



**Ecologic Institute**

Science and Policy  
for a Sustainable World

# **PROFESSIONALIZING CLIMATE POLICY**

## **Good Practices in Long-Term National Climate Framework Laws**

Expert Online Workshop on Climate Legislation

Israel Public Policy Institute (IPPI)

Berlin, 07.12.2020

**Matthias Duwe**

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3 **CORE ELEMENTS of national climate laws | Key insights and good practice**

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4 **Conclusions**

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# Ecologic Institute's work on climate governance and framework laws

**"Paris compatible" governance:  
long-term policy frameworks  
to drive transformational change**

A comparative analysis of national & sub-national case studies

Ecologic Institute project team

Ed. Christoph Ober, Matthias Duwe, Jörg Hübner, Eva Henneke, Doris Kirschbaum, Michael Pöschel, Linda Morawek, Robert Orlowski, Arne Rauber, Katharina Lindnerbach and Elizabeth Ziegler - with contributions by Axel Henning, S&P, Christian Winkler and Andrew Hodge (2018)

Ecologic Institute  
ecologic.eu

11/2017

Nils Meyer-Ottendorf & Lisa Fee-Heinecke  
**A CLIMATE LAW FOR EUROPE**  
MAKING THE PARIS AGREEMENT REAL

NOVEMBER 2018

11/2018

**KLIMASCHUTZGESETZE  
IN EUROPA**  
Überblick und Bedeutung für ein deutsches Klimaschutzgesetz

05/2019

**LANDESKLIMASCHUTZGESETZE  
IN DEUTSCHLAND**  
Überblick und Bedeutung für ein Klimaschutzgesetz des Bundes

05/2019

**NET ZERO 2050**

**PLANNING FOR NET ZERO:**  
ASSESSING THE DRAFT NATIONAL ENERGY AND CLIMATE PLANS

MAY 2019

05/2019

**PLANNING FOR 2050**

Key messages

Climate planning for 2050 has become a core theme of debate in the European Union (EU). Most recently, the Commission has published a proposal for a long-term strategy for the EU, which is to be submitted to the Council of Ministers under the Paris Agreement by 2020. In parallel, all EU Member States must develop national strategies for their own, which will be central to the overall strategy to be adopted by the Council of Ministers in 2020. The purpose of this report is to provide an overview of the current state of play in the EU, to provide support to these national governments, the Commission and the Council of Ministers, and to identify common challenges and good practices to support effective national 2050 planning through national strategies.

Key insights gained from the project include:

- A wealth of experience:** Nearly half of the EU Member States have already developed national long-term climate strategies (LTS) under the Paris Agreement. With Member States presenting their objectives as early as the proposal, some countries have begun to review existing strategies for alignment to 2050 and have started to plan towards net-zero greenhouse gas (GHG) emissions by 2050 or earlier. Such projects need to have procedural elements, including provision of resources and stakeholder involvement.
- Great diversity:** The existing strategies differ in many respects, including content. Scope of legal or specific measures, political ownership and legal form. This diversity reduces comparability and also indicates that some strategies do not deliver on the essential elements needed to manage the net-zero transition. Accordingly, such strategies need provide a clear context for implementation. The lack of a common governance framework and low comparability are obstacles to effective strategy development. Without high quality of country-specific information, a higher level of strategic alignment is essential and could take the form of a common fact base, reporting and/or technology pathways and options.
- Common challenges:** Existing systems are across the EU based on technology and are not technical but. These include connections between the EU and national levels as well as coherence between near- and long-term pathways, between the 2050 National Energy and Climate Plans (NECPs) and 2050 climate targets, and carbon intensity over the economic and social transition.

A process for assessing the LTSs after their submission should be established at EU level, with a view to be implemented by the European Commission, but details of the timing, format and content are national. Despite a lack of information on the European evaluation, this process presents a considerable opportunity to improve the 2050 plans.

- The 2050 evaluation process should become a vehicle for dialogue about shared challenges as well as an occasion to identify the most effective options for assessment based on a agreed strategy (e.g. technology, financing, reporting, etc.) in the available and cost of transformational options.
- In addition, expert networks and the use of decision support tools together with a further research to clarify 2050 objectives. Dedicated support should be organized at the EU level.

NOTE: This briefing was produced by the project team and does not represent the views of the participants in the Climate Resilience 2050 dialogue activities.

12/2019

**LONG-TERM CLIMATE STRATEGIES**

LTS IN EUROPE: EXPERIENCE FROM NATIONAL AND EU-WIDE 2050 CLIMATE PLANNING

Summary

Planning for long-term climate strategies (LTS) is a core element of climate change policy in the European Union (EU). Most recently, the Commission has published a proposal for a long-term strategy for the EU, which is to be submitted to the Council of Ministers under the Paris Agreement by 2020. In parallel, all EU Member States must develop national strategies for their own, which will be central to the overall strategy to be adopted by the Council of Ministers in 2020. The purpose of this report is to provide an overview of the current state of play in the EU, to provide support to these national governments, the Commission and the Council of Ministers, and to identify common challenges and good practices to support effective national 2050 planning through national strategies.

