

PUBLIC PARTICIPATION IN NATIONAL ENERGY AND CLIMATE PLANS

EVIDENCE OF WEAK &
UNEVEN COMPLIANCE
IN MEMBER STATES

APRIL 2023



ACCELERATE CLIMATE
ACTION IN EUROPE

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TABLE OF CONTENTS

01 Introduction

02 Public consultations.
Civil society evidence

03 Multilevel climate and energy dialogue.
Civil society evidence

04 Annex – State of play of NECP consultation
processes and Multilevel Dialogues in EU
Member States as of March 2023

NON FUD D RO R FIN

The EU will not reach climate neutrality by accident nor without thorough planning. National Energy and Climate Plans (NECPs) are a central strategic tool in this regard, laying out key reforms at national level for achieving climate and energy targets, mobilising crucial investments and reacting to the fossil energy price crisis.

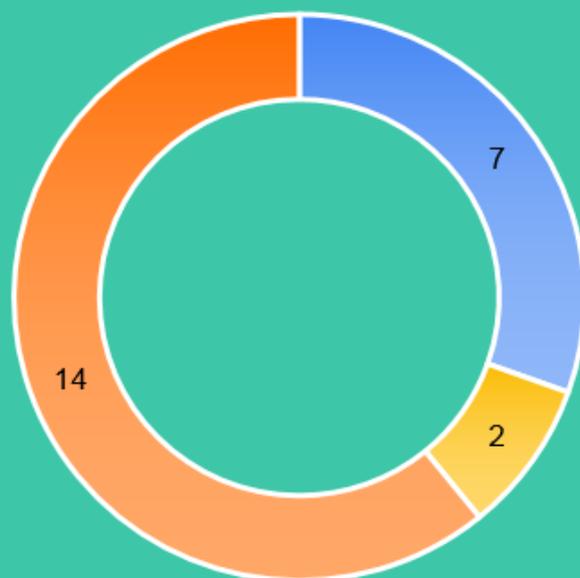
Planning the fundamental reforms that will directly affect the ways of life of millions of European citizens cannot take place in an ivory tower. Given the scale and pace of climate action that is required, citizens and stakeholders must be consulted and participate meaningfully in the elaboration of NECPs – or else society will not consent to the proposed measures.

According to the Governance regulation and the Aarhus Convention, Member States must organise early and effective public consultations prior to the submission of draft and final NECPs. They must also establish a Multilevel Climate and Energy Dialogue to discuss energy and climate policies, including NECPs.

However, **our country-specific analysis of 23 Member States^[1] reveals widespread deficiencies in the application of these public participation rules – less than four months prior to the submission of NECPs.**

[1] 35 national civil society organisations across the CAN-E and WWF network were surveyed across 23 EU Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

Have public consultations on the revised NECP started in your country?



■ Yes ■ Only preliminary consultations ■ No

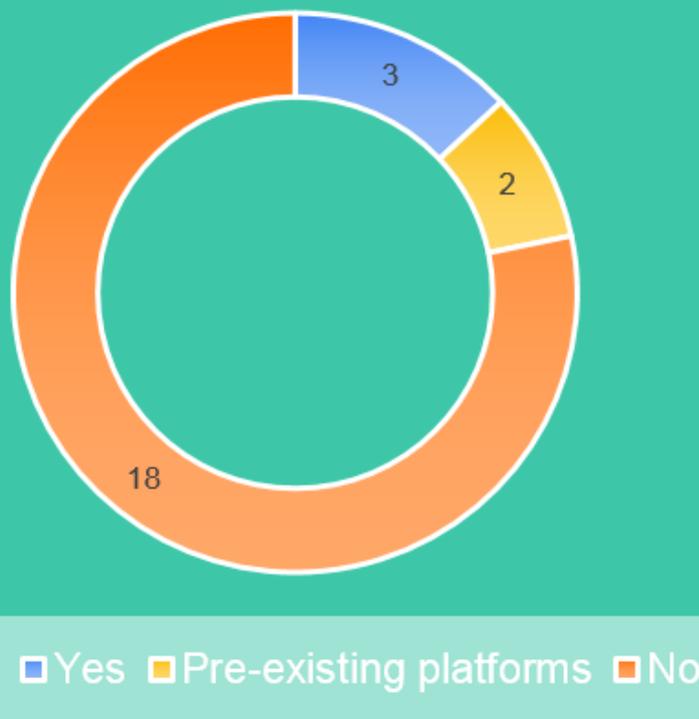
As of 31 March 2023, consultations have started in Belgium, Croatia, Cyprus, France, Lithuania. In Slovenia and Estonia, they started during the first week of April. Portugal and Spain only held preliminary consultations. No consultations have been held in Bulgaria, Czechia, Denmark, Estonia, Germany, Greece, Hungary, Italy, Ireland, Luxembourg, Poland, Romania, Slovakia, Sweden.

