



**European Committee
of the Regions**

ENVE-VII/005

139th plenary session, 30 June-2 July 2020

OPINION

European Climate Law: establishing the framework for achieving climate neutrality

THE EUROPEAN COMMITTEE OF THE REGIONS

- supports the establishment of the EU's long-term climate neutrality objective by means of an appropriate legally-binding objective as a necessary step to steer the European project towards irreversible climate neutrality by 2050;
- emphasises that the European Climate Law should also ensure that the measures implemented to achieve the net-zero greenhouse gas emissions must reinforce and not compromise other environmental priority goals, such as biodiversity protection or the management of protected areas;
- highlights the recently adopted Declaration on Local and regional authorities as actors of the European response to the COVID-19 crisis, and the need for the European Green Deal to form a key element of the EU recovery plan, so that the crisis turns into an opportunity to urgently address climate change and to strengthen the EU's economic, social and territorial cohesion;
- believes it is necessary to involve all relevant subnational governments in the drafting of the national energy and climate plans (NECPs) and long-term national policies through a genuine participatory multilevel dialogue based on regional and local experiences;
- reiterates its call for a European climate neutrality observatory to be set up in order to help meet national obligations to submit reports within the framework of energy union governance;
- stresses that tailor-made direct allocation of funds for locally and regionally adapted measures in line with the targets specific to that level would not only have a strong impact on the economy, but also have a mobilising effect on the community's involvement in participation structures;
- stresses that, as the involvement of citizens is key to achieving significant progress towards climate neutrality, initiatives that encourage bottom-up feedback and support the exchange of information and education at grassroots level should be considered invaluable for the success of the European Green Deal; in this regard, suggests integrating the European Climate Pact into the European Climate Law.

Rapporteur

Juan Manuel Moreno Bonilla (ES/EPP), President of the Region of Andalusia

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

Opinion of the European Committee of the Regions – European Climate Law: establishing the framework for achieving climate neutrality

I. RECOMMENDATIONS FOR AMENDMENTS

**Amendment 1
Recital number 5**

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|--|---|
| (5) The Union's <i>and</i> the Member States' climate action aims to protect people and the planet, welfare, prosperity, health, food systems, the integrity of eco-systems and biodiversity against the threat of climate change, in the context of the 2030 agenda for sustainable development and in pursuit of the objectives of the Paris Agreement, and to maximise prosperity within the planetary boundaries and to increase resilience and reduce vulnerability of society to climate change. | (5) The Union's, the Member States' <i>and local and regional authorities'</i> climate action aims to protect people and the planet, welfare, prosperity, health, food systems, the integrity of eco-systems and biodiversity against the threat of climate change, in the context of the 2030 agenda for sustainable development and in pursuit of the objectives of the Paris Agreement, and to maximise prosperity within the planetary boundaries and to increase resilience and reduce vulnerability of society to climate change. |

| Reason |
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| Local and regional action is crucial for achieving the climate neutrality objective, recognised in the Paris Agreement and fully in line with the objectives set out in the recital. As such, it would be a failure not to include local and regional authorities. |

**Amendment 2
Recital number 14**

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
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| (14) Adaptation is a key component of the long-term global response to climate change. Therefore, Member States and the Union should enhance their adaptive capacity, strengthen resilience and reduce vulnerability to climate change, as provided for in Article 7 of the Paris Agreement, as well as maximise the co-benefits with other environmental policies and legislation. Member States should adopt comprehensive national adaptation strategies and plans. | (14) Adaptation is a key component of the long-term global response to climate change. Therefore, Member States and the Union should enhance their adaptive capacity, strengthen resilience and reduce vulnerability to climate change, as provided for in Article 7 of the Paris Agreement, as well as maximise the co-benefits with other environmental policies and legislation. Member States should adopt comprehensive national adaptation strategies and plans <i>which take into account the economic, social and geographical diversity of Europe's territories and the specific nature of its outermost regions.</i> |

| Reason |
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| Territorial factors play a crucial role in determining the right choice of policy to strengthen resilience and adaptation efforts. Geographical, climate, social and economic considerations are key to |

evaluating and assessing vulnerability, managing risks and identifying future scenarios for climate variables. Establishing forecasting tools for adaptation and promoting resilience which can be tailored to different regional and local circumstances would represent an important step forward in developing these strategies.

