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Moving on from Copenhagen: Homework for the EU

BY MATTHIAS DUWE, DIRECTOR, CAN-EUROPE

The Copenhagen climate conference was a unique event in many respects. Never before were so many political decision-makers gathered in one place to find a joint solution for climate change. None of the preceding summits had received even close to this amount of public interest or media attention.

Concerned citizens, NGOs, grass roots organisations and bloggers worked together to ensure the challenge to world leaders was spelled out in advance (see also GCCA article on page 3). To avoid the most dangerous impacts of climate change they would need to agree a fair, ambitious and binding global deal, one that would steer the world away from its current emissions path and start ridding our economies of their fossil fuel addiction.

The result of Copenhagen was at first - and still is - murky, much like the process of the final days that brought about the three-page Accord, which was not adopted but only "noted" by the governments present at the final plenary session. Clearly, this text and its substance were neither fair in terms of the obligations of the world's historical polluters nor ambitious enough to avoid dangerous climate change by keeping global warming below 2°C. The Accord was neither binding nor adopted, nor did it spell out a process or timeline for moving

from a declaration of intent to a proper legal instrument.

Both process and result exposed a glaring lack of trust between industrialised and poorer nations and a lack of real political will in developed countries to tackle climate change in a meaningful way. Divisions inside the EU were exposed as well as differences in political approach and power among developing countries. These conditions were in large part due to the successful work done by carbon-hungry corporate lobbies.

Copenhagen ended up a missed opportunity of historic and tragic proportions, with the horrific implication that millions more people will be suffering from the dangerous impacts of climate change, not to mention the devastating effects on plants, animals and ecosystems. Many negotiators and observers alike left the Danish capital disappointed, frustrated, angry and gloomy.

Now, we must use the post-Copenhagen period for the search for new ways forward as well as high-level diplomacy and we must start straight away. We must still push for an adequate joint international response in 2010, with many eyes on the climate summit in Mexico at the end of the year.

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The key question from a European NGO perspective is how the EU can learn from the Copenhagen experience and its apparently flawed strategy. The EU's overall objectives were ambitious, including its sponsorship of a 2° limit to global temperature rise and long-term emissions reductions of up to 95% by developed countries. Similarly, the EU provided much needed stimulus to the negotiations in 2007 by being the first to put concrete figures for emissions reductions by 2020 on the table.

But EU leadership lost its momentum in 2009 - when others came forward, the EU did not deliver on its promise to go to a higher target. The EU also took almost all of 2009 to discuss figures and sources for climate finance internally, ending up with less than adequate ambition and without assurances that this will not just be diverted development aid. Instrumental in the EU's diminishing stature were the points lost with developing countries when the EU called into question the future of the Kyoto Protocol.

To regain credibility on climate, the EU must clean up its own house, finally making its policies and positions coherent with the 2° target. To do so, it must go to a 30% emissions reduction target immediately (on the way to 40%), rather than holding out in an attempt to squeeze minor percentage point increases from other countries. (See *Doing the Right Thing* article on page 4 for more on this subject.) It must also fill gaps in legislation in key areas- such as the EU ETS, for example - set stronger targets on energy set stronger targets on energy savings and distribute near-term money quickly while becoming specific about future financing, using carbon auctioning revenues that will be pouring in from 2013.

While the Copenhagen setback on the surface strengthens opponents of a progressive EU, support for ambitious action is growing, especially within the business community. More business voices are calling for higher targets, based on evidence of green job growth and trust in the power of innovation.

Formally, the EU has just reaffirmed action on climate as a political priority, with the creation of a new European Commissioner for Climate Action, filled by former Danish Minister for Energy and Climate and Copenhagen conference President (see page 7 for more on Commissioner Connie Hedegaard). But creating a new position is just a first step. Strong leadership from both the Commission and Ms Hedegaard will be necessary to get the EU back on track on climate policy and follow-up to any actions taken will be equally crucial.

