



Eerste Kamer der Staten-Generaal

To Mr F.C.G.M. Timmermans
Executive Vice-President, European Commission
Wetstraat 200
B-1049 BRUSSELS
BELGIUM

Binnenhof 22
postbus 20017
2500 EA Den Haag

telefoon 070-312 92 00
fax 070-312 93 90

e-mail postbus@eerstekamer.nl
internet www.eerstekamer.nl

date 29 May 2020

subject *Questions in the context of the political dialogue regarding a proposal for a European Climate Law*

our reference 166685.07U

Dear Mr Timmermans,

The members of the standing committee for Economic Affairs and Climate Policy / Agriculture, Nature and Food Quality of the Senate of the States General have taken note with interest of the proposal for a regulation establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law).¹ The members of the **SP** (Socialist Party), **Partij voor de Dieren** (Animal Rights) and the **SGP** (Calvinist Party) parliamentary parties have a number of questions and comments regarding this proposal. The members of the SP parliamentary party also wish to second the questions raised by the members of the Partij voor de Dieren parliamentary party.

Questions and comments of the members of the SP parliamentary party

The members of the SP parliamentary party support the objective of the European Commission to do everything possible to limit global warming to under 1.5 degrees Celsius. However, they do have questions about the proposals of the European Commission.

In the opinion of these members, the climate problem is by no means intractable. They believe it can be solved. We know what we must do to save the climate. If we continue as we are at present, within a few decades our lives will no longer be the same as we have become accustomed to. Above all, the gap between rich and poor and between North and South will become distressingly wide. This will also put increased pressure on Europe's borders and exacerbate migration issues. Doing nothing is not an option. But, in the opinion of the members of the SP parliamentary party, applying sticking plaster to a gaping wound is not a solution.

The European Commission has proposed a substantial number of measures, some of which involve far-reaching powers. Not only do the members of the SP group consider that these powers ignore democratic principles, but it could be argued that the measures amount to little more than a

¹ COM(2020) 80; published by the European Commission on 4 March 2020; for its consideration in the Senate, see electronic dossier number E200007 at www.europapoort.nl.



date 29 May 2020

our reference 166685.07U

blad 2

proverbial sticking plaster. In essence, the climate problem is a problem of unfair distribution and a reflection of the fact that current market thinking is also failing here. However, these members see no change in this market thinking; quite the reverse, as the proposals often involve the provision of (financial) support to big companies to transform their operations, even though a case could be made for saying that they are the root cause of the climate problems in the first place. But even if that were not the case, these companies have known for decades that the manner in which they conduct their operations puts too much pressure on the earth's resources. They have had a long time to adjust. How does the European Commission view this? Does the European Commission agree with the members of the SP parliamentary party that it is only reasonable to expect those who have made money for years at the expense of our planet to contribute more than proportionately to solving these problems? If so, why does the Commission choose to maintain subsidies to the fossil fuel industry?

This also detracts from public support for the measures. How will the European Commission ensure that the measures taken actually gain the support of the people of Europe? Who is going to feel the pain of the measures being taken? In short, who is going to foot the bill? The more the general public are expected to foot the bill, the less support there will be. If support vanishes completely, the members of the SP parliamentary party believe that the measures will be counterproductive. It is therefore necessary to guide Europe, as just one small part of the world, through one of the greatest crises that has ever faced the planet. How does the European Commission propose to go about this?

Unfortunately, the European Commission still adheres to the necessity of economic growth, whereas all the indications are that it is not possible to grow sustainably. Economic growth, by definition, puts pressure on the climate. In the view of the members of the SP parliamentary party, there is as yet no credible, socially justified, environmentally sustainable scenario that allows growth to be maintained while limiting the damage to nature, the environment and mankind. Has the European Commission ever considered that the adage that economic growth is essential will have to be challenged if we are to really save the climate? And, if so, has it taken this into account in drawing up its plans? If not, what decided it against doing so?