There are still opportunities for national governments to respect their legal obligations and offer citizens a chance to meaningfully engage in the planning of fundamental decisions affecting their lives. [WWF and CAN Europe urge Member States to organise public participation processes on the revision of their NECPs](#), and call on the core public participation principles set out below to be applied:

Before the public consultation and Dialogue take place:

- Draft revised NECPs must be made available to the public – so that they can engage meaningfully in the policy debate.
- The public consultation and the Dialogue must include all relevant stakeholders, through a dedicated website, proactive advertisement and invitation. Dialogues in particular should convene local, regional and national stakeholders.

Have Multilevel Climate and Energy Dialogues been set up in your country?



As of 31 March 2023, Multilevel Dialogue platforms had been set up and activated only in three of the countries surveyed: Croatia, France and Luxembourg. On the other hand, they still were not set up or active in Austria, Bulgaria, Cyprus, Czechia, Denmark, Estonia, Greece, Hungary, Ireland, Italy, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden. Belgium and Germany are sui generis cases, as they already had similar platforms previously in place.

On the design of the public participation processes:

- The public consultation and the Dialogue must take place sufficiently in advance so that the feedback may be integrated in policy documents, with minimum durations enabling participants to express their views.
- Public consultations must be formulated with open questions and multiple choice questions representing a diversity of views, including options which substantially differ from the Member State's initial proposal.
- Multilevel dialogues must cover both policy scenarios and the status of implementation of NECPs – for which EU countries should have submitted progress reports by 15 March 2023. Their structure and purpose should be clear from the outset.

Following the public consultation and dialogue:

- Both the draft revised and the revised NECPs must include a summary of the public participation processes that have been organised, with a list of the participating stakeholders, a summary of the views expressed and the extent to which the Member State integrated these views in the NECP submitted to the European Commission.

02 PUBLIC CONSULTATIONS. CIVIL SOCIETY EVIDENCE

According to Articles 9(4) and 10 of the Governance Regulation, each EU Member States “shall ensure that the public is given early and effective opportunities to participate in the elaboration” of both draft and final NECPs. Sufficient information must be provided, including the draft NECP – and with reasonable timeframes for the public to participate. The NECP submission will have to contain a “summary of the public's views or provisional views”. In its [Guidance to Member States for the update of NECPs](#), the Commission recommended that Member States set up a dedicated consultation website and ensure that the public has access to all relevant documents, reports and assumptions from the start of the consultation period.

Our analysis, conducted less than four months prior to the submission of draft final NECPs to the Commission, reveals **widespread inaction on the part of Member States – with 14 out of 23 EU Member States surveyed failing to even start any form of public consultation on NECPs**. While public consultations – at least in the form of a preliminary survey – have started in Belgium, Croatia, Cyprus, Estonia, France, Lithuania, Portugal, Slovenia and Spain, in many other countries they were delayed (e.g. Czechia), are expected as upcoming but with uncertain timelines and formats (e.g. Ireland, Luxembourg) or have simply not been announced at all (in 10 countries: Bulgaria, Denmark, Germany, Greece, Hungary, Italy, Poland, Romania, Slovakia, Sweden). On several occasions, respondents highlighted the impossibility to speak to their respective national governments, despite numerous efforts (e.g. Denmark, Poland).

