



9<sup>th</sup> March 2021  
[admin@ejni.net](mailto:admin@ejni.net)

Dear Minister Ryan,

I am writing on behalf of the Environmental Justice Network Ireland (EJNI), Friends of the Earth Ireland and E3G who are engaged in a collaborative initiative with a [wide range of civil society organisations](#) across Europe aimed at strengthening the outcomes of the EU's Fit for 55 package. This letter is to ask you as Ireland's Environment and Climate Minister, to help us build a supportive EU majority for a revision of the Effort Sharing Regulation that renders it fit - not just for 2030 - but for the transformational policy making needed to achieve the EU's climate neutrality objective.

It is our intention to work with close partners in Germany, Spain, the Netherlands, and Denmark (with the possibility of others joining this effort) to foster and support a coalition of like-minded ministers from Member States who have already adopted national framework 'climate laws' and are already committed to the approach we propose. We believe Ireland should be part of this coalition because it is unique in having undertaken a substantial strengthening of its national climate law, in which you have played a leading role. We also believe it is in Ireland's interests to achieve the proposed strengthening of the Effort Sharing Regulation because it protects the EU's Green Deal from disruptive forces and renders a least cost and stable EU transition far more likely to occur.

**As a first and urgent step, we ask you to use the opportunity of the EU Environment Council on the 17<sup>th</sup> March to propose that the meeting should support four crucial amendments to the Effort Sharing Regulation that we believe are crucial to accelerate climate action across Europe, namely that:**

- **Member States must all adopt a national economy-wide climate neutrality target** to ensure achievement of the EU's collective target and describe how they plan to achieve their national target in their updated national Long-Term Strategies.
- **The European Commission must be required to keep the Union's 2050 Long-Term Strategy 'A Clean Planet for All', up to date**, and specifically to publish a next iteration of the Strategy by April 2023 providing clarity on EU economic sectors' decarbonisation pathways.
- **The European Commission must be required to publish EU Guidelines on best practice in the establishment and mandating of national climate advisory bodies** so countries can be supported to take up the invitation in the EU Climate Law to create these important institutions.
- **Member States must fix existing gaps on access to justice at national level** thereby enriching national accountability and fostering respect for the rule of law, including strengthened enforcement measures where EU law is breached.

A detailed rationale for our asks is set out in this [briefing](#). It also makes clear the relevance of our asks to the revision of the Effort Sharing Regulation. The tragic invasion of the Ukraine and the loud alarm sounded by the publication of the [IPCC's latest analysis](#) serve to strongly reinforce the rationale for these amendments because adopting them would:

1. Send a powerful message of the EU's commitment to a world based on respect for the rule of international law.

2. Couple the proposed expansion of carbon pricing with robust national ownership of the EU's climate neutrality objective and thereby mitigate the risk that pricing could destabilise political leadership at precisely the moment it needs to ramp up.
3. Allow the EU to apply the important lessons learnt by Europe's climate law countries about the importance of robust national ownership of the EU's climate neutrality objective, the need for certain minimum standards of national climate governance and what works.
4. Ensure credible and timely EU implementation of the latest advice from the IPCC.

Please see the attached Annex for further detail on these core issues. We can also share our specific proposals for legislative amendments if required.

**We hope you will be willing to support our request for the forthcoming Environment Council. We urge further collaboration by Ireland and like-minded countries aimed at the Environment Council in June – potentially including initiatives such as a joint non-paper. We would be willing to engage further with you about how we can support this agenda at EU level.**

We are available to meet at your convenience to further discuss our proposals.

Best wishes,



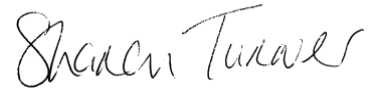
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## ANNEX

- 1. Send a powerful message of the EU's commitment to a world based on respect for the rule of international law.** It is not enough for the Union to commit to climate neutrality collectively; a meaningful commitment to the accelerated action required to implement Paris and the EU Climate Act requires Member States to also be bound individually. The recently signed Glasgow Climate Pact emphasises the importance of regularly updating long-term strategies. The EU does not have a duty to do so.
- 2. Pricing should be coupled with national ownership of the EU's climate neutrality objective.** Carbon pricing is an important and necessary policy tool, but this top-down approach does not address the deeply political challenge posed by delivering the structural transformation needed in each country to deliver the EU's long-term target. Moreover, relying on pricing without also strengthening national ownership of the responsibility to deliver the EU's climate neutrality objective, signals distrust of national leadership and risks exposing EU climate policy to a public backlash that could destabilise political leadership at precisely the moment it needs to ramp up leading to a slowed and two-speed transition - eroding the EU's global climate leadership and EU solidarity as some countries are left behind, potentially forever.
- 3. Allow the EU to apply the important lessons learnt by Europe's climate law countries about the importance of national climate governance and what works.** The European Commission proposes that the Effort Sharing Regulation should be maintained as a limited and short-term measure - only applying to specific sectors and only for the coming decade. Two clear lessons emerge from Europe's climate law countries. First, that this approach to national ownership is too limited and was designed for an era when EU climate objectives were incremental. In stark contrast to the Commission's proposed approach, half of the EU's Member States and several in its neighbourhood have gone ahead of the Union to adopt national 'framework' climate laws committing those countries to achieve climate neutrality across their whole economy before 2050 and putting in place the long-term governance enabling conditions to ensure it is delivered. The second message is that national climate advisory bodies are universally considered by these countries as essential to building the trust and transparency needed to sustain an informed national conversation about the choices that need to be made to achieve the long-term objective. The EU Climate Law invites Member States to establish national climate advisory bodies, but there is no requirement for the Commission to provide support and guidance to countries who wish to do so.

Not all Member States have adopted national climate laws and not all models are equally strong. But all countries will need to accelerate national climate action to deliver the EU's climate neutrality objective. This means the EU Climate Law will be implemented against a context of highly inconsistent standards of national climate governance. In the context of the economic scarring caused by the COVID-19 pandemic and now the geopolitical and economic pressures arising from war in Ukraine, weak national ownership of the climate neutrality objective could enable some countries to regard delivery of the EU's Green Deal as the responsibility of other Member States - or reflex towards sectoral choices and/or unproven technologies, such as carbon capture and utilisation (CCU) and carbon capture and storage (CCS) to meet part of their targets, thereby diverting attention and investments away from tried and tested decarbonisation options, risking fossil fuel lock in. The Fit for 55 review is a crucial opportunity for the EU to address those risks by 'levelling up' national ownership of the climate neutrality objective.

- 4. Ensure credible and timely EU implementation of the latest advice from the IPCC:** This report strongly emphasises the importance of national climate governance as a crucial mechanism for mitigating vulnerability to climate impacts – specifically, clear objectives, arrangements to foster effective political leadership, proactive public engagement, and long-term planning. Our amendments translate those recommendations into concrete credible amendments empowering citizens and national governments to act.