

**MUNI
LAW**



Global Climate Change in EU Environmental Policy

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18. 10. 2023

Brainstorming session

Discussion points

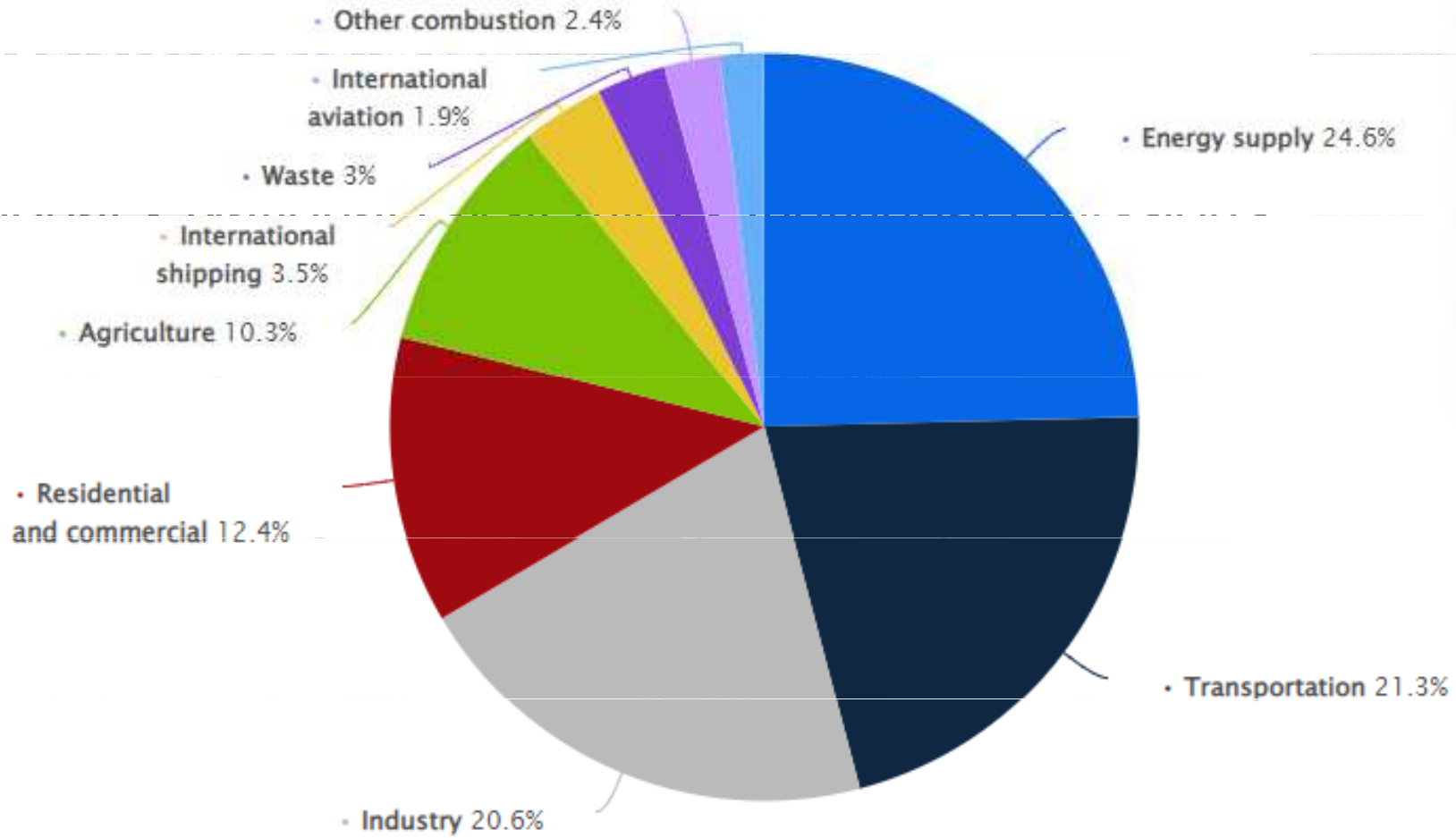
- Is climate change real? How do you perceive climate change?
- How is climate change affecting you personally (or your family)?
- Is your state/local authority (municipality) active in combating climate change?
- Do you think all people are affected the same way? Are there any vulnerable groups? Is climate change discriminating any groups?
- What should we do? Are there any viable solutions?