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06/2019

**A European Climate Law – What Should It Look Like?**

1 December 2019

Nils Meyer-Ottendorf

**NET ZERO 2050**

**CLIMATE LAWS IN EUROPE**  
GOOD PRACTICES IN NET-ZERO MANAGEMENT

FEBRUARY 2020

02/2020 – 11/2020

**NET ZERO 2050**

**ΚΛΙΜΑΤΙΚΟΙ ΝΟΜΟΙ ΣΤΗΝ ΕΥΡΩΠΗ**  
ΚΑΛΕΣ ΠΡΑΚΤΙΚΕΣ ΣΤΟΝ ΔΡΟΜΟ ΠΡΟΣ ΤΗΝ ΚΛΙΜΑΤΙΚΗ ΟΥΔΕΤΕΡΟΤΗΤΑ

FEBRUARY 2020

**NET ZERO 2050**

**LEYES CLIMÁTICAS EN EUROPA**  
BUENAS PRÁCTICAS EN LA GESTIÓN DE CERO EMISIONES NETAS

FEBRERO 2020

**NET ZERO 2050**

**LEGGI SUL CLIMA IN EUROPA**  
BUONE PRATICHE PER GESTIRE LA TRANSIZIONE VERSO ZERO EMISSIONI

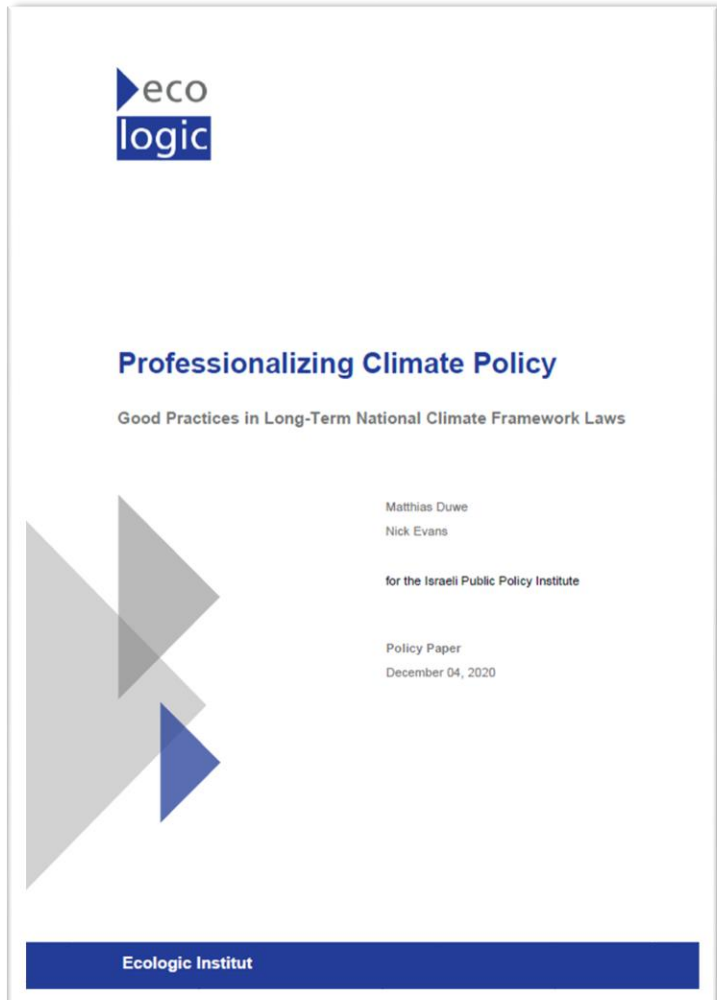
FEBBRAIO 2020

presentation based on IPPI Policy Paper

## “Professionalizing Climate Policy”

Good Practices in Long-Term National Climate Framework Laws

by Matthias Duwe and Nick Evans



drawing strongly on research published in  
*Duwe, Matthias and Evans, Nicholas (2020): Climate  
Laws in Europe: Good Practices in Net-Zero  
Management. Berlin, Den Haag*

Funded by the European Climate Foundation



Download: [Full report](#) | [Summary](#)



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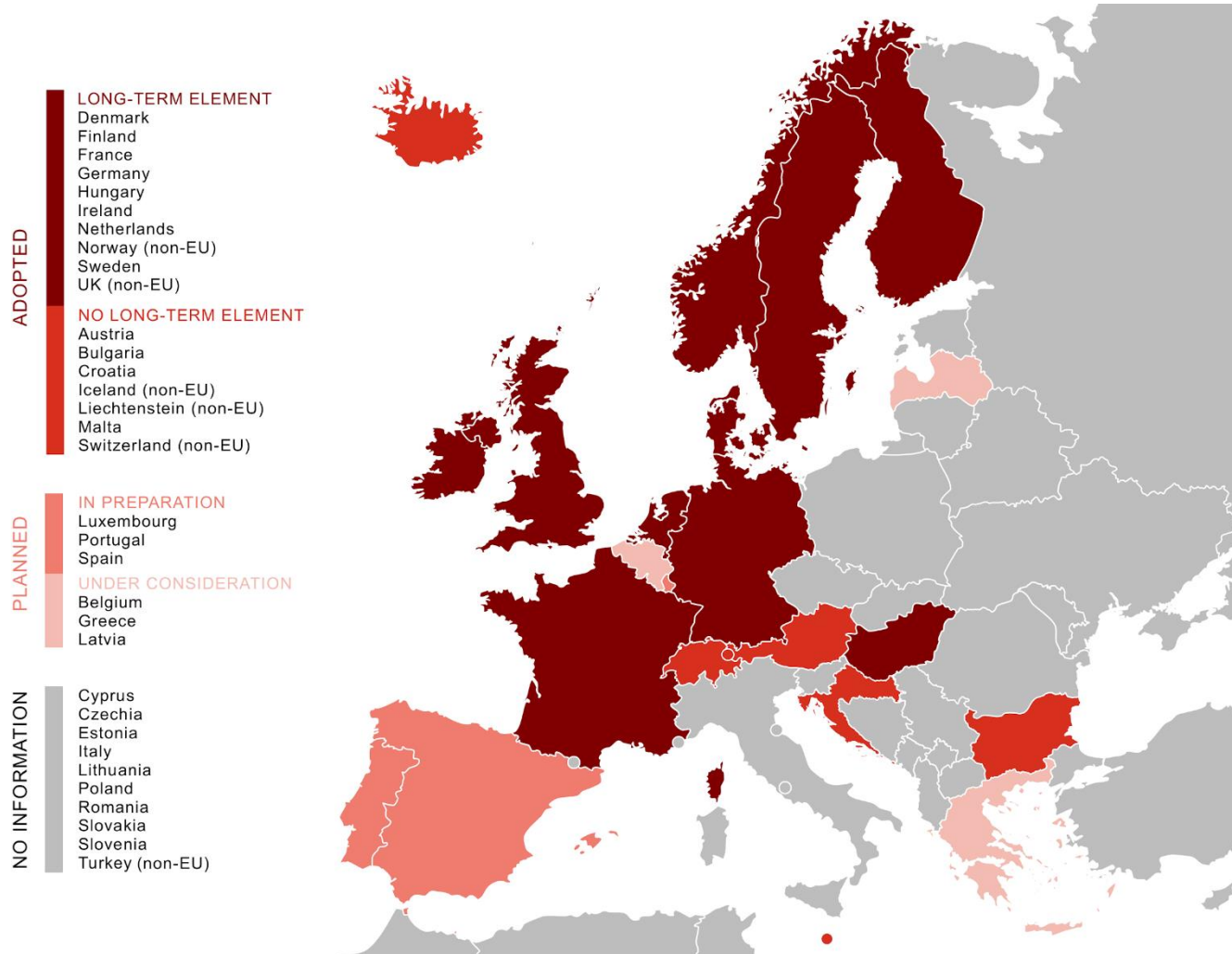
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## STATUS QUO: EU