Ultimately, EU leaders have to decide whether or not they are truly serious about climate change. If they really believe it is a clear and present danger, if they realise that reducing and greening Europe's energy hunger is going to have benefits for citizens and economies, then they must act on it, regardless of what other parties are doing. ■



HOTDOCS

UCAR - Analysis of the mid-century greenhouse gas targets using a detailed energy system model
<http://www2.ucar.edu/news/climate-conditions-2050-crucial-avoid-harmful-impacts-2100>

WWF (January 2010) - Vision of possible developments from the political agreement of the Copenhagen Accord to an internationally binding climate treaty in Mexico City
http://assets.panda.org/downloads/the_stepping_stone_final_280110.pdf

IIED - The challenges of environmental mainstreaming: Experiences of integrating environment into development institutions and decisions
<http://www.iied.org/pubs/pdfs/17504IIED.pdf>

Greenpeace Briefing (1 February 2010) - The Third Degree: implications of governments' commitments to tackling climate change.
www.greenpeace.org/international/press/reports/the-third-degree

Oxfam international (December 21, 2009) - Climate Shame: Get back to the table - initial analysis of the Copenhagen climate talks
<http://www.oxfam.org/sites/www.oxfam.org/files/briefing-note-climate-shame-get-back-to-the-table.pdf>



Partway through the negotiations in Copenhagen, GCCA's tcktcktck campaign had garnered well over 10 million signatures from people saying they were ready for leaders to sign a fair, ambitious and binding global climate deal, as seen on the giant globe erected in Copenhagen's town hall square (shown here). By the end of the conference the number had risen to 15 million.

What do you call 250 partners, 15 million pledges and 500 world-class climate bloggers? A good start.

BY KELLY RIGG, GCCA EXECUTIVE DIRECTOR

The Global Campaign for Climate Action (GCCA) was an idea long in the making, but came together in the first few months of 2009. Seeing the formidable challenges ahead, we agreed to work together by sharing intelligence and messaging, and through the tcktcktck campaign, collaborating on high-profile events around key moments. Now, even as we evaluate the events of December, it's clear we had a winning strategy. Against a wall of resistance from vested interests our message got through. We penetrated the white noise of business as usual at the climate negotiations thanks to an effective rapid response force. We permeated popular culture, especially during global days of action and the massive rally and march in Copenhagen, and we brought an expansive range of voices to the issue, engaging new audiences.

What made the GCCA successful in 2009? While we all have the self-effacing tendency to begin by saying, "No, we didn't get a FAB (fair, ambitious and binding) treaty..," it is worth pausing to reflect on where we got it right.

Clear Top Line Messaging:

Our choice to keep our demands very "top line" – i.e., focused on the big picture as opposed to detailed UNFCCC positions, allowed a broad range of organisations to participate in the GCCA. The Boy Scouts, the Red Cross, Healthcare Without Harm, the International Trade Union Confederation, the World Council of Churches and Consumers International were among those not normally associated with climate campaigning who adopted these asks and messaging as their own.



The call for a fair, ambitious and binding treaty - and what that would mean in practice - became part of the lexicon of the burgeoning movement.

Rapid Response Capability:

The GCCA really hit its stride in Barcelona, where we tested a system for real-time rapid response to developments in the negotiations, not only at the venue, but also back in the capitals. In Copenhagen, we hit escape velocity. By my count, we carried out around 60 rapid response actions over the course of two weeks, most of which were done in capitals, embassies, in person and through phone, fax, and text messaging to politicians and negotiators. In many cases, we got feedback that governments were feeling the heat.

Tcktcktck.org:

Each of our partners is a powerhouse in its own right but nothing talks to politicians like a big, scary number and 15 million is great start. By developing the tcktcktck.org website as a vehicle for aggregating the pledges garnered by our partners, we were able to demonstrate a quantifiable global demand for action and present ourselves as a united global movement calling for action.

