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Department of Communications,
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**Report of the
Department of Communications, Climate Action and Environment**

To the Oireachtas

Under Section 2(5) of the European Union (Scrutiny) Act, 2002
For the period January to June 2020

Introduction

This Report is in two parts. The first part sets out the principal developments in the policy areas which fell within the responsibility of the Department of Communications, Climate Action and Environment during the Croatian Presidency of the EU from January to June 2020 and the second part provides a summary of draft EU legislative proposals submitted by the Department for review by the Oireachtas during that period.

Part 1: Summary of Developments during the Croatian Presidency of the EU

ENERGY

Policy Developments

The global pandemic due to COVID-19 cast a shadow over the entire Croatian Presidency. The informal Ministerial scheduled for April in Split and the formal Council scheduled for June in Luxembourg were reorganised as informal Ministerial videoconferences (VCs).

Energy DGs meeting were scheduled for 12 March and 25 May.

It was intended that DGs would discuss final National Energy and Climate Plans (NECPs), implementation, best practice and the role of the EIB at the March meeting. However, this meeting was cancelled due to the COVID-19 pandemic.

The Energy DGs meeting scheduled for 25 May took place in virtual format. Energy DGs debated on the theme of energy system integration as a cost-efficient decarbonisation pathway and the role of hydrogen. The CION also gave an update on the building energy efficiency Renovation Wave.

The Ministerial VCs, held on 28 April and 15 June discussed the contribution the energy sector can make in the economic recovery plans from the COVID-19 pandemic. Ministers agreed that the economic recovery should focus on a green recovery. They also agreed that it should prioritise actions set out in the European Green Deal, with a strong emphasis on the decarbonisation of the energy sector, including energy system integration, the development of the hydrogen economy, a focus on energy efficiency first, including building renovation and a massive increase in the deployment of offshore renewable generation.

The priorities for the Croatian Presidency were the progression and implementation of the Energy Union and the Clean Energy Package with a particular focus on the Clean Energy Transition (especially with reference to islands). The Presidency also progressed reforms (implementation of recommendations from the International Audit) and modernisation (ongoing), of the Energy Charter Treaty, as coordinated by the European Commission.

The working parties, Coreper and two Ministerial videoconferences discussed National Energy and Climate Plans and also discussed decarbonisation policies, smart sector integration (including hydrogen). The Presidency achieved its key energy goal of delivering the Clean Energy Islands/Split MOU, signed by 14 Member States, including Ireland.

ENVIRONMENT

The Croatian Presidency adopted an ambitious approach at the beginning of its term when it announced four main priorities in January 2020:

- The European Green Deal
- Transition to climate neutrality by 2050 and climate change adaptation
- Conservation of biodiversity
- Protection of the marine environment from pollution.

The legislative dossiers to be completed included:

- European Climate Law
- The eighth environmental action programme
- Drinking water directive - Recast
- Water Reuse Regulation
- Shipping MRV
- Life Regulation.

The recast Drinking Water Directive and Water Reuse Regulation were both ultimately adopted by written procedure at First Reading in Council and Parliament. Both will enter into force later in 2020 following legal/linguistic procedures.

The non-legislative dossiers included:

- The European Green Deal
- The EU Biodiversity strategy for 2030, which is a priority under the Green deal, was published on 20 May 2020. The Strategy entitled 'Bringing Nature back into our lives' sets out an ambitious and wide ranging set of targets and measures for biodiversity over the coming years.
- Greening the European Semester
- Air Quality Council Conclusions
- Evaluation of the water legislation
- Circular economy action plan
- The International Conference on Chemicals Management, and
- The European Climate Pact.

In the event only one physical Council was held on 5 March 2020 with, the June Council converted to an informal exchange of views on aspects of the recovery from COVID -19.

The March Council was attended by Ms Greta Thunberg (in public session). There were presentations at Council on the European Climate Law (published the day before) and the Just Transition Mechanism, including the Just Transition Fund (in public session). The Council had an exchange of views on the European Green Deal (in public session). This exchange of views gave the Ministers the opportunity to comment on the European Climate Law and the Just Transition Mechanism, including the Just Transition Fund.

