



# A Climate Law for Portugal

## Lessons learnt from Europe

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European  
Climate  
Foundation

# About the ECF



The Stichting European Climate Foundation is a foundation registered in the Netherlands.

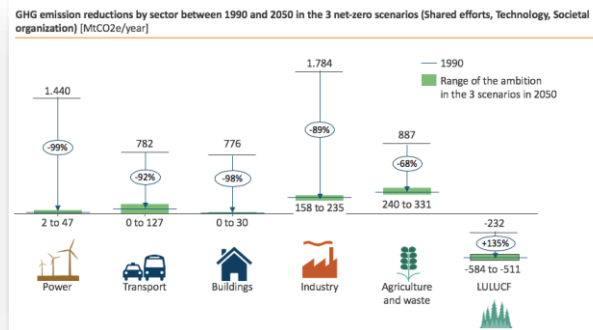
The ECF helps grantee partners drive urgent and ambitious work in support of the **goals of the Paris Agreement**, contribute to the **public debate on climate action**, and help deliver a socially responsible **transition to a net-zero-emissions economy** and sustainable society in Europe and around the world.

The ECF directly supports a network of hundreds of people working in strategic alignment in 330 organisations across Europe. Over 80% of ECF's funding flows directly to this community.

- 1 As a **strategic re-granter**, we add value by coordinating grants toward larger strategic goals.
- 2 As a **thought leader**, we act behind the scenes to develop aligned pan-European and global strategies and break through silos to convene a broad and innovative range of stakeholders.
- 3 As a **network and ecosystem**, we are a home base for European climate action.



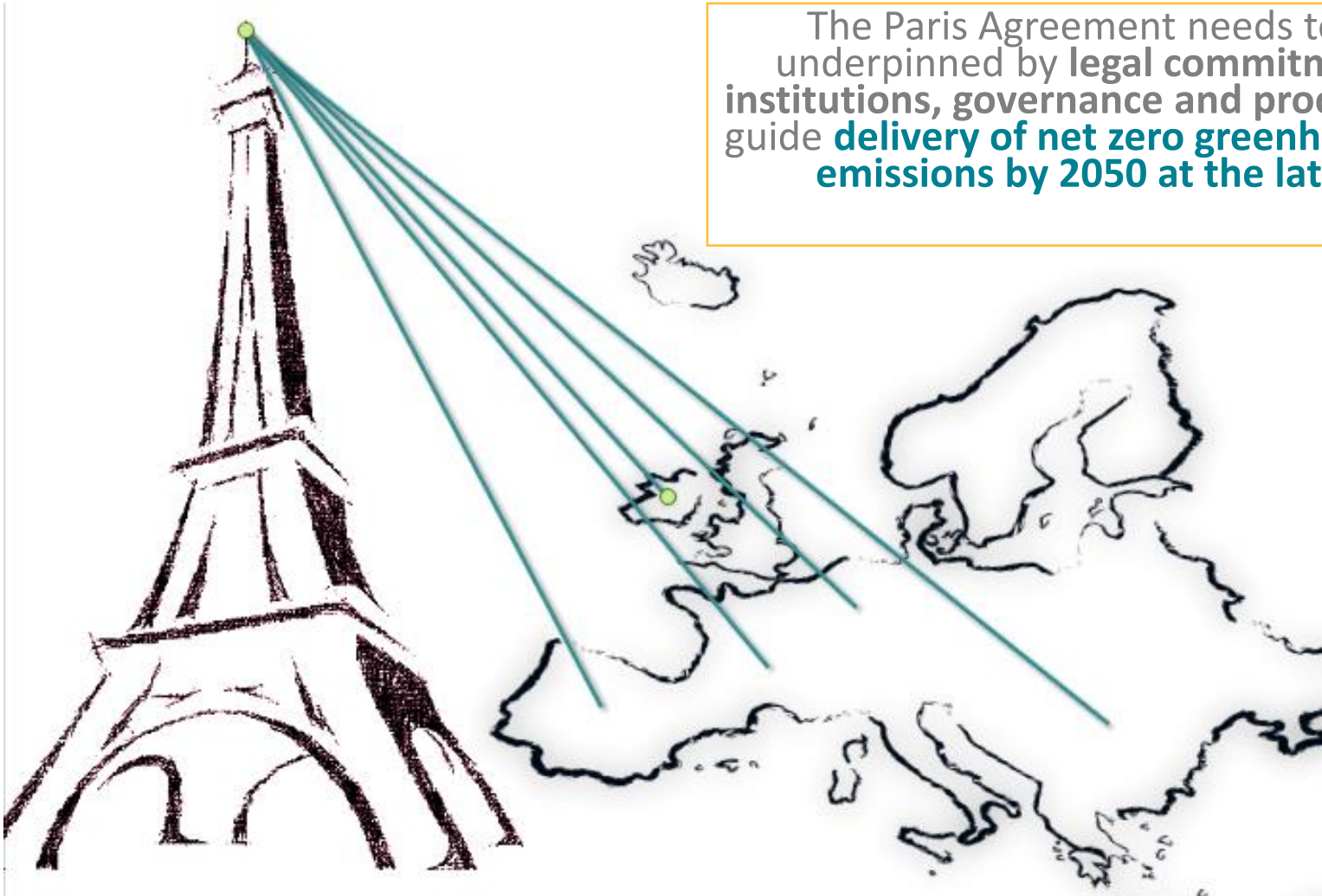
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# Bringing Paris Home



