



European Climate Pact – Framework for Information and Participation of the Public to the Climate Change Challenge

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Abstract. *The EU's response to the climate challenge was expressed in a comprehensive approach, with medium-term objectives of reducing GHG emissions by at least 55% by 2030 and in the long term, achieving climate neutrality in 2050. It comprises the Green Deal (2019, as a programmatic, strategic document), the European climate law (Regulation) (in the adoption procedure, which forms the legal pillar) and the Climate Pact (2020, which is the procedure for consultation, involvement and ownership of the EU's green transition policy). Included in this strategic triple, the Climate Pact is a public policy instrument, a procedure for consultation and public participation in decision-making and, in so doing, a new formula for affirming environmental democracy. With limited legal significance, it is part of the new political-legal instruments that help to create a climate right with a universal and intergenerational vocation.*

Keywords: *Green Deal, climate pact; climate legislation; climate democracy; climate law; public consultation; citizens' convention; eco-climate justice.*

JEL: Q54, K23.

1. Introduction

As part of its new strategy for sustainable growth, enshrined in the Green deal, launched on 11 December 2019 and complementing the climate framework law (under co-decision), the European Commission presented the European Climate Pact on 9 December 2020. Its idea was first set out in the EU's public policy guidelines set out by EC President Ursula von der Leyen in July 2019, which was taken over and developed among the objectives of the Eco-Pact, which was subject to public consultation between March and June 2020, and the final form of the document was approved in December 2020. This is an initiative where citizens, communities and organizations are called upon to participate in building a green Europe by supporting local initiatives, promoting individual and collective actions to mitigate greenhouse gas emissions and adapt to the effects of climate change.

The Climate Pact was launched in a context where the European Council of 10-11 December 2020 had a heavy and somewhat tense agitation in which the problems of new climate ambitions have occupied an important place. Indeed, it has been debated on the very days it was five years since the conclusion of the Paris Agreement (12 December 2015), when the European Union has set itself in the Green Deal as an objective of climate neutrality at the 2050 horizon, the issue of reducing greenhouse gas emissions has been the subject of an agreement between the Heads of State and Government following the already formally expressed attitude of the Commission and the EU Parliament, the Council expressed its support for a more significant reduction than previously envisaged. In particular, it agreed with a “binding target of a net reduction of greenhouse gas emissions in the EU by at least 55% by 2030 compared to 1990”. This would also be made mandatory by incorporating it into a European legislative act. In this general context, the European Commission has launched the Climate Pact as a framework for debate, consultation and acceptance of the new climate objectives of the Green Deal and the planned climate law.

2. A tool to promote the Green Pact and the climate law

In a single-European response to the climate and environmental challenge, the European Commission presented its new strategy in a Communication entitled the Green Climate Pact on 11 December 2019 with the formal objective of establishing a “just and inclusive” transition to make Europe a “just and prosperous society”, equipped with a modern, resource-efficient and competitive economy, characterized by the absence of net greenhouse gases by 2050 and where economic growth will be decoupled from resource use”.

In order to achieve this objective and to affirm the EU as a global leadership in this area, a European law (Regulation) has also been proposed to legally enshrine climate neutrality and become the defining pillar of the entire regulatory framework to be EU climate law.

As part of the European Commission's initiatives to make the fight against climate change “the cause of all”, the Pact was conceived as a “space to share information, debate and action on the climate crisis”, aimed at disseminating “scientifically sound information on climate action”, to provide practical advice and support local initiatives for the mobilization and participation of all. It aims to make the new growth strategy fully understood, to increase its acceptability and to strengthen its adherence to the climate law objectives. After the launch phase, the Pact will focus on four areas of action which primarily concern the authorities: green spaces and mobility, energy-saving buildings and professional skills related to green jobs. The Pact is based on an open mandate and its scope will evolve in line with the ideas and contributions of individuals and organizations participating in its deployment. Each year an event related to this initiative will bring together various participants to present their knowledge and experience.

Its philosophy is to demonstrate that, in the face of climate crisis and resource depletion, there are solutions everywhere that can inspire and stimulate us in relevant new actions by developing pioneering projects in the eco-climate transition and finding practical solutions.

The EU's vision of the Climate Pact is an opportunity for people, communities and organizations to participate in climate action across Europe to better understand climate change, develop and implement solutions and connect with others and maximize the impact of these solutions.

It wishes to contribute to disseminating information, supporting local initiatives and encouraging individuals and communities to engage in climate action, thereby helping to mobilize responsible support and participation.