Amendment 3
Recital number 17

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|--|---|
| <p>The Commission, in its Communication ‘The European Green Deal’, announced its intention to assess and make proposals for increasing the Union’s greenhouse gas emission reduction target for 2030 to ensure its consistency with the climate-neutrality objective for 2050. In that Communication, the Commission underlined that all Union policies should contribute to the climate-neutrality objective and that all sectors should play their part. By September 2020, the Commission should, based on a comprehensive impact assessment and taking into account its analysis of the integrated national energy and climate plans submitted to the Commission in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council[1], review the Union’s 2030 target for climate and explore options for a new 2030 target of 50 to 55 % emission reductions compared with 1990 levels. Where it considers necessary to amend the Union’s 2030 target, it should make proposals to the European Parliament and to the Council to amend this Regulation as appropriate. In addition, the Commission should, by 30 June 2021, assess how the Union legislation implementing that target would need to be amended in order to achieve emission reductions of 50 to 55 % compared to 1990.</p> <p>[1] Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the</p> | <p>The Commission, in its Communication ‘The European Green Deal’, announced its intention to assess and make proposals for increasing the Union’s greenhouse gas emission reduction target for 2030 to ensure its consistency with the climate-neutrality objective for 2050. In that Communication, the Commission underlined that all Union policies should contribute to the climate-neutrality objective and that all sectors should play their part. As soon as possible and no later than beginning of September 2020, the Commission should, based on a comprehensive impact assessment and taking into account its analysis of the integrated national energy and climate plans submitted to the Commission in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council[1], review the Union’s 2030 target for climate and explore options for a new 2030 target of at least 55 % emission reductions compared with 1990 levels. Where it considers necessary to amend the Union’s 2030 target, it should make proposals to the European Parliament and to the Council to amend this Regulation as appropriate. In addition, the Commission should, by 30 June 2021, assess how the Union legislation implementing that target would need to be amended in order to achieve emission reductions of at least 55 % compared to 1990.</p> <p>[1] Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and</p> |

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| European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1). | repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1). |
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Reason

If we want to ensure, that a European Recovery Plan is a is green and the investments of today lead towards reaching the 2030 and ultimately the 2050 targets, the impact assessment of the 2030 legislative framework needs to be ambitious and published as soon as possible.

**Amendment 4
Recital number 18**

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|--|---|
| (18) To ensure the Union and the Member States remain on track to achieve the climate-neutrality objective and progress on adaptation, the Commission should regularly assess progress. Should the collective progress made by Member States towards the achievement of the climate-neutrality objective or on adaptation be insufficient or Union measures inconsistent with the <u>climate-neutrality</u> objective or inadequate to enhance adaptive capacity, strengthen resilience or reduce vulnerability, the Commission should take the necessary measures in accordance with the Treaties. The Commission should also regularly assess relevant national measures, and issue recommendations where it finds that a Member State's measures are inconsistent with the climate-neutrality objective or inadequate to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change. | (18) To ensure the Union and the Member States remain on track to achieve the climate-neutrality objective and progress on adaptation, the Commission should regularly measure and assess progress, making all relevant data available to the public . Should the collective progress made by Member States towards the achievement of the climate-neutrality objective or on adaptation be insufficient (missing the quantitative targets or the deadlines) or Union measures inconsistent with the objective of climate neutrality by 2050 or inadequate to enhance adaptive capacity, strengthen resilience or reduce vulnerability, the Commission should take the necessary measures in accordance with the Treaties. The Commission should also regularly assess relevant national measures, and issue recommendations where it finds that a Member State's measures are inconsistent with the climate-neutrality objective or inadequate to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change. |

Reason

If progress is monitored effectively, it can enhance the visibility, transparency and sense of ownership of efforts to achieve climate neutrality. The data obtained should therefore be available at all times, not only in the regular reports, and the timeframe should be specifically mentioned.

