



EUROPEAN COMMISSION

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C(2020) 5390 final*

*Tomasz GRODZKI
Marshal of the Senat
Ul. Wiejska 6
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Dear President,

The Commission would like to thank the Senat for its 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 welcomes the recognition of the need to establish the EU 2050 climate-neutrality objective in legislation, and takes note of the Senat's views and concerns. The Commission would like to make the following comments in response to the issues raised in the Senat's Opinion.

The Commission recognises the need to maintain the EU's security of supply and competitiveness. Energy security requires appropriate measures to accompany the energy transition. In this context, the Commission considers that the implementation of the current legislation for an integrated EU energy market and on security of supply plays a key role.

¹ COM(2019) 640 final.

As regards the legal basis of the proposal, the Commission considers that Article 192(1) of the Treaty on the Functioning of the European Union is the correct legal basis, in light of the objectives pursued by the proposal. The Commission would like to recall that the legal basis of Article 192(2) is an exception as regards the procedure to the general case of Article 192(1), and there is clear case law of the European Court of Justice defining narrowly its scope.

As regards the empowerment of the Commission to adopt delegated acts setting out a trajectory at Union level to achieve over time the EU 2050 climate-neutrality objective, the Commission would like to clarify that the function of the trajectory is foreseen 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 foresees 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 delegation to the Commission does not include any “essential element” within the meaning of Article 290 of the Treaty on the Functioning of the European Union.

As regards the pace of reaching climate neutrality by individual Member States, the Commission would like to clarify that the climate-neutrality objective set out in the proposal is Union-wide, without prescribing by what date individual Member States should be climate-neutral. Fairness and solidarity among Member States are important principles reflected in the proposal.

The transition to climate-neutrality will indeed require significant investment and financing. The proposal for the European Climate Law is part of a wider package of ambitious measures announced in the European Green Deal, which remains the EU’s growth strategy.

Europe’s climate targets will receive strong support through the EU’s future long-term budget², temporarily reinforced by the new recovery instrument, NextGenerationEU³. The Commission welcomes the unanimous agreement reached by the European Council on 21 July 2020 and notes with satisfaction the reinforced target of 30% for spending on climate action. The future framework will support the green transition through investment under programmes such as the Recovery and Resilience Facility, the Common Agricultural Policy, cohesion policy and the Just Transition Fund.

The points made above are based on the initial proposal presented by the Commission. The Senat’s Opinion has been made available to the Commission’s representatives in view of the upcoming legislative negotiations between the European Parliament and the Council and will inform these discussions.

² COM(2020) 456 final.

³ COM(2020) 442 final.

The Commission hopes that these clarifications address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
Executive Vice-President*

*Maroš Šefčovič
Vice-President*