3. A way of consultation and democratic involvement

The Climate Pact is part of the public consultation and participation procedures and acts for implementing major environmental and climate projects alongside other competences recently developed in the field of green democracy. The new forms of participatory democracy promoted in different countries, aimed at consulting and involving the public in the decision on tackling the climate issue, which are a so-called “climate democracy”, raise questions, trigger reflections and already provide some relevant answers. A relevant experience in this regard is the

so-called Climate citizens' Convention initiated and carried out in 2020-2021 in France by President Macron as part of a project to strengthen the role of the Economic Council, Social and environmental (EESC) in order to promote new forms of participatory democracy and thus respond to growing mistrust of public authorities. In this regard, questions arise as to whether the committees of citizens who are left to the table can remedy the democratic crisis that we are experiencing and whether it would not be the very principle of universal suffrage that would lead to a disdain for the voters who are likely to worsen further this crisis. The practical analysis of the phenomenon generates aspects that are both relevant and interesting in the French context. Following the “yellow vests” crisis, the great national debate on so many ideologically neutral issues but sufficiently social stakeholders enjoyed real success, reaching a draft organic law promoted in Parliament, It enshrine “the principle of the citizens who are drawn in order to work with the EESC and to have the voice of civil society, between the Parliament and the Executive”. The objective of this new consultative body is visible: To link the civil word to the decision-making process by means of good-quality civic deliberation. Therefore, we would be faced with a “political communication act that covers an institutional problem, that is the poor representation of the electoral body in the national Assembly and the obsolescence of the parliamentary power in a regime that has become “presidential”. The absence of a real representative counter-power becomes a central topic; two-round majority voting does not allow for greater representativeness. Can citizens' committees be a solution? The response of specialists seems transhant: Civic participation can feed democratic deliberation, but it cannot, under any circumstances, replace it and replace the role of a power of proposal and control to be exercised by Parliament. If people are directly consulted for decision making, it is a referendum, if elections are called upon, the representative democratic system is involved, and if the aim is to probe opinion then the rules of the relevant sociological investigations come into play. “No one can claim that there is no need to find new ways of expressing citizens, but there is no claim that the drawing of lots gives so much democratic legitimacy, hence authority and the right to decide, such as universal voting”.

In addition to being seen as a contribution to improving democratic life in France, the experience of the citizens' Climate Convention has also been a “school case” whose lessons are quickly put to use in this plan. It was first placed in an international perspective as a potentially important step in a more global movement. A future World Civic Assembly on Climate is being prepared to gather 1000 people drawn from all five continents; it would continue the French approach and draw up recommendations in the margins of COP-26 in Glasgow in

November 2021. The idea of the organizers, civil society activists and academics is to make the initiative sustainable and permanent so as to become a pillar of global governance, endorsed by the conferences, and to generate more democratic proposals on climate urgency, independently of the official governance of States that “often remain oligarchic and opaque”.

As regards the articulation of the new mechanism within the French internal institutional framework, the stake is considered essential. The follow-up to the proposals made in this context remains to be seen, since the literature and practice of deliberative democratic experiences have not dealt with this issue and citizens' assemblies have so far been most often consultative; This was the case when a group of citizens who were drawn up were asked to make recommendations of great moral value – in Ireland, for example, the penalizing of abortion – or political issues – the lowering of the voting age – then put to the referendum. Quite another thing happened at the citizens' climate Convention in France; for the first time, at national level, citizens were asked to go to the end of the process and to draft laws, which have an impact on the whole economy and thus require institutional arbitration. The president's justification, the promise of “no filter” promotion of the proposals that have been made, and the tensions that have arisen on this occasion, show the need for a better articulation of the institutional approach involved. From a legal point of view, the key issue is the legitimacy of this type of assembly; it is necessary to define the areas of responsibility of the various bodies in order to eliminate ambiguity over the consequences. The significance of the initiative for the lawmaking process has re-activated in France the discussions on the subject of a new division of legislative work between the Senate, the national Assembly and a third chamber of citizens drawn to the trapers to act on environmental issues. However, the new experience adds to the arguments for reforming the remit of the Economic, Social and environmental Council (EESC), making it a truly autonomous citizen's chamber free to consult civil society representatives in order to incorporate their recommendations into their own opinions.