Structure

- Introduction
- Current Issues
- Sources of Law
 - International
 - EU
- Green Deal



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Details: EU; EEA; Statista; 2021; Based on total emissions of 3.67 GtCO₂e (excluding LULUCF)

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Read more at factsonclimate.org/climate-change-scheme

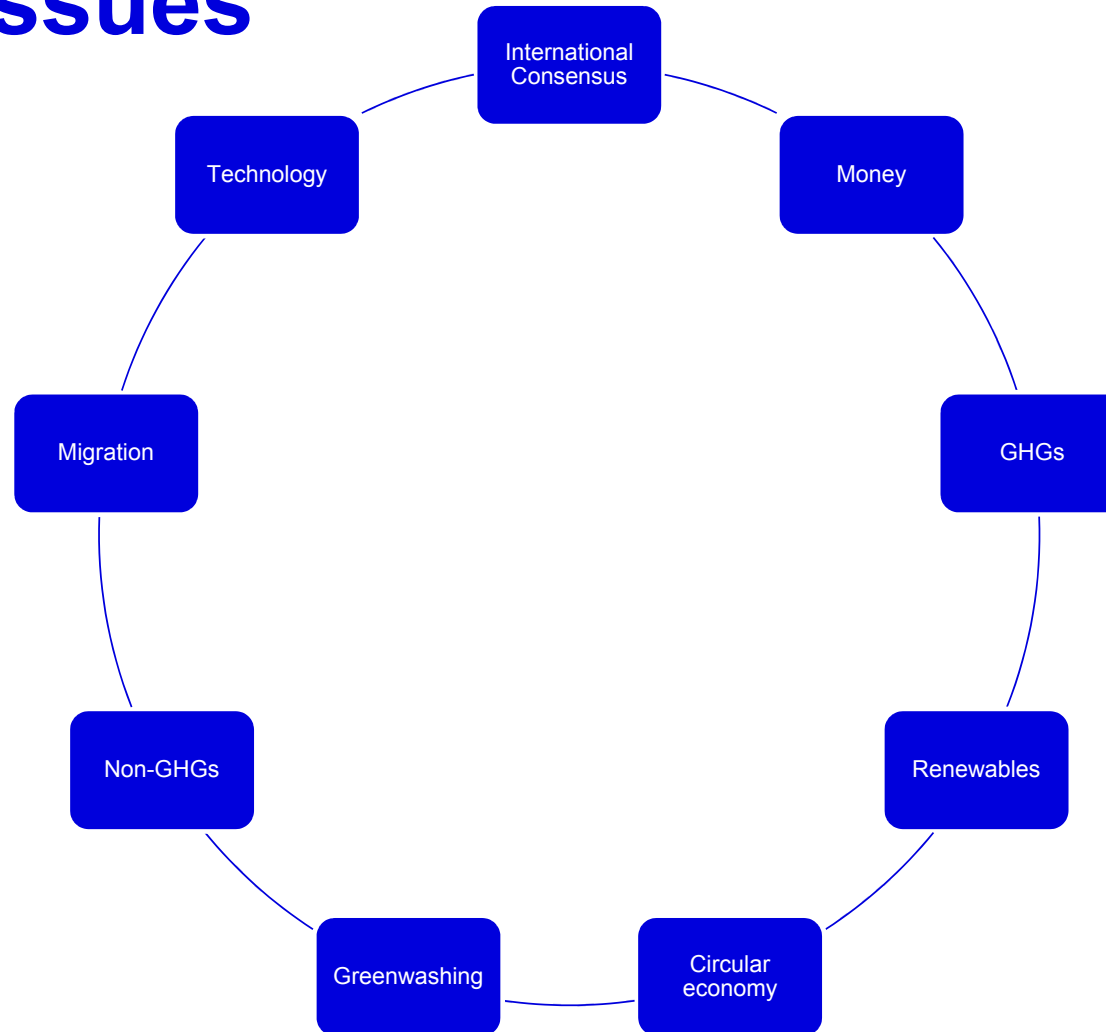


Climate Change Debate: Last Week Tonight with John Oliver (HBO) *Released 9 years ago*



Paris Agreement: Last Week Tonight with John Oliver (HBO) *Released 6 years ago*

Current issues



Solutions?

- Regulatory mechanisms
- Technological progress (Innovation)
- Change in consumer behaviour
- Focus on specific sector
- Carbon pricing



Bill Gates on Climate: “Are We Science People or Are We the Idiots?”

