

The EU needs to constitutionalise climate policy to stabilise the climate transition.

While the European Commission has launched public consultations on the EU's intermediary climate target for 2040, mounting calls for a pause in implementing the European Green Deal risk derailing progress. To politically and societally anchor and stabilise the EU's climate transition, the EU must, in addition to advancing substantive climate policies, upgrade its quasi-constitutional framework for making and implementing climate policy, argue Sebastian Oberthür and Kati Kulovesi.



Sebastian Oberthür is Co-Director of the Centre for Environment, Economy and Energy at the VUB Brussels School of Governance and scientific coordinator of the Jean Monnet Network [GreenDeal-NET](#).



Kati Kulovesi is Co-Director of the Centre for Climate, Energy and Environmental Law, University of Eastern Finland.

Climate change mitigation resembles a marathon, and the EU is not even halfway towards reaching its 2050 climate neutrality target.

The *Fit for 55* climate legislation package for reducing emissions by at least 55% by 2030 is currently being wrapped up. The next crucial milestone on the pathway towards climate neutrality is the EU's 2040 climate target, for which the European Commission has initiated [public consultations](#), open until June 24. Reaching it will require further upgrades to the EU's climate policy. At the same time, [calls for a pause in the implementation of the European Green Deal](#) are intensifying and illustrate the high contentiousness of the climate and sustainability transition.

To successfully implement this transition, the EU and its Member States must therefore not only continue to advance substantive policies to mitigate greenhouse gas emissions but also significantly strengthen climate governance: the quasi-constitutional framework for making and implementing climate policy.

This requires addressing the fundamental legitimacy and accountability issues of the climate policymaking marathon to ensure ownership and support of the climate transition by European citizens across the Union.

The contours of such a climate governance framework have sharpened under the European Green Deal, with the [2018 Regulation on the Governance of the Energy Union and Climate Action](#) and the [2021 European Climate Law](#) as key elements. But much more work lies ahead to ensure that EU climate governance is capable of steering European societies authoritatively and legitimately through the marathon of the climate transition.

Six key pillars to upgrade the EU's climate governance framework

We propose [an upgraded climate governance framework](#) that rests on the following six main pillars:

Pillar 1: Strengthen societal ownership and 'climate democracy'

The EU climate governance framework needs to foster societal ownership and legitimacy, addressing the inherent contentiousness of the climate transition and countering public backlashes.

This calls for considering those negatively affected by climate policies under the heading of the "just transition", as well as upgrading mechanisms of participative and deliberative "climate democracy."

Such mechanisms prominently include expanded access to courts for citizens and civil society to hold governments and businesses accountable for a fair and effective transition, systematic public and sectoral consultations and deliberations on climate policy choices and plans, and the expansion of democratic experiments and innovation, including citizen assemblies and panels.

Pillar 2: Enhance scientific expert input into EU and national climate policy processes

Expertise concerning the latest climate science, techno-economic solutions, and effective policy mixes for addressing climate change needs to be fully mobilised through well-designed and resourced scientific expert advisory bodies.

Several Member States are yet to establish such bodies and the mandate and resources of many of the existing ones should be upgraded, including the [European Scientific Advisory Board on Climate Change](#). Linking expert bodies' advice into the policymaking process is key, including a requirement for policymakers to consider their advice.

Pillar 3: Clarify climate targets and related responsibilities

The pathway towards the EU's collective 2050 climate neutrality target needs clearer milestones. In addition to the 2040 target currently under preparation, progress should be guided by national climate-neutrality targets by each Member State, clarifying how responsibilities for achieving the EU's climate-neutrality objective will be shared.

Furthermore, regular reviews are needed on whether the EU's climate targets are in line with climate science and represent the EU's fair share of global efforts to limit the average temperature increase to 1.5°C.

Pillar 4: Revise planning for meeting climate targets:

Member States are currently required to prepare 10-year National Energy and Climate Plans (NECPs) and Long-Term Strategies with a 30-year time horizon every ten years. Moreover, NECPs need to be updated every five years.

Both planning instruments should be shaped into more coherent wholes that provide authoritative and consistent guidance towards the medium and long-term climate targets. Both should also be regularly updated in tandem through a transparent process with meaningful public participation and input.

Pillar 5: Strengthen implementation of EU climate legislation

The Commission's capacities and powers to enforce Member States' obligations under EU climate and energy legislation should be strengthened, especially concerning the renewable energy and energy efficiency targets. Clearer rules must enable a broader set of stakeholders to hold Member States and the Commission accountable for compliance with climate legislation before national and EU courts. In addition, investment support needs to be upgraded, conditional on compliance with key obligations.

Pillar 6: Increase climate policy integration

Climate policy objectives must also be fully integrated across relevant policy portfolios, such as trade, energy, infrastructure, transport, industry and innovation. This calls for anchoring the European Green Deal's "Do No Significant Harm" principle firmly in EU law, and for complementing it with a "Maximise Synergy" principle to ensure that these principles are consistently implemented across national and European plans and policies, including through the [European Semester](#).

Holistic approach

This is not a pick-and-choose list but one to pursue as a whole. Expert advice may be vulnerable to allegations of technocracy and needs to be complemented by broad and direct public participation.

Similarly, plans and strategies are best informed by stakeholder consultations. And without strong climate policy integration and effective implementation, the climate transition cannot succeed.

Thus, all six pillars form a foundational whole for a comprehensive and coherent EU climate governance framework that is capable of fostering broad societal ownership of a fair and effective climate transition.

Most of these recommendations can be put into practice immediately before being included in the Governance Regulation and the European Climate Law. Given the urgency and fundamental nature of the required societal transition, the Commission's reviews of these two instruments mandated for early 2024 must be turned into a quasi-constitutional moment for elevating the EU's climate governance framework.



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