The majority of EU Member States already has a national climate law or is preparing one—but not all laws include a long-term perspective (yet).

*Source: Ecologic Institute research based on a range of sources (including legislative databases, direct legal texts, news reports and personal contacts)*



„I want Europe to become the first climate-neutral continent in the world by 2050. (...)

I will put forward the **first ever European Climate Law** which will set the 2050 target into law. “

16 July 2019



Brussels, 4.3.2020  
COM(2020) 80 final  
2020/0036 (COD)

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)



	Law adopted	Law in preparation	Law in consideration	No law
<b>Asia</b>	Japan Korea	Israel		Turkey
<b>Europe</b>	Austria Denmark Finland France Germany Hungary Iceland Ireland Netherlands Norway Sweden Switzerland United Kingdom	Latvia Luxembourg Portugal Spain	Belgium Greece Slovenia	Czech Republic Estonia Italy Lithuania Poland Slovakia
<b>North America</b>	Mexico <i>Inside USA: California</i>			Canada United States
<b>Oceania</b>	New Zealand <i>Inside AUS: Victoria &amp; New South Wales</i>			Australia
<b>South America</b>	Colombia	Chile		

## STATUS QUO: OECD

Almost **two-thirds of OECD** countries either already have a climate law enacted or are considering introducing one.

Also **many non-OECD** countries have climate framework laws, e.g. Argentina, Guatemala, Honduras, Kenya, Micronesia, Nepal, Peru, Philippines, ...

*Source: Ecologic Institute research based on a range of sources (including legislative databases, direct legal texts, news reports and personal contacts)*

## Why are framework laws being so widely adopted?

### Successful long-term climate policy needs an effective management system

- **No historic precedence** for the specific challenge of the climate crisis  
=> Action needed like in war effort or immediate crisis – on large scale, thinking decades ahead
- Requires action **now towards long-term** goals (beyond electoral cycles)  
=> NIMTO issue: not always immediate benefit to politicians; incumbent actors oppose change
- Existing governmental **structures not well equipped** for coordinated action  
=> Climate policy originally “environment” – but needs to guide many sectors. Who is in charge?

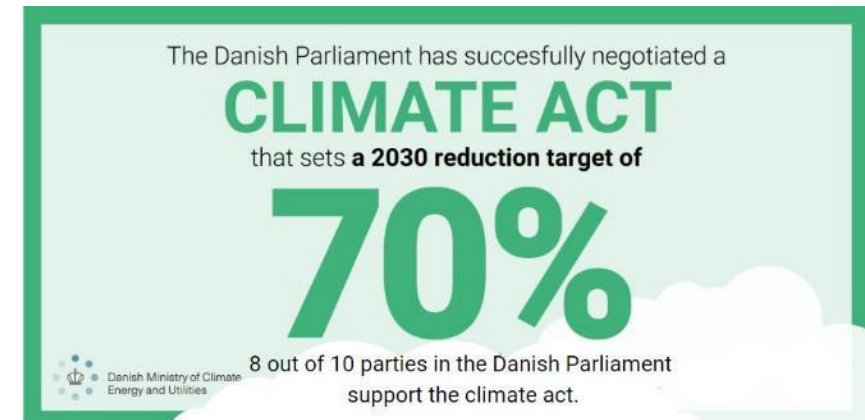
## Why are framework laws being so widely adopted?

### Choosing the form of a law has **ADDED VALUE**, including for businesses

- **Statement of sincerity** – a signal to all relevant stakeholders, citizens  
=> Investments need predictability – and investors require confidence in policy environment
- **Harder to go back on promises** – laws create a hurdle for change
- **Professionalization of political structures** – can establish legal responsibilities
- **Greater transparency** about both procedures and degree of progress
- Overall: **higher chance of successfully** achieving policy goals

## NOTE: Political support is crucial - and possible

- **Laws can change:** they rely on support
- **Broad political support** in laws analysed (no info on HU)
- Laws often developed in a **multi-party** effort.
- **Buy-in can be created** through involvement
- Existing **laws are strong:**
  - ▶ Reviews have strengthened, not weakened them.
  - ▶ UK example: Brexit did not interfere with implementation



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## Core elements of climate framework laws