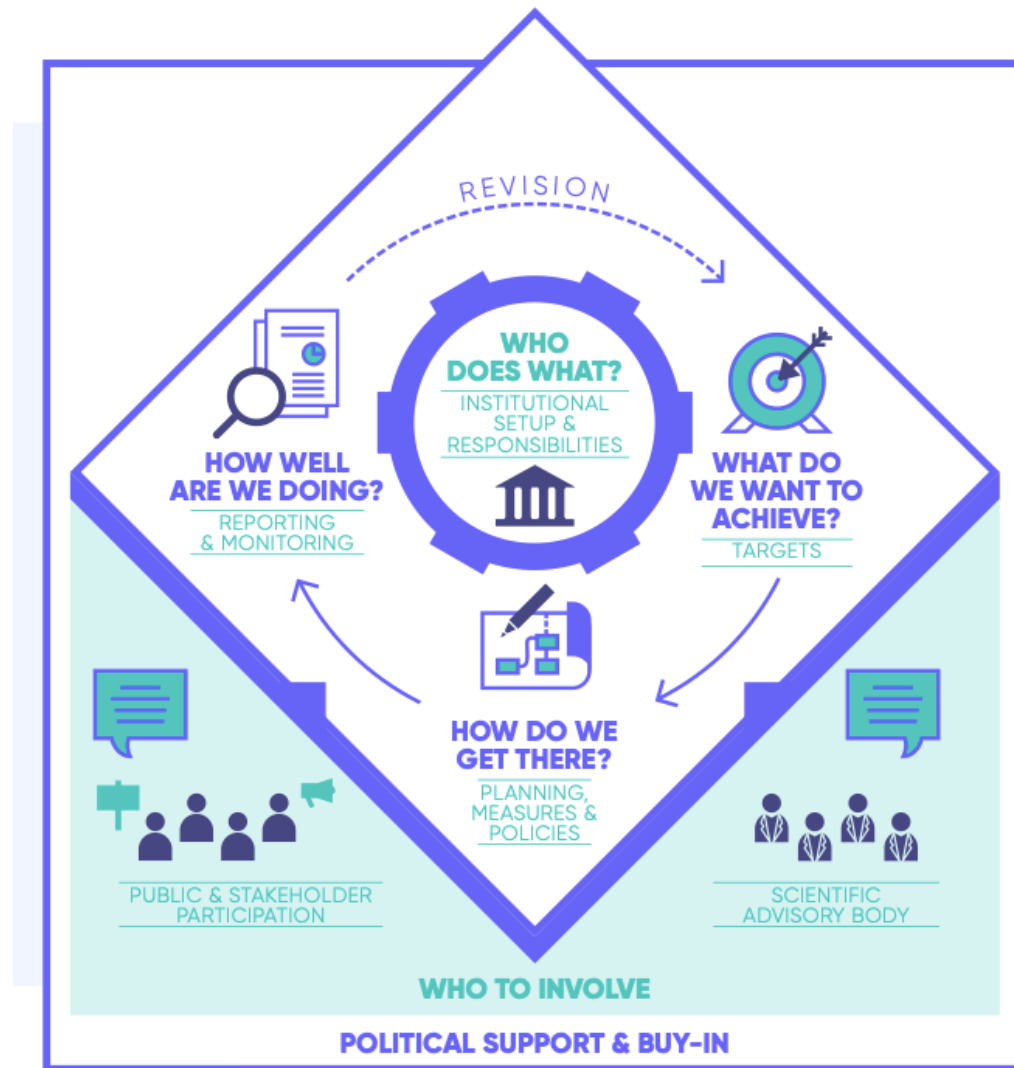
The Paris Agreement needs to be underpinned by **legal commitments, institutions, governance and processes** to guide **delivery of net zero greenhouse gas emissions by 2050 at the latest.**

# ECF: Six years supporting climate laws



# What is a Climate Law?

*“A legal framework that aligns institutions and actions with long-term goals and facilitates engagement with a wide range of actors.”*



# Benefits of national Climate Laws



- **Climate Laws create mechanisms to resist political shocks:** In the UK, a mere month after the Brexit referendum in 2016, the British Parliament adopted its fifth emissions budget for the period 2028 to 2032 under the UK Climate Change Act.
- **Climate Laws bring opportunities for dialogue:** The Danish Climate Law explicitly contains provisions for a contribution to the public debate, including the creation of a “Climate Dialogue Forum,”
- **Climate Laws support science guiding policy making:** The advice for policy changes in the reports of the Irish advisory body supported the revision of Irish climate policy which is currently taking place.
- **Climate Laws improve political debate on climate change and increase climate consensus:** By creating a routine of target setting, parliamentary scrutiny and reporting, climate laws enshrine the need for political debate in the institutions and in the public sphere.
- **Climate laws improve the international standing of countries:** Those countries with well established climate laws tend to play a leadership role in international negotiations and become inspiring examples for other countries to take action.



