

Good practice in existing climate laws in Europe

Key insights from comparative analysis of national climate governance.

Matthias Duwe

Input to the hearing on the national climate law by the Environment Committee of the Portuguese Parliament

Berlin => Lisbon, 09 March 2021



Ecologic Institute – Who are we?

- ▶ Think tank for applied policy research & advice founded in 1995
- ▶ Covering most environmental issues from biodiversity to climate to plastic waste
- ▶ International, interdisciplinary team of about 130 people
- ▶ Most of us are: lawyers, political scientists or economists
- ▶ Politically independent, not-for-profit, project-based
- ▶ Key funders: German ministries and EU Commission and EP

Ecologic Institute has been ranked in first place worldwide among Environment Policy Think Tanks in the University of Pennsylvania's 2020 Global Think Tank Ranking Index. This significant honour marks the 11th consecutive year under the top 10 in this category and the first time atop the podium.



Main references for this presentation



Evans, Nick; Duwe, Matthias (FORTHCOMING 04/2021): **Overview of climate governance systems and national advisory bodies in European countries.** Ecologic Institute, Berlin / IDDRI, Paris

– commissioned by the **European Environment Agency**



Duwe, Matthias., & Evans, Nick (2020): **Climate laws in Europe: Good practices in net-zero management.** Ecologic Institute, Berlin / ECF, Den Haag

The report summary is available in 5 languages



An UPDATE to that report is about to be published:

Duwe, M. & Evans, N. (FORTHCOMING 03/2021). **Professionalizing Climate Policy via Legislation: Good Practices in Long-Term National Climate Framework Laws.** Policy Paper Series “Shaping the Transition to a Low-Carbon Economy: Perspectives from Israel and Germany”. Israel Public Policy Institute and Heinrich Böll Foundation Tel Aviv