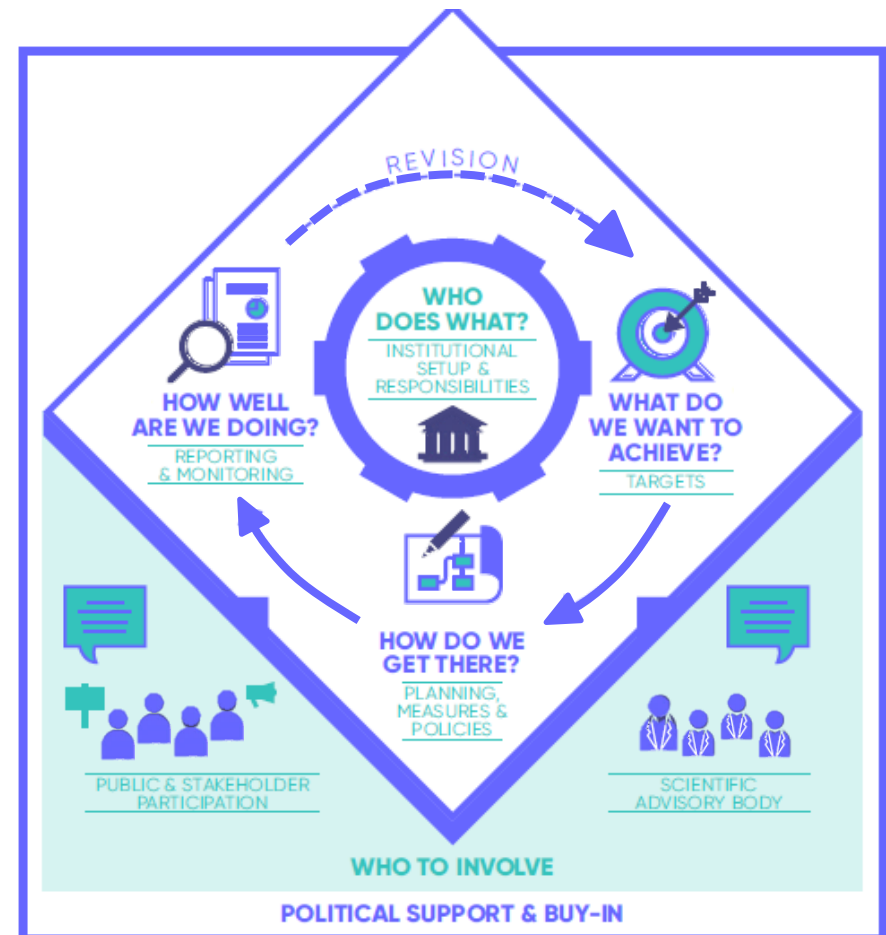
**WHAT** do we want to achieve?

**HOW** do we get there?

**HOW WELL** are we doing?

**WHO** does what?

**WHO** to involve?



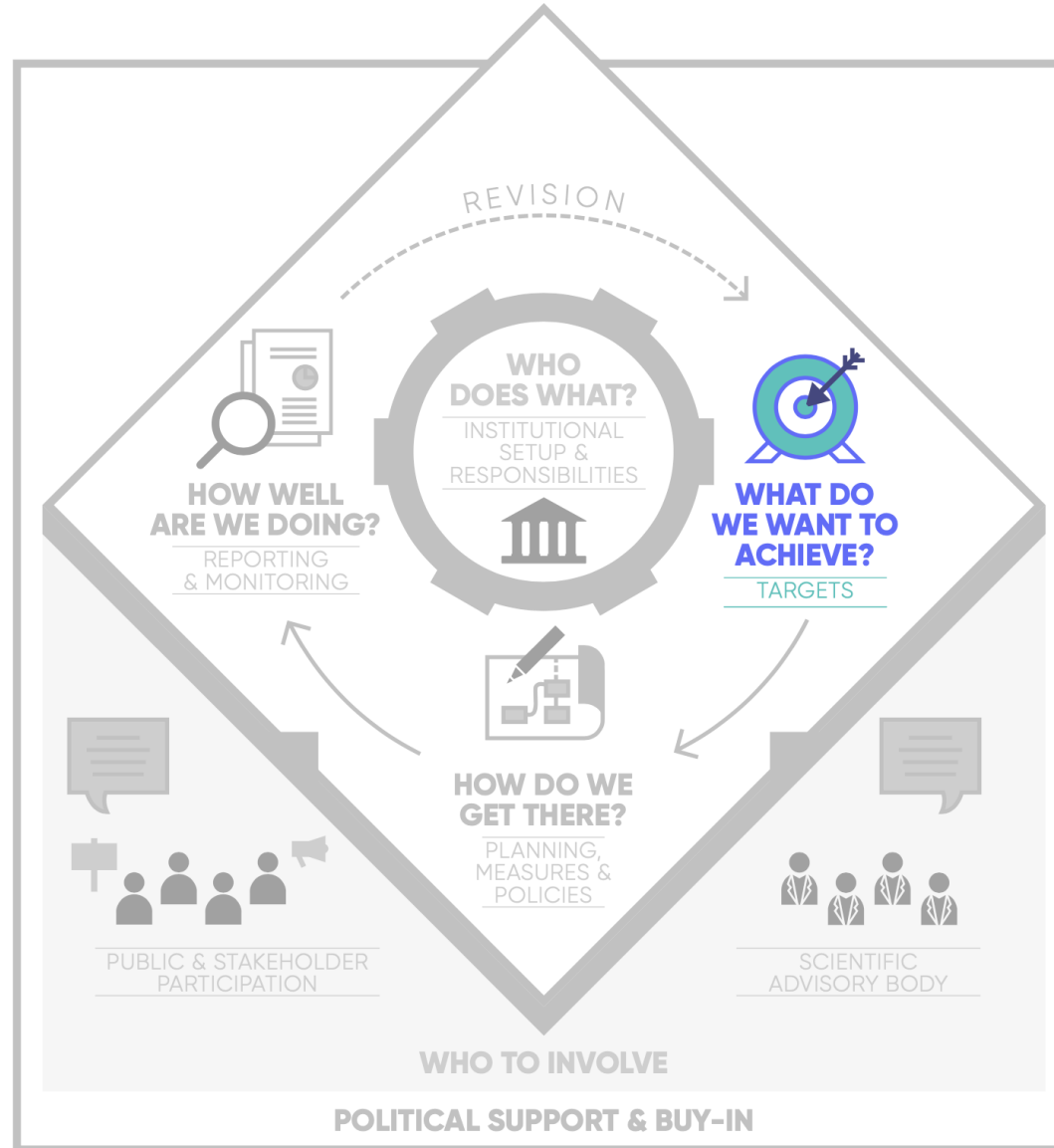
Source: Visualisation by Ecologic Institute

