

The UK Climate Change Committee: A model for Spain?

Executive summary

Science has been one of the key drivers for the adoption of policies and legislation in the field of environmental protection and the fight against climate change. A clear example is the United Nations Intergovernmental Panel on Climate Change, whose first assessment report led to the adoption of the United Nations Framework Convention on Climate Change. Taking action to address the climate and environmental emergency requires a science-based approach, which includes both natural and social sciences.

The United Kingdom Climate Change Act of 2008 was a pioneering law to tackle climate change in an integrated manner, as no country had ever adopted a similar instrument before. Said Act established an independent scientific advisory body, the “Committee on Climate Change”. Under United Kingdom legislation, it is a statutory body, meaning it is established by law. This Committee plays a key role in achieving the Climate Change Act's main goal: reaching carbon neutrality by 2050. The role of the Committee on Climate Change has been crucial in making progress to meet this target.

Thanks to the Climate Change Act and the work of the Committee on Climate Change, there is clear progress on climate change matters in the United Kingdom. The British Parliament has approved five carbon budgets and the country reached a 42% reduction in greenhouse gas emissions over the period 1990-2017. This Committee has been provided with sufficient budget to carry out its work.

The United Kingdom case has served as a model for other countries that have subsequently adopted their own climate change laws and have created bodies similar to the Committee on Climate Change. This is the case of the Swedish Climate Policy Council established by the Climate Change Law of 2017 and the French High Council on Climate established in November 2018 by President Macron.

On 21 January 2020, the Spanish Government declared the “climate emergency” and pledged to submit the draft Law on Climate Change and Energy Transition to Parliament within the first 100 days in office. Although in Spain there are already some advisory and coordination bodies on climate change matters such as the National Climate Council (*Consejo Nacional del Clima*), the Commission for Climate Change Policy Coordination (*Comisión de Coordinación de Políticas de Cambio Climático*) and the Interministerial Commission for Climate Change and Energy Transition (*Comisión Interministerial para el Cambio Climático y Transición Energética*), these bodies do not allow for science-based decision-making. None of them have the capacity to analyse the existing difficulties and progress needed in the fight against climate change in our

country. Neither can these bodies conduct studies and reports or impel the climate ambition required to be in line with the European Green Deal and the Paris Agreement commitments. Therefore, the future Climate Change and Energy Transition Law must create such a body in Spain. Although it is not easy to fit a body like this into our administrative model, it is of paramount importance to continue pursuing this idea. To this aim, we have analysed the different existing bodies in Spain.

We recommend the creation of a Committee on Climate Change and Energy Transition as a collegiate and advisory body for scientific advice on climate change matters, both concerning adaptation and mitigation. In the performance of its duties, this body must act independently from the Government, Public Administrations and any other public or private organization. The draft Climate Change and Energy Transition Law should create the Committee on Climate Change and Energy Transition, establishing at least, its legal nature, functions, number of members and the person(s) responsible for appointing them. Furthermore, it should provide that the Committee will have sufficient budget allocation to carry out its functions and the Ministry to which it should be linked to for organisational and/or budgetary purposes. Likewise, said draft law should state the obligation for the Government to give reasons when it deviates from the recommendations issued by the Climate Change and Energy Transition Committee.

For this Committee on Climate Change and Energy Transition to start working as soon as possible, after the draft Climate Change and Energy Transition Law is submitted to Parliament, a Royal Decree should be drafted establishing the particularities of the Committee's personnel, contractual, property and fiscal regimes as well as any others that facilitate its functioning. This body should be provided with its own budget to carry out its functions in an independent and professional manner, following examples such as the Social and Economic Council. The Committee's functions must be closely linked to the objectives of the future Climate Change and Energy Transition Law.

Previously in Spain, several Climate Change and Energy Transition draft laws and law proposals have already been prepared and submitted to Parliament. Some of them included a body similar to the United Kingdom Committee on Climate Change.

