

GREEN DEAL QUESTIONNAIRE



Estonia
Justice and Environment 2021

Introduction

The European Green Deal is an EU initiative named after the American New Deal of 1933. Like its namesake, the Green Deal intends to spark a full economic transition, this time in the interest of promoting economic growth while reducing net emissions to zero. It was presented by the European Commission President Ursula von der Leyen in December of 2019 and since then its goals have been expressed into the proposed European Climate Law, which aims to make Europe's economy carbon-neutral by 2050. Although the Green Deal proposal itself is nonbinding, all European Council members save Poland backed the plan when it was first introduced. The European Parliament also voted to support the Green Deal in January 2020.

Text Analysis

Rule of law and public participation are discussed in the following portions of the EU Green Deal proposal and EU Climate Law proposal.

From the "Communication from the Commission to the European Parliament, The European Council, The Council, The European Council and Social Committee and the Committee of the Regions on The European Green Deal," we found:

- page 2, paragraph 3: "Since it will bring substantial change, active public participation and confidence in the transition is paramount if policies are to work and be accepted. A new pact is needed to bring together citizens in all their diversity, with national, regional, local authorities, civil society and industry working closely with the EU's institutions and consultative bodies."
- page 19 paragraph 5: "To support its work to identify and remedy inconsistencies in current legislation, the Commission invites stakeholders to use the available platforms to simplify legislation and identify problematic cases. The Commission will consider these suggestions when preparing evaluations, impact assessments and legislative proposals for the European Green Deal."
- page 22 paragraph 5: " The Commission will launch a European Climate Pact by March 2020 to focus on three ways to engage with the public on climate action. First, it will encourage information sharing, inspiration, and foster public understanding of the threat and the challenge of climate change and environmental degradation and on how to counter it... Second, there should be both real and virtual spaces for people to express their ideas and creativity and work together on ambitious action, both at individual and collective level. ... Third, the Commission will work on building capacity to facilitate grassroots initiatives on climate change and environmental protection."

- page 23, paragraph 6: "The Commission will consider revising the Aarhus Regulation to improve access to administrative and judicial review at EU level for citizens and NGOs who have concerns about the legality of decisions with effects on the environment. The Commission will also take action to improve their access to justice before national courts in all Member States. The Commission will also promote action by the EU, its Member States and the international community to step up efforts against environmental crime."

From the Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law'), these are relevant sections:

- page 13 paragraph 3: "The Commission should therefore engage with all parts of society to enable and empower them to take action towards a climate-neutral and climate-resilient society, including through launching a European Climate Pact."
- page 17 article 8: "The Commission shall engage with all parts of society to enable and empower them to take action towards a climate-neutral and climate-resilient society. The Commission shall facilitate an inclusive and accessible process at all levels, including at national, regional and local level and with social partners, citizens and civil society, for the exchange of best practice and to identify actions to contribute to the achievement of the objectives of this Regulation. In addition, the Commission may also draw on the multilevel climate and energy dialogues as set up by Member States in accordance with Article 11 of Regulation (EU) 2018/1999."
- page 19, article 11: "Each Member State shall establish a multilevel climate and energy dialogue pursuant to national rules, in which local authorities, civil society organisations, business community, investors and other relevant stakeholders and the general public are able actively to engage and discuss the achievement of the Union's climate-neutrality objective set out in Article 2 of the Regulation."

Status of Implementation

Following the presentation of the EU Green Deal, the European Commission presented its Green Deal Investment Plan and Just Transition mechanisms in January of 2020, with the aim of mobilising funding for the economic transition. In March of the same year, the European Commission also proposed the European Climate Law, which aimed for a climate neutral EU by 2050, a target which was adopted by the EU Parliament and the Council of the EU in June of 2021.

In the summer of 2020, EU ministers discussed and welcomed Green Deal strategies focusing on innovative energy, farm to fork agriculture and biodiversity. In May of 2021, the aforementioned Just Transition mechanism was approved, with an increased budget, by

Council and Parliament. In July of 2021, the European Commission unveiled a 'Fit for 55' package aiming to cut EU carbon emissions by 55% by 2030.

Template

When monitoring the progress of the Green Deal, we would like input from across Europe as to how successful the goals of the Green Deal have been in the service of transparency, participation, justice and accountability. To that end, we would like to hear your expert opinion on the following questions:

1. Have EU Green Deal projects made it easier for citizens to access administrative or judicial review of environmental decisions? Are there projects in your Member State that are labelled as Green Deal project? Is there a coverage of the Green Deal in the Government's communication? Has your country launched special schemes/tenders (e.g., solar) and/or renewable energy initiatives?

In our opinion, EU Green Deal overall has raised awareness of climate crisis and indirectly might have influenced the courts, making them more amenable to judicial review of environmental decisions. Green Deal is mentioned from time to time in Estonian authorities' communication concerning climate issues.

The overall Just Transition process in North East Estonia can be considered as an EU Green Deal Project, as they are heavily related and often communicated together.

2. Has there been an increase in the number of administrative and judicial proceedings fighting potentially illegal environmental decisions in the national courts? Has the promise of the Green Deal ("The Commission will also take action to improve their access to justice before national courts in all Member States.") resulted in any tangible change? Are there any administrative or legal rules introduced to enable such changes?

There has been an increase in number of administrative and judicial proceedings to protect environment. It is hard to say if the promise of Green Deal has contributed in it, but in addition to litigation regarding other types of environmental issues, there currently there is also a notable court case about climate. Probably the claimant, Fridays for Future Estonia was indirectly influenced by EU Green Deal and ensuing projects/general shift in society's awareness of climate issues. Again, it is not easy to determine whether there has been a tangible change. There has been a certain shift in Estonian society towards a better understanding and interest in environmental issues.

Currently there have been not administrative or legal rules that would have helped bring change.

3. Have citizens been consulted to assess or provide feedback for the EU Green Deal? Have NGOs been consulted for this purpose?

The public participation process in Estonia too often tends to be a mere formality. While there was no wide-ranging consultation process for the Estonian position on the EU Green Deal, some local organisations sent a joint statement to the government regarding their views (<https://arileht.delfi.ee/artikkel/90066853/15-katuseorganisatsioonijaettevotte-uhispoordumine-eesti-peab-rohepoorde-voimalusi-kasutama-taielikult-ja-ennaktempos>).

4. Have virtual and non-virtual spaces been set up to facilitate public feedback for the EU Green Deal and EU Climate Law? Have these spaces been effective in facilitating dialogue? Have these spaces had an influence on the text of new proposals and revisions?

The seldom events have mostly been information dissemination focused, as the officials often lack skills in inclusive participation techniques.

5. Has information sharing inspired and fostered public understanding of the threat and the challenge of climate change and environmental degradation (e.g., via multiple channels and tools, including national/regional-level events by the model of the Commission's on-going citizens' dialogues)?

We think general awareness of EU's dealing with climate crisis, including EU Green Deal, has contributed to Estonian society's shift towards better understanding of these issues, most notably for generations Y and Z.

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