

## 【欧州】 【Common】

# Common - Environmental issues: The EU Member States and the European Parliament reach informal agreement on the new European Climate Law

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### 【概要 : Summary】

Under the European Green Deal, the EU intends to reach a net-zero GHG emissions target by 2050. In order to achieve this goal, the European Commission proposed a European Climate Law in March 2020 (COM (2020) 80 final). Initially, the European Commission intended to introduce a 50% GHG reduction target for 2030, but an impact assessment showed that a 55% reduction target was more favourable to achieve climate neutrality by 2050. Therefore, on 17 September 2020, the Commission presented its amendments to the European Climate Law proposal (COM(2020)563 final), including the new target of 55% GHG emission reduction to be achieved by 2030, compared with 1990 levels. This new 55% GHG emission reduction target replaces the former 2030 EU-wide 40% GHG emission reduction target. The implementation of the new target will require more decisive efforts regarding the renewable energies, and an increase in energy efficiency and reinforcement of the EU Emissions Trading System (EU-ETS).

The amended legislative Climate Law proposal COM(2020)563 final was submitted to the European Parliament, the Council, the Economic and Social

Committee and the Committee of the Regions for further consideration under the ordinary legislative procedure. However, the European Parliament even called for a 60% GHG emission reduction target by 2030.

On 21 April 2021, the EU Member States' and the European Parliament's negotiators reached a provisional political agreement on the European Climate Law. They agreed on the 55% GHG emission reduction target, among others. The informal agreement will now be sent to the European Parliament and the Council for their final approval. In the light of the agreed 2030 GHG emission reduction target of the new European Climate Law, the Commission will also prepare the necessary key legislative proposals by June 2021 in order to change the related legislation accordingly. This process should pave the way for the subsequent rapid introduction of the necessary measures.

### 【記事 : Article】

#### 1. The European Green Deal and the EU' s 2050 carbon neutrality target

Global average temperature increased by 1.1° C above pre-industrial levels by 2019. In order to set the GHG emission reduction targets to achieve

the EU's Paris Agreement's commitments, the European Commission presented a communication on a vision to make Europe the first climate-neutral continent by 2050. Based on the European Green Deal Communication (COM (2019) 640), "A Clean Planet for all - A European strategic long-term vision for a prosperous, modern, competitive and climate-neutral economy", the Commission intends to introduce significant GHG emission reduction measures to achieve the net-zero GHG emission target in 2050, compared to 1990 levels. The 2050 climate neutrality objective is also part of the EU's long-term strategy to the UNFCCC.

This European Green Deal is the new European growth strategy that aims at the transformation of the EU economy into a resource-efficient and competitive economy. At the same time, it would allow the EU to achieve net-zero GHG emissions by 2050. The European Green Deal also envisaged to raise the 2030 target of GHG emission reductions from 40% "for 2030 to at least 50% and towards 55% compared with 1990". Therefore, the European Green Deal included the proposal for the first European Climate Law that would establish the framework for achieving the climate neutrality by 2050, make climate neutrality by 2050 legally binding and to introduce a more ambitious mid-term target for 2030.

## 2. European Climate Law proposal and the 2050 climate neutrality objective

Until the presentation of the European Green Deal, the EU envisaged GHG emission reduction targets for 2030, including a reduction of GHG emissions of at least 40% compared to 1990 levels, achieving a share of renewable energy of at least 32% and to improve energy efficiency of at least 32.5%. However, these main targets of climate legislation had to be updated in order to reach the European Green Deal's net-zero GHG emission target in 2050.

On 4 March 2020, the European Commission adopted the "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, the European Climate Law (COM (2020) 80 final)". According to this proposal, the EU would be bound to achieve an objective of climate neutrality in the EU by 2050. The proposed European Climate Law (COM (2020) 80 final) also requires EU institutions and Member States to take the measures necessary to achieve this collective climate-neutrality objective. The Commission would be empowered to adopt delegated acts setting out a trajectory to reach carbon-neutrality by 2050, starting from the 2030 target. By 30 September 2023, and every five years thereafter, the Commission would have to assess the collective progress towards climate neutrality and on adaptation, and the consistency of relevant EU and Member State measures with the climate neutrality objective.