## COUNTRIES ANALYSED



Country	Title (in English)	Original date of adoption	Recent or Upcoming Revisions
Denmark	Climate Act	June 2020	Significant rewrite of the 2014 national climate law
Finland	National Climate Law	June 2015	Revision pending: long-term target update, add interim targets and a program for LULUCF
France	Energy Transition Green Growth Act	August 2015	Revisions to target and institutional set-up adopted in September 2019
Germany	Federal Climate Protection Act	December 2019	
Hungary	Law XLIV of 2020 on Climate Protection	June 2020	
Ireland	Climate Action and Low Carbon Development Act	December 2015	Revision pending: Climate Action (Amendment) Bill published in October 2020
Netherlands	Climate Act	July 2019	
Spain	Climate Change and Energy Transition Law	Pending (2021)	Draft was submitted to Parliament in May 2020
Sweden	Climate Law	June 2017	Adopted as part of general climate policy approach (including targets)
United Kingdom	Climate Change Act	November 2008	Revision to 2050 target adopted in July 2019

# TARGETS





## TARGETS: WHAT do we want to achieve?

### KEY INSIGHTS

- **Quantitative targets:** Nearly all laws build on concrete emission reduction targets; in most cases these are enshrined in the legal text.
- **Carbon budgets** enhance planning security and transparency by breaking down long-term targets into budgetary periods (France, Germany and UK)
- Some form of target **review and revision** is built into six of ten laws
- **Non-GHG targets:** Some laws include energy or other sector-specific targets