**Amendment 5
Recital number 20**

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
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| (20) As citizens and communities have a powerful role to play in driving the | (20) As citizens and communities have a powerful role to play in driving the transformation towards |

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| <p>transformation towards climate neutrality forward, strong public and social engagement on climate action should be facilitated. The Commission should therefore engage with all parts of society <i>to enable and empower them to take action towards</i> a climate-neutral and climate-resilient society, including through launching <u>a</u> European Climate Pact.</p> | <p>climate neutrality forward, strong public and social engagement on climate action should be facilitated. The Commission should therefore engage with all parts of society <i>to strengthen the two-way cooperation, exchange of information and joint efforts for awareness-raising aimed at achieving</i> a climate-neutral and climate-resilient society, including through launching <i>the</i> European Climate Pact <i>as an innovative governance tool to involve local and regional authorities as well as civil society and citizens at large</i>.</p> |
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Reason

Achieving a climate-neutral and a climate-resilient society must be based on exchanging information and raising public awareness. Strengthening these tools is a task that can be led by the Commission in the design and implementation of its public policies, in that they are based on a cross-cutting approach, whereas the proposed actions are specific to the sectoral policies that national, regional and local authorities may want to pursue, if appropriate.

**Amendment 6
Recital number 21**

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|--|--|
| <p>In order to provide predictability and confidence for all economic actors, including businesses, workers, investors and consumers, to ensure that the transition towards climate neutrality is irreversible, to ensure gradual reduction over time and to assist in the assessment of the consistency of measures and progress with the climate-neutrality objective, <i>the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to set out</i> a trajectory for achieving net zero greenhouse gas emissions in the Union by 2050. It is of particular importance that the Commission carries out appropriate consultations <i>during its preparatory work</i>, including at expert level, <i>and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts</i></p> | <p>In order to provide predictability and confidence for all economic actors, including businesses, workers, investors and consumers, to ensure that the transition towards climate neutrality is irreversible, to ensure gradual reduction over time and to assist in the assessment of the consistency of measures and progress with the climate-neutrality objective, <i>the Commission will propose</i> a trajectory for achieving net zero greenhouse gas emissions in the Union by 2050. It is of particular importance that the Commission carries out appropriate consultations <i>when drawing up its proposal</i>, in particular with experts and <i>Member State administrations, including regional and local authorities</i>.</p> |

systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Reason

To remove any reference to the trajectory being set out by means of delegated acts. The Commission should confine itself to proposing a trajectory and evaluating progress.

Amendment 6

Article 2(2)

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|---|---|
| The relevant Union institutions and the Member States shall take the necessary measures at Union and national level respectively, to enable the collective <i>achievement</i> of the climate-neutrality objective set out in paragraph 1, taking into account the importance of promoting fairness and solidarity among Member States. | The relevant Union institutions and the Member States shall take the necessary measures at Union and national level respectively, to enable the collective <i>implementation</i> of the climate-neutrality objective <i>in European cities and regions</i> , set out in paragraph 1, taking into account the importance of promoting fairness and solidarity among Member States. |

Reason

The implementation of climate legislation is mainly relying on European cities and regions. Thus, it seems necessary to change the wording.

Amendment 7

Article 2(3)

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|--|---|
| <i>By</i> September 2020, the Commission shall review the Union's 2030 target for climate referred to in Article 2(11) of Regulation (EU) 2018/1999 in light of the climate-neutrality objective set out in Article 2(1), and explore options for a new 2030 target of <i>50 to</i> 55 % emission reductions compared to 1990. Where the Commission considers that it is necessary to amend that target, it shall make proposals to the European Parliament and to the Council as appropriate. | <i>As soon as possible and no later than beginning of</i> September 2020, the Commission shall review the Union's 2030 target for climate referred to in Article 2(11) of Regulation (EU) 2018/1999 in light of the climate-neutrality objective set out in Article 2(1), and explore options for a new 2030 target of <i>at least</i> 55 % emission reductions compared to 1990. Where the Commission considers that it is necessary to amend that target, it shall make proposals to the European Parliament and to the Council as appropriate. |

Reason

The amendment follows the same logic as amendment regarding recital 17.

