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EN UN CONTEXTO GLOBAL**

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APRESENTAÇÃO

A **Revista Internacional CONSINTER de Direito** é uma publicação de cariz periódico do **CONSINTER – Conselho Internacional de Estudos Contemporâneos em Pós-Graduação** que tem por objetivo constituir-se num espaço exigente para a divulgação da produção científica de qualidade, inovadora e com profundidade, características que consideramos essenciais para o bom desenvolvimento da ciência jurídica no âmbito internacional.

Outra característica dos trabalhos selecionados para a **Revista Internacional CONSINTER de Direito** é a multiplicidade de pontos de vista e temas através dos quais o Direito é analisado. Uma revista que se pretende internacional tem o dever de abrir horizontes para temas, abordagens e enfoques os mais diversos e, através deste espaço, colaborar com um melhor diálogo académico.

Resultado de um trabalho criterioso de seleção, este volume que agora se apresenta destina-se a todos aqueles que pretendem pensar o Direito, ir além da sua aplicação quotidiana, mas sem deixar de lado o aspecto prático, tão característico das ciências.

THE EUROPEAN UNION AS A MAJOR PLAYER IN THE FIGHT AGAINST CLIMATE CHANGE: CHALLENGES AND OPPORTUNITIES

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Abstract: Why is it important to reconsider the elements related to climate change? Is the European Union indeed a major player? What kind of role do civil society and the European citizens have in this difficult situation of constant changes? Could we consider the fight against climate change as a possible link to the future creation of a federal union in Europe? These questions and comments are just a few of the numerous questions that we will try to respond in this paper. We will provide a comprehensive overview of the current framework which is mainly based on the Treaties and the international agreements that have been adopted over time. With this paper we wish to alert our readers and raise their awareness on the issue, not by proving something that is already happening, as innumerable scientists suggest, i.e. global climate change, but by focusing on the role the European Union could play as a leader that is able to achieve the clear objectives and major goals of sustainable development. We will also present an overview concerning the context of civil society in which we will present various opinions showing the approach of the EESC on the issue. Furthermore, we will address some key areas outlining the underlying concepts and highlighting the importance of citizen participation in this vast and important topic in order to ensure that, thanks to the cooperation of all stakeholders, a global climate agreement can become more feasible. The purpose of this paper is to provide positive elements and possible solutions to the major issue of climate change by reaching conclusions for the future situation with a broad perspective.

Keywords: climate change, European Union, civil society, citizen participation, challenges and opportunities.

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1 INTRODUCTION: EMPIRICAL DATA, FINANCIAL RISKS AND OPPORTUNITIES

“We cannot afford indecision, half measures or merely gradual approaches. Our goal must be a transformation”³: with these clear opening remarks the current UN Secretary-General summarized the general will of the vast majority of Member States. The current form of global development is not sustainable because of its simultaneous impact on the economic, social and environmental conditions, which is reflected on the challenge of climate change. The challenge of climate change is related to the existence of unsustainable production and consumption patterns that depend on the use of high-emission fossil fuels and it significantly affects the economic activity, the social conditions and the ecosystems. This is why it imposes its limits and restrictions and at the same time requires the reorientation of the production paradigm and consumption patterns. The challenge of adapting to the new climate conditions, implementing mitigation procedures, and, at the same time, acknowledging the shared but differentiated responsibilities and heterogeneous capacities is clearly a major one and will shape how development will look like in the 21st century. Climate change is paradoxical in that: although it is a long-term issue and its effects are expected to be more strongly felt in the second half of the century, it already requires our urgent action. The first problem we are facing is the lack of dialogue and negotiations by the Member States and the socio-economic bodies that make up the international community.

It is a phenomenon that affects everyone without exception and that can even reach remote locations all over the planet. Consequently, it can be concluded that, due to the increasing interest on climate change, several studies have been carried out seeking to analyze its development in the recent years and the impact it has had on all living beings. In a major study conducted in 2012⁴, specialists examined 16 climatic events such as rain, floods, storms, droughts and heat waves. We will now outline some of the most serious effects and consequences that the scientists identified among others.

³ Extract from the statement by UN Secretary General Ban Ki-moon during the negotiations of the international climate change conference of the Parties (COP 21) in Paris on 29 November 2015.

⁴ See Stott, P. A., J. A. Kettleborough, 2012. Origins and estimates of uncertainty in predictions of twenty-first century temperature rise. *Nature*, 416, 723-726.