# The new EU Climate Law



- The European Commission's proposal for an EU Climate Law is primarily focused on **duties for the Commission, not for national governments**; and on **EU-level, not national-level action**:
  - It sets an *EU-wide* target and trajectory
  - It sets processes for assessing *collective EU-wide progress* and assessing the *consistency of EU level policies* with the EU target
  - National measures will be assessed for consistency, but this will result only in *recommendations* for Member State governments
  - *Requirements on the Commission* to engage with society
- The final law may include some additional elements, **but the basic fact that this is an EU-level law will not change.**

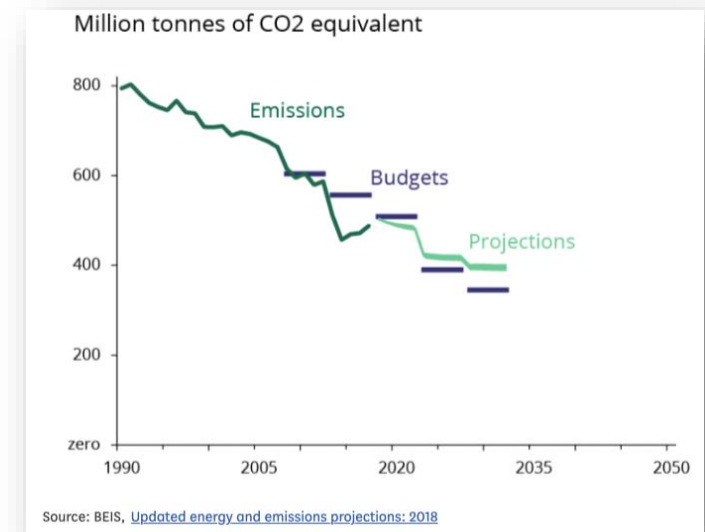
***=> While the EU Climate Law is an important step forward for EU level climate governance, it will not bring all the benefits of 'home-grown' national climate laws***

# Making Portugal's Law a 'best in class' (1)



## TARGETS AND CARBON BUDGETS

- **Legally binding long-term and interim targets** provide a clear direction of travel, for all policies to orient towards.
- **Sequential carbon budgets** (e.g. UK, France) enhance planning security and transparency, by breaking down long-term targets into budgetary periods (& in Germany: by sector).
- **A clear, regular process for setting carbon budgets** allows the latest science to be reflected, provides forward visibility for business, and helps climate action to stay on course regardless of political weather.
- Using a **multi-year budget approach** ('the area under the curve') offers flexibility and reflects more accurately 'what the atmosphere sees'.





# Making Portugal's Law a 'best in class' (2)



## INDEPENDENT ADVISORY BODY

- All climate laws in Europe (except HU) have some type of independent expert advisory body. Even under the EUCL the establishment of such body is being discussed.
- What do these bodies do?
  1. **Watchdog** the government compliance (DK, FR, IE, NL, ES, SV, UK);
  2. **Provide advice and support** in the design and achievement of policies (UK, FR, DK); and
  3. **Support public engagement** (DK, IE, SV, UK)
- **Key elements of success** of these bodies:
  - Small size: Between 4 to 15 members
  - Expertise and independence of members
  - Dedicated secretariat and sufficient, reliable public funding

# Making Portugal's Law a 'best in class' (3)



## CONSISTENCY AND COORDINATION MECHANISMS

- To ensure all policies and investments support the drive to the end goal, **a strict process for consistency checking** is needed.
- **A set of indicators** of the **structural changes needed in each sector to achieve economy-wide, systemic transformation** could be adopted, for proposed new policies and infrastructure investments to be compared against.
- Different ministries are more likely to propose consistent policies and investments if there are strong **intra-governmental coordination mechanisms** e.g.
  - **shared ownership of climate planning** (e.g. DK, FI, IE, DE)
  - **coordination between climate law reports and the national Budget** (e.g. FR, SV, DE)
  - **a President-led Climate Cabinet**

# Making Portugal's Law a 'best in class' (4)



## PUBLIC PARTICIPATION

- Public participation mechanisms are not incorporated in a comprehensive manner in many laws
- However there is increasing innovation in this space, e.g. the proliferation of citizen assemblies and Portugal's participatory budgeting.
- Detailed inclusion of participation requirements in Portugal's climate law could be an important step forward.

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Obrigada