

How to get involved in the drafting of “Integrated National Energy & Climate Plans” (NECPs)

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Where to get involved?

Three main processes under the new Governance Regulation open to public participation:

1. Preparation of Integrated National Energy & Climate Plans (NECPs)
2. Long-Term Strategies (LTS)
3. Multilevel Climate and Energy Dialogue

I. Integrated National Energy & Climate Plans (NECPs)

- Measures for:
 1. Decarbonisation
 2. Energy efficiency
 3. Energy security
 4. Internal energy market
 5. Research, innovation and competitiveness

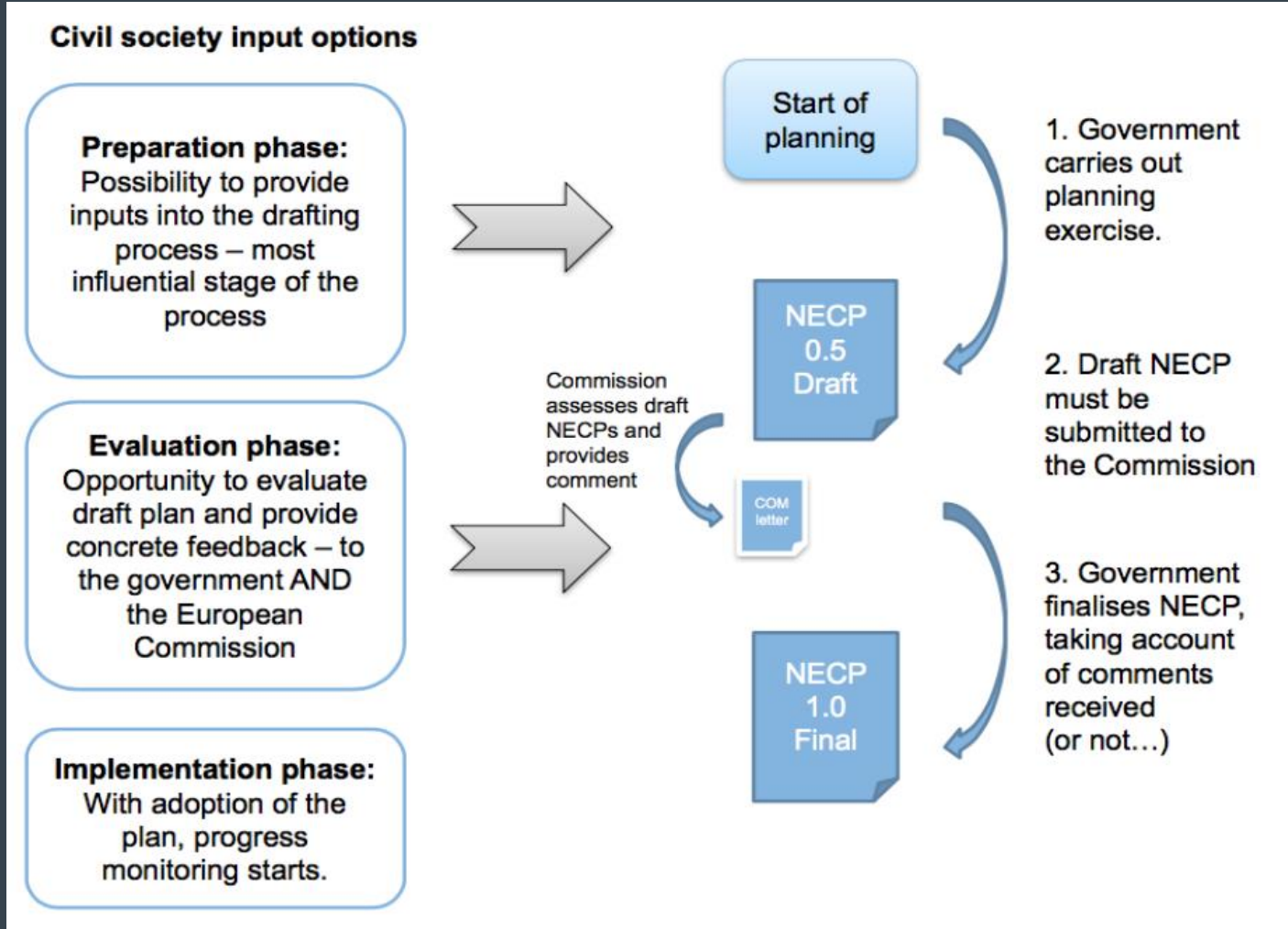
Participation requirements

- Included in the Governance Regulation [GR] itself (*Article 10 etc*)
- Derived from Aarhus Convention
 - Both EU and Member States have ratified
 - Referred to in GR recitals (*20 and 20bis*)
 - Compliance Committee monitors compliance of NECPs with Convention (*see final slide*)

(1) Early and effective participation

- Usually participation on draft NECP
- 1st round: participation in preparation of final NECPs “well before their adoption” in 2019 *(article 10 GR)*
- Must be:
 - “early and effective” *(article 1 and 10 + recital 20 GR)*
 - “when all options are open” *(article 7 & 6(4) Aarhus Convention)*

