



The tenth meeting of the Task Force on Public Participation in Decision-making under the Aarhus Convention

Geneva, 10-11 October 2022

For Agenda Item 2 **Ensuring effective public participation**

Dear Ms. Chair, dear Colleagues,

This statement is made on behalf of Justice and Environment (J&E) and the BlueLink Foundation, Bulgaria. As one of the key elements of the European Green Deal, the European Climate Law aims at reaching climate neutrality by 2050. It sets the intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels. The Climate Law includes measures to keep track of progress and adjust the actions accordingly, based on existing systems such as the Energy Union governance system for Member States' through Integrated National Energy and Climate plans (NECPs). The governance rules set in Regulation (EU) 2018/1999 of the European Parliament and of the Council on the Governance of the Energy Union and Climate Action underline the importance of effective public participation and regional cooperation in the development and implementation of these NECPs, ensuring that the views of citizens and businesses as well as regional and local authorities are taken into account.

We have studied the implementation of NECPs in 8 EU countries: Austria, Bulgaria, Croatia, Estonia, Hungary, Romania, Slovenia and Spain. We have published [Recommendations for the NECP preparation process](#) in 2019, [Recommendations for the NECP implementation process](#) in 2021 and [Findings from the first year of the NECP implementation process](#) in March 2022. Our findings for the national implementation of the NECPs in 2021, reflect two main issues of the NECP implementation process: transparency of progress towards meeting the climate targets and establishment and operation of multilevel climate and energy dialogue.

Based on the answers it can be concluded that both transparency and the intensity of the public consultations and involvement varies from country to country, but in general they were assessed as **very poor to average**. The average overall score is 2 (poor) on a scale from 1 to 5.

Concerning the **transparency of progress**, the present picture in the assessed Member States shows a lack of transparency in the NECP implementation process. The outcomes of our research show the following:

- regularly updated information is usually not available, except for the final NECPs; since the adoption of the final plans there has not been any additional information published.

- only in two countries (in Austria and Estonia) of the 8 covered by our research there are reports and information about the progress towards meeting the climate targets.

Concerning public participation and multilevel climate and energy dialogue, the Energy Union Governance Regulation (Articles 9-11) places certain requirements regarding transparency and public participation in NECP processes. The instruments which have the potential to enhance transparency and improve public participation are not designated concretely as they belong to the competence of each Member State's. In frame of the multilevel climate and energy dialogue local authorities, civil society organisations, the business community, investors and other relevant stakeholders, and the general public are able to engage actively and discuss the different scenarios envisaged for energy and climate policies.

Our findings show that in five of the assessed eight countries there are no platforms to engage different stakeholders. In two countries there are different platforms for climate policy discussions, but key elements of the public participation requirements are missing, e.g., the general public is not able to participate, or the results of the discussions are not taken into account. Only in two countries (in Austria and Estonia) of the 8 covered by our research there are reports and information about the progress towards meeting the climate targets. Only Spain can be mentioned as a positive example: based on our results this country is committed to involve the general public in the climate policy-making.

In order to increase ongoing public involvement and transparency regarding the NECP **implementation**, J&E recommends to the governments and other decision-makers to consider the following:

✓ to take an active role in information-sharing in addition to the efforts undertaken by the European Commission. This could at a minimum level include adding designated pages to their websites with key data on the strategy preparation as well adaption (and implementation) process with timelines, including strategic environmental assessment procedures;

✓ to provide proper and full information on the NECP implementation/ strategy preparation process;

✓ to enter into to cooperation with citizens, NGOs and other stakeholders in these matters; e.g. following the example of Spain to involve the general public;

✓ to establish and update multilevel climate and energy dialogue;

✓ to promote cooperation between national, regional and local level energy and climate actors and their initiatives in finding correspondence.

J&E has proposed for the NECP **revision process**, as well as for the preparation of other climate strategies, the following:

✓ to make efforts to reach out to the affected stakeholders and environmental organizations to raise their awareness of the NECP revision /other strategy preparation process as well as participation opportunities;

✓ to carry out SEA in an early phase of the NECP revision process and public consultations in frame of SEA on (e.g. stakeholder workshops) so the public can raise comments and concerns as one early phase, when all options are still open;

✓ to put in place early and effective public participation procedures in the NECP revision process or when preparing climate strategies in order to reach meaningful and fruitful cooperation;

✓ to make available a summary of stakeholders' contribution, if and how it was considered and/or integrated in the NECP or climate strategy.

Justice and Environment will continue accessing the public participation in the EU climate policy-making and it is encouraging the Task Force to consider supporting such type of studies on an UNECE scale.

More information about the publications of Justice and Environment related to public participation you could find at <http://www.justiceandenvironment.org/publications>.