Files that did not progress significantly included the Research and Training Programme for Nuclear Safety for 2021 to 2025 and the 8th Environmental Action Plan. The incoming German Presidency will now handle these files.

Preview of the German Presidency Priorities

The motto of the German Presidency is “Together for Europe’s Recovery”

The priorities are:

- Climate change
- Biodiversity
- Circular economy
- Digitalisation and environment.

Climate change

- General Approach (GA) on the proposed Climate Law and aiming for a GA at the October Council. The Impact Analysis (IA) on increasing the EU 2030 target to either 50% or 55% is expected in September, the European Council (EC) will decide on the actual target for 2030, and the Environment Council could thus conclude an updated nationally determined contribution NDC Submission to the UNFCCC.
- The Council is waiting for the European Parliament position on monitoring of air emissions from Shipping which is expected in July or September.
- Council Decisions on linking the ETS between the EU and Switzerland.

Biodiversity

- Adoption of Conclusions on the EU 2030 Biodiversity Strategy.
- Council Decisions on the Bern Convention.

Circular economy

- Adoption of Conclusions on the Circular Economy Action Plan at the December Council.
- The Batteries Directive will be presented in October 2020.

Digitalisation and the Environment

A kick off meeting took place in July and the overall aim is to adopt Council Conclusions at the December Council.

Horizontal files

- Aarhus Regulation on access to justice in environmental law - a legislative proposal is expected either in August or September with the aim of adopting a general approach at the December Council.
- 8th Environment Action Programme a Commission proposal is expected in the 4th quarter with a view to engaging in a policy debate at the December Council.

Other files

- An EU Sustainable chemicals Strategy is expected in September with the aim of having an exchange of views at the December Council.
- European Court of Auditors –three special reports and two reviews expected on ETS post 2020, pollinators, marine environment, plastic waste, climate action spending. It is proposed that Council Conclusions will be adopted in respect of these deliverables.

The Councils will be:

- **23 October 2020** - Luxemburg - physical meeting and the subjects to be discussed/agreed are

Legislative deliberations -Climate Law-possible General Approach and

Non-legislative deliberations-submission of an updated Nationally Determined Contributions (NDC) to the UNFCCC and Council Conclusions on the EU 2030 Biodiversity Strategy.

- **17 December 2020** - Brussels

Legislative deliberations: Proposed Regulation amending the Aarhus Regulation, adoption of a General Approach and a Policy debate on 8th Environmental Action plan.

Non-legislative deliberations –Council Conclusions on Circular Economy Action Plan, Council Conclusions on Digitalisation and the Environment and possibly an exchange of views on the sustainable chemicals strategy.

Informal meetings

Informal Ministerial meeting on the 13 and 14 July with initial discussions on the Green Recovery, Digitalisation, and Sustainability on 13 July and climate change on the 14 July.

Informal meeting of Environment Ministers 30 September and 1 October- The topic for discussion is likely to be the impact assessment on the 2030 Climate target.

Five meetings of Member State ENV officials at Director Level are planned – Virtual Conferences are planned for 6 July, 27th-28th August, 3-4th Sept with physical meetings in November and the 1st & 2nd Dec 2020.

Communications

Telecommunications

The period between January and June 2020 was very much overshadowed by the quarantine measures enforced due to COVID-19 breakout and therefore there were less meetings than usual during the Croatian Presidency.

The **Proposal for a Regulation on Privacy and Electronic Communications (ePrivacy) - COM (2017) 010** remained unfinished at the conclusion of the Croatian Presidency. The proposed Regulation is designed to replace the existing ePrivacy Directive 2002/58/EC and to supplement the General Data Protection Regulation (GDPR) which came into effect on 25 May 2018. It has proved to be an extremely complex file, a fact which is reflected in the time it has taken to negotiate thus far. The Croatian Presidency did not attempt a general approach but did produce a new text which will be progressed by the German Presidency. A Progress Report produced by the Presidency was discussed at the video conference Telecommunications Council on June 5 2020 to try to and tease out any remaining issues. This was the seventh Progress Report completed on this file over the course

of negotiations. The German Presidency, which took over the Council on 1 July 2020 has indicated they hope to progress this file during their Presidency and achieve a general approach. The European Commission has underlined that the urgency for revised rules in relation to privacy has been reinforced during the pandemic as there is increasing reliance on anonymised mobile data as a tool to track the virus and for contact tracing purposes.

