

Public participation and Social Climate Plans: the need for ongoing citizen engagement

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Executive Summary

Member States are currently in the process of developing Social Climate Plans which will see the distribution of significant resources from both the European Union and Member States¹. As part of the *development* of the Plans, Member States are expected to undertake public consultation. While it is getting rather late to organise effective public engagement in development of the Plans, investment in well-designed participation processes will pay off in the long term. Public engagement in the formation of the Plans is critical, but it should not stop there. Public participation should also be integrated into *implementation* of the Plans. This will ensure that the perspectives, needs and interests of citizens, particularly those potentially most vulnerable, are continually reflected in climate action, helping build consent for just transitions.

In delivering on the promise of public participation – whether in the development or implementation of Social Climate Plans – Member States need to draw an important distinction between *stakeholder* and *citizen* participation. The good practice guidance published by the Commission is limited in the way that it privileges stakeholder participation². Robust participation requires engagement of both stakeholders and citizens.

Investing time and resources in developing capacity to undertake public participation is critical if Member States are to adequately address citizens' concerns, including potential carbon price increases. Member States often lack the capacity to undertake meaningful public participation and so may need to engage participation professionals to ensure robust process.

By embedding robust public participation (citizen and stakeholder) within both the development and implementation of Plans, the Commission and Member States can

¹ The SCF will be funded by Member States (25%), by the auctioning of allowances from the European Emission Trading System that includes the transport and building sectors (ETS2) and from 50 million allowances from the current ETS.

² [Support for the Implementation of the Social Climate Fund: Note on Good Practices of Public Consultation for the Social Climate Plans](#)

realise climate action where no one is left behind, guarding against social backlash and polarisation. Moreover, it could avoid costly future legal challenges as meaningful public participation fulfils legal requirements laid out in the Governance Regulation and Aarhus Convention, binding on both the EU and its 27 Member States.

1. Introduction

The Social Climate Fund specifically aims to ensure that “the most affected vulnerable groups, such as households in energy or transport poverty, are directly supported, and not left behind during the green transition”³. This is particularly relevant as available estimations suggest significant potential impacts on households of the transition. For example, a carbon price of 55 €/t, assumed to be the average price in the EU scenario calculations for the period 2026-2030 (European Commission 2021, p. 140), would increase households’ consumption expenditures by around 0.4-0.8% in most high-income MS. Other MS face increases of up to almost 2%.⁴

In developing their Social Climate Plans, Member States are required to undertake “a public consultation with local and regional authorities, representatives of economic and social partners, relevant civil society organisations, youth organisations and other stakeholders”⁵. In their Plans, each Member State is expected to provide a summary of “how the input of the stakeholders who participated in the consultation is reflected in the Plan”⁶. To support this process, the Commission has published *Support for the Implementation of the Social Climate Fund: Note on Good Practices of Public Consultation for the Social Climate Plans*⁷.

This good practice guidance offers important advice to Member States, not least in the way that it follows the Governance Regulation in making the case for “early and effective opportunities to participate” well before the final plan is adopted⁸. The Guidance is explicit in stating that the most effective moments for public participation in the development of plans and policies are “upstream” – at an early point in the policy development cycle when problems are being defined, options identified and assessed.

The extent to which Member States have followed this advice is disappointing. As with the National Energy and Climate Plans, public participation exercises appear at best to be weak and uneven.

Public participation can help shape and deliver more robust Social Climate Plans in four ways:

- In the remaining time before submission to the Commission, Member States prioritise public engagement in the development of Plans

³ https://climate.ec.europa.eu/eu-action/eu-emissions-trading-system-eu-ets/social-climate-fund_en#about-the-social-climate-fund-scf

⁴ https://foes.de/publikationen/2022/2022-01_Study-Assessment-EU-ETS2.pdf

⁵ Article 5.1.

⁶ Article 5.2.

⁷ <https://op.europa.eu/en/publication-detail/-/publication/a7aea3b3-350a-11ef-b441-01aa75ed71a1/language-en>

⁸ Governance Regulation, Article 10

- In the articulation of their Plans, Member States systematically incorporate public participation as part of their ongoing strategies
- Member States not only engage stakeholders but also citizens - particularly from more vulnerable communities⁹.
- Member States that lack capacity to design and deliver robust participatory processes engage professional participation organisations, especially to support direct engagement with citizens.