Historical

□ First

□ 1938

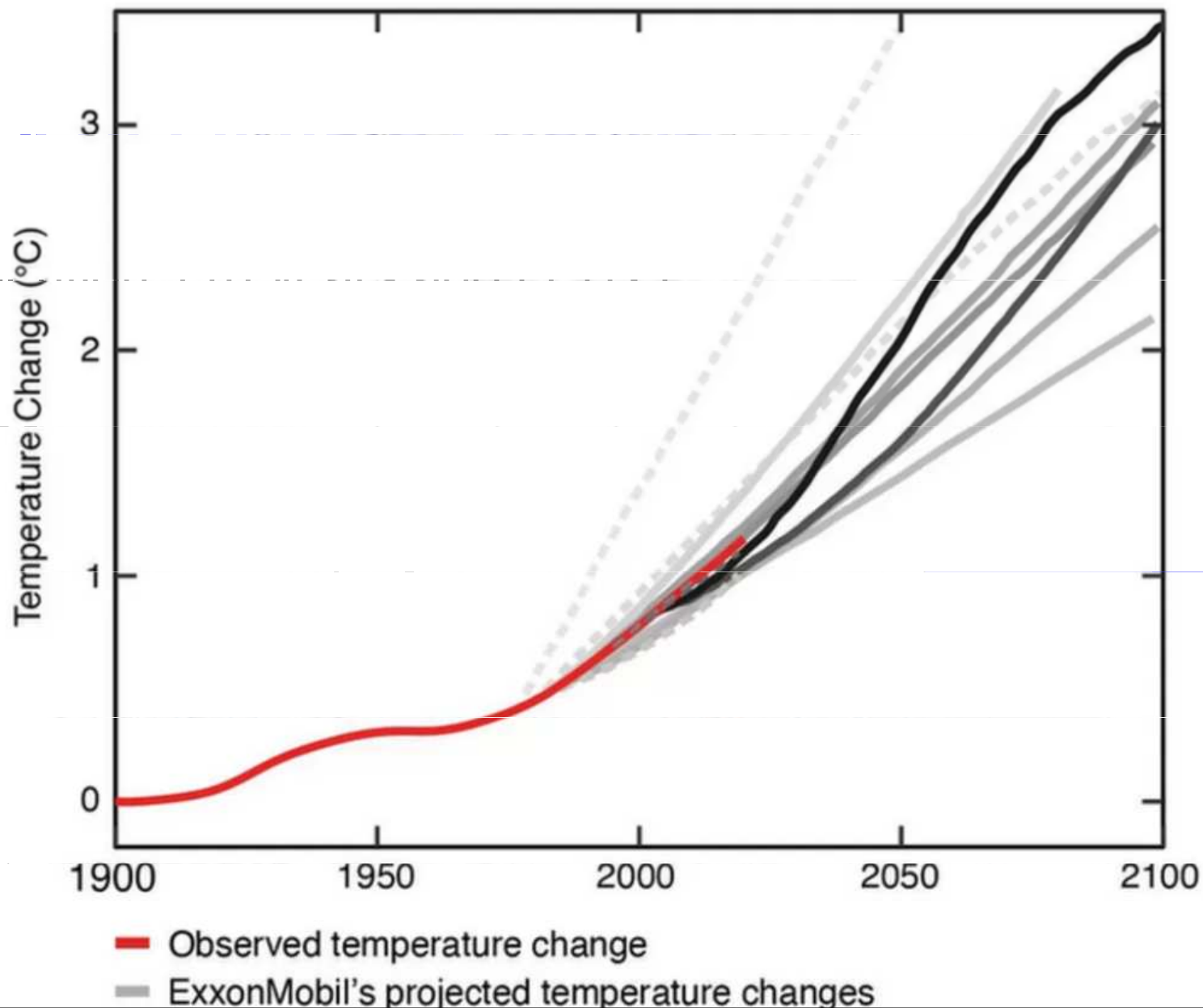
□ 1970

□ 1988

□ 1992

□ The U

□ UNF



- 6. The world must rapidly shift away from burning fossil fuels – the number one cause of the climate crisis.**
- 7. We also need urgent, systemwide transformations to secure a net-zero, climate-resilient future.**
- 8. Carbon removal is now essential to limit global temperature rise to 1.5 degrees C.**
- 9. Climate finance for both mitigation and adaptation must increase dramatically this decade.**
- 10. Climate change – as well as our collective efforts to adapt to and mitigate it – will exacerbate inequity should we fail to ensure a just transition.**

Sources of Law - International

- International customs
- General widely recognised principles of law

United Nations Framework Convention on Climate Change (Rio 1992)

- International consensus on combating climate change
- Obligation for parties to monitor and report emissions

- Kyoto Protocol
 - 5,2 % reduction of GHG (2008-2012)
 - Doha Amendment (2012-2020), 18 % reduction