Even for those countries which initiated a public consultation, quality varies greatly. **Spain and Portugal** only organised preliminary consultations, during which they did not provide respondents with a draft version of the revised NECPs. In Spain, the Ministry for the Ecological Transition has only announced a public debate in early April on the NECP revision, but did not specify how it will be structured and who will be invited to participate.

02

Even where broader consultations have started already, draft NECPs have largely not been made available, including in France, Cyprus and Croatia. **France** organised online panels, but with no draft revised plan and only tackling the energy dimension of NECPs. **Cyprus** organised a 3-month online consultation, but asked for comments based on the previous NECP round, thereby raising questions on the meaningfulness of the exercise. In **Croatia**, while the approach of the relevant Minister towards stakeholders has been positive so far, a draft text is not yet available, and the Ministry does not have capacity to organize a wide public consultation including all the relevant stakeholders at once.

In **Slovenia**, formal consultations have just started (April 3). While their effectiveness remains to be seen, the planned format and timeline – already available on a webpage – seems more promising than in many other countries, as they include a public presentation, online consultations (roughly 1 month) and six targeted issue-based consultations.

Of the 23 countries surveyed, as of March 2023 only **Lithuania** seems to have already conducted a proper consultation, taking over nine months between 2021 and 2022 and involving government officials, relevant stakeholders and civil society members through five meaningful thematic working groups. An NECP webpage was created, and draft sections of the revised NECP were shared. Once finalised, the complete draft NECP is expected to be submitted once again for a final public consultation.

03

MULTILEVEL CLIMATE AND ENERGY DIALOGUE. CIVIL SOCIETY EVIDENCE

According to Article 11 of the Governance Regulation, “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 different scenarios envisaged for energy and climate policies”. NECPs should be discussed in the framework of these dialogues. In its [Guidance to Member States](#) for the update of NECPs, the Commission recommended that the dialogues also discuss the scenarios for achieving climate neutrality, and that the NECP submission contains a summary of the public’s views.

In 18 out of the 23 surveyed EU Member States (Austria, Bulgaria, Cyprus, Czechia, Denmark, Estonia, Greece, Hungary, Ireland, Italy, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden), **such national dialogues have simply not taken place yet**. In two of these countries (Bulgaria and Greece) structures serving the purpose of Multilevel Climate and Energy Dialogues are foreseen, but they were not operational at the time of responding to the survey. Only two of these countries have officially planned a first dialogue in the coming months, before the draft NECP is submitted (Portugal and Romania, both as part of the NECPplatform project).