Amendment 8

Article 3

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|--|---|
| Trajectory for achieving climate neutrality 1. The Commission is empowered to adopt delegated acts in accordance with Article 9 to supplement this Regulation by setting out a trajectory at Union level to achieve the climate-neutrality objective set out in Article 2(1) until 2050. At the latest within six months after each global stocktake referred to in Article 14 of the Paris Agreement, the Commission shall review the trajectory . 2. The trajectory shall start from the Union's 2030 target for climate referred to in Article 2(3). 3. When setting a trajectory in accordance with paragraph 1, the Commission shall consider the following: | Trajectory for achieving climate neutrality 1. The Commission is empowered to propose amendments to this Regulation by proposing a trajectory at Union level to achieve the climate-neutrality objective set out in Article 2(1) until 2050. At the latest within six months after each global stocktake referred to in Article 14 of the Paris Agreement, the Commission shall evaluate the progress made in achieving the climate-neutrality objective . 2. The trajectory shall start from the Union's 2030 target for climate referred to in Article 2(3). 3. When proposing a trajectory in accordance with paragraph 1, the Commission shall consider the following: |

Reason

To remove any reference to the trajectory being set out by means of delegated acts. The Commission should confine itself to proposing a trajectory and evaluating progress.

Amendment 9

Article 3(3)(e)

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|--|--|
| e) fairness and solidarity between and within Member States; | e) fairness and solidarity between and within Member States, taking full account of the EU's territorial cohesion ; |

Reason

The criteria for establishing the path towards climate neutrality should take clear account of the EU's regional cohesion.

Amendment 10

Article 3(3)(k) and (l) new

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|---|--|
| | k) the commitment to global leadership on climate neutrality; l) the assessment of the carbon footprint water and biodiversity footprint in trade relations with third countries as well as the EU's commitments under relevant international Treaties. |

Reason

The European Union is committed to playing a prominent and influential role at international level, and to playing a leading part in the green, fair and solidarity-based transition that countries and regions must undertake to achieve the goal of climate neutrality by 2050, while leaving no-one behind. Given the nature and overall scope of the climate impact and its socio-economic consequences, which do not respect borders, this is an opportunity to incorporate the firm intention expressed by the EU. This can be done by including an obligation to consider, when setting the neutrality trajectory, that all policies and actions incorporate commitments to support the same principles underlying this Regulation, and this among other countries and regions outside the EU with which relations of any kind are maintained.

At the same time, the European Union should take into account the carbon and water footprints of products from third countries, as not only will this help the competitiveness of our economy, it will also strengthen the EU's leadership role in climate neutrality by requiring certain global standards.

Amendment 11**Article 4(2)**

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|---|--|
| 2. Member States shall develop and implement adaptation strategies and plans that include comprehensive risk management frameworks, based on robust climate and vulnerability baselines and progress assessments. | 2. Member States shall develop and implement adaptation strategies and plans that include comprehensive risk management frameworks, based on robust climate and vulnerability baselines and progress assessments. <i>Member States shall ensure the integration of the regional, local and outermost regional perspective when developing and implementing their adaptation strategies and plans.</i> |

Reason

The impact of the consequences of climate change is uneven across territories, with a different effect depending on multiple factors at play. There are inequalities in the impact of climate change effects due to geographical location, socio-economic circumstances; in short, in the level of risk, exposure and vulnerability.

This gives rise to a need, when it comes to assessing the risks of the impact of climate change, to make distinctions at regional or even local level, based on geographical and socio-economic factors. As a result, despite the global nature of the problem of climate change, adaptation should be tailored to the characteristics of each territory depending on the type of impacts and their specific scope. This does not prevent the development of these policies from being structured around common strategies covering areas over and above those to be aligned.

Amendment 12**Article 5(2a) new**

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
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| | <i>2(a) The assessment referred to in paragraph 1 and the review referred to in paragraph 2 shall be carried out on the basis of a common EU</i> |

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| | <p><i>information system, accessible to the public, incorporating the information generated by the different actors involved in achieving the objective of climate neutrality and advancing adaptation. Requirements shall be set to ensure standardisation and homogeneity of information by ensuring that it consists of data that are easy to find, accessible, interoperable and reusable. This system will benefit from the opportunities afforded by digitalisation and new technologies.</i></p> |
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Reason

In order to encourage the whole of society to get involved in meeting the objectives of the European Climate Law, it is essential that it has at its disposal high-quality, verified information that can serve as a basis for decision-making and suitable policies and measures. For this reason, good practices should be established for collecting and transferring information, and the way in which that information is processed should be standardised and made uniform. It is also necessary to establish a system for continuously improving such information and to exploit the potential of new technologies to facilitate the exchange of data between the actors involved, with a view to taking advantage of the synergies that may arise and optimising resources.