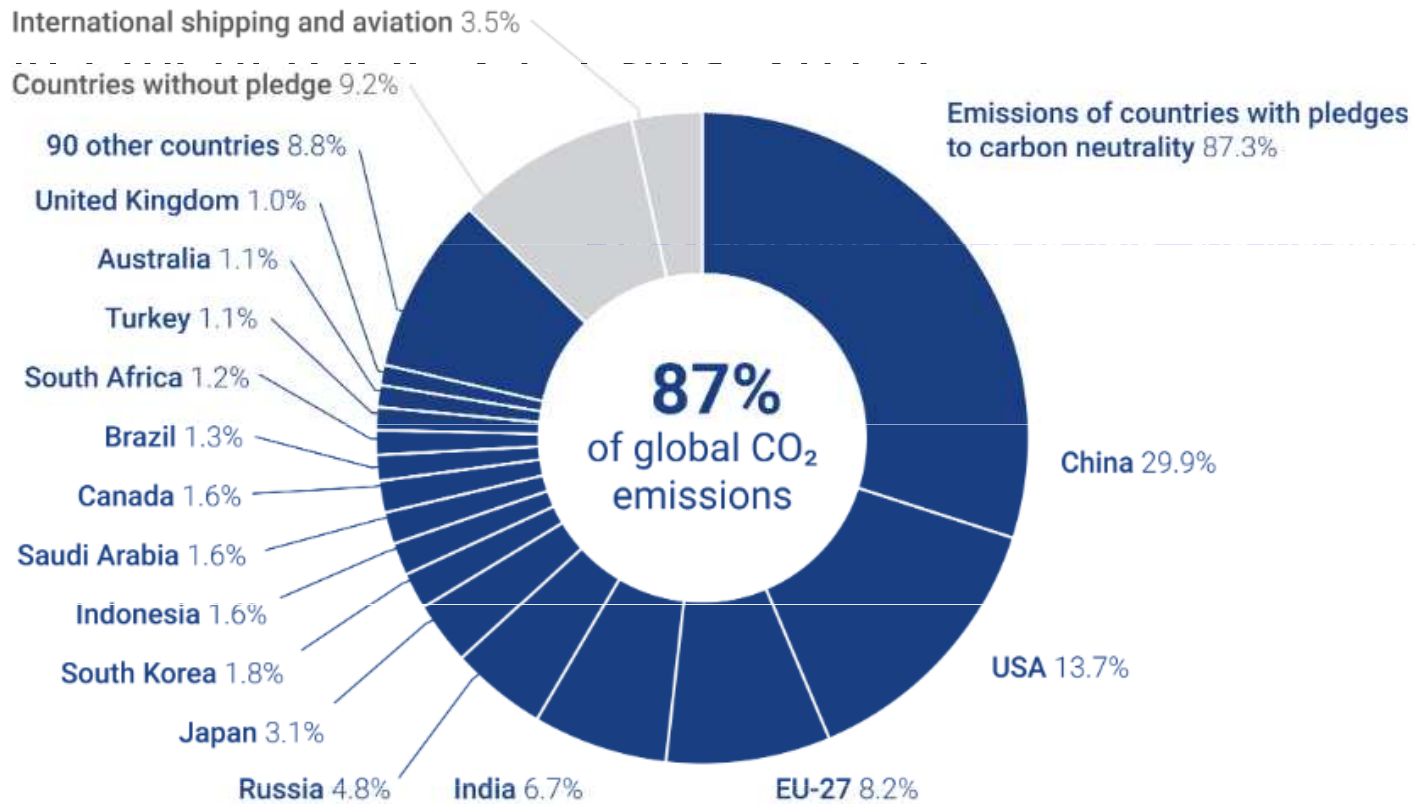


GLOBAL EMISSIONS AND CARBON NEUTRALITY PLEDGES



S The 131 countries which have pledged to become carbon neutral account for 87% of global CO₂ emissions.

F
1



Global industrial increase

N
1
1

Paris Agreement – a short introductory video



EU and Climate Change

- EU Party to UNFCCC, Kyoto and Paris → joint obligation with MS to reduce GHGs
- Commitments:
20 % → 40 % (2030) → 55 % (2030) → 100 % (2050)
- Legal instruments: policies, strategies, laws (regulations and directives), economic
- pre-Green Deal Era x post-Green Deal Era

RePower EU
ReFuel EU

EU and Climate Change

Art. 11 + art. 191 TFEU

Art. 3(3) TEU



Basis for EU environmental policies and legislation

European Commission:

DG Climate Action

DG Environment

DG Agri

DG Energy

DG Grow

DG Move

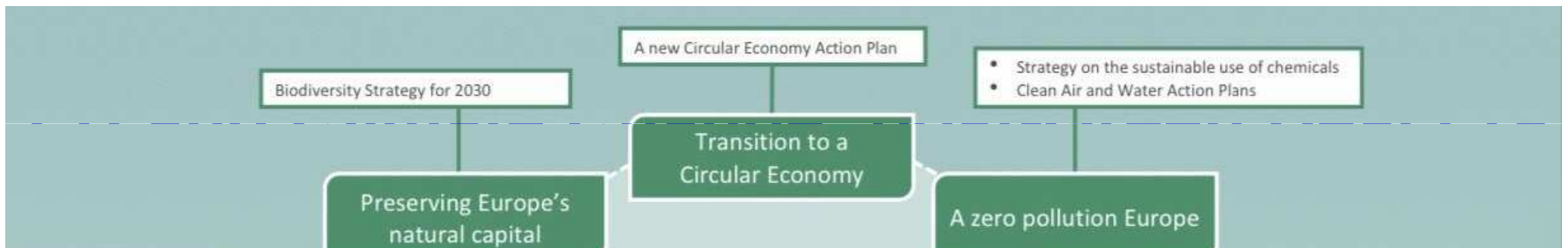
DG Regio

Executive Agency:

CINEA (European Climate, Infrastructure and Environment Executive Agency)

European Environment Agency





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Macron calls for 'regulatory break' in EU green laws to help industry

By [Paul Messad](#) | [EURACTIV France](#) | translated by [Daniel Eck](#) ⌚ Est. 5min

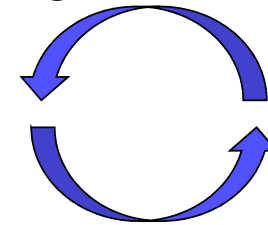
📅 12. 5. 2023 (updated: 📅 12. 9. 2023)



EU and Climate Change: post-Green Deal Era

Affected sectors:

- Industry, transport, electricity generation, agriculture + forestry, financial, waste management etc.



Affected environmental sectors:

- Air protection, nature (biodiversity), noise pollution etc.