- The species can lose two to three times more distribution areas. Climate change is generating a shift in the number of living organisms and their dispersal, even though the species do not act in the same way and each one has a particular plasticity to adapt to the changes of climate, such as the capacity of our skin to better tolerate the heat or the cold.
- Emissions in 2012 were the highest reported since 1984. The annual bulletin of the World Meteorological Organization indicates that between 1990 and 2013 the radiative forcing generated by global warming has increased by 34% due to persistent greenhouse gases (carbon dioxide, methane and nitrous oxide). The concentration of CO₂ in the atmosphere has reached 142% of the pre-industrial era, methane has reached 253% and nitrous oxide 121%, the first two figures being the highest since 1984.
- The number of animals has decreased by 50% in 40 years. According to a recent study by the World Wide Fund for Nature, after analyzing the evolution of the species between 1970 and 2010, they found that within 40 years, the percentage of animals living on the planet had decreased by 52%, freshwater species being the worst affected species with a decrease of 76%. Over the same period, the number of land and marine species had decreased by 39%. What are the possible reasons? Habitat loss, degradation and exploitation due to hunting and fishing.
- According to another study conducted by 92 experts from 14 countries⁵, the 2013 heat waves were caused by climate change. Human activity has increased the risk of rain, and global warming has led to very high atmospheric pressure that results in precipitation shortage during winter months. Recent data indicate that in May and June this year, temperatures in the region of West India have beaten world record by exceeding 51°C daily during the period before the monsoon, leading to the death of hundreds of people, or even causing the streets of several states to melt⁶.

⁵ Study published on the website of the US National Oceanic and Atmospheric Administration (NOAA).

⁶ Details of the Department of meteorology in India and the Indian NDTV.

- The rise in temperatures is speeding up the water cycle. The net effect of these changes in the water cycle will be a reduction in the quantity and quality of fresh water supply in all major regions. Secondly, the wind regime and the storm paths will probably change. The intensity (but not the frequency) of tropical cyclones is likely to increase, winds will reach very high maximum speeds and precipitations will be more abundant.
- Increased health risks. Climate change will increasingly alter the distribution of malaria-bearing mosquitoes and other vectors of infectious diseases will affect the distribution of certain types of allergenic pollens. A clear example is the proliferation of Zika virus and other viruses borne by mosquitoes, experts warn, at a time when Europe and the United States are preparing to tackle the epidemic that already wreaked havoc in Latin America in the past. Recognised experts in infectious diseases, such as Moritz Kraemer, ensure that climate change has contributed to the expansion of the habitat of mosquitoes.
- The most vulnerable are the worst hit. The poorest communities will be the most vulnerable to the impact of climate change, as they have fewer resources to invest in preventing and mitigating its effects. Some populations, such as subsistence farmers, indigenous peoples and coastal dwellers, are facing a greater risk.

Countless examples show that climate change, which was primarily caused by emissions of greenhouse gases resulting from human activity, is reflected on the gradual increase of global temperatures, the changes in precipitation patterns, the reduction of the volume of the cryosphere, the rising sea levels and the changes in the patterns of extreme weather events. According to the United Nations Economic Commission for Latin America and the Caribbean (CEPAL), there is evidence for example that the average global temperature increased by 0.85°C between 1880 and 2012.

Climate projections suggest an increase of between 1°C and 3.7°C in temperatures during this century, with a mid-century rise of between 1°C and 2°C. Progress on mitigation processes regarding greenhouse gases is not enough to stabilize climate conditions yet.

Climate stabilization strategies require cutting greenhouse gas emissions from seven tonnes per capita to two tonnes per capita by 2100, and to one tonne per capita by 2050. This is against a backdrop where a close link persists in all modern economies among per capita emissions, per capita energy consumption and per capita income.

Addressing the climate change challenge means major structural changes in the current form of development. Transport is a very clear example of the changes that are needed. The lack of modern, safe and high-quality public transport leads to the prominence of private transport in the expenditure structure and to a continuous migration from public transport to private transport, as income increases. In this regard, it is necessary to create a new public-private matrix that would meet the mobility needs of the emerging income group and that would be compatible with sustainable development. All countries should choose a different development model: a development model that moves away from fossil fuels and opts for low-carbon economic growth, based on the preservation of the natural heritage.

2 CURRENT SITUATION AND LEGAL FRAMEWORK: GLOBAL AND EUROPEAN LEVEL

2.1 Global level

To be able to understand how the vast and complex regulatory structure works we need to make a short reference to the summits that have taken place in recent years. The forthcoming Conference of Marrakesh (also known as COP22), which will take place from 7th to 18th

November 2016, is a continuation of the summits organized by the United Nations after the adoption of the Kyoto Protocol in 1997 that only covered the period 2008-2012.

If we look back in time, we will come across the Copenhagen Conference (COP15) held in 2009 aiming to the organization of the post-Kyoto period. The Conference culminated with the Copenhagen Accord (COP15)⁷, a three-page text complying with the common rules at an international level on how to tackle climate change (reduction of

⁷ Direct link to the official website of the United Nations Framework Convention on Climate Change in Copenhagen 2009. Detailing the agendas, reports, working documents, decisions and working groups. Thus: <http://unfccc.int/meetings/copenhagen_dec_2009/session/6262.php>.

greenhouse gas emissions, limiting global warming to 2°C, funding of more than thirty billion from 2010 to 2012). However, after some time, it turned out that the Copenhagen Conference was a failure.