Why participation?

Public participation in the Social Climate Fund is valuable for a number of interrelated reasons:

1. Public participation can lead to more robust and ambitious climate policy that reflects the interests, needs and attitudes of citizens, particularly those most vulnerable to climate action.
2. Public participation can challenge embedded social and climate inequalities.
3. Public participation can help break political deadlocks and increase confidence and willingness of political leaders to take climate action.
4. Public participation can counter political polarisation that dominates public discourse around climate.
5. Public participation can increase the legitimacy and public acceptance of action on climate as transitions continue to impact people more directly.
6. Public participation can promote a more climate aware, politically active and confident citizenry.
7. Public participation can prevent costly and time-consuming legal challenges

2. Participation in the formulation and delivery of Social Climate Plans

While there is still time to undertake meaningful consultation if designed well, it is rather late in the planning process for it to influence Social Climate Plans. Public consultations that act as a mere rubber stamp to decisions already made should be avoided as they generate disillusionment and discontent amongst communities. Genuine public input can still be gathered at this late stage, especially if combined with an ongoing dialogue with the public during the implementation and operation of the plans.

Member States should also consider that lack of meaningful consultation could be the basis of litigation against the Plans based on expectations laid out in the Governance Regulation and Aarhus Convention.

Where participation can definitely be incorporated in a more robust fashion is in the articulation of the Plans by Member States. Social Climate Plans will lay out ambitions and strategies at a fairly general level. The realisation of those ambitions and strategies can and should embed the principle of public participation. Climate action is

⁹ The Commission's Good Practice Guidance places most attention on stakeholder (or organised interest) engagement, with little attention given to citizens.

generating significant social backlash and polarisation. Well formulated public participation is a way of building an alternative trajectory for transitions by engaging those who will be directly affected in decisions.

The social consent on which just transitions need to rest will not emerge simply through technically efficient policy making or good communications. It requires the active engagement of communities that will be affected. Done well, this is one mechanism for countering those interests that wish to derail climate action.

Member States often do not take participation seriously because of the resource implications - it takes time and money. But this is false accounting because in the long run policy without engagement is likely to fail - both because it does not respond adequately to people's needs and interests and because it leaves room for resistance to be mobilised. The Social Climate Funds provide Member States with the necessary resources to undertake meaningful public participation in the articulation and delivery of Plans.

3. The importance of distinguishing between citizen and stakeholder participation

At EU level, “public” in public participation tends to refer to two very different forms of participation: stakeholder and citizen¹⁰. In the *Note on Good Practices of Public Consultation for the Social Climate Plans*, it is the term “stakeholder” that is used most prominently throughout the document. The impression is that Member States should be prioritising engagement with organised interests of different kinds rather than reaching out to engage citizens directly.

A distinction needs to be drawn between participation involving stakeholders and participation involving citizens. Both are valuable but differences between them need to be recognised, and participation exercises designed with these differences in mind.

Stakeholder participation involves the engagement of organised social and economic groups. These range from business and industrial bodies through to unions and NGOs. Some stakeholder groups can legitimately represent groups of citizens with shared characteristics and/or interests, although many make this claim illegitimately.

Citizen participation involves the direct engagement of everyday people as individuals in a personal (rather than professional) capacity. Diverse background and life experiences can lead to new ideas, knowledge and perspectives. Engaging citizens from underrepresented and politically marginalised groups – in particular those most vulnerable to climate impacts – is often a key focus.

Both types of public participation are valuable in the development and delivery of robust Social Climate Plans (and more broadly in climate governance). Both can lead to

¹⁰ Usage is not consistent. On occasion, at European level, the term “citizen participation” has been used when it is only accredited NGOs that can participate. In many other circumstances outside the EU and other transnational institutions, public participation equates to *citizen* participation only – the direct involvement of everyday people. Stakeholder participation is taken to be a different form of participation.

better quality and more legitimate policy through rebalancing dynamics of power within political decision making.