EU and Climate Change: post-Green Deal Era

Regulation (EU) 2021/1119 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('**European Climate Law**')

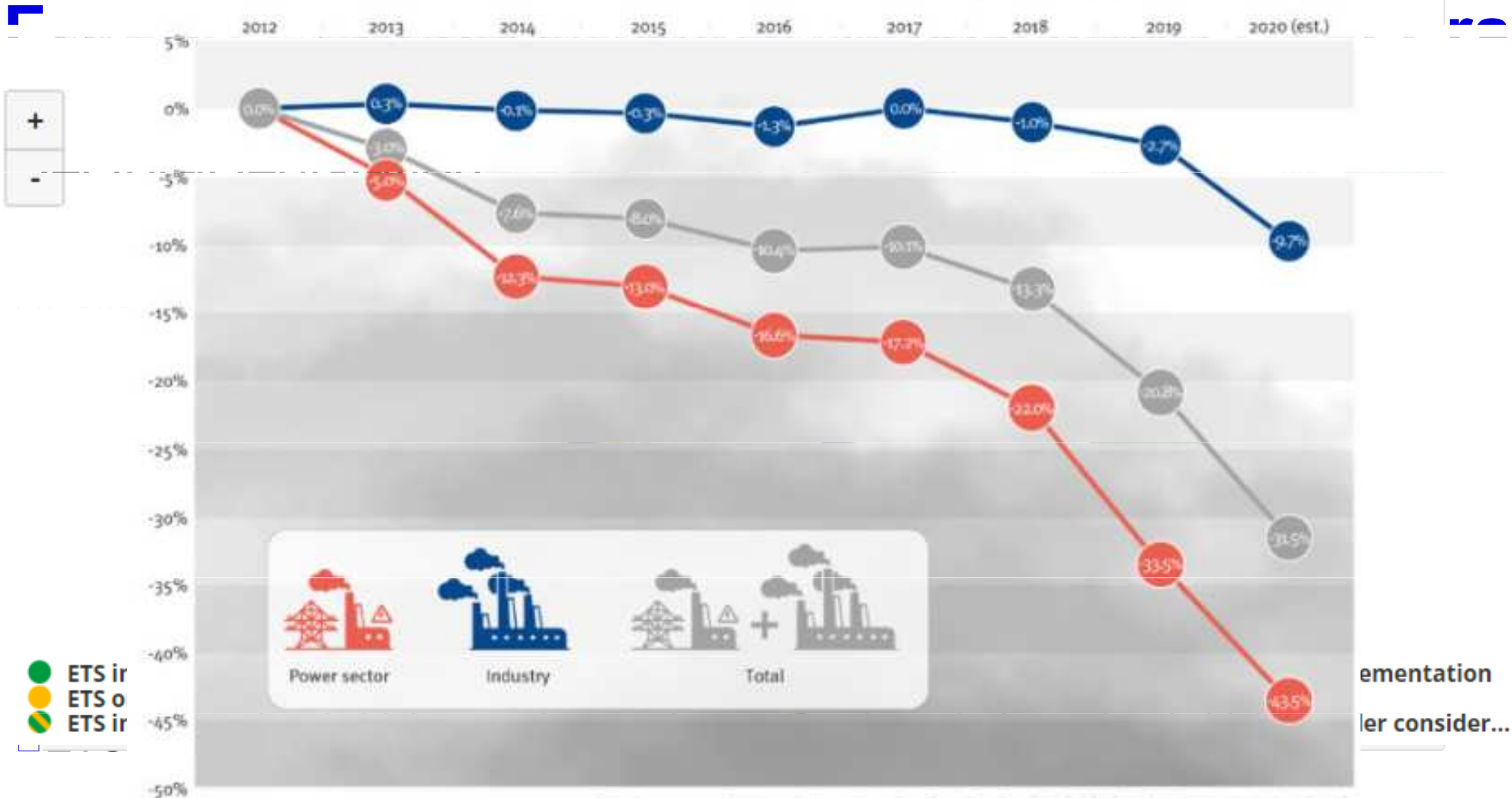
- Art. 2(1) Net zero target by 2050
- Art. 4(1) intermediate target of 55 % reduction by 2030
- Art. 4(3) 2040 target? (tba)
- Art. 7(2-3) insufficient national measures
 - Possible grounds for infringement procedure art. 258 TFEU?
Principle of solidarity art. 3 TEU

3. Where recommendations are issued in accordance with paragraph 2, the following principles shall apply:

- (a) the Member State concerned shall, within six months of receipt of the recommendations, notify the Commission on how it intends to take due account of the recommendations in a spirit of solidarity between Member States and the Union and between Member States;

EU carbon market emissions

power sector vs. industry – 2012-2020



Greenhouse gas emissions relative to 2012. Data from Sandbag (2019), EEA (2020) and own calculations (2021).

ementation
er consider...