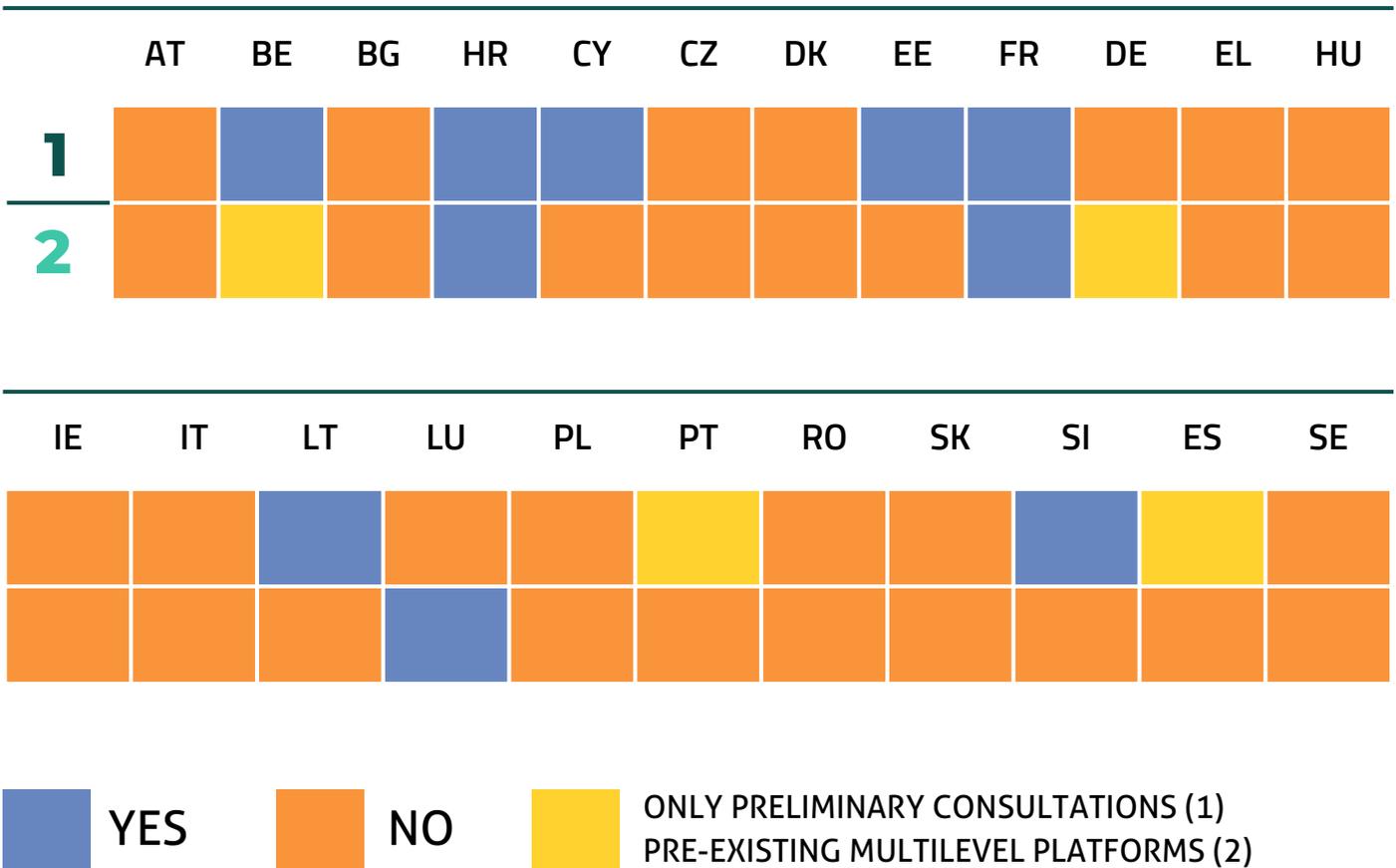
In 2 of the 23 countries surveyed, national structures for multilevel climate policy-making between federal, regional and local level already existed (in Belgium and Germany), and therefore no further ad hoc platforms were necessary. However, while in Belgium the NECP revision process is inherently part of such multilevel climate policy-making structure, in Germany such structures have not discussed NECPs so far, and respondents do not expect this to happen in the future.

In the end, a platform hosting the Multilevel Climate and Energy Dialogue has only been officially set up and activated in three of the countries surveyed: Croatia, France and Luxembourg. In **Croatia** the process, organised in cooperation with the NECP platform project, is still in its early stages. In **Luxembourg**, the platform was not considered by respondents as a space allowing for meaningful discussion or work. In **France**, an already existing consultation platform hosted climate and energy roundtables with a wide range of stakeholders (including local authorities and NGOs) around the national Climate and Energy Law, which will largely feed into the NECP revision process. Such roundtable discussions were organised on a sectoral basis: e.g. farming, energy, finance, transport. However, no drafts were made available to stakeholders.

04

ANNEX – STATE OF PLAY OF NECP CONSULTATION PROCESSES AND MULTILEVEL DIALOGUES IN EU MEMBER STATES AS OF MARCH 2023

- 1 Have public consultations on NECP revision started in your country?
- 2 Have Multilevel Dialogues been set up in your country?



AUSTRIA

Have public consultations on NECP revision started in your country?