Amendment 13

Article 5(3)

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|---|---|
| <p>3. Where, based on the assessment referred to in <i>paragraphs</i> 1 and 2, the Commission finds that Union measures are inconsistent with the climate-neutrality objective set out in Article 2(1) or inadequate to ensure progress on adaptation as referred to in Article 4, or that the progress towards either the climate-neutrality objective or on adaptation as referred to in Article 4 is insufficient, it shall take the necessary measures in accordance with the Treaties, at the same time as the review of the trajectory referred to in Article 3(1).</p> | <p>3. Where, based on the assessment referred to in <i>paragraph</i> 1 and <i>the review referred to in paragraph</i> 2, the Commission finds that Union measures are inconsistent with the climate-neutrality objective set out in Article 2(1) or inadequate to ensure progress on adaptation as referred to in Article 4, or that the progress towards either the climate-neutrality objective or on adaptation as referred to in Article 4 is insufficient, it shall take the necessary measures in accordance with the Treaties, at the same time as the review of the trajectory referred to in Article 3(1).</p> |

Reason

The aim is to make the text more consistent by using precise references in the article itself, based on the intention of the paragraphs referred to.

Amendment 14
Article 6(2a) new

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|---|--|
| | <i>2a) The information system referred to in Article 5(2a) shall have a section including strategies, measures and good practices, in order to help bring the measures taken by Member States into line with Commission recommendations.</i> |

Reason

To ensure that adoption of the Commission recommendations by the Member States is as straightforward as possible, they should have access to high-quality verified information that can serve as a basis for decision-making and suitable policies and measures. The knowledge base needs to be increased, communication about innovative initiatives and strategies promoted and the transfer of good practices enhanced at EU level, so as to foster solidarity among Member States, exploit synergies and optimise resources.

Amendment 15
Article 7(1)(f) new

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
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| | <i>f) additional information from local and regional authorities on progress achieved and territorial effects.</i> |

Reason

Given the crucial role that Europe's regions and cities will play in implementing the different policies covered by the Climate Law framework, their views should be taken into account when considering revisions of the climate neutrality trajectory.

Amendment 16
Article 7(1)(e)

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
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| e) any supplementary information on environmentally sustainable investment, by the Union <i>and</i> Member States, including, when available, investment consistent with Regulation (EU) 2020/... [Taxonomy Regulation]. | any supplementary information on environmentally sustainable investment, by the Union, Member States <i>and local and regional authorities</i> , including, when available, investment consistent with Regulation (EU) 2020/... [Taxonomy Regulation]. |

Reason

Although they are smaller than those of the Union and the Member States, consideration of the investments of local and regional authorities would ensure full respect for the territorial diversity of the European Union in any revision of the climate neutrality trajectory. What is more, Europe's regions and cities are often the focal points of sustainability innovation and should be duly taken into account when setting ambitious targets in the future.

Amendment 17

Article 8

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|---|---|
| <p>The Commission shall engage with all parts of society to <i>enable and empower them to take action towards</i> a climate-neutral and climate-resilient society. The Commission shall facilitate an inclusive and accessible process at all levels, including at national, regional and local level and with social partners, citizens and civil society, for the exchange of best practice and to identify actions to contribute to the achievement of the objectives of this Regulation. In addition, the Commission may also draw on the multilevel climate and energy dialogues as set up by Member States in accordance with Article 11 of Regulation (EU) 2018/1999.</p> | <p>The Commission shall engage with all parts of society to <i>enable them to adopt comprehensive measures to achieve</i> a climate-neutral and climate-resilient society. The Commission shall facilitate an inclusive and accessible process at all levels, including at national, regional and local level and with social partners, citizens and civil society, for the exchange of best practice and to identify actions to contribute to the achievement of the objectives of this Regulation (EU) 2018/1999. <i>Especially, as part of the recovery from the COVID-19 crisis, the Commission should rely on and support the direct link between citizens, local businesses and their local and regional authorities, as building a climate-proof society and ensuring the support of the communities will depend on this link.</i> In addition, the Commission may also draw on the multilevel climate and energy dialogues as set up by Member States in accordance with Article 11 of Regulation (EU) 2018/1999, <i>as well as on the actions under the Climate Pact.</i></p> |