The Durban Conference on Climate Change⁸ held in 2011 had the intention to resume the negotiations from scratch in order to pave the way for future negotiations. The Ad Hoc Working Group on the Durban Platform for Enhanced Action⁹ was established during the summit aiming to mitigating the ambition gap between the commitments made by the Member States for the reduction of greenhouse gas emissions and the objective of keeping global warming below 2°C.

Subsequently, the COP20¹⁰ that took place in Lima in 2014 further emphasized the need to put additional efforts in order to achieve the goals of keeping global warming below 2°C by 2100. This led to the drafting of a preparatory document for the future agreement of the COP21 in Paris and the adoption of a text containing the conclusions of the Summit.

In December 2015, it seems that there was perhaps some real progress on the issue. During the Paris Conference on Climate Change (COP21)¹¹, 195 participant countries adopted the first global climate agreement, a binding Treaty aimed at limiting global warming below 2°C.

The last major UN Climate Change Conference took place last May in Bonn, Germany. In this round of negotiations on climate change under the UN, governments discussed the next steps needed to accelerate the implementation of the historic Paris Agreement on climate change and to continue the unprecedented momentum that was revealed in 2015.

To ensure the achievement of the objectives and ambitions of the Agreement, the global greenhouse gas emissions must peak as soon as

⁸ Direct link to the official website of the United Nations Framework Convention on Climate Change in Durban 2011. Detailing the agendas, reports, working documents, decisions and working groups. Thus: <http://unfccc.int/meetings/durban_nov_2011/meeting/6245.php>.

⁹ Developments of the Ad hoc working group on the Durban Platform for Enhanced Action. See link: <http://unfccc.int/portal_espanol/newsletter/items/6753.php>.

¹⁰ Direct link to the official website of the United Nations Framework Convention on Climate Change in Lima 2014. Detailing the agendas, reports, working documents, decisions and working groups. Thus: <http://unfccc.int/meetings/lima_dec_2014/meeting/8141.php>.

¹¹ Direct link to the official website of the United Nations with the agreement that was reached. Thus: <<http://newsroom.unfccc.int/paris-agreement/>>.

possible in order to start falling down afterwards. In the second half of this century, these emissions have to be sufficiently low in order to be easily absorbed by Earth natural systems, such as forests and soil. The promotion and support of more resilient societies and economies was also a key issue.

Governments are already acting swiftly to ensure that the Agreement enters into force. This conference comes after the agreement that was already signed in New York by 176 countries and the European Union. Several key economies have further indicated that they are ready to ratify the agreement this year and 16 States have already deposited their instruments of ratification.

The Bonn meeting precedes the 22nd session of the Conference of the Parties (COP22) which will take place in Marrakesh in November. During this conference, governments will begin to work on the “Regulation” of the Paris Agreement that will cover the details of the Agreement once it enters into force. Among the issues included in the basic Regulation, there are some basic issues, but of significant importance, such as the transparency with which the countries submit climate actions as part of their contributions determined at national level.

In view of the urgent need for the governments to act in order to achieve their climate goals, high-potential actions to curb and reduce emissions were a key issue during the Bonn meeting. Thus, a Climate Action Fair took place in which governments widely discussed on the social and economic value of carbon in the progress towards cleaner public transport and on how to increase vehicle energy efficiency.

As we mentioned earlier, this year the COP22 will take place in Marrakesh. Morocco already hosted the COP7 in 2001 and has now the intention to seize this opportunity in order to underline its commitment to climate. According to Deputy Minister of Environment Ms

Hakima El Haite, this conference will be ‘an innovation summit on adaptation and the mitigation of the consequences of climate change’ as well as a major opportunity to develop the operational tools under the Lima-Paris Action Agenda and, later on, the Paris-Marrakesh Action Agenda.

2.3 European level

The European Union has shown its commitment for several years towards tackling the risks of climate change for the planet and for

future generations, both at European and at international level. This is one of the priorities of the European Climate Change Programme¹² and it is reflected in its Climate Policy^{13/14}. In addition, the EU has integrated greenhouse gas emissions control in all its areas of action in order to achieve the following objectives: a more rational use of cleaner energy; providing cleaner and more balanced means of transport; holding companies accountable without jeopardising their competitiveness; ensuring that land management and agriculture are at the service of the environment; and creating a favourable environment for research and innovation.

- **Europe 2020**

Europe 2020 is an EU strategy for smart, sustainable and inclusive growth. The EU has set a series of ambitious objectives to be achieved by 2020 in the following five main areas: employment, innovation, education, poverty and climate change. We will not proceed to further analysis of the latter, as the target 20/20/20 with regard to climate and energy should be attained. These targets are an integrated approach to the climate and energy policy that aims at combating climate change, increasing energy security within the EU and boosting its competitiveness.

The EU has already proven, through its internal policies, that it is possible to reduce greenhouse gas emissions without undermining economic growth. The Commission suggests that the EU should adopt specific targets for the reduction of greenhouse gas emissions. It calls for the EU, in the framework of international negotiations, to set the target of reducing, by 2020, greenhouse gas emissions in developed countries by 30% (compared to 1990 levels).