As we work with CAN and other partners to produce a strategy for 2010 and beyond, we believe the GCCA provides a framework that works and is adaptable to changing needs and imperatives. We look forward to continuing to help build the movement and ensure a public mandate for strong action on climate. ■

The Global Day of Action on climate has occurred every year since 2005 during the annual Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC). People from all over the world come together on the same day, usually the Saturday in the middle of the two week negotiation session, to demand urgent action on climate from the governments meeting at the climate talks. Because it's not possible for everyone to come together in the same place, actions are organised for the same day in cities around the world. Largely due to the efforts of newly formed climate action organisations like the GCCA, 350.org and Avaaz, December saw many magnitudes greater participation than ever before, including an estimated 100,000 in Copenhagen, 100,000 in Australia, 10,000 in the Netherlands and more demonstrations in 20 cities in India, Spain, Nepal, Bangladesh, South Africa and thousands more cities globally.



Why Copenhagen was a communications success

BY VANESSA BULKACZ, CAN EUROPE COMMUNICATIONS MANAGER

The day the summit in Copenhagen ended, many in the NGO community had their heads hung low because we did not get a fair, ambitious and binding agreement. A lot of people weren't - and still aren't - quite sure how to go on.

But there's one aspect of the outcome that's positive - the world **knows** we didn't get an agreement that will halt the most dangerous effects of climate change. Despite there being a somewhat tangle result in the form of the (non-binding, voluntary) "Copenhagen Accord," leaders were not able to spin this into a victory, admitting the result fell far short of what's needed. This result was because the NGO community had a clear, strong message for the months (and years) leading up to the summit.

During the hype in the months before Copenhagen, NGOs worried that "greenwash" was a likely outcome of the summit. We worried leaders would try to claim that any outcome was great regardless of whether or not it would keep global temperature rise below 2 degrees. In other words, they would "greenwash" it. After all, a head of state can't come home empty handed after taking a trip to Copenhagen to solve the climate crisis.

But it didn't happen. Because we kept our message clear, consistent and strong throughout the NGO community, because we took the time to educate the media, greenwash was not possible. We clearly defined our parameters for a Fair, Ambitious and Binding agreement so it was readily apparent they were not met. The media called it right away, dubbing the outcome weak, a flop and a failure. Leaders didn't attempt to spin it - UK Prime Minister Gordon Brown called it flawed and even China warned there was "still a long way to go."

So now there is no question that there is still work to do. We will continue to keep up the pressure and keep our message clear: we still urgently need a fair, ambitious and binding agreement on climate change. See article on page 3 for the GCCA's assessment of their input into the summit. ■

Doing the right thing does not have to be conditional

BY TOMAS WYNS, CAN EUROPE SENIOR POLICY OFFICER

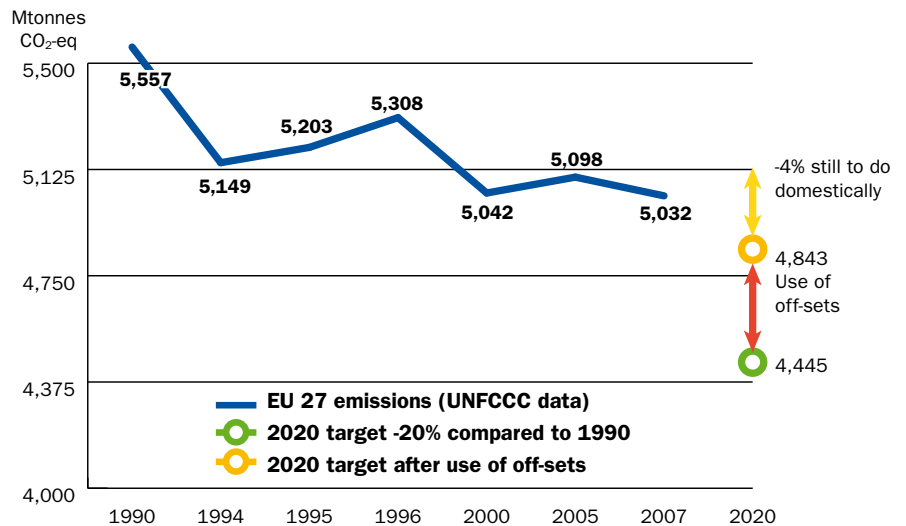
The European Union likes to present its climate policies as models of aggressive action. However, at the centre of these policies there is a gaping hole: the -20% emissions cuts (using 1990 as a baseline) by 2020 agreed as part of the EU Energy Climate Package in 2008 will require virtually no effort to achieve in Europe. Making a move to a deeper target conditional upon aggressive action in other countries, as the policy now stands, is misplaced. It is Europe that needs to move, as deeper cuts are feasible without harming the economy and would in fact yield a financial *benefit*.

