

## EEB demands for the European Commission's recommendations for the Member States' draft NECPs

**National Energy and Climate Plans (NECPs) have largely been drafted without listening to the public. While it might be possible – and will be necessary – to mitigate this shortcoming in implementing the plans, it is essential that this approach be prevented in future.**

While most Member States held some form of public consultation, only a select few fulfilled [minimum quality standards](#) for public participation and none reported on how the views of the public were incorporated or not into the final NECP submitted to the Commission.<sup>1</sup>

### European Commission's role:

The Commission had a big impact on the content and drafting of the NECPs prepared in national ministries. Now, through its final assessments, it has a crucial role to play in their implementation. The EEB acknowledges that the Commission must strike a delicate balance between its role as a facilitator of the energy union and EU climate action, and its role as a guardian of EU law and minimum standards for the NECPs' drafting procedure. However, Member States' blatant disregard for the bare necessities of democratic processes cannot be left unchecked.

The Governance Regulation as well as the binding Aarhus Convention give unequivocal instructions to Member States to consult the public (not just specific stakeholders) in drafting the updated NECPs. While most national ministries carried out consultations in some shape or another in the updated NECPs, many fell short of both legal minimum standards and democratic norms of public engagement. Point 3.2 of the [NECP Guidance](#) for Member States for updated NECPs 2021-2030 makes it clear that Member States were expected to organise fair, early, inclusive and transparent public participation processes for updating their NECPs. However, this guidance leaves many details aside,<sup>2</sup> in particular, the Commission missed the chance to inform Member States that it would assess in greater detail their compliance with requirements under Article 10 and Annex I of the Governance Regulation.<sup>3</sup> The Commission's assessment of the draft plans submitted in 2023 was attentive to public participation requirements and made targeted, albeit limited, recommendations to countries which still had to play catch-up on involving the public in the development of the plans. These recommendations had a clear positive impact on national ministries' engagement with the public, underscoring once more the influence that European Commission guidance, supervision, and technical support has.

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<sup>1</sup> At the time of writing five Member States are yet to submit their final plans despite the June 2024 deadline.

<sup>2</sup> Guidance on the format of participation is inconsistent and does not delineate between the requirements of article 10 vs article 11 of the Governance Regulation. It does not provide guidance in line with the OECD's [good practice recommendations](#).

<sup>3</sup> As the Commission announced in its plan of action for [Decision VII/8f](#).

**In its final assessments, the European Commission must stick to its guns and soberly critique those plans which were finalised without or with a lacklustre approach to public participation. While too late for the NECPs themselves, such assessments could still influence the implementation of the NECPs, the drafting of other related plans such as the Social Climate Plans, and define the standards for the next round of NECPs.**

### **EEB demands for the final assessment:**

As the annexed assessment shows, the public consultations described in sections 1.3 of the available NECP updates are by and large insufficient, not carried out effectively, or in non-observance of minimum legal requirements. It is, therefore, crucial that in its assessment of the plans and formulation of future guidance on the implementation of the NECP, the European Commission:

- **Issues a critical assessment to all Member States which fail to meet the necessary [ten steps for public participation](#);**
- Issues guidance to all Member States to involve the public in the **implementation** of their plans.
- Acknowledges that the late submission of the draft NECPs had a significant impact on transparency and early availability of information to the public in subsequent consultations;<sup>4</sup>
- Clearly differentiates between stakeholder engagement, public engagement, and Multistakeholder Energy and Climate Dialogues;<sup>5</sup>
- Analyses in detail the described participatory processes as well as the implementation of its own recommendations to the drafts to ensure that the section 1.3 does not simply constitute a box-ticking exercise and avoids [citizenwashing](#);
- Takes the necessary steps to prevent procedural inadequacies relating to public participation in the future by revising the Governance Regulation with clearer obligations, by issuing a revised template for NECPs and their reporting, and a revised Guidance;
- Does not hesitate to consider enforcement tools such as infringement procedures for countries which flagrantly ignore their public participation obligations.

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<sup>4</sup> Article 7, 6(4) and 6(8) of the Aarhus Convention and advice by the Aarhus Convention Compliance Committee to the European Union concerning the implementation of request ACCC/M/2017/3, available [here](#).

<sup>5</sup> For more information, please consult the EEB's report "NECP reporting: The missing voice of the public" (2023) available [here](#).