Public consultations are planned between the end of April and the end of May. The format is expected to be an online consultation form, with very limited possibility for discussion. The draft NECP is currently still under preparation, with the Environment Agency in Austria currently finalizing the scenarios.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far, and no meaningful developments are expected by the respondent.



BELGIUM

Have public consultations on NECP revision started in your country?

In Belgium, public consultations have started. Their formats and timeframes diverge quite significantly across entities; some regions have relied on ad hoc and non-coordinated platforms (Flanders); some are quite structured but targeted at organized stakeholders (federal level); some others consist of a combination of citizen panels and organizations (Brussels, Wallonia). The lack of coordination across entities, and the rather mixed availability of information and prognoses, has hampered the quality of these consultations. Further public consultations are expected after the draft NECP has been presented, but their structure and content is as yet unknown.



APRIL 2023

Have Multilevel Dialogues been set up in your country?

Belgium is a sui generis case, in that climate policy-making is inherently multilevel. There is permanent coordination between the regions and the federal level. Local governments have also been engaged in the 'local energy and climate plans', which are being tracked and supported by the Flemish regional government.



08

BULGARIA

Have public consultations on NECP revision started in your country?

Internal discussions between relevant ministries and agencies have started, but the NECP draft is still not ready and therefore cannot be shared with other stakeholders. The Energy Transition Commission (a multi-stakeholder commission under the European Green Deal Council set up in 2022 with green NGOs) is expected to be consulted in the coming months on the modeling underlying the draft NECP, as they have a mandate for a Climate Neutrality Roadmap by 2050. However, a poor open public consultation process – a tick-boxing exercise with an unreasonable timeframe – is expected by respondents to take place right before the draft is to be submitted to the European Commission.



Have Multilevel Dialogues been set up in your country?

The Energy Transition Commission (a multi-stakeholder commission of the European Green Deal Council set up in 2022) is the platform where Multilevel Climate and Energy Dialogues are expected to take place. However, the work of the Commission has been suspended for the moment.



CROATIA

Have public consultations on NECP revision started in your country?

In Croatia, the NECP revision has just started; the drafting will be done by an independent contractor. The Ministry of Economy and Sustainable Development does not have internal capacity to organize a wide public consultation that would include all the relevant stakeholders at once. Instead, the Ministry plans to use LIFE-funded projects to consult different relevant stakeholders, as well as organize several rounds of smaller and more thematically focused discussions, which would include the majority of the relevant stakeholders. The first few meetings with relevant stakeholders were held at the end of March.



APRIL 2023

Have Multilevel Dialogues been set up in your country?

A form of Multilevel Dialogue is currently being set up thanks to the cooperation of the Ministry of Economy and Sustainable Development with the LIFE NECPlatform Project run by Energy Cities. Preliminary meetings have taken place and a series of sectoral meetings and roundtable discussions with local government representatives is expected.



09

CYPRUS

Have public consultations on NECP revision started in your country?

In Cyprus, while consultations have been open for over three months (December 2022 – March 2023), the government has asked participants to comment on the existing NECP; no further public consultations are envisaged at later stages on the actual draft.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far, and no meaningful developments are foreseen by the respondent.



CZECHIA

Have public consultations on NECP revision started in your country?

The consultation process was supposed to start in February, but it was delayed with no clear start date nor specific timeline defined yet. Respondents expect public consultations to feature (i) a first round in the form of an online questionnaire via the Ministry's website, open to the general public, to be reflected in the draft; and (ii) a second round, in the form of a roundtable with relevant stakeholders, to provide feedback to the draft NECP. The NECP is being revised together with Czechia's Long-Term Strategy and the State Energy Strategy.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far. The government has just hinted at the creation of a platform for relevant stakeholders which would include, among others, the Association of Regions and the Union of Towns and Municipalities. However, no further information is available on timeframe and format.



DENMARK

Have public consultations on NECP revision started in your country?

In Denmark, no information is available regarding the NECP revision process, nor regarding the extent of public consultations (timeframe, format). Relevant Ministries have been contacted by respondents, with no feedback so far.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far, and no meaningful developments are foreseen by the respondent.



