
Six Asks for the EU Climate Law

BirdLife Europe supports the European Commission's initiative for a Climate Law enshrining a legally binding climate neutrality commitment for Europe that address the climate and biodiversity crises jointly. Bringing a decarbonisation plan with specific time commitments into law will show European leadership towards meeting Paris Agreement targets. The success of the law will depend on the ability to deliver reduction of greenhouse gas emissions in the short term as well as restore carbon rich ecosystems.

The EU Climate Law needs to embrace the following six asks:

1. Increase the EU's emission reduction target to 65 % reduction below 1990 levels by 2030 (without offsetting) and phase out fossil fuels.

A 50 - 55 per cent reduction, as proposed in the communication of the Green Deal, will not be enough to fill the large emission gap of 15 TgCO₂ in order to meet the Paris Agreement target and keep global warming well below 2°C. Furthermore, modelling by the European Climate Foundation has shown that addressing demand-side drivers of climate change (see ask 5. Mainstreaming Climate Policy) will allow a 65% reduction to be achieved whilst reducing pressure on biodiversity. Europe is one of the top greenhouse gas emitters worldwide, and with historical responsibility needs to act faster than other countries in the world. The EU must also set a deadline for phasing out fossil fuels because in a nature-compatible world that preserves the natural foundations of life for both people and nature, there is no longer any place for the exploitation and combustion of fossil fuels. This can succeed through a fair transition, involving EU citizen in the climate justice principle.

2. Prioritize Nature-based solutions by restoring and protecting natural carbon sinks through legally binding targets and appropriate funding.

By 2021, the European Commission needs to propose a legal instrument including a binding target for Member States to restore 15 % of their territories and of their sea areas. Member States should set plans to restore priority habitats for the dual purpose of biodiversity restoration, climate change mitigation and adaptation by end of 2023 and complete the delivery by 2030. Protecting natural carbon sinks includes wet/peatlands, forests, and marine habitats including Posidonia (sea grass) beds and kelp forests that were formerly abundant carbon rich ecosystems. This requires money to go to restoration, protection and enforcement for current nature legislation including the Birds Directive, Habitats Directive and Marine Strategy Framework Directive. Protection through enforcement will mean that once restored, healthy and functioning, ecosystems remain carbon sinks or stores,

supportive of biodiversity, that are able to make a significant contribution to climate change mitigation. Worldwide, nature-based solutions absorb almost half of the CO₂ emissions caused by human activities every year, and are thereby key in tackling the climate crisis.

3. Build resilience of ecosystems to adapt to climate change by removing destructive activities that hinder ecosystem ability to adapt.

Increasing natural carbon sinks is a joint solution to promote biodiversity and mitigate climate change. However, it is also important to address ecosystem destructive practises that damage ecosystem functioning leaving ecosystems less resilient to adapt to climatic changes resulting in potential ecosystem collapse, the loss of ecosystem services and carbon sinks turning into sources. For example, 1.) Overfishing causes the fish population to become fragile to changes in the ecosystem, but allowing population recovery increases resilience to climate driven changes in ocean temperature or salinity. 2.) Forests are widely promoted as carbon sinks; however, intensive management and harvesting practices have seen some areas of forest turning into carbon sources, as ground carbon and carbon stored in standing stocks are released. These forests have also proven to be more vulnerable to temperature changes, fires, and pest outbreaks throughout central Europe.

4. Put in place nature-compatible planning of renewable energy that accounts for the cumulative impacts of human activities on nature, and ensures carbon reduction across the full supply chain and lifecycle of energy technology.

Planned renewable energy investments for a shift to a 100 % renewable energy system must ensure a limited impact on nature. Therefore, good spatial planning must account for sensitivity of species and habitats to renewable energy production. However, ecosystems are fragile with the current amount of human activities having cumulative impacts on nature. Therefore the EU-Climate Law must ensure that planning for new renewable energy developments come together by reducing other pressures for nature and respect planetary boundaries. The Trans-European Networks- Energy-Regulation must be updated and infrastructure projects put into line with the net zero target and nature protection principles. Furthermore, the EU needs increased energy efficiency and renewable energy targets for 2030 that simultaneously address nature-compatibility.

5. Mainstream climate policy and ambition in line with biodiversity throughout all EU policy e.g. considering the impact consumption and land use practises have on the climate, along with energy, transportation and industry. The proposed “Do no harm” policy of the European Commission should be the body to adjust all EU-policies and sectoral legislation that are not consistent with the EU’s climate objective and biodiversity goals. An example is the strengthening of the Renewable Energy Directive and related legislation in order to limit the amount and kind of biomass sources used for energy to ensure that increased renewable energy ambition will not put extra pressure on terrestrial ecosystems. The Climate Law should also bring the EU budget in line with the 1.5°C goal and make change possible by redirecting funds.

6. Commit to periodic review of the EU's targets, strategies and policies to tackle the climate emergency. An independent scientific body should be deployed to prevent backsliding and to advise EU policies based on science. The establishment of an independent Council of Experts on Climate Policy at EU-level, which annually monitors the progress of the Union and provides technical advice to the EU Institutions, will ensure that the EU keeps on track to achieve climate goals. If it becomes clear that the budget or the interim targets are not being met, the Climate Law should oblige the Commission to submit legislative proposals in the area concerned. This requires a robust five-year review and ambition-raising mechanism that also ensures a link to the UNFCCC processes. A review mechanism in line with the Paris Agreement will make sure that the targets are on path and up to date with the EU long term strategy. The mechanism should review climate targets in combination with member states.

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