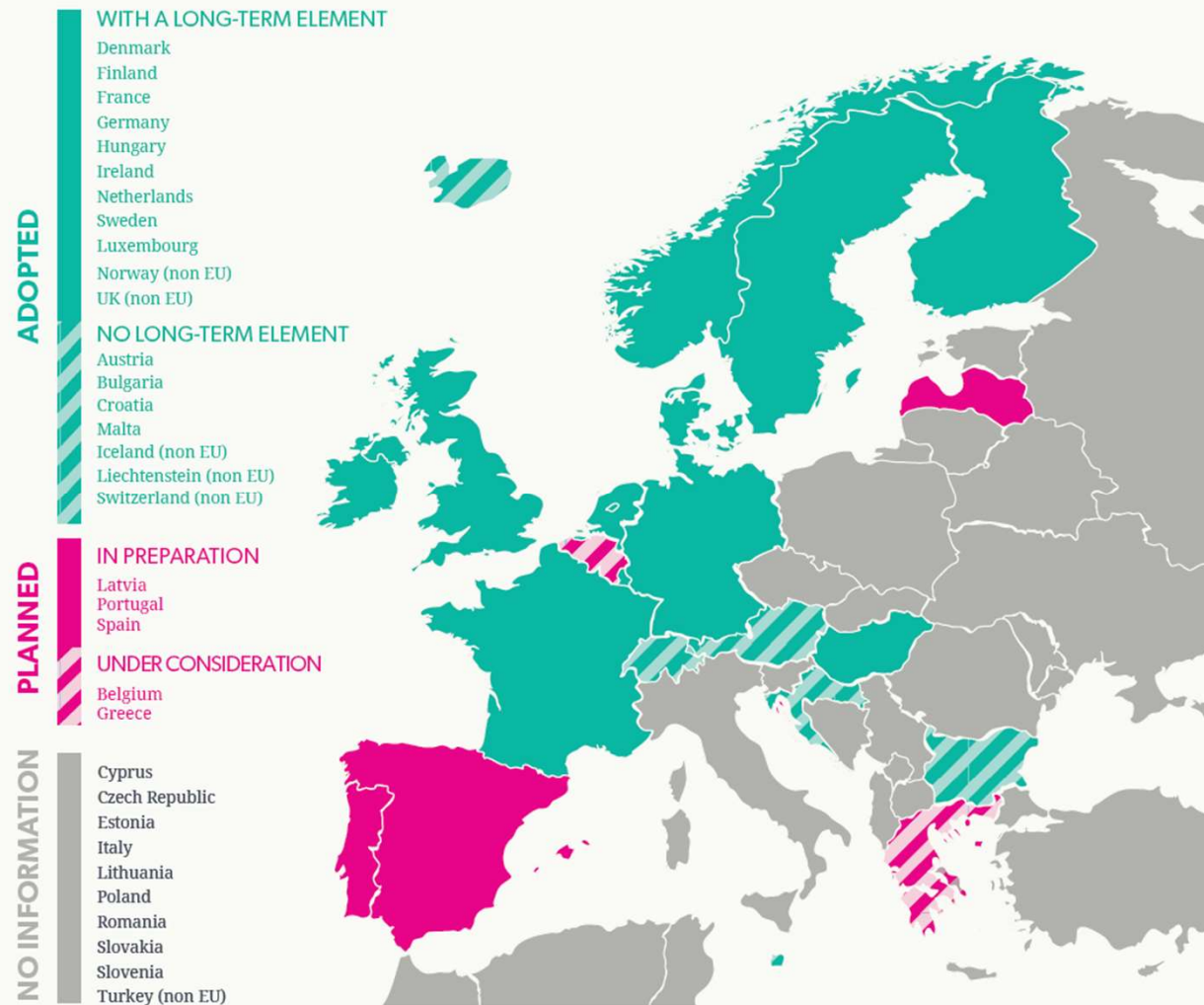


STATUS QUO: EU

The majority of EU Member States already has a national climate law or is preparing one—but not all laws include a long-term perspective (yet).

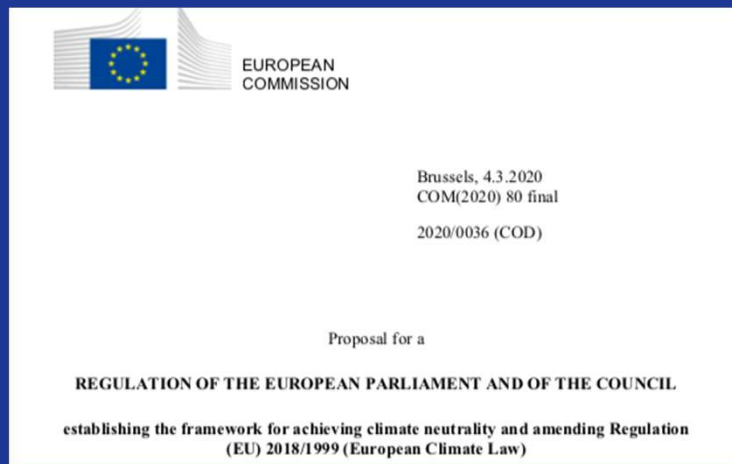


Source: IPPI Policy Paper 2021
Ecologic Institute research based on a range of sources (including legislative databases, direct legal texts, news reports and personal contacts)





*„I want Europe to become the first climate-neutral continent in the world by 2050. (...)
I will put forward the **first ever European Climate Law** which will set the 2050 target into law. “*
Ursula von der Leyen, 16 July 2019



Proposal for a law was put forward on
4th March 2020

Negotiations are ongoing...



	Law adopted	Law in preparation	Law in consideration	No law
Asia	Japan Korea	Israel		Turkey
Europe	Austria Denmark Finland France Germany Hungary Iceland Ireland Netherlands Norway Sweden Switzerland United Kingdom Luxembourg	Latvia Portugal Spain	Belgium Greece	Czech Republic Estonia Italy Lithuania Poland Slovakia Slovenia
North America	Mexico Inside United States: California			Canada United States
Oceania	New Zealand Inside Australia: Victoria and New South Wales			Australia
South America	Colombia	Chile		

STATUS QUO: OECD

Almost **two-thirds** of OECD countries either already have a climate law enacted or are considering introducing one.

Also **many non-OECD** countries have climate framework laws, e.g. Argentina, Guatemala, Honduras, Kenya, Micronesia, Nepal, Peru, Philippines, ...

Source: Ecologic Institute research based on a range of sources (including legislative databases, direct legal texts, news reports and personal contacts)

COUNTRIES ANALYSED in our reports



Country	Title (in English)	Original date of adoption	Recent or Upcoming Revisions
Denmark	Climate Act	June 2020	Significant rewrite of the 2014 national climate law
Finland	National Climate Law	June 2015	Revision pending: long-term target update, add interim targets and a program for LULUCF
France	Energy Transition Green Growth Act	August 2015	Revisions to target and institutional set-up adopted in September 2019
Germany	Federal Climate Protection Act	December 2019	
Hungary	Law XLIV of 2020 on Climate Protection	June 2020	
Ireland	Climate Action and Low Carbon Development Act	December 2015	Revision pending: Climate Action (Amendment) Bill published in October 2020
Netherlands	Climate Act	July 2019	
Spain	Climate Change and Energy Transition Law	Pending (2021)	Draft was submitted to Parliament in May 2020
Sweden	Climate Law	June 2017	Adopted as part of general climate policy approach (including targets)
United Kingdom	Climate Change Act	November 2008	Revision to 2050 target adopted in July 2019