ANNEX I

MEMBER STATE GREENHOUSE GAS EMISSION REDUCTIONS PURSUANT TO ARTICLE 4(1)

EU :

I Era

Sector Effort

Coverage

domestic

bulk

agricultural

small

was

Art. 1

	Member State greenhouse gas emission reductions in 2030 in relation to their 2005 levels determined in accordance with Article 4(3)	
	Column 1	Column 2
Belgium	-35 %	-47 %
Bulgaria	-0 %	-10 %
Czechia	-14 %	-26 %
Denmark	-39 %	-50 %
Germany	-38 %	-50 %
Estonia	-13 %	-24 %
Ireland	-30 %	-42 %
Greece	-16 %	-22,7 %
Spain	-26 %	-37,7 %
France	-37 %	-47,5 %
Croatia	-7 %	-16,7 %
Italy	-33 %	-43,7 %
Cyprus	-24 %	-32 %
Latvia	-6 %	-17 %
Lithuania	-9 %	-21 %
Luxembourg	-40 %	-50 %
Hungary	-7 %	-18,7 %

the target



ANNEX IIa

The Union target (column D), the average greenhouse gas inventory data for the years 2016, 2017 and 2018 (column B) and the national targets of the Member States (column C) referred to in Article 4(3) to be achieved in 2030

EU &

l Era

Sector
LULU
2018/20

- EU : GHG
- Spe
- GHG

A	B	C	D
Member State	The average greenhouse gas inventory data for the years 2016, 2017 and 2018 (kt of CO ₂ equivalent), 2020 submission	Member State targets, 2030 (kt of CO ₂ equivalent)	Value of the greenhouse gas net removals (kt of CO ₂ equivalent) in 2030, 2020 submission (Columns B+C)
Belgium	-1 032	-320	-1 352
Bulgaria	-8 554	-1 163	-9 718
Czech Republic	-401	-827	-1 228
Denmark	5 779	-441	5 338
Germany	-27 089	-3 751	-30 840
Estonia	-2 112	-434	-2 545
Ireland	4 354	-626	3 728
Greece	-3 219	-1 154	-4 373
Spain	-38 326	-5 309	-43 635
France	-27 353	-6 693	-34 046
Croatia	-4 933	-593	-5 527
Italy	-32 599	-3 158	-35 758
Cyprus	-289	-63	-352
Latvia	-6	-639	-644

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NATIONAL OVERALL TARGETS FOR THE SHARE OF ENERGY FROM RENEWABLE SOURCES IN GROSS FINAL CONSUMPTION OF ENERGY IN 2020 (b)

A. National overall targets

	Share of energy from renewable sources in gross final consumption of energy, 2005 (S ₂₀₀₅)	Target for share of energy from renewable sources in gross final consumption of energy, 2020 (S ₂₀₂₀)
Belgium	2,2 %	13 %
Bulgaria	9,4 %	16 %
Czech Republic	6,1 %	13 %
Denmark	17,0 %	30 %
Germany	5,8 %	18 %
Estonia	18,0 %	25 %
Ireland	3,1 %	16 %
Greece	6,9 %	18 %
Spain	8,7 %	20 %
France	10,3 %	23 %
Croatia	12,6 %	20 %

EU

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This summary
the Secretariat
responsibilities
general information
intended to

EU

food

EU and Climate Change: post-Green Deal Era

Overarching sectoral legislation

Regulation 2018/1999 on the Governance of the Energy Union and Climate Action



□ 5 dimensions:

- energy security;
- internal energy market;
- energy efficiency;
- decarbonisation; and
- research, innovation and competitiveness

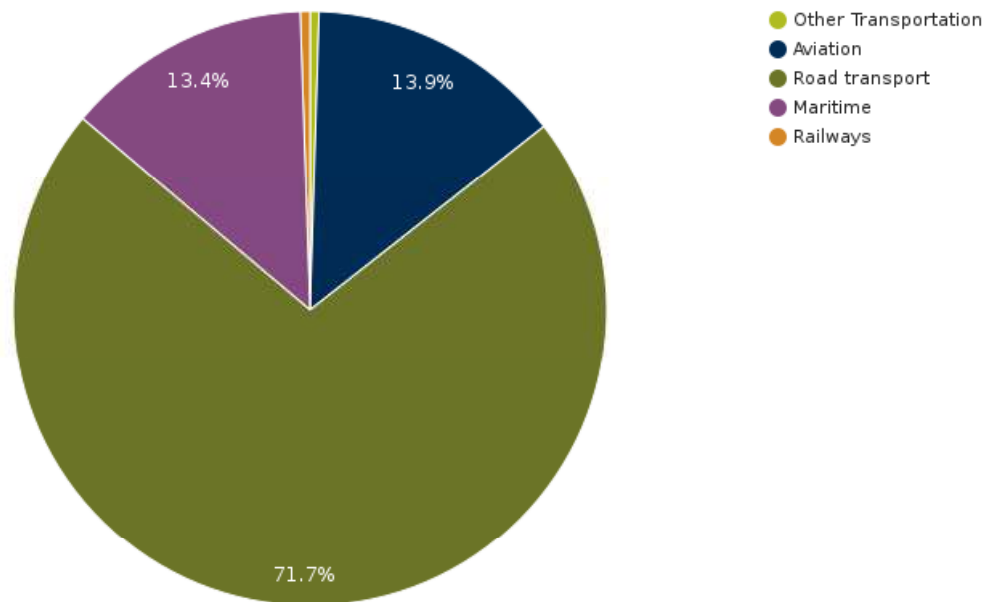
□ Art. 4 national targets/objectives/contributions