Lies, damn lies and statistics

In 2005 EU emissions were around 8% lower than in 1990. This means that an additional 12% needs to be reduced by 2020 to achieve the 20% reduction target.

According to the EU's Energy and Climate package, 64% of this additional effort can be met through offsets. Hence, only an additional 4% of emissions would need to be cut domestically by 2020.

Before the December 2009 climate summit in Copenhagen, the EU proposed rules on how to account for emissions from forestry practices in Europe. If these accounting rules on forestry were applied, this loophole would provide an additional 3% emissions reduction *on paper* compared to 1990. As a result, **virtually no additional domestic emissions reductions would be required in the EU to achieve a 20% reduction by 2020**. These statistics show how easy it is for the EU to play with numbers to create the appearance of doing aggressive work to reduce emissions while actually doing nothing.



Source: CAN Europe, 2009.

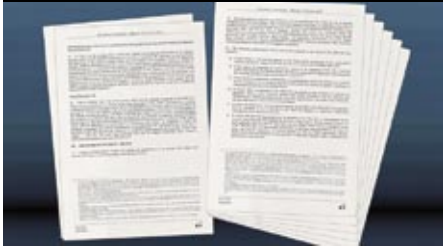
HOTLINKS

New EU programme of assistance to public entities in the field of energy
http://www.eumayors.eu/mm/staging/library/Bro-ENV_ELENA_OK.pdf

Chatham House's research project on Renewable Energy
http://www.chathamhouse.org.uk/research/eedp/current_projects/renewable_energy_finance_policy/

Climate Investment Funds' programme for Scaling Up Renewable Energy in low income countries
<http://www.climateinvestmentfunds.org/cif/srep>

AlertNet Climate, the Thomson Reuters Foundation's news and analysis climate change website
www.alertnet.org/climate



The **Treaty of Lisbon** (initially known as the *Reform Treaty*) is a treaty that was signed by EU Member States on 13 December 2007, and entered into force on 1 December 2009. It amends the Treaty on European Union (TEU, *Maastricht*; 1992) and the Treaty establishing the European Community (TEC, *Rome*; 1957). In this process, the TEC was renamed to Treaty on the Functioning of the European Union (TFEU).

Seize the opportunity

The worst economic crisis to hit Europe in the last 70 years has created one benefit: **achieving emissions reduction goals is likely to be significantly cheaper than originally modelled in 2007.** Because of lower projected emissions due to the economic crisis, the effort required and actual overall costs to reach reduction targets will also be lower. According to E3G and New Carbon Finance, the cost of **achieving a 30% pledge is estimated to be €104 billion cheaper than the original 20% pledge.**¹

Strong mitigation policies are likely to have **significant co-benefits**, in terms of decreased expenditure on fuels, increased energy security, increased revenues from low carbon technologies and new jobs. According to the International Institute for Sustainable Development and International Relations, carbon constraints in the EU would increase demand for heavy materials and open new global markets for more efficient solutions such as low carbon steel.

Yes we can (do far more domestically)

There are numerous studies that identify the financial benefits of deeper cuts. Such studies also outline how these cuts could be achieved using technical means, such as energy saving technologies and building renovations. In a recent report by the Stockholm Environment Institute, the potential for 40% emissions reductions **entirely within Europe** is shown to be completely achievable through a variety of measures **without** offsetting.