ESTONIA

Have public consultations on NECP revision started in your country?

In Estonia, public consultations about the updated NECP draft started in April and are open until the 8th of May. There will be a public seminar on the 10th of May to introduce and discuss the proposals received during the public consultation, after which the updated NECP draft will be submitted to the Government for approval, then submitted to the European Commission.



Have Multilevel Dialogues been set up in your country?

There are no Multilevel Dialogues put in place specific to NECP. However, there are ongoing public dialogues regarding the Energy Sector Development Plan 2035.



FRANCE

Have public consultations on NECP revision started in your country?

In France, public consultations on the revised NECP have taken place. However, respondents noticed that the process was much narrower and less inclusive compared to that put in place for the previous NECPs drafting process, in 2019-2020. A consultation was held between October 2022 and January 2023; however, no draft of the revised NECP was made available during the process, and the consultation only concerned the energy dimension (i.e. no climate policies and measures were addressed). The consultation took the form of an online panel; public meetings were also organized in each region, and a youth forum was organized, with 200 participants from metropolitan France and overseas.



Have Multilevel Dialogues been set up in your country?

France has developed a platform to discuss energy and climate policies with several stakeholders – including business representatives, NGOs, research centers, think tanks, trade unions as well as regional and local authorities – since many years. Via intranet, roundtables are organized both around the “PPE” (Multi-year energy planning) and the “SNBC” (National Low Carbon Strategy). Since November 2021, these roundtable discussions have been around the national Climate and Energy Law which, while not being the NECP strictly speaking, will largely feed into its revision process. On a positive note, several dialogues were organized as part of this process on a sectoral basis, e.g. on farming, energy, finance, transport. On a negative note, respondents are skeptical about the effectiveness of these meetings, especially since no draft has been made available so far.



GERMANY

Have public consultations on NECP revision started in your country?

NECP currently rates low in Germany's political agenda. The timetable for the update of the NECP is currently being coordinated. Germany probably won't be able to submit its revised NECP on time. According to unofficial information, public participation is planned roughly for the end of this year or the beginning of 2024. There is no official notification regarding its potential timeframe or the form. No explanation has been given to justify this lack of process.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place in Germany. This is because structures already exist – e.g. Plattform Klimaneutrales Stromsystem, Allianz für Transformation – that serve the same purpose (though with margins for improvement). Such structures – that usually take the form of roundtables or working groups on specific topics with specific stakeholders – were put in place when the new government took office and are currently ongoing. The respondent, however, does not expect them to feed into the NECP revision process.



GREECE

Have public consultations on NECP revision started in your country?

In Greece, a draft presentation of the revised NECP targets has been circulated among relevant stakeholders; however, no information (including time frame and format) is available regarding the public consultation process, nor on the overall NECP revision process.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far in Greece. There is a reference to such a tool – dubbed Climate Dialogue Forum – in the national climate law voted in 2022, but there hasn't been any progress on the Forum's establishment.



HUNGARY

Have public consultations on NECP revision started in your country?

No information regarding public consultation on the revised NECP is available in Hungary. The Government originally hinted it would be scheduled for April-May 2023; however, due to later policy and administration changes, this timeline is not valid anymore. A preliminary meeting between climate and energy NGOs and the Ministry for Energy is scheduled for early April.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far, and no meaningful developments are foreseen by the respondent.



IRELAND

Have public consultations on NECP revision started in your country?

The Irish government plans to hold a public consultation in April. However, the draft NECP will not be available to coincide with this consultation. No official information has been provided regarding the format, but respondents expect it to take place via an online survey.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far, and no meaningful developments are foreseen by the respondent.



ITALY

Have public consultations on NECP revision started in your country?

In Italy, no information has been provided by relevant ministries regarding public consultations on the revised NECP, nor regarding the revision process as a whole.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far, and no meaningful developments are foreseen by the respondent.



LITHUANIA

Have public consultations on NECP revision started in your country?