Questions and comments of the members of the Partij voor de Dieren parliamentary party

The members of the Partij voor de Dieren parliamentary party would like to know what the European Commission understands by the term 'net-zero CO₂ emissions'. How is this calculated? Does it include externalised emissions? How does the Commission deal with transnational emissions from outside the EU? Does the Commission believe that the concept of net-zero CO₂ emissions means that oil and gas companies can continue to extract fuels provided they arrange for carbon capture and storage?

The European Commission refers to the IPCC's Special Report, which estimates that that in order to be on a pathway to limit temperature increase to 1.5 °C, net-zero CO₂ emissions at global level needs to be achieved by around 2050. How have the extra efforts that developed countries must make in comparison with poor countries under the Paris Climate Agreement been taken into account in formulating the EU climate goals?



date 29 May 2020

our reference 166685.07U

blad 3

The European Commission refers to the 'collective achievement' of the 2050 objective. The members of the Partij voor de Dieren parliamentary party would like the Commission to explain how this relates to the national obligations and objectives arising from the Paris Climate Agreement. For example, is it possible for Dutch greenhouse gas emissions to be offset by Swedish or Finnish forests? How does the Commission prevent a situation in which countries that perform poorly, such as the Netherlands, benefit from the offset of progressive countries such as Finland?

Questions and comments of the members of the SGP parliamentary party

The members of the SGP parliamentary party broadly endorse the legal basis chosen for the present proposal for a European Climate Law, but consider that this proposal does not comply with the principle of subsidiarity and wish to make this known through this political dialogue.

Although they recognise that European cooperation is necessary to make energy supplies more sustainable and tackle CO₂ emissions, they believe that the European Commission is assuming too many powers and leaving insufficient scope for individual Member States. In their view, the Commission should focus first and foremost on establishing a sound CO₂ emissions trading system, ensuring sufficient interconnections between Member States for a reliable, sustainable energy supply, tightening up the Eco-design Directive and introducing a hefty air travel tax so that Member States are in a position to achieve national climate objectives. The members of the SGP parliamentary party are therefore critical of how the principles of subsidiarity have been taken into account in the present proposal. This criticism is underpinned by the following arguments.

First, these members strongly object to the Commission's proposal to set out a trajectory for achieving net zero greenhouse gas emissions between 2030 and 2050 at EU level by means of delegated acts in order to achieve the goal of climate neutrality by 2050. Interim objectives of this kind can have a major impact. These members therefore consider that adoption by delegated act is not appropriate.

Second, the members of the SGP parliamentary party are deeply concerned by the fact that far-reaching targets for 2030 and 2050 are made binding on individual Member States by regulation. They would note that these objectives will have a major impact on the structure of the economy and society in individual Member States, and that too little is still known about the nature and extent of this impact. Accordingly, they do not consider it appropriate for such an objective to be declared binding on individual Member States at European level.

Third, the members of the SGP parliamentary party question the way in which the European Commission is arrogating to itself a leading role in relation to the topic of climate adaptation. They would like to see the Commission confine itself to those climate adaptation issues on which the Member States need each other.

Fourth, the members of the SGP parliamentary party would point out that making the built environment more sustainable is now primarily a national matter. As the proposal lays down overarching objectives and makes them binding in law, and would make it possible for the European Commission to introduce further legislation to achieve these objectives, there is a risk that the Commission will assume powers in areas that are now mainly a national preserve.



date 29 May 2020

our reference 166685.07U

blad 4

The members of the SGP parliamentary party would kindly request the European Commission to respond to the arguments set out above.

The members of the standing committee for Economic Affairs and Climate / Agriculture, Nature and Food Quality are looking forward with interest to the answers from the European Commission and would like to receive them as quickly as possible, but no later than three months after the date of this letter.

Yours sincerely,

N.J.J. van Kesteren,
Chair of the standing committee for
Economic Affairs and Climate Policy / Agriculture, Nature and Food Quality