



EUROPEAN COMMISSION

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*cc. M. Gérard LARCHER
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Dear Chair,

The Commission would like to thank the Sénat for its reasoned Opinion on 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 (European Climate Law) {COM(2020) 80 final}.

This proposal forms part of a broader package of ambitious actions announced in the Commission's European Green Deal Communication¹. The European Green Deal launches a new growth strategy for the EU and reaffirms the Commission's ambition to make Europe the first climate-neutral continent by 2050. With its proposal for a European Climate Law, the Commission proposes to enshrine the 2050 climate-neutrality objective in legislation, to set the long-term direction, to provide predictability for investors, and to ensure transparency and accountability.

The Commission appreciates that the Sénat has made the effort to analyse the Commission proposal, especially in times of the current COVID-19 crisis. It is aware that, under the current exceptional circumstances, national Parliaments may have particular difficulties to complete their appraisal within eight weeks and refers to its letter of 8 April 2020 on the matter.

The Commission notes that the Sénat shares the view that action at the EU level is justified to set the Union's 2050 climate-neutrality objective into legislation together with action on adaptation. It also takes note of the Sénat's concerns related to the possible revision of the 2030 target, the assessment procedure and the empowerment of the Commission to adopt delegated acts setting out a trajectory.

In response to the issues raised in the Sénat's Opinion, the Commission would like to make the following comments.

¹ COM(2019) 640 final.

As regards the possible revision of the 2030 greenhouse gas emissions reductions target, the Commission would like to assure the Sénat that work is on track to present, by September 2020, an impact assessed plan to raise the EU's 2030 ambitions and cut greenhouse gas emissions by 50-55% compared to 1990 levels.

In response to the Sénat's inquiry on the procedure to assess Member States' measures, the Commission would like to clarify that the principles that would apply are similar to the ones set out in the Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action². Member States would have to take due account of the recommendations and explain how they have done so, or to provide a reasoning where the recommendations have not been addressed. As set out in Article 288 of the Treaty on the Functioning of the European Union, recommendations have no binding force.

As regards the empowerment to adopt delegated acts setting out a trajectory at Union level to achieve over time the EU 2050 climate-neutrality objective, we would like to clarify that this trajectory is to be used by the Commission as a tool to assess progress towards achieving the climate-neutrality objective and to assess the effectiveness of existing policies. The proposal provides that the starting point and end point for the trajectory, as well as the criteria to be considered when setting the trajectory, are set by the co-legislators; thus, the Commission considered that the delegation does not include any "essential element" within the meaning of Article 290 of the Treaty on the Functioning of the European Union. As Executive Vice-President Frans Timmermans underlined a few times, the Commission is always willing to engage in a debate on which procedures are the best option to achieve the desired result: a clear and verifiable pathway towards climate neutrality in 2050.

The points made above are based on the initial proposal presented by the Commission, which is currently in the legislative process involving both the European Parliament and the Council.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Sénat and looks forward to continuing the political dialogue with the Sénat in the future.

Yours faithfully,

*Frans TIMMERMANS
Executive Vice-President*

² OJ L 328, 21.12.2018, p. 1–77.