Reason

Achieving a climate-neutral and climate-resilient society must be based on exchanging information and raising public awareness. Strengthening these tools is a task that can be led by the Commission in the design and implementation of its public policies, in that they are based on a cross-cutting approach, whereas the proposed actions are specific to the sectoral policies that national, regional and local authorities may want to pursue, if appropriate. A Green Recovery is needed. However, to make it a reality, European citizens and businesses need to adhere to the project. Therefore, local and regional authorities have a major role to play.

Amendment 18

Article 9

| <i>Text proposed by the European Commission</i> | <i>CoR amendment</i> |
|---|----------------------|
| <p><i>Exercise of the delegation</i></p> <p><i>1. The power to adopt delegated acts referred to in Article 3(1) is conferred on the Commission subject to the conditions laid down in this Article.</i></p> <p><i>2. The power to adopt delegated acts referred to in Article 3(1) shall be conferred on the</i></p> | |

Commission for an indeterminate period of time from ...[OP: date of entry into force of this Regulation].

3. The delegation of power referred to in Article 3(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 3 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Reason

The use of delegated acts by the European Commission to review the targets is incompatible with art. 290 TFEU.

II. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

1. notes that the European Green Deal is one of the flagship initiatives of the EU but highlights that the new growth strategy for the European project, together with the recently published Communication from the European Commission on the EU budget strengthens the recovery plan to ensure a speedy and full recovery from the current health and economic crisis. Stresses that the Green Deal's main objective must be the transition towards climate neutrality by 2050 at the latest, while at the same time stimulating a swift and sustainable economic recovery, as it recognises that this transition brings with it new opportunities for Europe and its citizens, towards a more resilient society and economy;
2. supports the establishment of the EU's long-term climate neutrality objective by means of an appropriate legally-binding objective as a necessary step to steer the European project towards irreversible climate neutrality by 2050. This commitment is needed in order to consolidate the European Union as the world leader in climate action and as an ambassador in maintaining the high ambitions of net-zero greenhouse gas emissions, together with the importance of increasing the volume of gas removals. It is also necessary as a way of building trust among our citizens, businesses and civil society, ensuring an inclusive and concerted effort; in this context, it would also be important to already consider the necessary policy trajectory beyond 2050, when it is likely that a sustainable system of negative emissions will continue to be necessary; in this context, it is also important to develop the concept of inter-generational climate justice and take it into account in present and future decision making;
3. points out that the current health crisis merely highlights the need for a transition to a more sustainable and resilient society and economy, as continuing to turn a blind eye to climate change could have deeper consequences at global level; underlines that the transition should be fair, gradual and permanent, as unsustainable solutions in the short term could be detrimental, rather than beneficial, on the path towards climate neutrality;
4. emphasises that the European Climate Law should also ensure that the measures implemented to achieve the net-zero greenhouse gas emissions must reinforce and not compromise other environmental priority goals, such as biodiversity protection or the management of protected areas;
5. calls on the Commission to consider the impact of the United Kingdom leaving the EU on reaching the aim of climate-neutrality and any interim targets; recalls that the UK is currently the EU's second-largest CO₂ emitter, with ongoing and planned reductions well above the EU average and a legally binding national climate target of around 57% by 2030¹;

¹ Climate Neutrality as Long-term Strategy: The EU's Net Zero Target and Its Consequences for Member States, O. Geden, F. Schenuit, August 2019.