(1) Early and effective participation



Source:
CAN Europe

(1) Future participation phases

- By 30 June 2023: Member States shall:
 - submit draft updates of their NECP with equal/greater ambition or
 - justify why old plan remains valid
- By 1 January 2028: new draft NECP

=> participation on the drafts

(2) Notifying the public

- “ensure that the public is informed” *(Article 10(1a) GR)*
 - “by public notices or other appropriate means, such as electronic media” *(recital 20 bis GR)*
- “set reasonable timeframes allowing sufficient time for the public to be informed” *(Article 10(1a) GR)*

(3) Provide information

- ensure that the public can access all relevant documents *(recital 20bis)*
- Specifically:
 - “draft plans” *(article 9(3a) GR)*
 - “comprehensive information concerning the assumptions, parameters and methodologies used for the final scenarios and projections” *(article 8(3) and recital 28 GR)*

(4) Facilitate participation / gather views

- set reasonable timeframes allowing sufficient time for the public to [...] participate and express its views *(article 10(1a) GR)*
- aim at equal participation [and] put in place practical arrangements related to the public's participation *(recital 20 bis GR)*

=> Written comments, online comment platforms but also: public hearings, workshops..

(5) Take comments into account & report

- “Ensure that due account is taken of the outcome of public participation” *(article 7 + 6(8) Aarhus Convention)*
- Final plan shall contain a “description of the public consultation and involvement of stakeholders and their results” *(Article 3(2)(a) GR and annex I)*

Conclusion

- Remind authorities of the **5 obligations** above (early participation, notify public, provide information, gather views and take account)
- Remind authorities of obligations under the Aarhus Convention, e.g.:
 - “when all options are open” (*articles 7 + 6(4) Aarhus Convention*)
 - “take due account of the outcome of public participation” (*articles 7 + 6(8) Aarhus Convention*)
- Request Strategic Environmental Assessment (SEA) (*article 10(1) and footnote GR*)
- Request all relevant information (*article 8(3), 9(3a), 14(4), 15(5a) and recitals 20bis, 23a, 25, 28 GR; Article 7 + 6(6) Aarhus Convention*)

II. Long Term Strategies (LTS)

By 1 January 2020:

- early and effective opportunities to participate *(article 1 and 10 GR)*
 - “when all options are open” *(article 7 Aarhus Convention)*
- Reasonable timeframes *(article 10(1a) GR)*
- Ensure that the public is informed *(article 10(1a) GR)*
 - by public notices or other appropriate means, such as electronic media *(recital 20 bis GR)*
- Provide all relevant documents *(recital 20 bis GR)*
- Aim at equal participation and put in place practical arrangements *(recital 20 bis)*
- Take due account of the outcomes of public participation *(article 7 + 6(8) Aarhus Convention)*
- Make final strategies available *(article 14(4) GR)*
 - Strategy shall include section on public consultation *(Annex IIa GR)*

-> Subsequent NECPs shall be consistent with the LTS *(article 14(3) GR)*

III. Multilevel Climate and Energy Dialogue

Permanent dialogue *(article 10a and recital 20ter GR):*

- On climate and energy policy
 - “engagement and discussion of different scenarios envisaged for energy and climate policies, including for the long term, and review progress”
 - May/should (?) incl. NECPs & LTS participation
- By everyone
 - “local authorities, civil society organisations, business community, investors and other relevant stakeholders and the general public”
- unless already a structure which serves the same purpose

Annex I: Procedure before the Aarhus Convention Compliance Committee

- Compliance Committee found in 2012 that the EU had failed to require the national authorities to provide for adequate public participation in the preparation of National Renewable Energy Action Plans (NREAPs)
- Committee recommended that the EU “**adopt a proper regulatory framework and/or clear instructions for implementing article 7 of the Convention** with respect to the adoption of NREAPs.”
- [Committee's report of 7 June 2017 to the Meeting of the Parties:](#)
 - EU has so far not adequately implemented that recommendation
 - If Governance Regulation proposal adopted, Committee will consider the NECPs as replacing the NREAPs and will continue to assess compliance with the recommendation concerning the NECPs
 - EU argued that reference in preamble in the Governance Proposal is enough to comply with the Convention = Regulation must be interpreted in light of the Convention (see page 6 of this [doc](#))
 - Committee disagrees: Commission Regulation as it stood in June 2017 was not compliant with article 7 of the Aarhus Convention
- **EU must submit by 1 October 2018 a progress report on how it implemented the recommendation**
 - All pertinent information can be accessed [here](#)
 - **Everyone can provide comments on the EU's progress report once it is published – send comments to:**
Aarhus.compliance@unece.org

Annex II: Other useful material

- [Governance Regulation Proposal – latest available version](#)
- [Aarhus Convention](#)
- [Maastricht Recommendations on Promoting Effective Public Participation](#), pp.12-21 and 46-51
- [Good practice examples](#) for public participation on plans from:
 - [Norway](#)
 - [Spain](#)
 - [Belgium](#)

Thank you!

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