The Commission will also have to take corrective action if it finds EU measures to be inconsistent with the climate-neutrality objective. If the Commission finds a Member State's measures to be inconsistent with the trajectory towards climate neutrality or inadequate with respect to adaptation, it may issue recommendations to that Member State. A Member State concerned by a recommendation would have to take due account of it and report how it has done so in its first progress report under the Energy Union Governance Regulation in the year following the recommendation. If a Member State decides not to address a recommendation or a substantial part of it, it would have to communicate its reasons to the Commission. With the European Green Deal and the planned European Climate Law, the Commission proposed not only a legally binding target of net zero GHG emissions to be achieved by 2050.

However, in order to achieve this climate neutrality by 2050 and the development of the GHG emissions so far, a more ambitious mid-term target for 2030 had to be considered. Therefore, the Commission amended the proposal for a

European Climate Law, based on an impact assessment (SWD/2020/176 final) of 17.9.2020.

### 3. The amendment of the European Climate Law' s targets

On 17 September 2020, the European Commission presented its 2030 Climate Target Plan, consisting of the Communication on Stepping up Europe' s 2030 Climate Ambition (COM (2020) 562 final); an accompanying Impact Assessment; an EU-wide Assessment of National Energy and Climate Plans; and the amended proposal on the draft European Climate Law to incorporate the new 2030 emissions reduction target of 55% into the law (Communication COM(2020) 563 final). The amendment contains the proposal for a regulation on establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law, COM (2020) 80)). Based on the Commission' s comprehensive impact assessment, the 2030 Climate target had to be increased. The new 2030 climate target is also expected to help the EU to focus on economic recovery from the COVID-19 pandemic by stimulating investments in a resource-efficient economy, promoting innovation in clean technology, fostering competitiveness and creating green jobs. The European Parliament resolution of 17 April 2020 on the EU' s coordinated action to combat the COVID-19 pandemic and its consequences calls for a massive post-crisis recovery and reconstruction package centred around the European Green Deal and the digital transformation in order to kick-start the economy. In the Impact Assessment, the Commission examined the effects on the EU' s economy, society and environment, if the GHG emission reduction target was increased to 55% by 2030, compared to 1990 levels. Achieving 55% GHG emissions reductions would require action in all sectors of the economy, including the transport sector. Regarding the transport sector, the impact assessment stated that it would be a particular challenge to abate

GHG emissions in the aviation sector, which will require the development of advanced biofuels and sustainable alternative low to zero carbon fuels and gases. For other transport subsectors, like road transport, solutions exist, but it would require infrastructure development at local and EU scale, including charging stations and hydrogen fuel stations.

The new 55% GHG emission reduction target for 2030 replaces the 2030 EU-wide 40% GHG emission reduction target, set out in Regulation (EU) 2018/1999. In addition, the Commission should, by 30 June 2021, review how the relevant EU legislation implementing the 2030 climate target would need to be amended in order to achieve the 2050 climate-neutrality objective, and consider taking the necessary measures, including the adoption of legislative proposals.

The amended Climate Law proposal COM(2020)563 final was submitted to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions for further consideration under the ordinary legislative procedure.

In the European Parliament, the proposal had been referred to the Committee on Environment, Public Health and Food Safety (ENVI), which, on 19 September 2020, adopted its report by rapporteur Jytte Guteland (Sweden).

The European Parliament found that modifications to the European Climate Law in Communication COM(2020) 563 final might not be enough and therefore adopted in the October 2020 plenary a union-wide 60% GHG emissions reduction target in 2030 and net-zero emissions by 2050 at the latest in the EU and in each Member State as well as negative emissions for the post-2050 era. Furthermore, the European Parliament wanted the Commission to draw up an EU GHG budget 31 December 2021, to consider the introduction of a GHG emission reduction target for 2040 and to establish an independent scientific advisory body by June 2022.

#### 4. EU Member States' and European Parliament's provisional agreement on the new European Climate Law

On 21 April 2021, the Council of the European Union's and the European Parliament's negotiators announced to have reached a provisional political agreement regarding the introduction of a law on the objective of a climate-neutral EU by 2050 and a mid-term GHG emission reduction target of at least 55% by 2030 compared to 1990.