4. The legal nature of the Climate Pact. The Pact as a tool for political and strategic planning, with legal significance

In the general sense of “legal vocabulary”, the Pact is presented as a species of Convention, a term used in particular in terms of the designation of operations of certain solemnity, by seriously committing the future such as in international relations, or Larrouse's most common „formal agreement between two times more persons; conventions between two States”. In the practice of the European Union, the Pact appears to be a more political instrument, but not lacking the legal

significance of expressing the commitment of all the stakeholders leading the public and involving the public in the debate, decision-making and implementation of the initiatives on environmental and climate issues. This is all the more so because innovative policies do not work unless the public is fully involved in the development and setting of their objectives; therefore, particular attention is paid to consultations and social acceptability is a condition for success in implementing eco-climate programs and plans. With this in mind, the European Climate Pact was developed and published in December 2020 in addition to the Green Deal and in order to better customize its climate objectives. The document focuses on three ways of empowering citizens to act in this field: Sharing information and developing public inspiration and awareness of the threat and challenges posed by climate change and environmental degradation; creating real and visual spaces to allow ideas and creativity to be expressed and civil capacity to jointly develop ambitious actions, both individually and collectively; identify opportunities to facilitate grassroots initiatives in the fight against climate change and environmental protection. It is therefore a complex instrument for the perception and expression of strategies and policies in new areas, namely climate and the environment (in an inter-related equation), which involves the major involvement of society as a whole, which is of a political nature, but through the agreement thus used and the content gradually promoted under such conditions contributes to the crystallization of certain legal meanings, which will be taken over and expressed as such in real, effective instruments of law. Both compacts formally took the form of European Commission communications and, in this respect, took the legal nature of these, political acts with legal significance prior to the regulatory process, influencing the course and final content of the act.

5. The participatory dimension

As part of the *Green Deal*, the Climate Pact provides a space for all to exchange information, engage in debate and dialog, and public consultation on measures to address the climate crisis, thus becoming part of a growing European movement. The basic idea is that strategies, plans, Policies and legislation to achieve the EU's targets of reducing greenhouse gas emissions in 2030 by at least 55% below 1990 levels and ensuring carbon neutrality in 2050 can only be implemented when everyone is involved and involved active at this. In addition to the creation of online platforms and dialogs with citizens, an open call has been made for individuals and organizations to become ambassadors of the Climate Pact; they should serve as an example of action on this issue, inform, inspire and support climate protection measures in their communities and networks.

In a first phase, opened online on 13 December 2020 from the EC headquarters in Brussels by Vice-President Timmermans, the focus is on issues related to green spaces, green mobility, energy-efficient buildings and environmental skills (training). Through an annual series of events, citizens and organizations involved can share experiences and examples of good practice in their work.

Speaking of this, Frans Timmermans, Executive Vice-President of the European Commission, responsible for the climate issue, said: “The European Climate Pact will unite all those who want to do something for our planet. Through the Pact, we want to give all people in Europe the opportunity to become active and to act at their respective levels, to participate in environmental change and to inspire each other. When it comes to combating climate change, everyone can make a difference and make a difference.” The European Climate Pact provides a space for people from all social groups of the network and jointly develop and implement small and large solutions. If we exchange ideas and inspire each other, we can multiply the collective impact of our actions. The Pact is an open and inclusive initiative for climate protection that will develop over time. Regions, local communities, businesses, schools and civil society are invited to exchange information on climate change and environmental degradation and to explain how they address these existential threats. Through an online platform and citizens' dialogs and meetings, the Pact will promote the link between digital and green change. The Pact will help disseminate sound scientific knowledge on climate protection and provide practical recommendations for daily decisions. It will support local initiatives and encourage both individuals and groups to express their commitments and commitments to climate change by mobilizing support and participation.

Firstly, the Pact will prioritize actions focusing on four areas and will provide direct benefits not only to the climate and the environment, but also to the health and well-being of citizens – green spaces, green mobility, energy-efficient buildings and green skills. The Pact's mandate is open and its scope will continue to be developed on the basis of the ideas and contributions of the individuals and organizations that will participate in the Pact. The participants will exchange experience and knowledge at an annual Climate Pact event.

6. National experiences: Austria, Germany, Luxembourg

By stating that in our country the UEB has signed up as ambassador of the European Climate Pact, it proposes us to outline two national experiences relevant in this field: That of Austria, that of some German Länder and Luxembourg, respectively.

5.1. In the context of the Climate Pact, large companies in Austria are voluntarily committed to implementing the climate and energy objectives of the European Union.