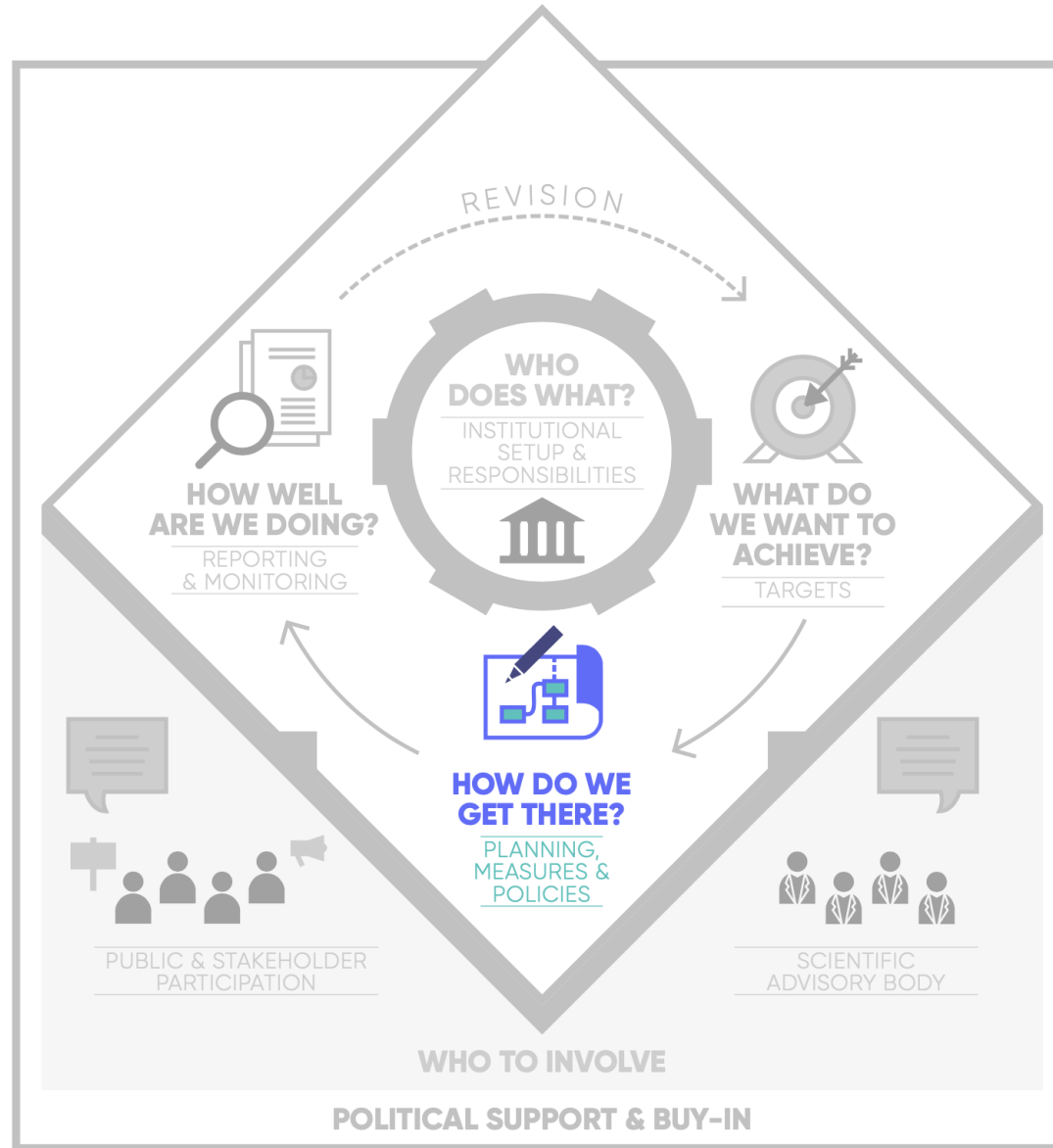


### GOOD PRACTICE

1. Rolling emission budgets, set in advance (**France, UK**, proposed: **Ireland**)
2. Sectoral carbon budgets increase collaboration and mainstreaming among ministries (**Germany**).
3. Target revision (**Germany, Finland, France, Spain, UK**)
4. No backsliding ensures that targets cannot be abandoned or lowered (**Germany** and **Spain**).



# PLANNING & MEASURES







## PLANNING: HOW do we get there?

### KEY INSIGHTS

- **Where is long-term planning?** Only five of the laws even mention strategic planning for mid-century; fewer still incorporate it as a central guiding element.
- **EU Governance Regulation helps fill the gap** by requiring alignment between near-term national energy and climate plans (NECPs) and long-term strategies (LTSs).
- *LTS development is an EU obligation: all laws **should** reference this and update regularly.*



### GOOD PRACTICE

5. Long-term informs short term: clear hierarchy of strategies in **Finland**
6. Annual cycle for policy updates in **Denmark** (and possibly **Ireland**)





## MEASURES: HOW do we get there?

### KEY INSIGHTS



- **Regular policy development process:** Most laws establish a framework and timeline for how mitigation measures are proposed, who proposes them and how they are adopted.
- **Frequency:** Updated every 4-5 years with 10-15-year time horizons
- Three laws also include explicit provisions for **climate adaptation** (Finland, Ireland and Spain)

### GOOD PRACTICE



7. Regular processes: detailed policy plans every 4-5 years (**EU, Finland, Germany, Ireland, Netherlands, Sweden, UK**)
8. Mainstreaming and budgetary alignment (**Denmark, France, Spain, Sweden**)

# REPORT & MONITORING





# PROGRESS MONITORING: HOW WELL are we doing?

## KEY INSIGHTS



- **Annual GHG data** reporting required in all countries.
- Laws stipulate varying degrees of detail in terms of actual **progress monitoring**, i.e., state of policy implementation, effectiveness, adequacy for target achievement
- **Who reports?** In most cases the government/ministry is responsible but sometimes the advisory body (France, Netherlands, UK)
- **Link to budget:** In France, Germany and Sweden the report is submitted with the draft budget

## GOOD PRACTICE



9. Sector-specific monitoring (**Ireland**)
10. Report submitted to parliament (**Denmark, Finland, France, Germany, Spain, Sweden, UK**)
11. Action trigger (**Denmark, Finland, Germany, Netherlands**)

# INSTITUTIONAL SETUP & RESPONSIBILITIES







## Institutional set-up: WHO does what?

### KEY INSIGHTS



- **Division of responsibility is key:** Institutional arrangements/coordination *missing* from most laws
- Most laws assign responsibility to **a single ministry or "the government"**
- **Role of parliament:** Most countries involve parliament in a more *passive* role—i.e., as a forum for discussing plans and reports
- *Laws may need to be revised to ensure sectoral progress in non-ETS sectors*

### GOOD PRACTICE



12. Sectoral coordination (**Finland, Germany, Ireland**)
13. Active role for parliament (**France, Germany, Sweden, UK**; future: **Ireland**)



**SCIENTIFIC  
ADVISORY BODY**



## SCIENTIFIC ADVICE: WHO to involve?

### KEY INSIGHTS

- All countries (except HU) use some form of an independent scientific advisory body — not always mentioned or enshrined in the law
- Three roles: **watchdog, scientific advisor and public engagement**
- **Scientific expertise:** These bodies are not made up of stakeholders but instead members of the scientific community selected on the basis of qualifications.
- **Access to resources is a limiting factor:** not all advisory bodies have a dedicated secretariat or sufficient public funding



### GOOD PRACTICE

14. Concrete policy input (**UK**)
15. “Watchdog” mandate (**Denmark, France, Ireland, Netherlands, Spain, Sweden, UK**)
16. Government is legally required to respond to or consider recommendations (**Denmark, France, UK**)



# PUBLIC & STAKEHOLDER PARTICIPATION





## PUBLIC PARTICIPATION: WHO to involve?

### KEY INSIGHTS



- **Three degrees of public participation *in the laws*:**
  1. no or only vague mention of public engagement (Netherlands, Sweden)
  2. a task for the scientific advisory body (Denmark and UK)
  3. public engagement built into climate policy framework (Finland, France, Germany, Ireland, Spain)
- **Lack of detail** on what consultation process will look like

### GOOD PRACTICE



17. Dedicated article on public participation, comprehensive access (**Spain**)
18. Dedicated stakeholder consultation forum created by the law (**Denmark**)
19. Citizen Assemblies organized (outside of the climate law) (**Ireland, France, UK**)