**The Commission Guidance on the implementation of the national energy and climate plan should include the below points:**

***Consideration of Commission recommendations***

***[...]***

*On public participation, the [country] partially addressed/ has not addressed the recommendation to ensure inclusive public participation [...]. A public consultation/s was/were carried out but it is not clear if and how comments were incorporated in the plan.*

***[options]***

- *Consulting specific stakeholders was equated with consulting the public at large.*
- *Deadlines to submit replies were too short.*
- *The relevant interested public was not identified and responses received were low.*
- *The summary of views expressed was inadequate.*
- *Several public participation exercises were carried out, but it remains unclear whether any were specifically linked to the plan.*

***Guidance on the implementation of the national energy and climate plan***

***[...]***

*Concerning the just and fair transition, the implementation of the plan requires subsequent more detailed plans on specific policy areas. To address the needs of groups and individuals in vulnerable situations and those most affected by an energy transition, implementing policies should include ongoing public participation and dedicated consultations.*

*In implementing its plan, [country] is invited to carry out public consultation processes on any plans which are required to realize specific objectives of the National Energy and Climate Plan such as in the areas of [...]*

*[country] would benefit from publishing a full overview of the views expressed in the consultations on the drafting of the plan organised by type of actors, topics addresses, and a summary of how views were incorporated or not into the final plan, with justification when not incorporated.*

## Annex 1:

### Horizontal findings:

1. Most Member States did not carry out public consultations on the draft NECP prior to the submission and then hastily scraped together a consultation ahead of the final plans.
2. The Commission's recommendations on the draft NECPS had a clear positive impact on many Member States subsequently organising a consultation ahead of the final NECPs.
3. A few updated NECPs display commendable public consultations alongside other useful public participation processes.
4. Many consultations periods were too short and some egregiously so with less than 3 or even 2 weeks.
5. Many consultations received very low numbers of responses with some below 300 or even 100 total displaying a lack of identifying the relevant public and of making necessary information available.
6. Not a single Member State adequately explained how views received from the public were taken into account, or how they did or did not feed into the plan.
7. Many updated NECPs conflate stakeholder with public consultations, with some labelling targeted stakeholder meetings as public consultation exercises.

#### Assessment:

| Country  | Public participation Recommendation on draft   | Upside   | Shortcomings   |
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| Austria  | Austria has not addressed recommendation #23.<br>But no significant detail was added after the draft NECP.   | A climate council was held but not specifically on the NECPs.  | A dedicated consultation was claimed to have been held but no summary of views was given and it is not clear if and how comments were incorporated in the plan.  |
| Belgium  | No final report submitted  | /  | /  |
| Bulgaria | Bulgaria has partially addressed recommendation #21.<br>Confusingly, the final NECP submitted in January 2025 refers to a consultation to be carried out in June 2024. | Contains a helpful summary of views received per topic.  | Short timeframe for consultation with only 1 month including public holidays over Christmas and very little information available to the public as a basis. It is not clear if and how comments were incorporated in the plan. |
| Croatia  | No final report submitted  | /  | /  |
| Cyprus   | Cyprus has addressed recommendation #18  | Held two consultations. One before and one after the draft. Lists main outcomes of comments to the ministry in an annex. Includes a commitment to take | Consultation before the draft attracted only 46 contributions in total upon its public notice. Consultation after the draft had a too short timeframe of only 3 week. Conflates stakeholders with the public.                  |

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|         |  | views into account in the implementation of the plan.   |  |
| Czechia | Czechia has partially addressed recommendation #21 | Held two consultations. One before and one after the draft. Includes a link to a detailed evaluation of the responses received.   | It is not clear if and how comments were incorporated in the plan.   |
| Denmark | Denmark has partially addressed recommendation #21 | Held two consultations. One before and one after the draft. Gave details on the responses received plus ministry considerations as responses.   | Only attracted 12 contributions in total on its first and 15 on its second public consultation. Gives a lengthy explanation of a business stakeholder forum not comparable to a public process.  |
| Estonia | No final report submitted                          | /   | /  |
| Finland | Finland has partially addressed recommendation #23 | Gives a general overview of the replies received in the consultation.   | A consultation was only held after the draft was submitted. Deadline of less than 4 weeks, attracting only 57 replies.   |
| France  | Austria has not addressed recommendation #20.      | A variety of different public participation formats were used to feed into the plan. While no dedicated NECP consultation was held, France reported the most public outreach on energy policy of all the member states, | It is not clear whether the different consultative exercises were directly linked to the NECP. The final plan refers to an upcoming consultation that cannot possibly feed into the already submitted plan.                            |
| Germany | Germany has partially addressed recommendation #22 | A variety of different public participation formats are described. A dedicated consultation after the NECP draft was held and general themes of responses reported upon.  | The dedicated consultation was held too late i.e. after the submission of a draft. It is not clear if and how comments were incorporated in the plan.  |
| Greece  | Greece has partially addressed recommendation #21  | Reports on early availability of the draft NECP and a dedicated experts stakeholder panel/committee.  | The dedicated consultation was held late after the submission of a draft and with a too short deadline that ran over a common holiday period.  |
| Hungary | Hungary has partially addressed recommendation #21 | Some form of draft, in an abbreviated version, was available before a first public consultation. A second consultation in 2024 is mentioned but no detail is given.   | Basic description of types of replies received but not clear through which process. Extremely short consultation window of only two weeks on the 2023 consultation. It is not clear if and how comments were incorporated in the plan. |
| Ireland | Ireland has partially addressed recommendation #22 | Carried out an Environmental Impact Assessment. Held two consultations. One before and one after the draft.   | Only 38 responses received on the first consultation and 31 on the second. it is not clear if and how comments were  |