6. highlights the recently adopted Declaration on *Local and regional authorities as actors of the European response to the COVID-19 crisis*, and the need for the European Green Deal to form a key element of the EU recovery plan, so that the crisis turns into an opportunity to urgently address climate change and to strengthen the EU's economic, social and territorial cohesion;
7. believes it is necessary to involve all relevant subnational governments in the drafting of the national energy and climate plans (NECPs) and long-term national policies through a genuine participatory multilevel dialogue based on regional and local experiences. Agrees with the inclusion of multilevel dialogue on climate and energy within the framework of European climate legislation but underlines the need for a more systematic approach to the integration of local and regional authorities in these processes of transition to climate neutrality, not only in the European decision-making process but also in international negotiations; renews its call to the Member States and the European Commission to establish a permanent Multilevel Energy Dialogue Platform² in order to support the active participation of local and regional authorities, civil society organisations, the business community and other relevant stakeholders in the management of the energy transition;
8. stresses that, as the involvement of citizens is key to achieving significant progress towards climate neutrality, initiatives that encourage bottom-up feedback and support the exchange of information and education at grassroots level should be considered invaluable for the success of the European Green Deal; in this regard, suggests integrating the European Climate Pact into the European Climate Law and stresses that the Pact should be developed as an innovative governance instrument to allow for two-way communication, cooperation and information exchange across levels, sectors and territories to improve the effectiveness and the legitimacy of the EU's climate policy. Stresses that the proper involvement of society and other stakeholders not only makes it more likely that policies will be accepted, but it also encourages extensive and transparent measurement of progress and consequently gives people and organisations on the ground a more tangible sense of self-efficacy in the transformation process;
9. points out that a "one size fits all" approach is not the right way to tackle climate change, underlining the diversity of Europe's regions in terms of climate, environment, landscape, mobility and economic and social structure; recalls that the European Climate law represents the framework regulation that will direct individual policies towards the climate objective and that its success will depend heavily on local and regional authorities, highlights, likewise, that local and regional authorities as the level of government closest to citizens, play an important part in the management of decentralised energy production through self-consumption, distributed generation and smart networks, promotion of investment and the coupling of energy and climate policies with measures taken in relation to housing, energy poverty and transport;
10. stresses that the European Climate Law, as the central pillar of the European Green Deal and the framework law to achieve climate neutrality, should ensure that all EU measures adhere to the

² This position has been maintained by the CoR in several opinions: Energy Union governance and clean energy by Bruno Hrančić; A Clean Planet for all – A European strategic long-term vision for a prosperous, modern, competitive and climate neutral economy by Michele Emiliano; Climate governance after 2020: a European and global perspective – a contribution to the UNFCCC COP24 by Andrew Varah Cooper; and the CoR Resolution on the Green Deal adopted in December 2019.

"do no harm" principle and, in line with the principle of active subsidiarity, fully respect all levels of government as partners in the European decision-making process, not as stakeholders;

11. calls for fundamental decisions on the implementation of climate objectives not to be taken using delegated acts, as otherwise the co-decision powers of regional and local authorities will be curtailed. The CoR considers the trajectory that will be defined for achieving climate neutrality to be such a fundamental decision;
12. maintains that in order to achieve the objectives of the European Climate Law, it is essential that the law has high-quality, verified information that can serve as a basis for decision-making and suitable policies and measures. The impact of climate change is felt at territorial level, and directly affects regions and municipalities. The central administrations of each country are responsible for drawing up and transmitting national inventories. In order to improve the quality of measurements, it is important that the methods should be developed through interaction between the EU, the Member States and the local and regional level, so that municipalities and regions can draw up their inventories following the same criteria based on a territorial approach. This information would enable specific scenarios for greenhouse gas emissions to be identified, for which action plans could be drawn up tailored to the socio-economic and environmental situation of each region, as well as specific sectoral objectives. In addition, monitoring carried out from a regional and local perspective allows for a better analysis of any deviation from the trajectories specified in the plans as well as the measures needed to address them;
13. maintains that taking effective steps to monitor progress can enhance the visibility, transparency and ownership of efforts to achieve climate neutrality and that, for such effects to occur, data for monitoring progress under the European Climate Law should, where appropriate, be collected at regional, rather than national level. Proposes that the collected data be made readily available to the public on a continuous basis, and not only through regular reports, since the involvement of stakeholders in the monitoring process may be a key element in maintaining a realistic and publicly acceptable path towards the objective of climate neutrality in 2050;
14. maintains that the Governance Regulation should lay down provisions to ensure that nationally determined contributions (NDCs) include a breakdown of regionally and locally determined contributions in order to recognise the role of sub-national authorities in achieving international climate commitments: *Climate governance after 2020: a European and global perspective – a contribution to the UNFCCC COP24* by Andrew Varah Cooper;
15. stresses that the inclusion of local and regional objectives would not only increase transparency and improve the quality and fine detail of overall efforts to monitor progress, it would also greatly benefit cooperation and synergies between all levels of government, both in terms of action and budgetary earmarking. This would significantly reduce the risk of individual policies included within the framework of European climate law having a potentially harmful outcome for the regional cohesion of Europe;
16. stresses that tailor-made direct allocation of funds for locally and regionally adapted measures in line with the targets specific to that level would not only have a strong impact on the