# EXCURSION: Power to the people!

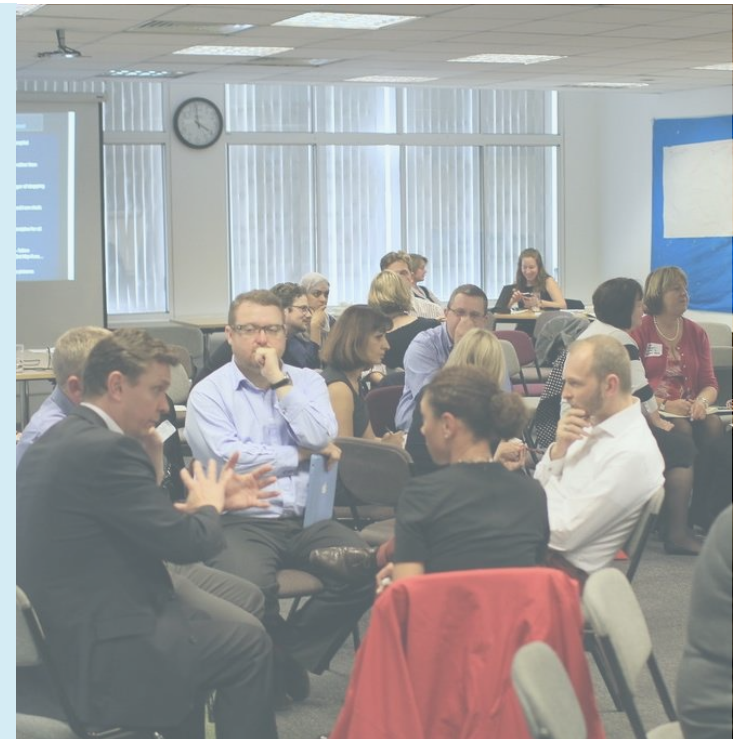
## Innovative approaches to citizen engagement

- **Irish Citizen Assembly**

- Convened around a number of policy areas including climate
- Goal: Ensure that climate action be a central pillar of Ireland's policy-making through new governance structure and carbon tax
- Assembly's resolution paved the way for the country's "landmark" climate action plan and net-zero target, both announced in 2019

- **French Citizens' Convention for Ecological Transition**

- Established in April 2019 in response to "yellow vest" protests
- Charged with making specific legislative proposals towards the goal of "reducing greenhouse gas emissions by at least 40% by 2030, in a spirit of social justice"



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## Core elements of climate framework laws

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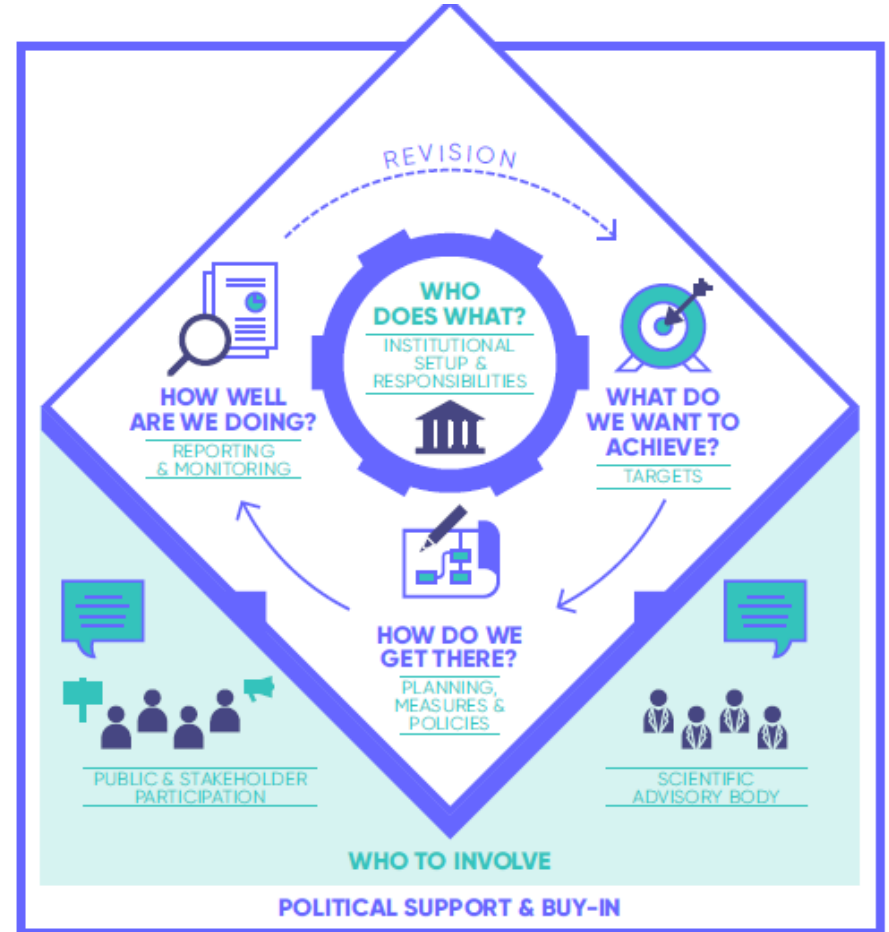
**HOW WELL** are we doing?



**WHO** does what?



**WHO** to involve?



Source: Visualisation by Ecologic Institute

## STRENGTHS

- Almost all laws make use of an independent **scientific advisory board**—to serve oversight and advisory functions
- Good level of **transparency**: annual review & progress reporting in all laws (differing levels of detail)
- **Gaps trigger action!** Most laws have a mechanism to respond to low progress (policy cycle works...).
- **Targets** are essentially everywhere – but individual countries can do better



## WEAKNESSES

- Low detail on **intra-governmental coordination** mechanisms—there is a risk that targets will not be met if sectoral gaps are not filled
- **Public participation** is not incorporated in a comprehensive manner in many laws—still, the proliferation of citizen assemblies is an example of innovation in this context
- **Strategic planning** could be stronger



## SWEDEN Climate Law (2017: 720)

Issued: 2017-06-22 / Entry into force I: 2018-01-01 /

### Section 1

This Act contains provisions on the Government's climate policy work, what the work should aim for and how it should be conducted.