Following the partial agreement of both the **Proposal for a Regulation Establishing the Digital Europe Programme for the period 2021-2027 COM (2018) 434** and the **Proposal for a Regulation Establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014** during the Romanian Presidency, focus has since moved to the overall negotiations of the **Multiannual Financial Framework (MFF) 2021-2027**, led by the Department of Finance and the Department of Foreign Affairs and Trade.

The Digital Europe Programme proposes €9.2 billion to enhance European competitiveness in five overlapping areas: cybersecurity, artificial intelligence, interoperability of services, high performance computing and advanced digital skills. Ireland hopes that this file will continue to be ambitious and offer real added value to the European digital ecosystem. The Connecting Europe Facility Regulation was led by the Department of Transport, with input from the Department of Communications, Climate Action and Environment in respect of the Regulation's digital policy. The new Connecting Europe Facility (Digital) will offer new funding streams for investment in communications infrastructure throughout the Union.

The Croatian Presidency held a Ministerial informal video conference on 28 May. In it Ministers spoke about their plans in relation to COVID-19 tracing apps and all Ministers spoke of the need to prioritise the interoperability of the apps so that they can work cross border and help facilitate the free movement of people throughout the union. While the ehealth network plays the lead role in relation to the COVID-19 tracing apps, the Digital Ministers welcomed the chance to play a part in the debate. The Telecoms Council on the 5 June was replaced by a virtual VC meeting of Ministers on the same date. The EU Telecom Ministers held a policy debate on the EU's digital priorities in the post COVID-19 era.

Ministers were invited to reflect on what are the main lessons learnt from the COVID-19 crisis in the digital sector and the priority aspects of the digital strategy as well as how to ensure the EU's competitiveness and digital sovereignty on a global scale and how to prioritize and increase investments in connectivity, data and digital technologies, such as artificial intelligence.

Ministers emphasised that the digital infrastructure has proven to be resilient and robust during the COVID-19 crisis. Nevertheless, the Ministers agreed that further investments in the digital infrastructure are necessary in order to overcome a digital gap that still exists, and which may restrict to access of citizens to e-Health, e-learning and to distant working.

They also highlighted the importance of strengthening EU digital sovereignty and cooperation as well as creation of synergy through EU programmes such as Connecting Europe Facility and Digital Europe Programme.

The importance of the development of digital skills, of the development of data economy, the importance of Artificial Intelligence and the cybersecurity were pointed out. In addition, the role of the digital in reaching Green Deal goals has been underlined.

For the proposed regulation establishing the European Cybersecurity Competence Centre and the Network of Coordination Centres, on 3 June COREPER agreed on the revised mandate for negotiations with the European Parliament.

The Croatian Presidency also briefed ministers on the latest developments on current non-legislative activities. On 3 June, COREPER confirmed full agreement on draft Council conclusions on shaping Europe's digital future and decided to adopt the council conclusions by written procedure. These council conclusions were very comprehensive. They covered the impact of COVID-19 on the digital sector and lessons learned for the future and touched on AI, Data economy, 5G, connectivity, ehealth, digital sovereignty and digital public services.

The Presidency also presented the state of play of the implementation of the EU toolbox on security of 5G networks.

The Commission provided an update on the development of contact tracing and warning apps in the context of COVID-19 emphasising that work continues on technical specifications for the interoperability of applications.

The German Presidency have said they will aim to achieve a general approach on the draft eprivacy regulation. They will also aim to get an agreement with the European Parliament on the MFF files: Digital Europe Programme regulation and Connecting Europe Facility (CEF telecoms) regulation, as the European Council has now concluded the financial envelopes for all the MFF files.

