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**Institute for European
Environmental Policy**

**The EU's climate change policy:
from hot air to hard law**
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EU climate change policy

- Internal policy development closely linked to international regime development
- Successive stages linked to evolution of international process
- Slow evolution from declarations of intent to legislative measures

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EU policy development: successive stages



- From Hague summit to Rio summit (1989-1992)
- From signing of UNFCCC to Kyoto COP (1992-1997)
- From signing of Kyoto Protocol to Bonn agreements (1998-2001)
- From Marrakesh accords to entry into force of Kyoto Protocol (2001-2005)
- From Montreal COP/MOP to Bali and Copenhagen (2005-2009)

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From Hague summit to Rio summit (1989-1992)



- **Development of common position of EU-12 in response to international events**
- **1989: climate change on global agenda**
 - 1st North-South environmental summit meeting in The Hague (March)
 - 1st ministerial conference on climate change in Noordwijk (November)
- **21 June 1989: 1st Council resolution:**
Commission invited to formulate proposals for « concrete action » as « contribution to international debate »

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From Hague summit to Rio summit (1989-1992)



- **June 1990: climate change on agenda of European Council for 1st time:** call for “targets and strategies” for limiting GHG emissions
- **August 1990: 1st IPCC report**
- **29 October 1990: joint Energy/Environment Council conclusions:** CO₂ emission stabilisation target “for Community as a whole”
- **29 Oct-7 Nov 1990: 2nd World Conference on Climate Change (Geneva)**
- **21 December 1990: UNGA launches formal negotiations on framework convention and sets deadline (Rio – June 1992)**

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From Hague summit to Rio summit (1989-1992)



- **October 1990 Council conclusions: common external position based on internal ambiguity and compromise**
 - *Community and Member States willing to take actions aimed at reaching stabilization of the total CO₂ emissions by 2000 at the 1990 level in the Community as a whole*
 - assuming that other leading countries undertake similar commitments
 - acknowledging the targets identified by a number of Member States for stabilizing or reducing emissions by different dates
 - *Member States which start from relatively low levels of energy consumption and therefore low emissions measured on a per capita or other appropriate basis are entitled to have CO₂ targets and/or strategies corresponding to their economic and social development, while improving the energy efficiency of their economic activities*

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From signing of UNFCCC to Kyoto COP (1992-1997)



- **June 1992: UN Conference on Environment and Development (Rio de Janeiro)**
- **2 June 1992: Commission proposal for Directive on CO₂/energy tax submitted to Council (last-minute internal compromise)**
- **UN Framework Convention signed by EC and MS, with declaration:**

"The European Community and its Member States declare, for the purposes of clarity, that the inclusion of the European Community as well as its Member States in the lists in the Annexes to the Convention is without prejudice to the division of competence and responsibilities between the Community and its Member States"

From signing of UNFCCC to Kyoto COP (1992-1997)



- **15 December 1993: Council decision on UNFCCC ratification & minimal package of internal measures** (funding, information exchange and coordination)

- **Declaration upon ratification of UNFCCC:**

– "The EC and its Member States declare that the commitment to limit anthropogenic CO₂ emissions set out in Article 4(2) of the Convention will be fulfilled in the Community as a whole through action by the Community and its Member States, within the respective competence of each. In this perspective, the Community and its Member States reaffirm the objectives set out in the Council conclusions of 29 October 1990, and in particular the objective of stabilization of CO₂ emissions by 2000 at 1990 level in the Community as a whole. The EC and its Member States are elaborating a coherent strategy in order to attain this objective."

From signing of UNFCCC to Kyoto COP (1992-1997)



- Endless debate on “**common and coordinated policies and measures**” (CCPMs)
- No agreement on CO₂/energy tax proposal or other binding internal measures
- **Council Conclusions of 3 March 1997:** pre-Kyoto burden-sharing “agreement” (10% reduction) – common position for international negotiations on protocol

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From signing of Kyoto Protocol to Bonn agreements (1998-2001)



- EU policymaking mainly focused on international negotiation process, and political agreement on internal burden-sharing for Kyoto target
- **16 June 1998:** Council conclusions on burden-sharing and CCPMs
- **October 1998:** **voluntary agreement** with automobile sector (ACEA/JAMA/KAMA)
- **June 2000:** launch of **European Climate Change Programme (ECCP)** – multi-stakeholder approach for development of further measures
- June 2001: 1st ECCP report, followed by Commission proposals