Key insight: Political support is crucial - and possible



Dan Jørgensen ✓
@Dan.Joergensen

Vi har en aftale!! #klimalov



953 10:17 PM - Dec 6, 2019

133 people are talking about this

- [Projeto de Lei n.º 131/XIV/1.ª \(PAN\)](#) - Lei de bases do Clima
- [Projeto de Lei n.º 446/XIV/1.ª](#) - Estabelece as Bases da Política de Ambiente e Ação Climática
- [Projeto de Lei n.º 526/XIV/2ª \(PEV\)](#) - Lei-Quadro da Política Climática
- [Projeto de Lei n.º 577/XIV/2.ª \(PS\)](#) - Aprova a Lei de Bases da Política do Clima
- [Projeto de Lei n.º 578/XIV/2.ª \(BE\)](#) - Lei de Bases do Clima
- [Projeto de Lei n.º 598/XIV/2.ª \(PSD\)](#) - Lei de Bases do Clima
- [Projeto de Lei n.º 605/XIV/2.ª \(NInsc CR\)](#) - Define as Bases da Política Climática
- [Projeto de Lei n.º 609/XIV/2.ª \(NInsc JKM\)](#) - Lei de Bases da Política Climática/

8 out of 10 parties in the Danish Parliament support the climate act.



Key insight: They share common elements



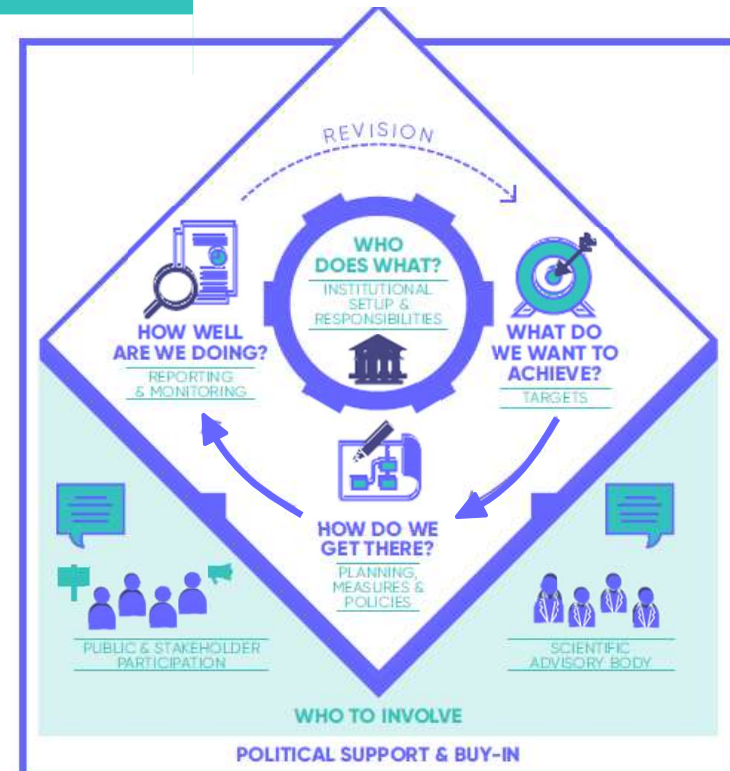
WHAT do we want to achieve?

HOW do we get there?

HOW WELL are we doing?

WHO does what?

WHO to involve?



Source: Visualisation by Ecologic Institute



TARGETS: WHAT do we want to achieve?



KEY INSIGHTS



- **Quantitative targets:** Nearly all laws build on concrete emission reduction targets; in most cases these are enshrined in the legal text.
- **Carbon budgets** enhance planning security and transparency by breaking down long-term targets into budgetary periods (France, Germany and UK)
- Some form of target **review and revision** is built into six of ten laws
- **Non-GHG targets:** Some laws include energy or other sector-specific targets

GOOD PRACTICE



1. Rolling emission budgets, set in advance (**France, UK, proposed: Ireland**)
2. Sectoral carbon budgets increase collaboration and mainstreaming among ministries (**Germany**).
3. Target revision (**Germany, Finland, France, Spain, UK**)
4. No backsliding ensures that targets cannot be abandoned or lowered (**Germany and Spain**).