Where stakeholder participation actively involves civil society organisations (CSOs) such as climate and social justice NGOs, it can help to balance out and challenge the power and influence of entrenched interests and lobbies. It increases the transparency of decision-making, ensures the knowledge and experience of climate and social justice NGOs are given weight and increases the legitimacy of decision making.

Citizen participation is critical because while claims are made by stakeholders to represent public interests, this cannot be taken as given. Climate policies will increasingly have material impacts on the lives of everyday people. By bringing their lived experience and knowledge into policy making, citizen participation ensures policy makers reflect on the interests and needs of different parts of the population, particularly those from climate vulnerable communities. This can increase the public legitimacy and acceptance of policy.

While the Commission's consultation guidance continually mentions "the public", it generally refers to stakeholders: "local and regional authorities, representatives of economic and social partners, relevant civil society organisations, research and innovation institutions, youth organisations, social dialogue representatives)"¹¹. "Citizens" are only mentioned in passing in the examples of various consultation methods.

The lack of attention in the Guidance to *direct engagement of citizens* means that commitments of Member States under the Aarhus Convention and Governance Regulation will not be realised and opens Member States to litigation. Appendix 1 provides a short checklist of minimum requirements for public participation based on the Convention and Regulation.

4. Essential components of robust participation

Given the different capacities and resources of stakeholders and citizens, the forms of participation to engage them will differ. *Simply putting draft Social Climate Fund documents on a consultation portal is unacceptable.*

Too often policy makers' preference is to open participation processes to as many people and organisations as possible. This is a laudable ambition, but it typically means the process has little or no checks on who is participating. This often leads to skewed input with those with resources and strong political interests and motivations engaging. A deeper, more high quality and inclusive participation process tends to be better than one that is broad. This requires careful design.

An effective public participation strategy by national governments should include the following:

1. Ensure **government commitment** is in place with high level ownership of the participation process and collaboration across government to include those departments and agencies that are responsible for relevant policies. This

¹¹ [Consultation Guidance Note](#), p.1

includes commitment to provide necessary resources for a viable and robust participation process (including independent facilitation) and procedures for considering and integrating inputs and publicly explaining decisions on which inputs been adopted, modified or rejected.

2. **Stakeholder dialogues** should focus around (1) identifying and considering the most controversial elements of the Social Climate Plan; (2) engaging relevant stakeholders that are likely to be the most impacted according to distributional analysis of impacts that should be part of Plans. Identified stakeholders may need resources to support their engagement.
3. Citizen participation should emulate “best practice” which, following OECD guidance,¹² should be based on principles of **inclusive deliberation** where diverse groups of citizens are facilitated to learn, exchange ideas and perspectives and develop collective recommendations. Citizen participation should focus on those issues identified as most controversial through the stakeholder dialogues and on mitigating potential distributional effects. Selection of participation methods should be driven by the nature of the issues to be tackled – e.g., may include citizens’ assemblies or juries (recruitment by democratic lottery) and/or targeted deliberative exercises with vulnerable communities likely to face most significant social and economic impacts.
4. Large-scale participation exercises are best organised by **specialised independent intermediary bodies** with expertise in designing and delivering dialogue and deliberation processes. A few governments have participation units or departments that can manage such processes, but most do not have the requisite expertise and experience and are not always trusted by stakeholders and citizens. Governance arrangements for participation processes should include stakeholders to oversee design and delivery and monitor government response.

5. Background resources on public participation

The [Knowledge Network on Climate Assemblies](#) has collated extensive evidence and guidance on how to commission and run a robust **climate assembly or jury process** – one form of deliberative participation. [Democracy R&D](#) is an international network of organisations that develop, design and implement **deliberative processes**, many of which can be engaged to help develop citizen (and in some cases stakeholder) participation.

[Energy Cities](#) has extensive and regularly updated resources on the extent to which **multi-level energy and climate dialogues** have been established in different Member States and beyond¹³, although its particular interest is in ensuring municipalities are present in these processes. In earlier work it highlighted the Stakeholder Roundtables

¹² OECD. 2020. Innovative Citizen Participation and New Democratic Institutions. https://www.oecd-ilibrary.org/governance/innovative-citizen-participation-and-new-democratic-institutions_339306da-en

¹³ <https://energy-cities.eu/project/necplatform-best-practices/>

for National Climate Agreement in Netherlands as an example of good practice¹⁴. The Oeko Institute publication [Putting the ETS2 and Social Climate Fund to Work](#) has a useful section on stakeholder engagement (see section 3.3.4).