In line with the strategic analysis of the EU energy policy, the Commission recommends taking the following measures on energy:

¹² See European Climate Change Programme (ECCP), set up in response to the Communication from the Commission of 8 March 2000, on EU policies and measures to reduce greenhouse gas emissions: Towards a European Programme on Climate Change. See also Molina del Pozo C.F.: "Environment, Renewables and climate change in the law of the European Union" on the construction site: Law Coor and complexity. E.V. Lapenta, ed. U.n.c.p.b.a., blue (Argentina) 2011 35 to 76.

¹³ See Commission Communication of 9 February 2005 "Winning the battle against global climate change" [COM (2005) 35 – Official Journal C 125 of 21.5.2005].

¹⁴ See Commission Communication of 10 January 2007 "Limiting Global Climate Change to 2°C – The way ahead for 2020 and Beyond" [COM (2007) 2 final].

improve the energy efficiency of the EU by 20% by 2020¹⁵; increase the percentage of renewable energy to 20% by 2020¹⁶; and develop a policy of carbon capture and storage which protects the environment¹⁷. The above targets are also key targets of the Europe 2020 strategy for smart, sustainable and inclusive growth. This reflects the recognition that the fight against climate change and energy helps to create jobs, promote green growth and boost competitiveness in Europe. It is estimated that, if the renewable energy target of 20% is reached, it could lead to the creation of approximately 417,000 additional jobs, while the improvement of energy efficiency by 20% by 2020 is expected to boost net employment by around 400,000 jobs. To meet these targets, the EU has come up with an energy and climate package that comprises four measures:

- Reform of the EU Emissions Trading System (EU ETS): a key tool for a cost effective reduction of industrial greenhouse gas emissions. The climate and energy package includes a wide review and reinforcement of the legislation underpinning the EU

ETS¹⁸. This issue is a sensitive and key part of the policy pursued by the EU. We must take a clear stand towards the rejection of the emissions trading system, as we believe that it is not compatible at all with the principles of the fight against climate change. If our aim is to reduce pollution and to enhance the role of the EU as a role model, we should

¹⁵ See Communication from the Commission of 19 October 2006 entitled: “Action Plan for Energy Efficiency: Realising the Potential” [COM (2006) 545 final – Official Journal C 78 of 11 April 2007].

¹⁶ See Communication from the Commission of 10 January 2007 “Renewable energy roadmap – Renewable energies in the twenty-first century: building a more sustainable future” (COM (2006) 848).

¹⁷ See Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directives 85/337/EEC, 2006/12/EC, 2000/60/EC, 2001/80/EC, 2004/35/EC and 2008/1/EC and Regulation (EC) No 1013/2006 of the European Parliament and of the Council.

¹⁸ See Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of the Auctioning of allowances of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Establishing a regime for the trading of emission rights for greenhouse gases in the Community. [Official Journal L 302 of 18.11.2010]. See also Barquin Domínguez F.: “The European Trading System (ETS) represents a benefit for the environment?”, Thesis led by Molina del Pozo C.F. at the UAH, and upheld by the author on 22-2-2016, 402 pages.

not entail the possibility of placing this product in the market. At the end of this section, we will develop a bit further the current state of this trading system given its importance and relevance to the matter.

- In order to achieve the national targets for the non-EU Emissions Trading System (non-EU ETS) under the Effort Sharing Decision¹⁹, Member States have concluded agreements and adopted a set of binding annual targets to reduce greenhouse gas emissions in sectors that are not covered by the EU ETS, such as housing, agriculture, waste and transport (excluding air transport). Around 60% of all EU emissions come from sectors outside the EU ETS.
- In relation to the targets for renewable energy under the Renewable Energy Directive²⁰, the Member States have adopted binding national targets to increase the share of renewable energy sources in energy consumption for the year 2020.
- Carbon capture and storage: a Directive creating a legal framework for environmentally safe carbon capture and storage technologies. Carbon capture and storage (CCS) means capturing carbon dioxide emitted during industrial processes and storing it in underground geological formations so that it does not contribute to global warming.

The EU ETS or the ETS is also known as the rock on which the European initiative to reduce human-induced greenhouse gas emissions is based. As we said previously, these emissions are largely responsible for global warming and climate change.

The system consists of setting a limit on total emissions for a range of industrial sectors with high levels of emissions. The limit will be reduced each year. Within this limit, companies will be able to buy and sell emission rights as needed.

¹⁹ See Decision 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's commitments up to 2020.

²⁰ See Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC (text with EEA relevance).

According to the European Commission, this maximum limit gives companies the flexibility they need to reduce their emissions in the most cost-effective way. Among the sectors concerned, we are confronted with more than ten thousand power stations and production sites within the twenty-eight Member States of the EU plus Iceland, Liechtenstein and Norway. It is also applicable to domestic and international flights between most of these countries. In total, the EU ETS covers around 45% of the EU emissions in total.

