

Commission Vice-President Frans Timmermans;
Commissioner Kadri Simson
cc. Director-General Ditte Juul Jørgensen
European Commission
Avenue D'Auderghem 19
1040 Brussel, Belgium

Brussels, 20 April 2023

Dear Commission Executive Vice-President Frans Timmermans, Commissioner Kadri Simson,

Re: Public Participation in Climate Policies; NECP revision process

The undersigned civil society organisations are writing to you to express their serious concerns regarding the lack of participation avenues for citizens and stakeholders in climate policy-making processes across the EU. As evidenced below, **the ongoing revision of the National Energy and Climate Integrated Plans** (NECPs hereafter) **is displaying a worrying lack of involvement of the public**. It is the Commission's role to foster and enforce participation requirements in the EU Member States. We urge you to employ influence and your services' resources to address this lack of democratic decision-making in the NECP revision and we remain ready to support these tasks.

Public participation is essential for effective climate and energy governance because it creates better policy, improves public support and strengthens democratic legitimacy. The energy transition in Member States affects all Europeans and their ways of life. **A just transition must, therefore, meet the highest standards of democratic decision-making possible** to allow for the development of trusted, equitable, and transparent climate policies.

The public has a right to well-informed and effective participation in the development of NECPs, both in the draft and final revisions. At this stage, early participation in the draft updates is becoming difficult to guarantee but it is not too late for the Commission to use its powers to encourage Member States to provide continued public participation opportunities throughout the revision up until the final submission in Summer 2024. In this vein, we call upon your Directorate-General to deliver on the Commission's July 2022 action plan provided to the Aarhus Convention Compliance Committee.¹ Your services need to engage more actively with Member States and assist them in the implementation of these participatory processes with technical support, best practice exchanges and links to civil society.

Both EU² and international law require Member States to ensure effective public participation in the drafting of NECPs. As a Party to the Aarhus Convention, the European Union has been repeatedly reminded by the Aarhus Convention Compliance Committee that public participation requirements must be implemented with respect to the adoption of NECPs. **The Compliance**

¹ [Documents](#) relating to the plan of action concerning Decision VII/8f of the Meeting of the Parties of the Aarhus Convention

² Treaty on European Union, article 11; EU article Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action; Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality

Committee demanded that the EU,³ and therefore the European Commission, give clear instructions to Member States for the implementation of public participation and adapt the manner in which it evaluates NECPs. The drafting of the 2019 NECPs displayed a blatant disregard for democratic decision-making in almost all Member States. The Commission's guidance,⁴ published in late 2022 sets out expectations for early and effective opportunities to participate in the different phases of the drafting of NECPs. The guidance also demands explanations on how the public's views were taken into account. **While the guidance document is non-binding, the obligations explained within are.** The issuing of the guidance was welcome but is unfortunately proving ineffective so far in changing the approach for the upcoming revision.

The need for a more extensive and active engagement by the European Commission towards EU Member States is further evidenced by the concerning gaps in public participation in the ongoing NECPs revision process. A recent survey⁵ conducted by CAN Europe and WWF has found that, **as of 31 March 2023, 14 out of 23 EU Member States surveyed were yet to start any form of public consultation on NECPs⁶.** Even where some form of public consultation had started, the quality and timing of the process was oftentimes concerning: 3 Member States had only run preliminary consultations; while Lithuania was the only one, among the five countries that have started formal consultations to share parts of the draft NECPs during the process. The NECP revision process is now well on track to disregard public participation obligations to the same degree as the 2019 plans.

Considering international and EU law obligations, and the essential role public participation plays in climate governance, we demand the European Commission to:

- 1. Exercise its role as guardian of EU law.**
 - Upon failure by specific Member States to implement the public participation obligations of the Governance Regulation and the Aarhus Convention, the Commission must take its role seriously and assess how it can ensure and enforce compliance.
- 2. Enable well-informed participation by making sure that all relevant documents related to the NECP process are publicly available in due time**
 - Make all documents submitted in both the Reportnet and ReportENER platforms publicly available immediately, as the information reported by Member States should also inform the revision of NECPs.
- 3. Ensure public participation implementation through its contacts with national ministries.**
 - Remind national ministries ahead of June 2023 of their public participation obligations and the need for improved participatory mechanisms as compared to the lacklustre public consultations during the 2019 NECPs drafting period and

³ [Decision V/9g](#) on compliance by the European Union (1 July 2014) and [Decision VII/8f](#) concerning compliance by the European Union with its obligations under the Convention (20 October 2020).

