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2016/0036 (NLE)

Proposal for a

COUNCIL DECISION

**on the signing, on behalf of the European Union, of the Paris Agreement adopted under
the United Nations Framework Convention on Climate Change**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The proposal is for a Council Decision, to be adopted pursuant to Article 218(5) of the Treaty on the Functioning of the European Union (TFEU), on the signing, on behalf of the European Union, of the Paris Agreement to the United Nations Framework Convention on Climate Change (UNFCCC).

At the 21st Conference of the Parties of the UNFCCC (known as COP 21), which took place in Paris from 30 November to 12 December 2015, an agreement was adopted, concerning the global reduction of greenhouse gas emissions. The Agreement will enter into force on the 30th day after the date on which at least 55 Parties to the Convention accounting in total for at least an estimated 55% of total greenhouse gas emissions, have deposited their instruments of ratification, acceptance, approval or accession.

The Agreement will be open for signature by the parties to the UNFCCC between 22 April 2016 and 21 April 2017. Parties to the UNFCCC include the European Union and its Member States. A high-level signature ceremony will take place in New York on 22 April 2016.

The Paris Agreement is a global milestone for enhancing global collective action and accelerating the global transformation to a low-carbon and climate resilient society. It will represent an advance over the 1997 Kyoto Protocol, which was until Paris the world's only legally binding Treaty to reduce greenhouse gas emissions and that contain commitments until the end of 2020. The Paris Agreement sets out a qualitative long-term emissions reduction goal in line with the objective to keep the global temperature increase well below 2°C and to pursue efforts to keep it to 1.5°C. In order to achieve this goal, the Parties will set or update emission reduction targets. Starting from 2023, Parties will every 5 years undertake a global stocktake, based on the latest science and implementation to date, which will track progress and consider emission reductions, adaptation and support provided.

- **Consistency with existing policy provisions in the policy area**

Ahead of COP 21, parties to the UNFCCC presented their intended nationally determined contributions (INDCs) to the Agreement. The European Union and its Member States were the first major economy to communicate their INDC on 6 March 2015, which provides for the commitment to a target of at least 40% domestic reduction in greenhouse gas emissions by 2030 compared to 1990, as set out in the conclusions of the European Council of 23 October 2014 on the 2030 climate and energy policy framework.

The EU has already begun the process of implementation of the 40% greenhouse gas emission reduction target. As regards those sectors covered by the emissions trading system (ETS), the Commission adopted on 15 July 2015 a proposal for a directive of the European Parliament and the Council amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments. The proposal aims to deliver the above target in respect of those sectors covered by the EU ETS. In 2016, the Commission also intends to make proposals setting out Member State targets for sectors outside the emissions trading system, and on how to integrate emissions and removals from land use, land use change and forestry.

- **Consistency with other Union policies**

The European Council conclusions of 23 October 2014 also envisaged a target, of at least 27% for the share of renewable energy consumed in the EU by 2030. An indicative target at the EU level of at least 27% is also set for improving energy efficiency in 2030. In 2016, the Commission will therefore complete its review and bring forward measures on renewable energy and energy efficiency, including energy efficiency for buildings.

2. LEGAL BASIS

The proposal is made under Article 192(1), together with Article 218(5) TFEU. Article 218 TFEU lays down the procedure for the negotiation and conclusion of agreements between the European Union and third countries or international organisations. In particular, paragraph 5 thereof provides for the Council, on a proposal from the Commission as negotiator, to adopt a decision authorising the signing of an agreement on behalf of the European Union.

In accordance with Article 192(1) and 191 TFEU, the European Union shall contribute to the pursuit, inter alia, of the following objectives: preserving, protecting and improving the quality of the environment; promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.

There exists a large body of legislation in the Union implementing these objectives that will have to be revised in order to implement the Paris Agreement and this can only be achieved through Union legislation.

Proposal for a

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) At the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change (COP 21), which took place in Paris from 30 November to 12 December 2015, the text of an agreement was adopted, concerning the global reduction of greenhouse gas emissions. That Agreement will enter into force on the 30th day after the date on which at least 55 parties to the Convention accounting in total for at least an estimated 55% of total greenhouse gas emissions, have deposited their instruments of ratification, acceptance, approval or accession. Parties to the Convention include the European Union and its Member States.
- (2) The Agreement sets out a qualitative long-term emissions reduction goal in line with the objective to keep the global temperature increase well below 2°C and to pursue efforts to keep it to 1.5°C. In order to achieve this goal, the Parties will set or update emission reduction targets. Starting from 2023, Parties will every 5 years undertake a global stocktake, based on the latest science and implementation to date, which will track progress and consider emission reductions, adaptation and support provided.
- (3) On 6 March 2015, the European Union and its Member States communicated their intended nationally determined contribution, which provides for a commitment to a binding target of at least 40% domestic reduction in greenhouse gas emissions by 2030 compared to 1990, as set out in the conclusions of the European Council of 23 October 2014 on the 2030 climate and energy policy framework.
- (4) The Agreement is open for signature at the United Nations Headquarters in New York from 22 April 2016 to 21 April 2017.
- (5) The agreement is in conformity with the environmental objectives of the European Union as referred to in Article 191 of the Treaty, namely preserving, protecting and improving the quality of the environment; protecting human health, promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.
- (6) There exists a large body of legislation in the Union implementing these objectives that will have to be revised in order to implement the Paris Agreement and this can only be achieved through Union legislation.

(7) Therefore, the Agreement should be signed on behalf of the European Union, subject to its conclusion at a later date,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Paris Agreement to the United Nations Framework Convention on Climate Change is hereby approved on behalf of the Union.

The text of the Agreement shall be signed in New York on 22 April 2016.¹

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

The Council Secretariat General shall establish the instrument of full powers to sign the Agreement, subject to its conclusion, for the person(s) indicated by the Commission.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council
The President
[...]

¹ The text of the Agreement is available on the website of the UNFCCC: http://unfccc.int/documentation/documents/advanced_search/items/6911.php?preref=60008831.