□ ESR

□ LULUCF

□ RES II – indicative trajectory of 18 % by 2022  43 % by 2025  65 % by 2027

EU (Convention) – Share of transport greenhouse gas emissions



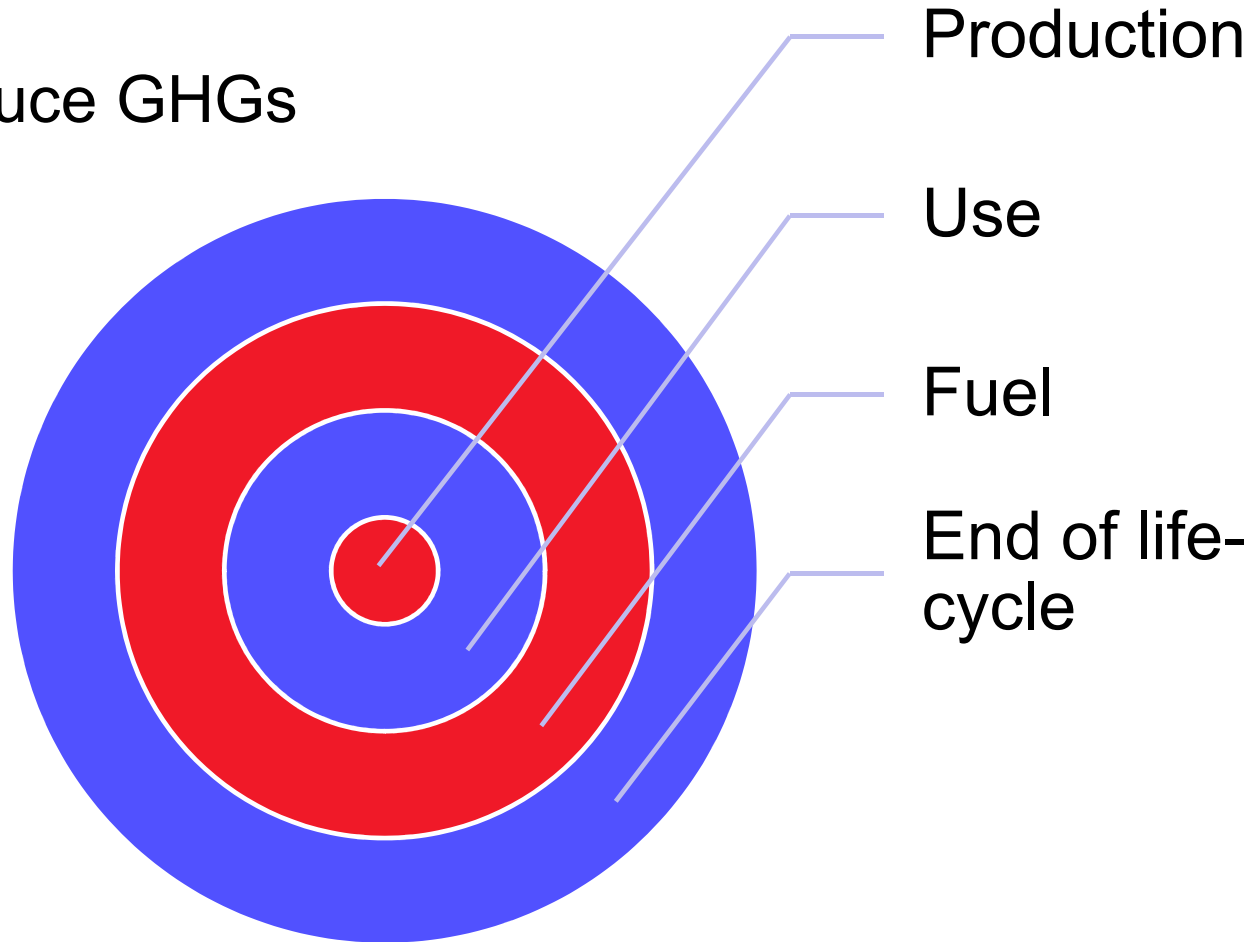
Data sources:

National emissions reported to the UNFCCC and to the EU Greenhouse Gas Monitoring Mechanism provided by [European Environment Agency \(EEA\)](#)




EU and Climate Change: post-Green Deal Era

Where to reduce GHGs



EU and Climate Change: post-Green Deal Era


Sectoral legislation: Transport – fuels

- Directive 2009/30 as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions
- Regulation 2023/1804 on the deployment of alternative fuels infrastructure
 - National targets + mandatory national targets for alternative infrastructure
 - Electricity (road, shore-side electricity supply in ports, electricity for aircrafts)
 - Hydrogen
 - Liquefied methane
- RES II Directive (biofuels + MS targets)
- Aviation: ReFuel Aviation  Proposal for a Regulation on ensuring a level playing field for sustainable air transport
 - SAF (Sustainable Aviation Fuel)

+ ETS 2 – fuel suppliers

EU and Climate Change: post-Green Deal Era

Sectoral legislation: Transport – production of vehicles

- Regulation 2019/631 – CO2 emissions from new vehicles
- „ban“ on combustion engine vehicles from 2035
- Gradual phase-out of combustion engines (passanger cars and light commercial vehicles)
 - 15 %  55 % (50 %)
- Only new cars!

