



Brussels, 4th December 2019

Key elements of the European Climate Law

On 28 November, the European Parliament declared the climate emergency. The parliamentarians acted according to the scientific findings of the Intergovernmental Panel on Climate Change (IPCC) and the Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services (IPBES). We need to act on the climate and biodiversity crisis.

The climate emergency must result in adequate climate policy.

Our ability to avert catastrophic climate outbreaks and limit the global average temperature rise to 1.5°C above pre-industrial levels, requires our societies to achieve climate neutrality under the Paris Convention. The climate emergency has already been declared. We have to act now and turn the tide in the ongoing negotiations on the EU budget, international trade agreements and the common agricultural policy.

Climate neutrality must be given a binding legal framework.

Europe must establish a binding legal framework as soon as possible in order to achieve climate neutrality by 2040 and to make the existing European laws fit the 1.5 degree target. This means an increase in the 2030 targets for greenhouse gas reduction, energy efficiency and renewables, but also a new mechanism to set the European greenhouse gas budget and subject it to regular scientific review.

Climate justice must be guaranteed.

To act on the climate emergency means to guarantee the right of citizens to climate protection. The crisis over climate and biodiversity exacerbates existing inequalities between and within generations. A transformation of this magnitude requires the support of all people, but also to ensure that the biggest polluters contribute fully to the transition. It is essential for European companies and the financial sector to contribute to this transition and follow trajectories towards climate neutrality. Ensuring climate justice means playing our part in global climate financing, but also correcting the imbalance between citizens and businesses and recognising people's human and environmental rights.

To achieve the 1.5 degree target, Europe needs to take immediate measures and create a new legal basis through a European Climate Law.



The European Climate Law has four core requirements for this:

1. Anchoring the **right of citizens to be protected from climate change**. Although climate change has been recognised as a problem by the EU since 1992, adequate measures are still not being taken to protect citizens who are already affected by the impacts. Access to justice enables citizens and civil society to participate in the enforcement of the law.
2. The recognition and adoption of climate policy with the help of a **Europe-wide greenhouse gas emission budget** (carbon budget).
3. The establishment of a permanent and independent **scientific monitoring body** which monitors the European Commission's compliance with the carbon budget and thus the 1.5 degree target and makes public recommendations.
4. Establishment of **climate neutrality as an objective for all sectoral legislative projects**. (Buildings, transport, agriculture, trade and industry)

Emergency measures to act on the climate emergency:

As an emergency measure, while new legislative is prepared, the climate emergency must already be taken into account in the ongoing negotiations, such as the one on the multiannual financial framework. This requires:

- The ongoing negotiations on the EU's multiannual financial framework must be aligned with the Paris Agreement and dedicate 50 percent of the EU budget for climate protection measures.
- Stop direct and indirect fossil subsidies at EU and Member State level by 2021.
- Make member states' access to the Just Transition Fund conditional on national fossil fuel phase-out plans for coal, oil and gas.
- Transform agriculture from a problem into a solution by making all payments conditional on mitigating climate change, biodiversity restoration, animal welfare and reduced pesticide use, ensure effective protection of wetlands and peatlands, and sufficiently funded rural development programmes with mandatory minimum spending on environment and climate.
- Establish an inter-institutional agreement between the Council, the EP and the Commission to ratify trade and investment agreements with third countries only if they are signatories to the Paris Agreement, and have adopted binding and enforceable measures to achieve its objectives. They then must include legally binding and enforceable environmental and climate provisions.



Enshrining climate neutrality and the 1.5 degree target in EU climate law

- To ensure the 1.5 degree target Europe needs to legally enshrine the target to achieve climate neutrality by 2040.
- Update the EU 2030 target to cut greenhouse gas emissions by at least 65%.
- Establish the process of an EU carbon budget building on existing instruments as stepping stone to break down the science behind 1.5 degree target.
- Establish an independent panel of climate scientists to assess EU targets, report on inconsistencies and gaps, and scrutinize and evaluate EU plans and policies and ensure that all policies are based on science and evidence. The independent climate panel is tasked to monitor and trigger the review and the ratchet-up mechanism for EU, sectoral and national targets in compliance with the Paris Agreement.

Ensure Climate Justice for all

- The Climate Act establishes that all citizens have a right to a stable and healthy climate in relation to the right to life, personal life and intergenerational equality.
 - § The right to a stable climate is enshrined in the Climate Protection Act as an implementation of the European Convention on Human Rights.
 - § The European Union must fully implement the Aarhus Convention. Member States must grant individuals and non-governmental organisations access to justice if their livelihoods have been destroyed by the climate crisis and to ensure full compliance with climate and environmental laws.
 - § This means that EU Members States have a responsibility to protect citizens from the consequences of the climate crisis and that they are also responsible towards their citizens if they fail to do so.
- The climate law anchors the implementation of a gender-specific impact assessment for all climate policies and strategies.



Classification of some points in the current climate policy situation in the European Union:

European Climate Law	European Union
Citizens' right to climate protection.	In the treaties of the EU by title 20 environment (article 191), the European human rights convention (article 2, 8) and the Aarhus convention the principle has been enshrined, but is so far not successfully enforceable and citizens have also been denied access to the courts for environmental matters.
Updating the EU climate target for 2030 to at least 65%.	Reduction of greenhouse gas emissions by at least 40 % (compared to 1990)
Binding EU climate neutrality target for 2040	missing
Make the Just Transition Fund conditional on national fossil fuel phase-out plans for coal, oil and gas.	missing
Establish the process of an EU carbon budget as stepping stone to break down the science behind the 1.5 degree target	The Commission is required to analyse scenarios on the remaining global and Union carbon budget for staying within 1.5 degrees and analyse the Union's long term strategy concerning the implications on the global and Union carbon budget as part of the governance regulation.
Establish a review and the ratchet-up mechanism for sectoral and national targets in compliance with the Paris Agreement.	missing.

Note to editors

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