⁴ [Commission Notice on the Guidance to Member States](#) for the update of the 2021-2030 national energy and climate plans (29 December 2022)

⁵ <https://1point5.caneurope.org/wp-content/uploads/2023/04/REPORT-Public-participation-in-National-Energy-and-Climate-Plans.pdf>, 35 national civil society organisations across the CAN-E and WWF network were surveyed across 23 EU Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

⁶ As required by Article 10 of the Governance Regulation.

compared to the current state of play illustrated by national organisations working on the ground.

- Build capacity in national ministries by providing technical support, facilitating contacts with civil society, and sharing best practices e.g. as provided via the Knowledge Network on Climate Assemblies.⁷

4. Scrutinize how public participation requirements are met in the draft NECPs

- Critically assess whether the public participation processes were timely, fair, transparent, inclusive, and effective.
- Provide a detailed assessment of how the outcome of the public participation procedures are taken in due account and reflected in the draft NECPs and avoid “citizenwashing”.⁸

5. Provide Member States with better guidance on the requirements for public participation.

- Update its guidance ahead of the submission of the final plans in 2024 to provide a more constructive interpretation of the Governance Regulation in compliance with the Aarhus Convention, that would amount to the “**clear instructions**” requested by decision VII/8f of the Meeting of the Parties of the Aarhus Convention.⁹
- Specify the need for citizens participation processes beyond stakeholder consultations.
- Provide Member States with information about quality standards for citizen participation.¹⁰

Signatories (alphabetical order)

Joanna Furmaga, President of the Board, **Alliance of Associations Polish Green Network**

Pavel Antonov, Managing Editor, **BlueLink**

Sam Van den plas, Policy Director, **Carbon Market Watch**

Anelia Stefanova, Strategic Area Leader – Energy Transformation, **CEE Bankwatch Network**

Barbora Urbanová, Director, **Centre for Transport and Energy (CDE)**

Klaus Röhrig, Head of Climate, **Climate Action Network Europe (CAN-E)**

Peter Sweatman, Chief Executive, **Climate Strategy & Partners**

Rose Wall, CEO, **Community Law and Mediation's Centre for Environmental Justice**

Bjørn Bedsted, International Director, **Danish Board of Technology**

Jane Suiter, Director, **DCU Institute of Future Media, Democracy and Society, Dublin City University**

Arantxa Mendihart, Co-founder, **Deliberativa**

Anthony Zacharzewski, President, **Democratic Society**

Matteo Leonardi, Director, **ECCO – The Italian Climate Change Think Tank**

Mario Rodríguez Vargas, Associate Director Just Transition & Global Alliances, **ECODES**

Patrizia Heidegger, Deputy Secretary General, **European Environmental Bureau (EEB)**

Ana-Maria Niculicea, Researcher, **Energy Policy Group**

Dr Ciara Brennan, Director, **Environmental Justice Network Ireland (EJNI)**

⁷ [The Knowledge Network on Climate Assemblies.](#)

⁸ <https://meta.eeb.org/2022/07/13/citizenwashing-what-it-is-and-how-to-spot-it/>

⁹ [Decision VII/8f](#) concerning compliance by the European Union with its obligations under the Convention (18-20 October 2021)

¹⁰ [OECD guide](#). 2021: Good Practice Principles for Deliberative Processes for Public Decision Making. Paris.

Laura Vilbiks, Climate Policy Expert, **Estonian Fund for Nature**
Bent Nørby Bonde, Secretary General, **Europe's People's Forum**
Yves Dejaeghere, Executive Director, **FIDE**
Manuel Arriaga, Founder, **Fórum dos Cidadãos**
Ben Eersels, Coordinator, **G1000**
Angela Simone, International Initiatives Scientific Coordinator, **Giannino Bassetti Foundation**
Henning Banthien, Managing Director, **ifok**
Christian Kdolsky, Climate Policy Speaker, **Klimavolksbegehren Austria (Austrian Climate Referendum)**
Prof. Graham Smith, Chair, **Knowledge Network on Climate Assemblies (KNOCA)**
Dr Irena Fiket, Head of Lab, **Lab for Active Citizenship and Democratic Innovations of the Institute for Philosophy and Social Theory, University of Belgrade**
Hendrik Nahr, EU Public Affairs Manager, **Make.org**
Christiane Dienel, Professor, **Nexus**
Dimitri Lemaire, Co-founder & Director, **Particitiz**
Lenka Hebáková, Senior researcher, **Technology Centre Prague**
Sandra Vlašić, Executive Director, **Terra Hub Croatia**
Teele Pehk, Expert on deliberative democracy, **The Centre for Developing Democracy in Estonia**
William Todts, Executive Director, **Transport&Environment**
Ester Asin, Director, **WWF**
Paul Ségalard, Energy Project Lead, **Youth and Environment Europe (YEE)**



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