Even the European Commission seems to agree on the potential for domestic emissions cuts. The Commission estimates that the measures set forth in the Ecodesign for Energy-Using Products Directive (EuP) Directive could deliver emission reductions of approximately 750 million tonnes (Mt) CO₂ by 2020, equivalent to 13 percent of the EU's total emissions in 1990. Ambitious measures for boilers and water heaters alone would be capable of cutting 210 Mt CO₂ emissions, which would be like taking 74 million cars off the road every year.²

Furthermore, bringing buildings that are undergoing renovation up to contemporary standards would save 460 Mt CO₂ per year, like taking 162 million cars off the road.

The Energy Performance of Buildings Directive (EPBD) could have achieved these savings, but the EU missed this opportunity during the Directive's recent revision. Systematically implementing

these simple technical upgrades could save enough energy to, in theory, account for reductions that would cover most of the gap to a 30% target and take large bite out of a 40% target.

Will we see those cheap efficiency measures applied vigorously? Will we feel the benefits of lower energy costs and innovative production in the EU? It depends on one thing: if European decision makers do the right thing and move to a reduction target of **at least 30% by 2020.** ■

1 Dimsdale and Findlay, E3G, with data sourced from New Carbon Finance. "30 Percent and Beyond: Strengthening EU Leadership on Climate Change," November 2009.



2 Source for CO₂ equivalents to cars off the road ratio: EEB and Friends of the Earth Europe. "How recycling can fight climate change," pamphlet, 2008.

Questions and Answers on the Lisbon Treaty

WITH MARTA BALLESTEROS, SENIOR LAWYER AND DIRECTOR OF THE BRUSSELS OFFICE OF CLIENTEARTH

Briefly introduce the new structural elements the Lisbon Treaty brings into force in the EU.

The Treaty of Lisbon allows the **size of the European Commission** to be reduced from one per member state to two thirds of the total, or 18 out of 27 Member States. However, the Treaty also provides the European Council an option to unanimously decide otherwise, which it did following the Irish referendum. Thus, the rule of one Commissioner per Member State will be maintained.

The **President of the European Council**, Mr Herman Van Rompuy, has been appointed for a two and a half year period. This new post is meant to provide greater continuity to the work of the European Council in defining the broad policy guidelines of the EU's actions. In addition to chairing and co-ordinating the European Council's work without any national mandate, the President will give a voice and face to the European Union in the international arena at Heads of State level.

The Treaty creates the figure of a **High Representative of the Union for Foreign Affairs and Security Policy and Secretary General of the Council, merging with** the European Commissioner for external relations which disappears from the Commission structure. The New High Representative Catherine Ashton was appointed by the European Council in agreement with the President

of the Commission and the European Parliament. She will act as Vice-President of the Commission and chair the External Relations Council to promote more coherent external policies and actions.

The role of **national Parliaments** is very much increased in particular to assess the implementation of the principles of subsidiarity, which justifies EU action only in so far as the objectives cannot be achieved by the Member States and can therefore be better achieved by the EU, and proportionality, which means that any layer of government should not take any action that exceeds that which is necessary to achieve the objective of governance.

Who will now represent the EU at international climate negotiations?

The Treaty of the EU (TEU) recognises the role of the European Commission to ensure the Union's representation in external relations for EU policies, such as in the environmental field, and act as the negotiator for International Agreements.

Explain the Treaty provision that requires the Commission to respond legislatively if one million signatures are collected. What significance could this have for climate work?

Citizens' rights are increased, requiring broader consultation for legislative acts and recognizing the Citizens' initiative. **The new participatory democracy**

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Climate policy and the new European Commission

BY ROSITSA PETROVA, THE CENTRE

When it finally takes office on 10th February, the new European Commission will have a new look in more ways than one. For climate change policy in particular, now given a more dynamic title of 'Climate Action', there will be both a dedicated DG and a single Commissioner responsible. But the jury is still out on how these changes will affect policy itself – that will take time to judge, even if there are important tests early on that will help us tell.

The mandate for the new Commissioner will be to lead the core work of the Commission on climate change at both international and domestic levels, and importantly also to mainstream climate policy into all other EU policies, from budget to innovation, energy to agriculture, transport to consumer policies.