However, the new EU Climate Law not only increases the EU's ambitions regarding the 2030 emissions reductions target to at least 55%. In order to ensure that sufficient efforts to reduce and prevent emissions are deployed until 2030, they introduced a limit of 225 Mt of CO<sub>2</sub> equivalent to the contribution of removals to the net target. They also agreed that the EU should aim to achieve a higher volume of carbon net sink by 2030 through a more ambitious LULUCF regulation. The Commission is tasked to make proposals in June 2021 accordingly. Furthermore, a process for introducing a 2040 climate target is expected to be proposed by the Commission, at the latest within six months after the first global stocktake carried out under the Paris Agreement. The informal agreement also contains a commitment to negative emissions after 2050.

Other elements of the informal agreement include the establishment of a European Scientific Advisory Board on Climate Change, composed of 15 senior scientific experts of different nationalities with no more than 2 members holding the nationality of the same Member State for a mandate of four years. This independent board is expected to provide independent advice and will be reporting on EU measures, climate targets and indicative GHG budgets and their coherence with the European Climate Law and the EU's international commitments under the Paris Agreement.

Negotiators also agreed that the European Commission would engage with sectors of the

economy that choose to prepare indicative voluntary roadmaps towards achieving the EU's climate neutrality objective by 2050. The Commission would monitor the development of such roadmaps, facilitate the dialogue at EU-level, and share best practices among relevant stakeholders.

According to João Pedro Matos Fernandes, Minister of Environment and Climate Action of Portugal, the Council's and the European Parliament's negotiators reached a provisional political agreement right ahead of the Leader's Climate Summit on 22 April 2021 and they pave the way for the Commission to propose its "fit-for-55" climate package in June 2021.

According to the European Commission President Ursula von der Leyen, the informal agreement on the European Climate Law is a key milestone, showing that the political commitment of the EU to becoming the first climate neutral continent by 2050 is now also a legal commitment. Executive Vice-President for the European Green Deal Frans Timmermans added that the Climate Law would shape the EU's green recovery and ensure a socially just green transition.

The informal agreement between the EU Member States and the European Parliament will now be put to the ENVI Committee and the plenary for approval, as well as to the Council of the European Union. The Regulation on the European Climate Law will enter into force 20 days after publication in the Official Journal.

#### 5. Conclusion

The European Commission's target of reducing GHG emissions by 55% by 2030 and reaching climate neutrality by 2050 will become a binding obligation, based on the informal agreement between EU Member States and the European Parliament on the EU Climate Law. The informal agreement is seen as a key achievement also towards reaching the 2050 zero-net GHG emission reduction. It underlines the EU's commitment to

significantly reduce its GHG emissions and was perfectly timed, one day before the virtual two-day meeting of 40 global leaders at the Leaders Summit on Climate on 22 and 23 April 2021, hosted by the US president Joe Biden. The President urged leaders to use the Summit as an opportunity to outline how their countries will contribute to stronger climate ambition, which the EU did by bringing the European Climate Law one step closer to realisation. The European Climate law is the first law of its kind and in this respect, it is a significant achievement towards reaching the 2030 and 2050 EU climate targets.

Furthermore, in the context of the COVID-19 pandemic and the necessary recovery, raising the EU's ambition of GHG emissions reductions to 55% by 2030 will call for the mobilisation of significant additional investments in the coming decade. The higher ambition for the 55% target by 2030 under the European Climate Law will contribute to a more gradual GHG emissions reduction path and a more balanced economic and social transition towards reaching climate neutrality in 2050.

However, considering the fact that the EU Member States together have only managed to reduce the GHG emissions by 20% until 2020, compared to 1990 levels, the main question remains how the EU wants to reduce its GHG emissions by a further 35% in only 10 years until 2030. It remains still uncertain, if the initiative to revise all laws and measures related to the 2030 GHG emission reduction target will be sufficient for actually reaching the target.

The Energy Efficiency Directive, the Renewable Energy Directive and the Regulation on the Governance of the Energy Union and Climate Action are core pieces of legislation to implement an increased 55% GHG reduction target, together with the Energy Performance of Buildings Directive (EPBD) and products legislation (Ecodesign Directive and the Energy and Tyre labelling Regulations). The Commission will also present

the revision and expansion of the EU's Emissions Trading System (EU-ETS), the Regulation on the CO<sub>2</sub> emissions performance standards for cars and vans, and the Alternative Fuels Infrastructure Directive in order to implement the new target of the European Climate Law. The Commission will prepare these key necessary legislative proposals by June 2021 and this process should pave the way for the subsequent rapid adoption of the necessary measures and leave sufficient lead-time to achieve the increased 2030 climate target.

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