Benefits of a carbon budget approach



- **Transparency:** the concrete quantification over a given future period provides more information than a single target year – allows more specific progress checks!
- **Direction:** budgets can indicate a pathway, give greater clarity on road ahead
- **Flexibility:** not having to meet one exact figure in a given year – but over several
- **Legitimacy:** connection to “fair share” or connection to clear pathway add credibility to the numbers and provide support for them. Also setting targets
- **Resilience:** the continuous process in the UK has created stability – fifth budget was agreed week after Brexit referendum – the sixth just last week...
- **Achieving the target:** one can argue that the budget approach enhances accountability and can be used to enforce contributions from all.



See work by my colleague Nils Meyer-Ohlendorf at <https://www.ecologic.eu/17769>

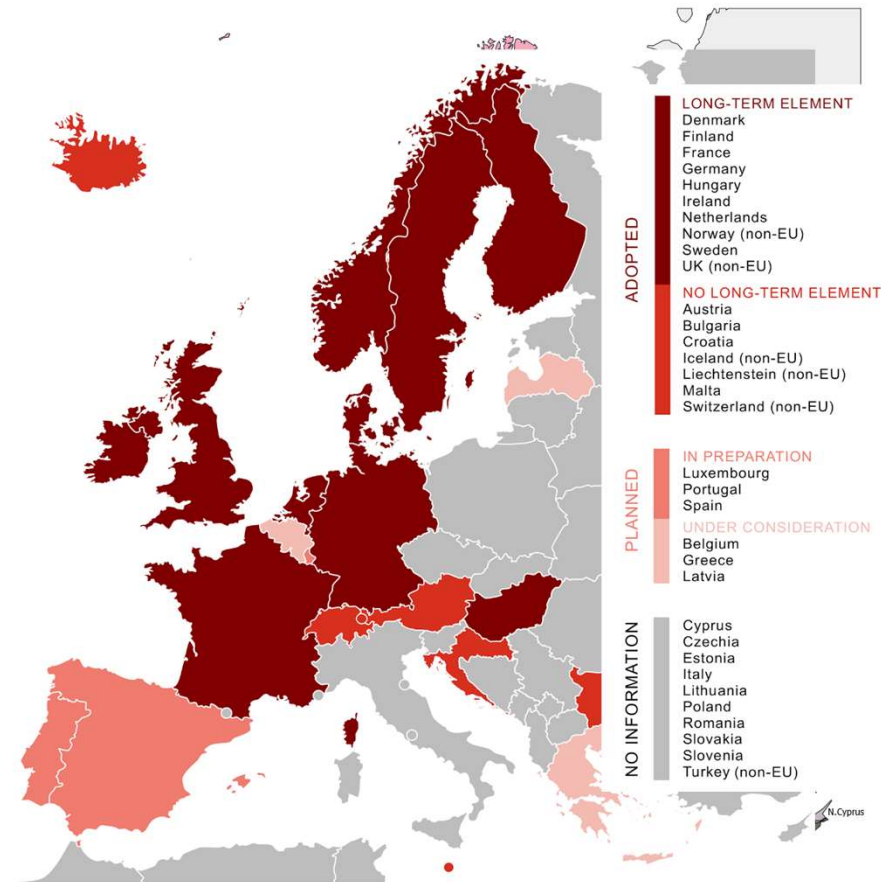
Climate advisory bodies exist almost everywhere in different formats

SCIENTIFIC bodies come with laws



European Environment Agency

- No advisory body identified
- Advisory body under discussion
- Multiple Advisory Bodies (No Type 1)
- Type 4 Stakeholder and Inter-ministerial Roundtable
- Type 3 Stakeholder Engagement Platform
- Type 2 In-House Scientific Advisory Body
- Type 1 Scientific Councils + others
- Type 1 Independent Scientific Council





SCIENTIFIC ADVICE: WHO to involve?



KEY INSIGHTS



- All countries analysed (except HU) use some form of an independent scientific advisory body — most mentioned or enshrined in the law
- Size range: 4-15 members, but 8-9 most often.
- Clear differences in resource allocation (budgets & staff) €0.2 – 4Mio
- Three roles: **watchdog, scientific advisor and public engagement**
- **Access to resources is a limiting factor:** not all advisory bodies have a dedicated secretariat or sufficient public funding

GOOD PRACTICE



- a. Concrete policy input (**UK**)
- b. “Watchdog” mandate (**Denmark, France, Ireland, Netherlands, Spain, Sweden, UK**)
- c. Government is legally required to respond to or consider recommendations (**Denmark, Germany, France, UK**)
- d. Significant resources committed to allow mandate to be delivered (Denmark, France, UK, Sweden...)