These are huge tasks – and one of the first questions is whether the new Commissioner will have the resources to carry out this job. The Climate Action Directorate General (DG), scheduled to come into operation by the summer, is a comparatively small one, essentially one Directorate (C) of the former DG Environment, minus the clean air unit. Other resources could be added in due course, but this is a relatively small team of officials, especially for the huge task of mainstreaming or 'climate-proofing' other policies.

There were fears, notably voiced by leading MEPs in a letter to Barroso that splitting off climate policy from DG Environment and having a stand-alone but "emasculated" DG Climate would hamper coherent EU climate policy, especially if some of the other key portfolios fell in the hands of Commissioners or officials with insufficient commitment to making the transition to a low-carbon economy. Others feel that having two Commissioners with strong climate credentials (Hedegaard for Climate and Potocnik for Environment) responsible for inter-related portfolios would strengthen the coherent climate voice in the new college. The key question then is how well Hedegaard will work with new Energy Commissioner

Öttinger, Enterprise Commissioner Tajani, Transport Commissioner Kallas and, of course, President Barroso himself. The latter also means working closely with the most important 'behind-the-scenes' office, Secretary General Catherine Day, as well, and the new chief scientific adviser, another new addition to the European Commission, whose job description is still not entirely clear.

On the surface the job of mainstreaming climate into future EU initiatives seems easier than feared with the new Commission line-up. Overall, the new college seems to embrace the need for a low-carbon economy transformation. The new budget commissioner, the Pole Lewandowski, claims to have changed his opinion on climate change policy. Previously, as MEP and chair of the EP Budget committee, he saw it as an economic burden, but judging by his statements in his hearing, he now seems to increasingly see it as an opportunity.

That said, Hedegaard undoubtedly has a tough job to do. The pressures of dealing with short-term imperatives around jobs and exiting a recession mean that every policy related to the longer-term goal of transformation to a low carbon economy and society will be debated at length. Even with a strong strategic framework in place, the devil is often to be found in that detail.

Much of this detailed and political work will fall to her team of Cabinet advisors and senior DG officials, therefore, who will need to be among the most effective in the Commission. Her Chef de Cabinet is Peter Vis, an experienced Commission operator who handled renewables policy for outgoing energy Commissioner Piebalgs and is well versed in the detail of the EU Emissions Trading System (ETS), having been one of its architects in DG Environment. The likely new head of DG Climate Action is Jos Delbeke, currently Deputy Director of DG Environment, an even more experienced public official. Both will have to perform at the top of their game to make their Commissioner's agenda a success. ■

EU POLICY FOCUS

At the end of 2009, European Commissioner Barroso released his vision for where the EU should be in 10 years called the **EU 2020 Strategy**. The Strategy will **replace the Lisbon Agenda for Growth and Jobs**, which expires this year. Barroso believes this new strategy will provide an exit from the current (economic) crisis and a "point of entry into a new sustainable social market economy, a smarter, greener economy where our prosperity will result from innovation and from using resources better."

Despite this language, EU 2020 appears to cite a green agenda only within the context of 'the future competitiveness of our industry and our economies', which leads some to believe that profits and growth are still Barroso's main priorities.

The public consultation on the EU 2020 Strategy closed on 15th January 2010. A detailed analysis of the 1,500 comments received during the public consultation will be released by the Commission in mid February, though a 6-page summary of comments that has already been released has come under fire from NGOs for glossing over criticism. The Commission will present a formal proposal for the strategy in the hopes of having it adopted by heads of state during Spring EU Council. However, the **Greens in the European Parliament** have publicly requested its adoption be delayed until December as a March deadline will make it "virtually impossible for the European Parliament to conduct a thorough debate" or analyse the failures of the Lisbon Strategy.

...On energy savings, the agreement reached in December on the **Energy Performance of Buildings Directive (EPBD)** is still awaiting adoption by both the European Council and Parliament. The delay is due to the entry into force of the Lisbon Treaty: the Directive's legal basis needs to be changed (from Environment to the new Energy basis (Article 194), and a new Comitology Regulation needs to be adopted. It is anticipated this will be resolved by April or May, but not yet certain.