From another point of view, the benefit of this system is that it is the world's largest credit market generated by emission-saving projects. For this reason, it is a major source of investment in sustainable development from an environmental point of view in developing countries. The EU scheme is the biggest market in the world and it represents more than three quarters of international carbon trading. The ETS is influencing the development of other emission trading schemes, at national or regional level, in several parts of the world. In the short term, it is expected that the EU considers the connection of this scheme with other compatible schemes in other countries. For now, it has reached an agreement in principle with the Australian Emissions Trading Scheme.

But, how can it all be so positive? As we said before, we do not agree with the idea of seeing emissions as a commercial product. It is necessary to seek other alternatives that do not look for the reduction of emissions at the cost of increasing consumption of other actors in the market. We cannot, at this point, examine in detail the disadvantages and the other options, but we agree that this mechanism that, from a theoretical point of view, is considered the most cost-effective method to reduce greenhouse gases, hides some flaws that are inherent in this type of markets and can lead to inefficiencies which put in doubt its proper implementation.

We agree with some experts²¹ who state that the anomalies that occur may show that some actors accumulate a large quantity of rights but refuse to sell them even if they do not need them, thus provoking instability. On the other hand, there are also those who abuse the advantages offered by the system, for example by buying rights instead of reducing internally the greenhouse gas emissions.

It is also noted that smaller-sized stakeholders have a more abnormal behavior compared to those with greater bargaining power and

²¹ See P. Linares and P. PARR: "The economic effects of the European emissions trading system for greenhouse gas emissions". *Economics for energy*. 11/2013.

analysis, which inevitably triggers a set of negotiations between big and small states. In conclusion, we would like to highlight the need to reform the mechanisms used to provide incentives for lower emissions, instead of promoting emissions.

- **Position of the EU at the last Paris Summit**

The EU has already begun the transition to a low carbon economy and it has shown that climate protection and economic growth go hand in hand. Between 1990 and 2014, EU emissions fell by 23% while the economy grew by 46%. The latest projections show that the EU, only with the measures currently imposed, aims at a reduction of 24% by 2020. In addition, as part of its contribution to the Paris Agreement, the EU is committed to reduce emissions by at least 40% by 2030 (compared with 1990 levels).

The leading role of the EU on the issue paves the way for a fast and effective ratification of the Paris Agreement. On 10th June 2016 the Commission presented its proposal²² to ratify the agreement, a legally binding and universal text to tackle climate change. The Commission proposal was set up only a few weeks after the EU and 174 countries signed the historic agreement during a ceremony in New York²³.

In line with the 2030 climate and energy framework agreed by EU leaders in October 2014, the Commission intends in the coming months to propose specific targets for member states in order to reduce emissions in sectors that are not covered by the emissions trading system, such as transport, agriculture and construction. The Commission shall also propose how the land should be used in the course of 2030 and it will issue a communication on low-carbon mobility. The Commission's proposals that are expected this summer, together with the revision of the emissions trading system, will be the rest of the EU commitments under

²² See Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Paris Agreement approved by the United Nations Framework Convention on Climate Change. COM(2016) 395 final. Text of 10 June 2016. Link: <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:395:FIN>>.

²³ See Communication from the Commission to the European Parliament and the Council on the way from Paris: assess the impact of the Paris Agreement and supplement the proposal for a Council Decision on the signing, on behalf of the European Union, of the Paris Agreement adopted in the framework of the United Nations Framework Convention on Climate Change. COM(2016) 110 final. Text of 2 March 2016. Link: <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:0110:FIN>>.

the Paris Agreement and they will form an integral part of the Union's climate policy.

Consequently, the next steps will be developed as follows: The Commission proposal for ratification of the Paris Agreement on behalf of the EU is at this time with the European Parliament and the Council for approval. We can already say that this proposal will have the form of a Council Decision. The consent of the European Parliament is required before the adoption of the Council Decision. After approval, the Council designates the person to deposit the instrument of ratification on behalf of the European Union to the Secretary-General of the United Nations. At the same time, EU Member States will ratify the Paris agreement individually, in accordance with their respective national parliamentary procedures.

3 CIVIL SOCIETY CONTEXT AND CITIZEN PARTICIPATION

Although the agreement reached in Paris is binding for governments, civil society has to play an important role, particularly in Europe. The agreement that was unanimously reached on 12th December in Paris marks a turning point in the attitude of humanity against the risk of climate change. Now, we can say without fear that all countries in the world agree on the fact that action is required and no state imposes its actions on the rest of the countries. Each country remains free to prepare the program of their choice. However, all those provisions will be available to the population so that everyone can see and assess the results and to ensure that each program will be subject to regular updates.

Alongside these national contributions, the Agreement foresees cross-cutting measures, among which a very important one: the obligation of developed countries to mobilize at least one hundred billion dollars per year to help developing countries reduce their greenhouse gas emissions and adapt to climate change generated by gases that are accumulated in the atmosphere.

This obligation shall be monitored by a body which will identify the needs, ensuring coordination of efforts and verification of the ownership of the aid. Finally, the role of non-state actors is formalized through the establishment of a "solutions agenda", that would be open to local authorities, enterprises and non-governmental organizations.