### Section 2

The Government shall carry out climate policy work which

1. aims to prevent dangerous interference with the climate system;
2. contributes to protecting ecosystems as well as present and future generations from the adverse effects of climate change;
3. is focused on reducing emissions of carbon dioxide and other greenhouse gases and preserving and creating functions in the environment that counteract climate change and its harmful effects; and
4. rests on a scientific basis and is based on relevant technical, social, economic and environmental considerations.

### Section 3

The Government's climate policy work shall be based on the long-term, timely emission target set by the Riksdag. The government must set the other emission reduction targets needed to achieve the long-term goal. The work will be conducted in a way that provides the conditions for climate policy and budgetary policy goals to interact with each other.

### Section 4

Each year, the Government shall submit a climate report to the Riksdag in the Budget Bill.

The climate report must contain

1. an account of emissions trends;
2. an account of the most important climate policy decisions during the year and what those decisions can mean for the development of greenhouse gas emissions; and
3. an assessment of whether further action is needed and when and how decisions on such action may be taken.

### Section 5

Every four years, the Government shall develop a climate policy action plan. The action plan shall be submitted to the Riksdag the year after the ordinary elections to the Riksdag have been held.

The action plan should include a description of

1. Sweden's commitments within the EU and internationally
2. historical emission data relating to greenhouse gases up to the latest reported emission inventory;
3. projected emissions reductions;
4. the outcome of measures taken to reduce emissions;
5. planned emission reduction measures with an approximate indication of when these measures may take effect;
6. the extent to which decided and planned emission reduction measures can be expected to contribute to the attainment of national and global climate targets;
7. the extent to which decided and planned actions in different spending areas affect the opportunities to achieve the national and global climate targets; and
8. any further measures or decisions that may be needed to achieve the national and global climate goals.

## HUNGARY: XLIV of 2020

### law on climate protection \*

Climate change and the increasing frequency and intensity of extreme weather events are among the most important challenges of our time. Preventing them, reducing their effects and adapting to their consequences require effective and feasible interventions. In order to protect our environmental heritage, to preserve the results of the joint efforts of the Hungarian people and generations, and to ensure the survival of the Hungarian nation in the Carpathian Basin, the National Assembly shall enact the following law:

#### § 1 The National Assembly

- a) notes that climate change, the increase in the frequency of extreme weather events, is clearly being felt all over the world, and that the natural, economic and social effects they are affecting are affecting more and more people,
- b) is committed to protecting our natural heritage and the natural conditions of the way of life that we Hungarians have developed here in this country,
- c) reaffirms the importance of protecting the created world, the environment and combating the adverse effects of climate change,
- d) calls on the Government to implement short-, medium- and long-term climate protection and adaptation measures.

#### § 2 National climate policy

- a) be in line with our international and EU commitments on climate protection,
- b) provide valid answers for the whole Carpathian Basin,
- c) meet all the challenges we face in terms of the domestic environment, society and economy,
- d) take into account the possibility of using carbon-neutral nuclear energy, and
- e) be based on the polluter pays principle and the logic of proportionate and realistic interventions.

#### § 3.

- (1) Hungary will reduce its greenhouse gas emissions by at least 40% by 2030 compared to 1990.
- (2) In the event of an increase in final energy consumption exceeding the level of 2005 after 2030, Hungary shall ensure the increase only from carbon-neutral energy sources.
- (3) By 2030, Hungary shall achieve at least a 21% share of renewable energy sources in gross final energy consumption.
- (4) Hungary will achieve full climate neutrality by 2050, ie the remaining domestic greenhouse gas emissions and removals will be in balance by 2050.

#### §4

(1) Developed by the Government

- a) measures to achieve a share of renewable energy sources of at least 21% in gross final consumption of energy by 2030,
  - b) supporting the population and local communities to move from consumers to active energy producers,
  - c) the support program for the renewable energy and energy efficiency developments of domestic enterprises,
  - d) the amendment of related public policy regulations (mainly transport, energy and waste management policy, water, agriculture and forestry policy, land use, land and settlement development policy) on the basis of sustainability considerations; and
  - e) support programs to encourage technological solutions for climate protection.
- (2) The Government shall ensure the issuance of Green Government Bonds in order to create a source of budget-funded developments for climate protection, and shall conduct social awareness-raising campaigns, in particular with regard to economic decision-makers.







#### § 5

This Act shall enter into force on the day following its promulgation.

## Swedish climate law

-  • Process for setting targets
-  • Targets adopted same day
-  • Policy plan every four years
-  • Annual progress report on emissions and policies
-  • Aligns climate & budget cycle
-  • No specifics on coordination
-  • No specifics on advice BUT independent council separately

## Hungarian climate law

-  • 2050 target in the law
-  • 2030 climate & energy goals
-  • Nothing on policy planning
-  • Nothing on progress monitoring
-  • Nothing on coordination
-  • Nothing on advice/ consultations

...was a long time coming, public protest and lack of progress helped



- (essentially) 2050 climate neutrality, 2030 goals & process for setting targets

- Sector specific breakdown in annual carbon budgets until 2030

- Policy plan every five years, Ministries contribute specific measures to it

- National long-term 2050 plan mentioned but no details (article deleted!)

- Annual progress report on emissions, with specifics on sectors

- Additional action triggered if progress not in line with sector budgets

- Every Ministry responsible for the emissions of „its“ sector

- New independent climate expert council established (others exist already!)

- Mandate is somewhat limited (no watchdog), but quality insurance for policies

- Public consultation mentioned, but existing platform not referenced





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## Essential conclusions

- Effective climate policy needs robust governance frameworks
- Laws can enhance gov'l action, investor confidence and public support
- Good company: most OECD countries have already adopted them.
- Political support gives the frameworks resilience – across elections
- Core elements found – and good practices for each of them
- Public participation could be enhanced - interesting examples
- Brevity is not a problem as such – but substance matters (no empty shells)



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# THANK YOU FOR YOUR ATTENTION

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