European Environment Agency 

Innovations in one country can benefit another

Many national climate laws have produced unique features – which can then inspire others to follow suit.

Some of these are recent additions, some in revisions of existing laws

- Carbon budget approach – pioneered by UK, used in F and IE and NZ
- Carbon budgets for sectoral integration – DE (2019)
- Strong annual cycle of policy planning and progress monitoring – DK (2020)
- Involvement of Parliament through dedicated joint committee – IE (2020)
- *...potential next innovation ... - Portugal (2021) ?*

Missing feature: involvement of the public

Innovative approaches to citizen engagement

- **Irish Citizen Assembly**

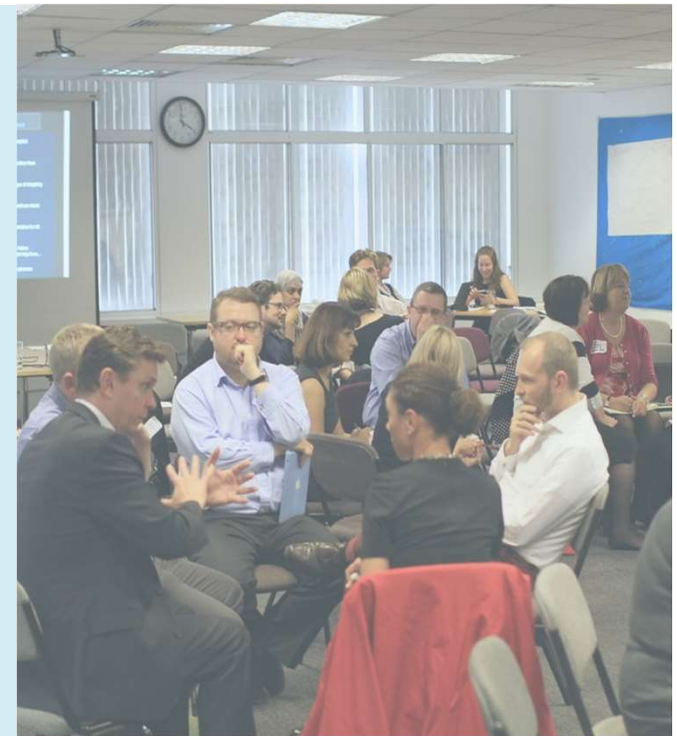
- Convened around a number of policy areas including climate
- Goal: Ensure that climate action be a central pillar of Ireland's policy-making through new governance structure and carbon tax
- Assembly's resolution paved the way for the country's "landmark" climate action plan and net-zero target, both announced in 2019

- **French Citizens' Convention for Ecological Transition**

- Established in April 2019 in response to "yellow vest" protests
- Charged with making specific legislative proposals towards the goal of "reducing greenhouse gas emissions by at least 40% by 2030, in a spirit of social justice"

- **Citizen Assembly was also carried out in the UK 2019/2020**

- **Interest in Germany – already had a separate process in 2016**



Essential conclusions

- Effective climate policy needs robust governance frameworks
- National framework laws are being adopted around Europe and the world
- Laws can enhance gov'l action, investor confidence and public support
- Political support gives the frameworks resilience – across elections
- Core elements found – and good practices for each of them
- Scientific advisory councils a key element in strong governance systems
- Public participation could be enhanced - innovative examples exist.



Thank you for your attention

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Climate change: a cumulative problem

- 412 ppm = atmospheric CO2 concentration (October 2020)

= One of the single most important number: the higher the GHG concentration, the greater the likelihood of dangerous climate change.

- **Accumulation of greenhouse gases in the atmosphere**

= What matters for the climate is the total amount of emissions and removals over time, less so specific reductions at a certain moment.



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Different ways of using a budget approach

A (carbon) budget means: a **maximum volume** (of emissions) over a **specific period**

Different uses of a budget approach:

- **Continuous target-setting:** UK and France are setting five year budgets 10-12 years ahead of time. Ireland proposes to also adopt such an approach.
- **Medium-term compliance checks:** setting an annual (declining) budget over ten years (e.g. 2021 to 2030) – used in German law and in EU legislation (EU ETS and national targets)
- **Forcing contributions:** Germany employs (annual) sector specific allocations and makes Ministries responsible for their respective share (e.g. buildings, transport)
- **Long-term fair share:** European Parliament position on the EU Climate Law demands setting an overall EU budget to 2050, based on