The German Presidency also intends to focus on the issue of digital sovereignty and aim to achieve a common understanding in the working party of the term. They will also focus on the data economy and will prioritise a draft regulation on Data Governance, which is expected to be introduced by the Commission in autumn 2020.

Cyber

At the Telecoms Video Conference Ministerial Meeting on 5 June 2020 a policy debate was held on the EU's digital priorities in the post COVID-19 era.

With regard the draft Regulation establishing the European Cybersecurity Industrial Technology and Research Competence Centre and the Cybersecurity Competence Centre Network (CCCN) - work on this file is ongoing with delays experienced due to COVID-19 issues. The Croatian Presidency obtained a mandate to begin negotiations with the European Parliament and have begun the trilogue process.

The German Presidency has indicated that the summer break would help them work on the file but no material progress is now expected until the end of the break. A

number of Member States have indicated an interest in hosting the cyber competence centre and the decision on the location is likely to take place during the German Presidency.

The Croatian Presidency also continued the ongoing work on EU toolbox on 5G cybersecurity. The objective of the EU toolbox on 5G Cybersecurity is to set out a coordinated European approach based on a common set of measures, aimed at mitigating the main cybersecurity risks of 5G networks that were identified in the EU coordinated risk assessment report, which was published in October 2019.

A significant issue for the German Presidency is a revision of Network Information Security Directive (NIS2). This new NIS2 Directive is a review of the NIS directive. NIS2 concerns 5G, IoT, Public Administration and Food Security and this will be a key area of focus over the next 18 months.

The German Presidency Horizontal Working Party on Cyber Issues (HWPCI) will table two Council Conclusions.

- Council Conclusions on Cyber Diplomacy as the 2015 one are outdated.
- Council Conclusions on IoT (Internet of Things) product standards as IoT has not been addressed at EU level yet.

The German Presidency wants to reach an agreement with the European Parliament on the draft CCCN regulation.

The Commission have two proposals that they want to bring to the MS

- NIS Directive review- The Commission will publish an NIS review report mid July and table a revision by the end of the year.
- Joint Cyber Unit - The Commission will issue an options paper on the JCU and an EU Cyber Strategy paper which will cover 5G, ECCG and Cyclone.

Broadcasting and Media

In May 2020, **council conclusions on media literacy in an ever changing world (cm2236.20)** were adopted by written procedure, they emphasise the importance of media literacy in terms of enhancing critical consumption of news content and also as a means to tackle disinformation.

The German Presidency has indicated that it will prepare Council Conclusions on media pluralism.

Part 2: Update on EU Legislative Proposals for which Information Notes were submitted to the Oireachtas Sub-Committee on European Affairs from January to June 2020

Commission Proposal Number	Proposal/Measure	Date Reviewed	Decision of the Sub-Committee
COM(2020) 022	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Just Transition Fund	Information Note submitted to Oireachtas on 12/02/2020 awaiting review by Oireachtas Committee	Awaited
COM(2020) 080	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law)	Information Note submitted to Oireachtas on 06/04/2020 awaiting review by Oireachtas Committee	Awaited
COM(2020) 108	Proposal for a COUNCIL DECISION on the adoption of the 2020-2023 high flux reactor supplementary research programme at Petten to be implemented by the Joint Research Centre for the European Atomic Energy Community (dated 24/03/20)	Information Note submitted to Oireachtas on 16/04/2020 awaiting review by Oireachtas Committee	Awaited
COM (2020) 233	Proposal for a REGULATION OF THE EUROPEAN	Information Note	Awaited

	PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2016/1628 as regards its transitional provisions in order to address the impact of COVID-19 crisis.	submitted to Oireachtas on 18/06/2020 awaiting review by Oireachtas Committee	
COM(2020) 460	Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the Just Transition Fund.	Information Note submitted to Oireachtas on 18/06/2020 awaiting review by Oireachtas Committee	Awaited