A number of attempts have been made to collate **different approaches to public participation**. These include [Participedia](#), the [Engage 2020 Action Catalogue](#) and the library of [Methods](#) developed by Involve.

Online platforms can support dialogue if carefully designed. Interesting options that are worth exploring include [Polis](#) which originates from Taiwan but is now used widely, [Your Priorities](#) developed by the Citizen Foundation and platforms developed by [CitizenLab](#).

¹⁴ https://energy-cities.eu/wp-content/uploads/2019/09/C7.4_Report-on-good-practices-in-energy-and-climate-governance_ENC.pdf

Appendix 1. Six steps for public participation in national Social Climate Plans

This checklist details minimum public participation requirements for public participation and specifically consultation in the drafting of Social Climate Plans and in fulfilling article 5 of Regulation (EU) 2023/955.

	Action	Detail	Legal basis
1.	✓ Identification of the public concerned	<p>This should be done ahead of any consultation process in a manner designed to ensure the input of both key stakeholders and members of the general public.</p> <p>The European Commission's <i>note on good practices of public consultation for the Social Climate Plans</i> conflates stakeholders and the public. They are not the same thing. Social Climate Plans demand consulting the public not just specific pre-defined stakeholders.</p>	Aarhus Convention Art. 7
2.	✓ Publication of a public notice explaining the SCP drafting process	<p>Explanatory document sets out:</p> <ul style="list-style-type: none"> • A description of the scope of the national SCP • which authority/authorities will draft the SCP and can provide additional information • The opportunities for the public to participate • The time and venue of any envisaged public hearing(s) • An indication of how and to whom comments or questions may be submitted and a time frame for the transmittal of comments or questions • An indication of what related relevant environmental information is available 	<p>Governance Regulation Art. 10</p> <p>Aarhus Convention Art. 6, 7</p>
3.	✓ Publication of a draft SCP update as a basis for public participation process	<ul style="list-style-type: none"> • Sufficient detail in a draft plan is a prerequisite for informed public participation. • A minimum of 30 days between the public notice, the availability of a draft, and the commencement of a public participation procedure to allow for informed participation. 	SCF regulation Art. 23; Governance Regulation Art. 10; Aarhus Convention Art. 6, 7
4.	✓ Publication of any other information, facts and analyses relating to the plans	<ul style="list-style-type: none"> • Information on the analytical basis of SCPs and the functioning of the EU Emission Trading System. 	SCF regulation Art. 23; Governance Regulation Art. , 10; Aarhus Convention Art. 5, 7
5.	✓ Carrying out public participation:	<p>Most likely in the form of a public consultation</p> <ul style="list-style-type: none"> • Ensure that the public consultation is early, fair, effective, transparent, and informed: 	SCF Regulation Art. 5; Governance Regulation Art. 10;

		<ul style="list-style-type: none"> • Raise awareness around the commencement of any public consultation (public notice) and carry out capacity-building exercises; • Provide a reasonable timeframe during which the public had the possibility to consult the published draft; • Consideration of a dedicated e-platform • Extensive questionnaire with detailed questions on policies, measures, general orientation, and targets; • Opportunities to give general comments • Public consultation lasting at least 8 weeks. 	Aarhus Convention Art. 6, 7
6.	✓ Reflect the outcome of the public participation in the SCP submitted to the EU Commission	The SCP must include a section showing how due account was taken of the outcome of the public participation in the preparation of the update. Together with a summary of the public's views and a justification of how these views were taken into account in the submitted draft update.	Governance Regulation Art. 10; point 1.3 Annex V SCF regulation; Aarhus Convention Art. 6, 7

The transfer of any funds to member states is subject to a European Commission decision, which in turn, is subject to a European Commission assessment under article 17 of the Social Climate Fund Regulation (EU) 2023/955. As per article 5(3) the assessment under article 16 includes whether the plan was developed in consultation with the public. Especially regarding the assessment in article 16(3)(a)(i), the adequacy of the plan to respond to the challenges faced by vulnerable households depends on listening to them first.