The law proposal submitted to Parliament by the Popular Group on 22 June 2018 included the creation of an **Observatory on Climate Change and Energy Transition** as a collegiate body "attached to the Ministry for the Ecological Transition". This body was intended to carry out "the monitoring, advising, consultation, information and study of policies and measures related to climate change and energy transition". Meanwhile, the two Climate Change and Energy Transition law proposals submitted to Parliament by the Confederate Group Unidos Podemos-En Comú Podem-En Marea, which have already expired, envisaged the creation of a **Climate Change State Agency** as an independent administrative authority aimed to provide technical support, coordinate, evaluate and supervise policies on climate change matters. During the twelfth Spanish

legislature, the Government also prepared two draft versions of the Climate Change and Energy Transition Law and, after the general elections held in April 2019 a third version was drafted. The first draft law submitted on 14 November 2018, provided for the creation of a Government advisory body on climate change and energy transition matters called **Committee on Climate Change and Energy Transition**. However, the second version which the Council of Ministers took note of on 22 February 2019, did not include the creation of such a body. The third version of the draft law dated June 2019, included said Committee again. Finally, a fourth version from February 2020 maintains the creation of that body. However, the article regulating said Committee in the last two draft versions of the law is very brief compared to the first version, as it does not provide many details about that body.

The proposals for an advisory body on climate change matters envisaged in the different Climate Change and Energy Transition draft laws and law proposals had different nature and functioning. The committee foreseen in the law proposals submitted by the Confederate Group Unidos Podemos was the most detailed as it included the allocation of resources within the General State Budget to allow this Committee to carry out its work.

Due to the differences in the legal nature of the previously mentioned bodies, it is necessary to carry out an analysis of the existing institutions in Spain to determine which is the most recommended model to follow. For this purpose, the bodies analysed in this report are the Sustainable Development Council, the Economic and Social Council, the National Commission on Markets and Competition and the Independent Authority for Fiscal Responsibility.

Together with the recommendations, the analysis undertaken allows us to conclude that:

1. Although the creation of an advisory body as foreseen in the draft Law on Climate Change and Energy Transition is appropriate, it requires further development. This body must be provided with an adequate legal nature so that the reports, studies and opinions it issues have enough strength. Furthermore, in case these are not binding on the Government, as it is the case of the current Economic and Social Council, it is crucial to establish the obligation for the Government to give reasons when it deviates from the Committee's recommendations. This already occurs with the reports issued by the Independent Authority for Fiscal Responsibility. It should be highlighted that said body supports the Government's work but is not required to report before the Spanish Parliament.
2. The working model of the Independent Authority for Fiscal Responsibility is interesting for a future Committee on Climate Change and Energy Transition, considering its duty to supervise budget stability. In fact, the overall objectives established in the General State Budget should be linked to Spain's climate objectives. However, in light of the functions and organizational regime of an independent administrative authority under the Spanish legal system, we do not consider it to be the adequate legal model for the future Committee on Climate Change and Energy Transition.

3. It is necessary to create a body that allows to achieve consistency between policies and actions taken by the State, the Autonomous Communities and the municipalities. We are aware that reaching an agreement between the Spanish Government, the governments of 17 Autonomous Communities and those from the two autonomous cities (Ceuta and Melilla) would be a difficult task to accomplish. However, it would be advisable to involve them somehow in the appointment and operation of the future Committee on Climate Change and Energy Transition. Without their participation it would not be possible to achieve some of the objectives set out in the future Climate Change and Energy Transition Law, the National Energy and Climate Plan and the Long-Term Strategy for Net-Zero Emissions.
4. The analysis carried out shows that the different types of existing bodies are superstructures with many members and, in some cases, with a tangled organisational structure. Therefore, it is advisable that the future Committee on Climate Change and Energy Transition is a dynamic body, without constraints, which allows for fluent decision-making.

Given that the role of this Committee on Climate Change and Energy Transition will be crucial to face the climate emergency in the next ten years, its independence and diversity must be guaranteed so that it is not left at the mercy of political uncertainties. Thus, all necessary mechanisms should be put in place to achieve this purpose.