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|                 |  | Proactively reached out to stakeholders to reply to the public consultation. Related public engagement exercises are listed and explained.  | incorporated in the plan and time constraints are specifically mentioned as a hurdle to incorporating them.   |
| Italy           | Italy has partially addressed recommendation #19                           | Carried out an Environmental Impact Assessment on the plan which included mandatory public information and consultation. Held two consultations via a dedicated online portal. One before and one after the draft. A summary by topic is provided. Carried out additional stakeholder engagement. | The timing of the consultations is not clear and the summary lacks detail. It is not clear if and how comments were incorporated in the plan.   |
| Latvia          | Latvia has not addressed recommendation #22                                | Some form of a consultation was held after the submission of the draft plan with information available on a dedicated page.   | One of the shortest sections on public engagement of any of the plans. It is not clear if the referenced consultation was a proper consultation or just a public forum held on one single day.                                    |
| Lithuania       | The Commission failed to make any recommendations on public participation. | Carried out an Environmental Impact Assessment which included a public consultation. Describes a separate consultation before the draft. A basic summary of the consultations is available in an annex.   | The 2023 consultation carried out in Summer came too late to be considered in the submitted draft. It is not clear if and how comments were incorporated in the plan.   |
| Luxembourg      | The Commission failed to make any recommendations on public participation. | Carried out an Environmental Impact Assessment. Public consultation carried out in accordance with the national Climate law.  | No consultation was held after the draft, only before it. The 2023 consultation attracted only 42 contributions. No detail on the topics of views received and it is not clear if and how comments were incorporated in the plan. |
| Malta           | Malta has partially addressed recommendation #20                           | A summary by topic is provided and a detailed summary of replies received is available in the annex. Related public engagement exercises are listed and explained.  | Only ten replies total were received. It is not clear if and how comments were incorporated in the plan.  |
| The Netherlands | The Netherlands has not addressed recommendation #21                       | Used of varied forms of participation such as forums. A consultation on energy policy was held and a  | No summary of views submitted, no number of replies given and no explanation how any views, if expressed, were taken into account. The dedicated consultation on the NECP is mentioned only in passing.                           |

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|          |  | consultation on the draft NECP is mentioned.  |   |
| Poland   | No final report submitted  | /   | /   |
| Portugal | Portugal has partially addressed recommendation #18  | Carried out an Environmental Impact Assessment and a separate stakeholder forum. Held two consultations. One before and one after the draft. Provides a link to a detailed summary of the first consultation                                  | It is not clear if and how comments were incorporated in the plan. The consultations combined only received 236 replies. A detailed summary of the replies to the second consultation is still missing at the time of writing which means it could not possibly have fed into the final plan <sup>6</sup> . |
| Romania  | Romania has not addressed recommendation #20   | Held three public debates and engaged with specific stakeholders.   | Did not hold any public consultation whatsoever. Attempts to repurpose a series of public debate events as a public consultation.   |
| Slovakia | No final report submitted  | /   | /   |
| Slovenia | Slovenia has not addressed recommendation #21 (specifically to provide a summary of views expressed) | Carried out an Environmental Impact Assessment. Held a total of three fully fledged consultations.  | No description of the actual consultations carried out, their responses, or how those have in fact been taken into account.   |
| Spain    | Sweden has partially addressed recommendation #18  | Carried out an Environmental Impact Assessment on the plan which included mandatory public information and consultation. Reports extensive description of two public consultations once before the submission of a draft plan and once after. | No draft updated NECP was available to the public before replying to the first consultation. Although an analysis on the responses received is available, it is not clear whether the different consultative exercises were directly linked to the NECP   |
| Sweden   | Sweden has partially addressed recommendation #22  | A separate summary report of consultation submissions is available. Additionally describes related stakeholder participation forums.  | A consultation was held after the submission of a draft NECP. It is not clear if and how comments were incorporated in the plan.  |

<sup>6</sup> <https://participa.pt/pt/consulta/plano-nacional-energia-e-clima-2030-pnec-2030>