More than ever, the climate crisis is one of the most pressing problems has become a central concern of Austrians, calling for visible efforts from the economy to meet the demands of this challenge.

The Ministry of Climate Protection therefore calls on large national companies to seize this opportunity and become part of the effort to achieve the common objective of climate neutrality by 2040. Austria's 2020 climate plan aimed at:

- reduction of greenhouse gas emissions; increase by 20% of the energy efficiency;
- the 34% share of renewable energy sources in total energy consumption and
- 0 share of energy from renewable sources in transport is 10%.

In addition, through the Climate Pact, the Environment Ministry created an alliance of pioneering companies in 2011 and, with the professional support of Austria's largest climate protection network, released models and pioneers for green business. Together, the Pact partners will demonstrate how the economy and ecology can best be reconciled in operational practice and how climate and business benefit equally.

In the first half of the year campaign partners the active Climate Plan 2020 develops detailed concepts of climate protection (individual objectives and measures) with the support of experts; it covers all relevant areas – from increased energy efficiency and use of renewable energy sources to measures in the building and mobility sectors.

In addition to the use of energy efficient technologies (inter alia production process optimization, LED lighting, information technology optimization, energy efficient devices) and comprehensive energy monitoring systems, the construction of photovoltaic systems is envisaged, as well as conversion to district heating and green electricity. Renovations of thermal buildings in line with the highest energy efficiency standards and conversion of vehicle fleets (e.g. electric mobility and the switch to rail) are specific measures set out in the target agreements of the Pact partners. The Commission therefore considered that the measures at issue were not appropriate to address the issue of state aid. The progress of all the partners of the Pact and the achievement of the minimum targets shall be reviewed every year by the Austrian Energy Agency and the Federal Environment Agency.

As part of the Austrian Climate and Energy Strategy, “Mission 30”, the partners of the Climate Action Pact intend to continue their efforts to implement their national climate targets. The Federal Ministry will therefore extend the climate

pact until 2030. The acceding companies commit to reducing greenhouse gases by at least 50% compared to 2005. The target goes far beyond the national climate protection target of 36%.

5.2. In Germany there are many examples of integrating specialized education projects under the Climate Pact.

Four pillars for developing education for sustainable development. The 15 educational centers participating in the pact for years have been important partners for the state government in education for sustainable development in Hesse. They support environmental schools in Hessia, coordinate regional education networks for sustainable development and implement climate education projects as part of the climate protection plan. They transform complex issues such as biodiversity, climate protection or resource protection into understandable educational opportunities and offer them in schools, crèches, universities and extracurricular events for children, young people and adults. Every year, around 100.000 people take over the services.

“The purpose of the Pact is to further strengthen this supply. To this end, we agreed on four pillars: Continued and increased offers, strengthened networks at national level, common development of quality”, the minister explained. The environment ministry plans to allocate 1,5 million euros for the implementation of the Pact by 2024. Educational centers can then apply for funding each year for the implementation of specific educational projects and events or for conceptual projects.

Environmental centers are satisfied with the new funding, as they give even greater appreciation to important educational activity.

This year's financing projects under the Education Pact for sustainable Development. This year, the Pact will mainly support the development of concepts, because events can only take place to a very limited extent due to the pandemic. The Weilbacher Kiesgruben natural reservation, for example, will develop a bright language educational unit for young people and adults with disabilities. In four lessons, a short film will be used to teach topics such as climate protection and sustainability in an easy-to-understand way. The short-film will be carried out later this year, so that the module can be implemented in workshops for people with disabilities and schools next year.

The Ministry of Patria, local Administration, construction and Equality and the Ministry of Environment, Agriculture, nature and Consumer Protection of North Rhine-Westphalia, together with a broad alliance of professional associations and institutions, launched a “living” climate pact for North Rhine-Westphalia as the

most popular federal state in the Federal Republic of Germany. Under the “Prima. Climate. Housing” the signatories agreed to make a joint contribution to climate protection and to reducing CO₂ emissions in buildings, housing and urban development. The agreed cooperation is intended to create new opportunities for sustainable development for residential and urban neighborhoods in the Land.

During the launch event, the co-operation partners agreed to step up efforts to modernize the housing stock, while allowing a social balance in the accessibility of housing. Measures to be followed include, among other things, an even stronger focus on public housing support toward a problematic use of resources, enhanced and cooperative activities of consultation and public relations, models for follow-up and awareness-raising, Developing a model approach for the “green quarter” and developing a national database for accounting energy consumption and CO₂ emissions data.