economy, but also have a mobilising effect on the community's involvement in participation structures;

17. suggests that the conclusions of the assessment of national measures, together with the Report on the State of the Energy Union, include a local and regional chapter to give more transparency and detail to efforts to monitor progress across the European Union. The CoR supports the drafting of this chapter;
18. reiterates its call for a European climate neutrality observatory to be set up in order to help meet national obligations to submit reports within the framework of energy union governance. This should independently and publicly provide decision-makers and the general public with up-to-date information on the scientific understanding of climate change and scenarios for limiting it. At the same time, a new audit of EU skills should be carried out under the EU Skills Panorama. The observatory should also assist in mapping and monitoring the specific circumstances and vulnerabilities of Europe's territories so as to prevent any rejection of the transition process. The European Green Deal is the new EU growth strategy and must be a central pillar of the EU's sustainable recovery strategy after the COVID-19 pandemic, and therefore alignment of policy implementation with the growth of skills is essential for future-proof policy-making for a fair society and for a stable and growing economy;
19. stresses that the effectiveness of public participation efforts depends not only on gathering information from all sections of society, but also on providing them with adequate information on the impact of their contribution. Sustainable solutions require the cooperation of stakeholders, not only in the operation and maintenance of systems, but also in the decision-making process. Therefore, public participation efforts that focus on one-way communication alone are not enough to promote behavioural change;
20. advocates using renewable energy to achieve the climate objectives. The CoR does not consider nuclear power to be a sustainable technology for the future and does not approve of its increased use;
21. points out that Europe's local and regional authorities are part of the rich and diverse governmental and democratic structure of the EU and should be treated as such. Stresses in this regard that the involvement of local and regional authorities should not be classified as part of public participation, nor should it be limited to specific exercises. Rather, it should enable the systematic contribution of local and regional authorities throughout the policy development cycle as well as the assessment and review of current legislative bodies. Points out in this regard that the Paris Agreement recognises the important role of multilevel governance in climate policy and the need for cooperation with regions and cities and recalls that under Article 2 the Parties have undertaken to adapt public and private finance flows to the Agreement's goals and to climate-resilient development. In connection with the Climate Law, existing and newly established reporting and review processes should provide a basis for making finance flows fully consistent with the goals of the Paris Agreement at EU and national level;
22. points to the major problems with nuclear energy from the point of view of sustainability (with regard to both the raw materials involved and the unresolved issue of nuclear waste) and

consequently recommends that the path towards achieving the climate goals be followed, mainly, by means of renewable energies instead of any increase in the use of nuclear energy, in keeping with Article 194 of the TFEU;

Brussels, 2nd July 2020

The President
of the European Committee of the Regions

Apostolos Tzitzikostas

The Secretary-General
of the European Committee of the Regions

Petr Blížkovský

III. 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 or Council/EP referral | |
| Date of President's decision / Date of Bureau decision | 19/03/2020 |
| Commission responsible | Commission for the Environment, Climate Change and Energy (ENVE) |
| Rapporteur | Juan Manuel Moreno Bonilla (ES/EPP) President of the Region of Andalusia |
| Analysis | — |
| Discussed in commission | 8 June 2020 |
| Date adopted by commission | 10 June 2020 |
| Result of the vote in commission (majority/unanimity) | Adopted by majority |
| Date adopted in plenary | 2 July 2020 |
| Previous Committee opinions | |
| Date of Subsidiarity Monitoring Consultation and/or Territorial Impact Assessment (where appropriate) | |