En garde is a French phrase used to warn one's fencing opponent to be "on guard". Fencing is a family of sports and activities that feature armed combat involving cutting, stabbing, or bludgeoning weapons that are directly manipulated by hand, rather than shot, thrown or positioned.

En garde!

Hedegaard brings her climate fight to Brussels

BY TOVE RYDING, GREENPEACE CLIMATE CAMPAIGNER

This month, former Danish Climate Minister Connie Hedegaard enters the European arena as Barroso's new climate commissioner. She is stepping away from a global climate conference that offered up plenty of scandals and conflicts but failed to deliver anything near the outcome the world was calling for, a result that dubbed Denmark's capital "Floppenhen".

But despite the eagerness of the global community to lay the blame for the Copenhagen failure, there is broad agreement that Hedegaard was not the only one at fault. In fact, it's been widely acknowledged that she actually did a good job as President of the conference – and the same is definitely *not* being said about the Danish Prime Minister, Lars Løkke Rasmussen. Long before the Copenhagen conference, Hedegaard had become known globally for her strong commitment to the climate cause, deep insight into the issue, as well as her energetic diplomatic efforts,

which included extensive dialogues with governments and key actors around the world, from small island states to the US Congress. Her background as a journalist has no doubt proven useful in the task of translating the many poisonous details of the climate issue into clear public messaging, something for which she is also known.

In that context, the role of Climate Action Commissioner seems like an obvious next step for the 49-year old politician. However, the position will not be without challenges. In the past, Hedegaard had difficulties creating ownership for the climate issue internally in the Danish government; on several occasions, she was overruled internally. The latest example was at the climate conference in Copenhagen, where Hedegaard was sidelined by Prime Minister Rasmussen, who overruled her strategy on how to handle the conference.



In the European Commission, Hedegaard will have her battles cut out for her from day one. She will face having a significant part of the European climate change ambitions and efforts determined by the policies and actions of the other European commissioners. In other words, Connie Hedegaard's chances of success depend not only on her ability to win the hearts and minds of the European public, but also on her fellow commissioners. We wish her the utmost success in her endeavours to continue her climate fight at the European level. ■

How did they do?

European Commissioners-designate get the third degree

BY VANESSA BULKACZ, CAN EUROPE COMMUNICATIONS MANAGER

Throughout January, the new European Commissioners designate were subject to hearings by European Parliament. After giving each candidate a series of questions lasting several hours, Parliament has the power to reject or accept only the entire 27-person Commission as a whole and not single out individuals for rejection. However, as shown in the case of Bulgaria's first candidate Rumania Jeleva, if any commissioner designate appears to be severely deficient or compromised, enough pressure can be placed upon their home country to force their nomination to be withdrawn and become replaced by a better candidate.

Luckily, during the hearings, none of the Commission candidates for the dossiers that are the most relevant to CAN Europe's climate work came off as too lacking. A number of new Commissioners are simply switching directorates, bringing

their experience with them to take on the challenge of new dossiers. Former Energy Commissioner Piebalgs (Latvia), who is taking over Development, noted his support for a tax on currency trading and forcing national governments to keep their ODA commitments in his hearing. New Environment Commissioner Potocnik (Slovenia), former Commissioner for Science and Research, came off as confident and smart. Commissioner Kallas, who is switching from Administrative Affairs to Transport, is a cyclist who pledged his support for the pollution-cutting Eurovignette Directive at his hearing. Finally, new Energy Commissioner Oettinger comes to the Commission directly from Germany and has been subject to a little public heat not for his policies but rather for his faltering English. For a complete analysis of how the new European Commission will affect climate policy, see article on page 6.

Perhaps most importantly, the woman who will fill the role of Europe's first ever Climate Action Commissioner, former Climate Minister for Denmark and President of the COP-15 climate



Janez Potočnik, Environment Commissioner

summit in Copenhagen Connie Hedegaard passed through her hearing without too much controversy. We feel optimistic about her enthusiasm and qualifications to do her job well. The challenge now is for all new Commissioners to prove their commitment to fighting the climate crisis by putting words into legislative action. ■



<< Continued from p.5

provision indicates that one million signatures coming from a significant number of Member States may invite the Commission to submit a proposal where citizens believe a legal act of the Union is required to implement the Treaty of Lisbon.