The Climate Pact for the Munich economy was launched in 2016 with the common goal of saving at least 40.000 tons of CO₂ by the end of 2017. The sustainable and Green City Advisory team identified potential individual savings and coordinated communication measures. On 1 July 2016, a formal signature of the voluntary commitment took place in the exclusive circle of fifteen companies based in the capital of Bavaria. By the end of the project, at the end of 2017, annual saved emissions planning was based on survey and calculation standards used in companies. Regular workshops provided an opportunity to exchange experiences between companies and with the city administration.

The festive closing event on 9 April 2018 marked the end of the first phase of the Munich Economic Climate Pact. Around 150 participants have again considered a successful project. The joint target of reducing CO₂ emissions by 40.000 tons in the project period (2015-2017) has been significantly exceeded, with a combined reduction of 48.831 tons of CO₂.

Companies have implemented climate protection measures in the areas of decentralized and renewable energy supply, energy efficient buildings and production, low-emission mobility and awareness raising of employees.

In autumn 2018, the City council decided to continue the Urban Climate Protection Program 2019-2021 and therefore continue the Climate Pact.

5.3. Luxembourg is committed, both internationally and at European level, to contributing to climate protection:

- greenhouse gases should be reduced by 20% compared to 2005 by 2030;
- the share of renewable energies in final energy consumption is to be increased to 11% (compared to 2005: 0,9%).

The Luxembourg State launched the Climate Change Pact to achieve this national target together with the municipalities.

The Climate Change Pact is an agreement in the form of a commitment between the state and municipalities. The aim of this pact is to provide technical and financial support to municipalities to reduce their energy consumption and greenhouse gas emissions.

Communities have many possibilities to influence electricity and heat consumption in their buildings in order to use energy as efficiently as possible. Energy-efficient devices are already leading to significant energy and cost savings. Another factor that should not be underestimated in terms of energy consumption is energy use: User behavior can affect consumption by up to 20-30%.

Public administrations are the largest employer in Luxembourg and are therefore of great importance in terms of energy saving. They play an important role in the model and can contribute to the awareness of the whole population.

Through the Climate Pact, energy consumption and climate protection have a central position in municipal policy. All decisions, whether at country or transport planning level, in the context of procurement or supply policy, shall be assessed on the basis of sustainable criteria. The Climate change Pact will bring the following benefits to municipalities:

- saving potential: by means of a sustainable and energy-efficient policy, the community saves a lot of energy and therefore a lot of money;
- local added value: By expanding renewable energies (wood chips, pellets, biogas, wind energy, photovoltaic energy; hydropower), the municipality reduces its dependence on foreign conventional energy suppliers (heating oil, oil, imported electricity). Energy expenditure remains largely in the region and is not in the oil stream;
- when using oil or gas, 15% of energy costs remain in Luxembourg, while 75% are borne by the oil states. With renewable energy on the ground, up to 60% of energy expenditure remains in the region;
- local employment: Renovation of housing and buildings, installation, maintenance and operation of renewable energy plants often means orders for local enterprises such as crafts.

Conclusions

Designed as a means of promoting the EU's strategic objectives for the next three decades, in close connection with the Green Deal and the climate law (Regulation), the European Climate Pact is among the new political and legal

instruments that have recently been affirmed in single-European practice. By way of example and on a smaller scale, but in the same context as the pandemic health crisis, let us also mention the multilingual online platform launched by the EU at the conference on the future of Europe on 19 April 2021 (9 May 2021). and conceived as a broad popular consultation on the future of the European project in the next decade. From migration, to the environment and climate through digital, economy and “European values”, 9 major challenges are subject to public opinion and evaluation, and the conclusions will be taken into account by decision-makers in adopting the documents thus envisaged. In its classic sense, the Pact is a solemn agreement, concluded at a general level, aimed at pursuing sustainable, major and common goals. In terms of climate change and the EU, it has a number of specific significance from the point of view of its specific content. First, it appears as an innovative form of public consultation on the political and strategic implications of the new data of the Community development strategy, its involvement in the decision-making and implementation of the undertaken objectives. One aspect of “green democracy” is also a particular procedure promoted in the light of the constraints generated by the pandemic, which involves accelerating digitization and intensifying the urgency of the environmental crisis. The tacto-climate approach shows the same search and concern for promoting citizen governance that has intensified in recent decades. Finally, as part of the triple Green Pact – climate law – the climate pact interacts and potentiates the related political and legal significance.

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