Although the text does not foresee any penalties, and therefore it cannot be considered “legally binding”, it is clear that the majority of countries will fulfill their commitments and they will take the necessary measures to redirect a substantial part of their economic sectors. In this respect, we are wondering whether the European Union will preserve its ambition to be a model pupil. The internal division caused among EU Member States in 2015 could have also been due to irregularities in the position of the euro, the delicate situation with the refugees or the violation of constitutional guarantees. All the above suggest that more discrepancies might be created during the decision of common objectives for the year 2030.

The main lines have been clearly defined at the European Council in October 2014, but the specific measures to be adopted are still complicated, with at least five major reforms in the energy sector: Internal market for gas and electricity, emissions trading system (ETS), promotion of renewable energy sources, energy efficiency obligations and, finally, the limitations on electricity interconnections.

The potential consequences of the COP 21 seem to be huge, and the need to compare possible transition scenarios is recurring. Due to the fact that the EU institutions are weakened due to a number of crises and also because the Paris Agreement legitimizes independent initiatives, the action of the European citizens is crucial to counterbalance the Member States. Major restructuring is ahead. However, these reforms can become dynamic and feasible if we all ensure that the efforts are shared and if new prospects are open for everyone.

Furthermore, we must mention the bodies that represent civil society, both at national and European level. We are talking about the economic and social councils that are key instruments for tackling the current challenges on the way to a socially and environmentally sustainable development. It is widely known that these councils are bodies that represent the social partners and representatives of the organized civil society, that analyze the socio-economic situation and develop agreements. The importance of active participation in the European development agenda is constantly reaffirmed through the opinions and structured dialogue that these opinions promote.

The tremendous work carried out by the European Economic and Social Committee (EESC) is reflected on a number of opinions that show the great concern and interest of this EU consultative body. In this respect, we should also think about the approval, on 4th June 2014, of four

opinions on various aspects of the 2020-2030 framework for climate action and energy. The package has a key role: the achievement of the ambitious objectives set by the EU with regard to the environment and climate change. Thus, the EU will play a leading role in achieving a meaningful agreement in the international climate negotiations in order to cover its energy needs and strengthen its competitiveness.

On the same topic, we should mention the EESC opinion²⁴ in which the emissions trading system is an important instrument of the European energy and climate policy in order to reduce the emissions of their industries, and it, therefore, calls for a real reform in order for the EU to reach the climate targets set for 2020 and 2030.

In 2014, EESC members Ms Sirkeinen, Ms Caño Aguilar and Mr Ribbe took part in the 20th Conference of Parties of the United Nations Framework Convention on Climate Change (COP20) in Lima. On the first day of their mission, the EESC and the Committee of the Regions (CoR) had the opportunity to meet with Mr Arias Cañete, Commissioner for Climate Action and Energy. The EESC organised two side events in Lima, in addition to the scheduled bilateral meetings. The first one, in cooperation with the CoR, highlighted the opportunities opened up by civic renewable energy for local development²⁵.

As the EESC was advocating, in order to achieve the climate change objectives a legal framework favourable to civil society is required so that the latter can become an active player in the generation of renewable energy. The second event, in cooperation with the Italian Presidency and the International Organisation of Labour (ILO), highlighted ways to strengthen the labour dimension in the future climate agreement²⁶. Parallel to the official climate negotiations, the COP20 also held a major conference between civil society and stakeholders with

²⁴ EESC opinion 800/2014 – NAT/637 of 4 June 2014 on the proposal for a Decision of the European Parliament and of the Council with regard to the establishment and operation of a market stability reserve for the emission trading system greenhouse gases and amending Directive 2003/87/EC. The rapporteur was Antonello Pezzini. For more info: <<http://www.eesc.europa.eu/?i=portal.fr.nat-opinions.31006>>.

²⁵ In cooperation with the Committee of the Regions, on 9 December 2014 the EESC organised a side event entitled “Renewable energy as an opportunity for local development” (Brussels). For more info: <<http://cor.europa.eu/en/events/Documents/Renewables-and-Development-Agenda.pdf>>.

²⁶ In cooperation with the Italian Environment Ministry and the International Labour Organisation (ILO) on 12 December 2014 – the EESC organised a side event: “Climate change and employment” (Brussels). For more info: <http://www.eesc.europa.eu/resources/docs/qe-04-14-865-en-c.pdf>.

hundreds of events on many practical aspects of climate change. The participation of these stakeholders is important as governments alone will be unable to tackle climate change in the years to come: the key point here is the cooperation of collective and concerted action from the authorities, civil society, businesses, communities, non-governmental organisations and individuals throughout the world.