The European Parliament has already indicated some criteria for its implementation, arguing decisions on admissibility should be taken within two months and that any initiative is admissible if it concerns an EU competence and is not contrary to the general principles of the Treaty.

There are many elements that need to be clarified before assessing the impact of this initiative for climate work. The Treaty talks about ‘a million signatures’ without specifying whether it requires signatures to come from a minimum number of countries or a minimum number per country involved or what are the requirements for their collection, verification and authentication. The Treaty does not define whether the citizens’ initiative inviting the Commission to make a proposal generates an obligation for the Commission to draw up a proposal or only to consider it. The Commission has prepared a Green paper where it proposes answers to these questions, recognising the Commission’s responsibility to

present conclusions and propose measures accordingly (including studies). The details of this procedure need to be set out in an EU Regulation before citizens can start exercising this new right. Potentially, this initiative will allow citizens to make EU Institutions and governments in Member States more accountable.

Will it now be easier for NGOs to bring cases to the European Court of Justice (ECJ)?

Citizens’ rights to **access the ECJ** are modified to allow a natural or legal person to institute proceedings against a regulatory act that is of direct concern without requiring the act to be of individual concern. The impact of the change proposed in the Lisbon Treaty is not measurable at the moment since there is no clarity on what a regulatory act is at EU level within the framework of the new hierarchy of acts. In parallel, the Treaty maintains the requirement for a non-regulatory act adopted by EU Institutions to be of direct and individual concern for it to be challenged by a “natural or legal” person. These requirements have been interpreted in a way that excludes environmental NGOs from having access to the ECJ.

ClientEarth is a group of activist lawyers who employ advocacy, legal and policy analysis, litigation and research as strategies to protect the environment. ■

Hotspot

Published by Climate Action Network (CAN) Europe, the European office of CAN – a global coalition of over 500 NGOs working to halt the most dangerous effects of climate change.

CAN Europe promotes action to limit human-induced climate change to ecologically sustainable levels. It represents over 125 organisations in over 25 European countries including most EU member states.



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CALENDAR

For more details on these events check out our calendar on our website

15 March: Environment Council

16 March: ECOFIN

22 – 26 March: EU Sustainable Energy Week

25 -26 March: EU Council

1 – 4 June: Green Week

31 May – 11 June: UNFCCC negotiating session in Bonn, Germany

17 - 18 June: EU Council

21 June: Environment Council

HOTGOSSIP

FREEDONIA SIGNS COPENHAGEN ACCORD

On 30 January 2010 the Republic of Freedonia associated its signature to the Copenhagen Accord. The Freedonian Prime Minister I.M. Green declared that after signing the accord, Freedonia would be the first non-Annex B- party under the Kyoto Protocol to commit to absolute emission reductions. “In its pledge under the Copenhagen Accord, Freedonia will enter a 40% reduction commitment with no offsets by 2020 with the aim of achieving carbon neutrality by 2050.” The Prime Minister added, “The Freedonian government wants to make a clear statement that non-Annex I countries also have the right to sustainable development!”

Freedonia’s submission has been met with mixed responses. The European Commission welcomed the unexpected move and is considering upping the EU’s target from 0% to 10% below business as usual (BAU) by 2020. Business As Usual Europe, the largest European business federation, expressed concerns that green jobs would start to move outside of the EU, limiting economic growth in the EU. “It is unacceptable that non-industrialised countries want to set caps and reduce emissions, leaving no cheap off-sets available for European companies under the EU ETS,” said a spokesman for BAU-Europe. He then further noted further that Freedonia’s actions are inconsistent with the non-legally binding nature of the Copenhagen Accord.

When asked what they want the EU to do, BAU-Europe admitted to not having been able to develop a common position, but said they would certainly send a letter to Presidents Barroso and Van Rompuy.