further mainstreaming of climate change would be included in the process of legislation creation.

Additionally, a **review of national policies and regulations** on a regular basis would be necessary. 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 national level. We therefore strongly recommend, **that the Climate Law includes a provision, by which the general and periodic national reviews of legislation from the perspective of respecting the EU climate target are required.**

Monitoring Implementation Measures and clarity of reporting parameters

In order to ensure an effective implementation of the Climate Law, clear tools for monitoring of the measures taken on the EU and national level 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 utmost 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 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 instrument of recommendations will be sufficient to convince Member States to provide for additional measures, can be sufficiently effective in this regard.

Clear parameters of what net-neutrality means in scientific terms and clearly defined criteria for national report to the EU, in order to prevent potential different practices and various interpretations of the same provisions of the member states, as is presently common in the EU legal framework. There is simply no more time to waste – a fact recognized by the European parliament by the declaration of the climate crisis and a fact recognized by the new European Commission. Therefore, we urge and strongly recommend, that the Climate Law includes **a provision specifying an adoption of a supplementary act by the Commission, which will clearly, and scientifically define, what net neutrality means, and what data, emissions and other relevant information must be taken into account** in member state reports to the Commission and what will be considered when evaluating the member states' progress toward the neutrality target.

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 Commissions such as according to Article 5 (4) 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.

Regarding the amendments of Article 11 Regulation (EU) 2018/1999, we suggest that 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 Objective (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 within the same process. 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 effects would significantly contribute to stop biodiversity loss as 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. In this regard, we strongly support adopting measures for

addressing the emissions from the maritime sector and aviation, not only inside EU, but also coming from outside. We would also like to highlight the prospective to maintain and further increase natural sinks of forests, soils, agricultural lands and wetlands.

Albeit mentioned in the explanatory memorandum and Objectives (2) and (5), biodiversity issues are not addressed in any Article of the Climate Law proposal. From an environmental perspective, we suggest to add biodiversity and animal welfare to this list, preferably as one of the first items.

We recommend, that **protecting the biodiversity is included as one of the criteria, based on which the Commission sets** the trajectory to achieve climate neutrality, within the third paragraph of Article 3.

Taking into account the just transition to a carbon neutral society

We strongly support the inclusion of the need for a just and socially fair transition as one of the criteria for setting the trajectory to a carbon neutral EU. As this is one of the focal points in ensuring, that the peoples of the EU accept, endorse and internalize the transition to a carbon neutral society, and by taking into account that other legislation is proposed to cover the just transition topic, we nonetheless strongly recommend that it is included in the first article of Climate Law.

We propose, that the just transition is specifically emphasized within the second paragraph of Article 1, in tandem with ‘taking into account the importance of promoting fairness and solidarity among Member States.’ It should be clear, that the climate neutrality cannot be achieved without the acceptance of the people, who are today still dependant on the fossil fuel industry and other economic activity, which does not lead to climate neutrality.

Additional remarks

The European Climate legislation currently lacks an emphasis on **consumption patterns** and general awareness raise about their impacts on climate. The environmental (GHG) cost should be internalised in all products that are consumed in 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 the 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 the people and producing food that has a low environmental/carbon footprint. Land should be used mostly for producing healthy food for all people.

Transport seems as if it were “out of reach” – it has 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 do some significant steps to allow member states to address transit transport with “climate friendly” measures or to adopt common measures to address this problem.

Focus should also be set on measures for supporting the circular economy and mechanisms for a low carbon production.

At last, in order to reach any climate goals, **financial instruments must be used effectively**. This includes internalizing external costs. Besides taxes for GHG emissions, subsidies for fossil fuel should

be fully renounced. Furthermore, the EU and its member states must exhaust all financial mechanisms to support desirable practices and to tax the not desirable practices.

In hope, that our comments will be given a serious consideration,

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In the name of PIC.

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