The last clear example of how citizens are involved in decision-making through the more direct EU bodies is reflected in the final opinion of 25th May 2016²⁷, in which the EESC deals with the effects of the COP21 conclusions with regard to the European transport policy. The EESC welcomed the adoption of the Paris Agreement in the COP21 of the United Nations

Framework Convention on Climate Change, and it also referred to the EU's intended nationally determined contribution (INDC), making the commitment to reduce domestic greenhouse gas (GHG) emissions by at least 40% by 2030 and between 80% and 95% by 2050 as compared with the level of emissions in 1990.

We would like to emphasise the need to implement “the polluter pays” principle with flexibility, particularly in remote rural areas, mountainous areas and islands, in order to avoid effects inversely proportional to the costs and to preserve their value as a means of influencing decisions concerning the organisation of transport operations, that always have to put up with unfair competition among the different means of transport. However, we are not sure about the effectiveness and the legal guarantee of this principle. Therefore, it is not sufficient to ensure the transition to a low-carbon society.

Other additional measures, such as greater energy efficiency, electric mobility or car sharing, the development of alternative sources of energy, the development of environmental quality standards and, above all, the promotion of public transport, are particularly important.

The strong commitment shown by civil society organisations and economic and social partners in the framework of the COP21 will be used in order to extend a citizen movement for climate justice and divestment in polluting activities. Therefore, the EESC recommends a society, as mentioned in its opinion of 11th July 2012 “Transport White Paper: getting civil society on board” (EESC 1598/2012).

²⁷ See Opinion tabled by Mr Hencks, Group II Employees' representative, at the plenary session of 25-26 May 2016. This is the direct link: <<http://www.eesc.europa.eu/?i=portal.fr.ten-opinions.38425>>.

We are aware that in order for the meetings to be understood by civil society it is necessary to provide information in a more approachable way. At the COP20 a draft text was produced that could be negotiated in 2015 and agreed upon in December 2015 in Paris. One of the main pillars of the Paris Agreement were the steps that each country set up as their 'national contributions' (or "INDCs"). Since governments decide on their own measures, these measures should be internally negotiated with transparency. This was an opportunity to incorporate citizens' priorities to the contributions. The process that led to an agreement in

Paris last year offered a crucial opportunity for the European society: the integration of citizens' priorities regarding development and quality of life into the governments' climate commitments.

The proposal resulting from the various discussions where the negotiators explained the national position for future agreements could be considered a possibility for future summits and it would ensure that negotiators can reach out to citizens. On the other hand, there was also the duty of publicly discussing the national priorities that are set up during the meetings in order to avoid a national position that only reflects the position of the negotiating team. In the past we had similar examples: for instance, Brazil launched a public consultation procedure to explain its position with regard to Paris 2015 and to interact with civil society. Finally, support is needed for the adoption of national commitments for future climate agreements. Such commitments should gain support from outside the government.

Today, there is greater awareness of the need for transparency with regard to civil society, the latter being more and more determined to intervene in the decisions. Given the potential changes and difficult choices involved in climate change decision-making, an early and continuous participation of the people is essential for the adaptation to be effective. Involving the people can help governments to establish adaptation needs and acceptable levels of risk and to choose among different priorities. Governments will have to ensure that those affected by climate impacts and adaptation decisions play an active part in these processes.

An example of how society is engaged in this area is the Peoples' Summit on Climate Change which started in Lima on 8th December 2015. This was an alternative event to the Conference of the Parties and invited people from all over the world to address the actions to be taken by governments on the very serious impacts of climate

change. During this event, hundreds of young people from Latin America proposed solutions to climate change. The Political.

Committee of the Peoples' Summit handed to the Minister of the Environment and President of the COP20, Manuel Pulgar Vidal, the Lima Declaration. The document summarized the calls from a wide range of social groups, movements, organizations, trade unions, women, young people, indigenous peoples, peasants, inter alia, not only from Peru but also from the entire world, on the responsibility of the current system with regard to climate change.

As we can see, the example of Latin American countries clearly shows the way towards greater citizen participation. An interesting topic for further discussion is the urban measures that are taken in Latin America; the urban agenda is the natural link between citizenship and emission reduction commitments. Climate action focusing on improving public transport must and can set the bases for our commitments to reduce emissions, not to increase them, in the future. These measures would help to reduce pollution, to burn less fossil fuel, and this would not only contribute to combating climate change but it would also increase the quality of life in the cities. There are many innovative precedents in this respect.

Other examples that have a smaller impact, but with vital importance for the future of our planet, are the small everyday initiatives from citizens, collectively or individually, to reduce the effects of climate change. Thus, to save energy, we can use public transport, walk or bike, adjust the heating so that it does not exceed 20°C, insulate the house, buy efficient appliances (energy-saving light bulbs, class A household appliances or higher). In order to continue this green, energy-saving mentality, the EU on a yearly basis encourages initiatives such as the European Mobility Week, rewarding the best ideas for the reduction of gas consumption. The last one to receive the prize was the city of Trikala, at the heart of Greece, that designed a model of buses without driver enabling a greater use of public transport. Another idea is the use of renewable energy at home: for example, photovoltaic panels or small solar chargers²⁸ for charging reusable batteries or mobiles, solar thermal panels for heating water or biofuels for cars. Finally, in order to tackle the forest loss, we should avoid high-risk events which could cause fire, and