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From Marrakesh accords to entry into force of Kyoto Protocol (2001-5) 


- Kyoto ratification and implementation becomes priority
- Decision 2002/358/EC (25 April 2002): **approval of Kyoto Protocol & formalization of 1998 burden-sharing agreement**
- Legal basis: Art. 300 EC in conjunction with Art. 175(1) EC
- *Quid Art. 175(2)??*

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From Marrakesh accords to entry into force of Kyoto Protocol (2001-5) 


- Directive 2001/77/EC of 27 September 2001 on promotion of electricity produced from **renewable energy** sources in internal electricity market
- Directive 2002/91/EC of 16 December 2002 on **energy performance of buildings**
- Directive 2003/30/EC of 8 May 2003 on promotion of use of **biofuels** or other renewable fuels in transport
- Directive 2003/87/EC of 13 October 2003 establishing Community **emission trading system** (*amended in 2004 establish link with Kyoto mechanisms*)

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From Marrakesh accords to entry into force of Kyoto Protocol (2001-5) 

- Directive 2003/96/EC of 27 October 2003: Community framework for **taxation of energy products** and electricity
- Decision 280/2004/EC of 11 February 2004: « upgrade » of 1993 **monitoring mechanism**
- Directive 2004/8/EC of 11 February 2004 on promotion of **cogeneration** in internal energy market
- Directive 2005/32/EC of 6 July 2005 on eco-design **requirements for energy-using products**

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From Montreal COP/MOP to Bali and Copenhagen (2005-2009) 

- Some additional internal measures resulting from ECCP1 and ECCP2
- Directive 2006/32/EC of 5 April 2006: national programmes for **energy end-use efficiency and energy services**
- Regulation 842/2006/EC of 17 May 2006 on certain **fluorinated greenhouse gases**
- Directive 2006/40/EC of 17 May 2006 on **air conditioning systems in motor vehicles**

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From Montreal COP/MOP to Bali and Copenhagen (2005-2009)



- Preparation of EU policy beyond 2012
- Feb 2005: **Commission Communication** "Winning the battle against climate change"
- March 2005: **European Council** emphasises the 'EU's determination to reinvigorate the international negotiations' by:
 - developing a **medium and long-term EU strategy** to combat climate change, consistent with meeting the **2°C objective**
 - in the context of global joint efforts including **significantly enhanced aggregate reduction efforts by all economically more advanced countries**, reduction pathways for the group of developed countries **in the order of 15-30% by 2020**, compared to the baseline envisaged in the Kyoto Protocol, should be considered

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From Montreal COP/MOP to Bali and Copenhagen (2005-2009)



- March 2006: European Council calls for an **Energy Policy for Europe (EPE)** aiming at fulfilling in a balanced way 3 objectives:
 - security of supply
 - competitiveness
 - environmental sustainability
- March 2007: **European Council**
 - emphasises that the EU is committed to transforming Europe into a highly energy-efficient and low greenhouse-gas-emitting economy
 - decides that, until a global and comprehensive post-2012 agreement is concluded, and without prejudice to its position in international negotiations, the **EU makes a firm independent commitment to achieve at least a 20 % reduction of greenhouse gas emissions by 2020 compared to 1990**

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From Montreal COP/MOP to Bali and Copenhagen (2005-2009)



- January 2008: Commission presents “**Climate/energy package**” to achieve European Council 20% commitment:
 - Proposal for revision of **ETS Directive**
 - Proposal for “effort-sharing” decision on national **emission reduction targets for sources not covered by the ETS**
 - Proposal for new directive on renewables with **legally enforceable national targets for increasing the share of renewables** in the energy mix
 - Proposal for directive on **carbon capture and storage (CCS)**
 - Proposal for regulation **on car emissions**

Main instruments of EU climate change policy: overview



- **Direct regulation:**
 - EuP
 - F gases
 - energy services
- **Market-based instruments:**
 - ETS
 - RES-E
 - energy taxation
- **Voluntary agreements:**
 - car emissions
 - energy efficiency
- **Information instruments:**
 - monitoring mechanism
 - car emissions
 - EPB

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Thank you

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