In Lithuania, five working groups – involving relevant stakeholders, civil society and relevant Ministers – have been set up and coordinated by the Ministry of Environment between 2021 and 2022 (roughly nine months in total). An NECP webpage was created, participants were given the possibility to submit and discuss policy proposals, and draft sections of the NECPs were shared during the consultation. Once finalized, the draft NECP is expected to be submitted once again to public consultation for a final public review.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far, and no meaningful developments are foreseen by the respondent.



LUXEMBOURG

Have public consultations on NECP revision started in your country?

In Luxembourg, the government plans to present a draft NECP to the Climate and Energy Platform – a space including a wide range of relevant stakeholders (see Table II) – on April 17. Respondents, however, are skeptical about the meaningfulness of such a presentation without any further space for debate (notably on background premises and data). Wider public consultations are also expected before the draft is submitted to the European Commission, but no detailed information is available regarding their timeframe and format.



Have Multilevel Dialogues been set up in your country?

In Luxembourg, a Climate and Energy Platform has been set up as foreseen in the national climate law. While its set up is correct overall – as it includes relevant government officials, as well as environmental and social NGOs, trade unions, industry and municipalities – the platform has only held a few meetings so far and has not been a space for meaningful discussion or work. The same is feared for the upcoming meeting on April 17, during which the government is expected to present the draft NECP.



POLAND

Have public consultations on NECP revision started in your country?

In Poland, no information has been made available by the Government regarding the NECP revision process, nor regarding the extent of public consultations (timeframe, format). According to unofficial information they may take place in June. Relevant Ministries have been contacted by respondents, with no feedback so far.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far, and no meaningful developments are foreseen by the respondent.



PORTUGAL

Have public consultations on NECP revision started in your country?

In Portugal, the government set up a preliminary survey to collect inputs for the revision process, however the revised NECP has not been provided so a complete public consultation is still expected. Respondents, however, expect it to start before the first submission deadline (June 2023).



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far. However, developments are foreseen as part of the LIFE NECP Platform project; a first meeting is expected to take place on 17 April.



ROMANIA

Have public consultations on NECP revision started in your country?

In Romania, no information has been made available by the Government regarding the extent of public consultations (timeframe, format). The draft NECP is not ready yet.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far. However, developments are foreseen as part of the LIFE NECPlatform project; a first meeting is expected to take place in late April.



SLOVAKIA

Have public consultations on NECP revision started in your country?

So far, CSOs and possibly other relevant stakeholders have been denied access to the NECP revision process, which has started at ministerial level. Standard public consultation proceedings are expected by respondents, but the timeline (i.e. in which phase of the NECP process) remains unknown.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far, and no meaningful developments are foreseen by the respondent.



SLOVENIA

Have public consultations on NECP revision started in your country?

In Slovenia, preliminary consultations took place in Autumn 2022, in the form of an online questionnaire gathering stakeholder views regarding the vision and ambition of the revision. Formal public consultation open to civil society (based on the proposed guidelines and objectives for the first draft update of the NECP) started on the 3rd of April. Public consultations include a public presentation, online consultations (roughly 1 month) and six targeted issue-based consultations. All information regarding public consultation is available on the webpage. Another consultation is planned in Spring 2024 on the final draft – and if needed, additional workshops are foreseen during Autumn 2023.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far.



SPAIN

Have public consultations on NECP revision started in your country?

In Spain, the Ministry for the Ecological Transition opened a preliminary consultation between August and September 2022 (6 and a half weeks) – but without any draft of the revised NECP available. The Ministry has since then only announced a public debate on the revised draft NECP to take place in April, but did not specify the format and participants. No draft version of the NECP had been published by the time the research was conducted.



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far, and no meaningful developments are foreseen by the respondent.



SWEDEN

Have public consultations on NECP revision started in your country?

In Sweden, no information has been made available by the Government regarding the NECP revision process, nor regarding the extent of public consultations (timeframe, format).



Have Multilevel Dialogues been set up in your country?

No Multilevel Dialogue has been put in place so far.