²⁸ In Spain, for example, according to data from the Red Eléctrica Española, in the late 2000s, the use of solar power (photovoltaic and solar thermal) increased, reaching 6,981 MW in 2013 and representing 4.9% of electricity demand that year.

instead plant trees or buy wood or paper products certified by the Forest Stewardship Council (FSC). It is appropriate to raise society awareness and explain that investing in the use of renewable energies means reducing short- and medium-term costs, as it was suggested by G.F. Nemet, a scientist who created a graph in order to show that the costs of the use of solar panels are decreasing and that we are approaching the ideal level²⁹. In other words, the costs are directly connected to the forms of energy that destroy our planet, and not to renewable energies, which reduce CO₂ consumption.

4 CONCLUSIONS AND FUTURE UNCERTAINTY: MORE REASONS TO BELIEVE IN THE CREATION OF A FEDERAL EUROPE

Since 1992 the Member States of the international community have tried to establish binding bilateral agreements in order to reduce greenhouse gas emissions. In 1997 a first agreement was reached, however, it was not sufficient for the most developed countries to reduce emissions of carbon dioxide, especially given the fact that the United States had not taken into consideration nor ratified the Agreement. In 2009, the Copenhagen Summit was a complete failure, due to irreconcilable differences in the field of environmental protection among developed, emerging and developing countries. More recently, in the Paris Climate Change Summit, also known as COP21, with the participation of 195 States and the support of the European Union, a new Agreement was adopted aiming to control global warming and limit it to 1.5°C below pre-industrial levels. The adoption of this agreement is perhaps more important than its own content.

With the support of the EU, a decisive step to overcome this situation can be of vital importance. Europe is an area that, for decades, was the one establishing the global processes for more advanced integration among its states. It is also the area where policy coordination and cooperation have been implemented at the highest level and in the most successful way. Consequently, it is the continent that has shown the largest progress in the battle between political and social forces with regard to broadening the scope of the Government to the supranational

²⁹ See Citi Research 2012; G. F. Nemet, Beyond the learning curve: factors influencing cost reductions in photovoltaic, Energy Policy 34, 3218-3232 (2006).

level, although nationalism was always quite present, putting obstacles rather than support this effort.

In order to reverse the trends with regard to what we have been discussing in the previous lines, we are convinced that there is a need for profound changes in the development paradigm. Adapting to new climate conditions and implementing the mitigation processes that are necessary to meet the climate targets require a global climate agreement based on a transition to sustainable development. Sustainable development requires greater equality and social cohesion, with a public-private balance that is consistent with this new paradigm.

On another tone, we must consider the current dichotomy between growth and sustainability. On 22nd January 2014 the World Resources Institute organized, in cooperation with the EESC Sustainable Development Observatory, a public conference on the recent report “Better Growth, Better Climate: The New Climate Economy” by the Global Commission on the economy and climate³⁰. It is widely known that the world is rapidly changing, the participation in the production is increasing in emerging markets and in strong developing economies; the world’s population is growing; and the man is innovating and reviewing the energy systems. There is the perception, in the short and medium term, that there is a dichotomy between economic growth and climate action. However, this is largely based on a misconception originating from model-based assessments that economies are static, unchanging and perfectly efficient.

As described in the report, any climate policy or reform is a compromise solution or imposes costs in the short and medium term. However, there are a number of reform opportunities that can reduce market rigidities that lead to the inefficient allocation of resources, hold back growth and generate excess greenhouse gas emissions. In fact, considering the multiple benefits of the measures for the reduction of greenhouse gas emissions, such as the potential health gains from better air quality, we realize that many of the perceived net costs are reduced or eliminated.

There are still many issues to be discussed in the course of this work. Therefore, we can list a series of highly relevant issues for the next 2016 Marrakesh summit that we also present in the Paris negotiations: sending a clear message to governments, businesses, investors and the

³⁰ See <<http://newclimateeconomy.report/>>.

public in general, that the low-carbon economy is inevitable; it is necessary to connect the global agreement to the “real economy”; to provide a sound framework for transparency and accountability for action and the fulfilment of the commitments; accelerate investment in low carbon and the activities of resilient economies; building a basis for climate action to show greater fairness; and ensuring that the most vulnerable have the necessary capacity to build resilience and adapt to future impacts.

Accordingly, adjustments to climate change will define the future of the countries. Following the report wrote by the World Resources Institute, UNDP, UNEP and the World Bank, it is not just an environmental problem. Its impact affects every country. This highlights the need for the governments and decision-making bodies to achieve a comprehensive solution in order to respond to the specific nature of climate change. The ways in which different Member States anticipate and respond to the short- and long-term risks of climate change may have consequences for the future of each country. Such initiatives accompanied by the actions taken by the citizens are, undoubtedly, a source of federalism, a pragmatic approach that, in its current application, considers the environment as one more federal element to include and to take into account in the structural development of societies of the 21st century.