- ETS: aviation + maritime

EU and Climate Change: post-Green Deal Era

Other sectoral legislation:

- Directive 2009/31 2009 on the geological storage of carbon dioxide
- Energy Efficiency Directive 2012/27 (target of 32,5 % by 2030)
- Regulation No. 517/2014 on fluorinated greenhouse gases (Fgases)

EU and Climate Change: post-Green Deal Era

EU Taxonomy Environmental Objectives

1

Climate change mitigation

2

Climate change adaptation

3

Sustainable use and protection of water and marine resources

4

Transition to a circular economy

5

Pollution prevention and control

6

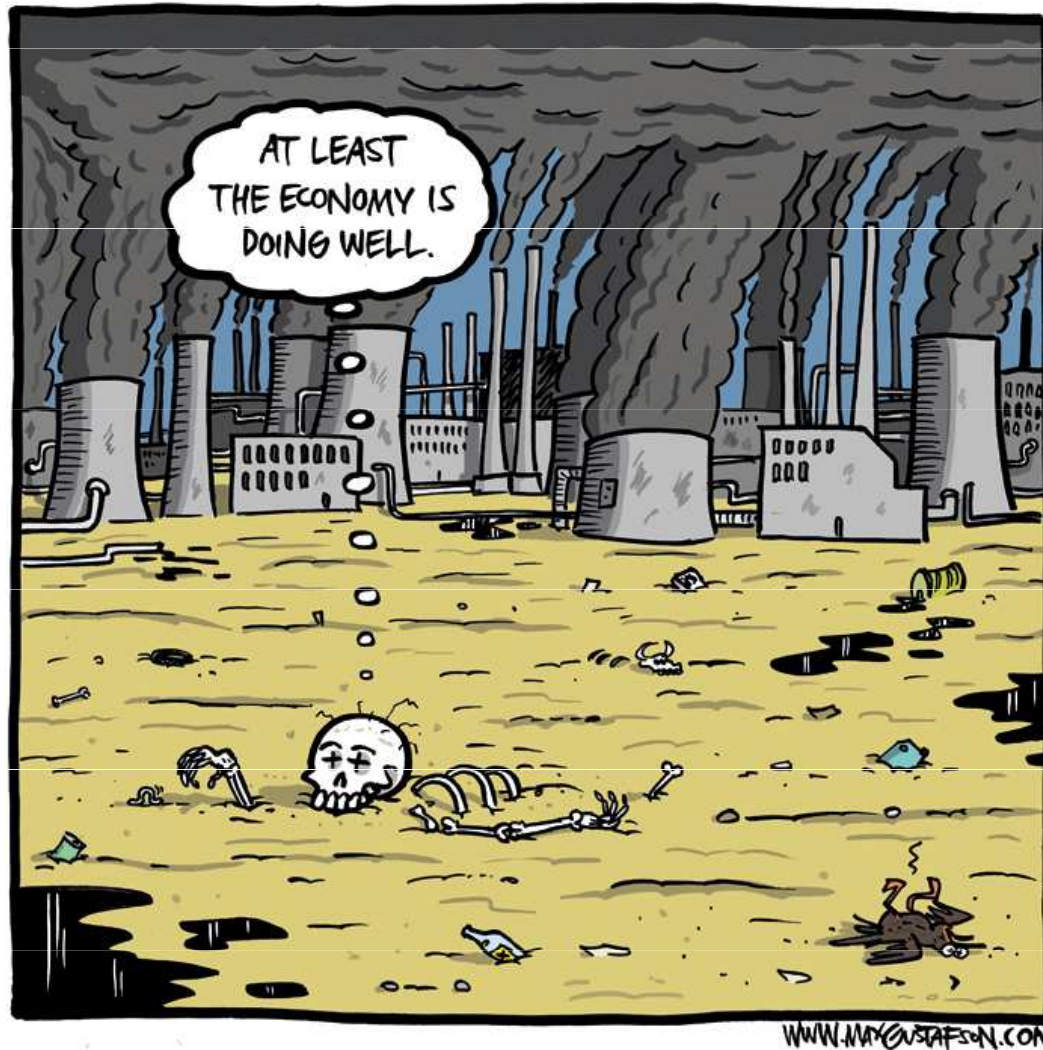
Protection and restoration of biodiversity and ecosystems

EU and Climate Change: post-Green Deal Era

Sectoral legislation: Finance – ESG framework

- Regulation 2019/2088 on sustainability-related disclosures in the financial services sector
- Regulation 2019/2089 as regards EU Climate Transition Benchmarks, EU Paris-aligned Benchmarks and sustainability-related disclosures for benchmarks
- Directive 2022/2464 as regards corporate sustainability reporting

Questions?



Thank you for your attention!

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Sources

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