**Reply by the European Union to the questionnaire on the impact of new technologies for climate protection and the enjoyment of human rights**

**Introduction**

The European Union (EU) would like to thank the Human Rights Council Advisory Committee, for the call for contributions to their upcoming report on the impact of new technologies for climate protection and the enjoyment of human rights. The contribution from the European Union is comprised of inputs from the European External Action Service, the Directorate General for Environment and the Directorate General for Climate Action.

**Summary**

The European Union is fully committed to promote and protect human rights including through its support for actions at home and around the world, in the response to the negative impact of climate change. The EU promotes and protects the human rights of its citizens, including the right to a clean, healthy and sustainable environment, by setting the highest environmental standards of protection, including with regard to the introduction of new technologies. The EU is also accelerating its efforts to promote the due diligence of supply chains to ensure that products entering the EU market meet sustainability criteria. Furthermore, in order to afford this level of protection, the risks of these technologies are assessed on a case-by-case basis, using the precautionary principle and the best available science. Finally, the EU is also committed to promote and protect the human rights of people living in vulnerable situations caused by the impact of and the responses to climate change.

**EU’s policies and actions on human rights and climate change**

The **EU Action Plan on Human Rights and Democracy 2020-2024**[[1]](#footnote-1) firmly established EU’s commitments to support measures to address the high risks of environmental degradation and climate change on the exercise of human rights, such as the rights to life, health, safe drinking water and sanitation, food, adequate housing and standard of living.

We know that environmental challenges amplify inequality, violence and discrimination within and between nations and generations. Environmental degradation particularly affects the poor and the persons in most vulnerable situations.

A part of this commitment is to empower local communities and support and protect human rights defenders and indigenous peoples, who work on the frontline to protect and conserve our land, air and waters and are facing unprecedented levels of threats and attacks.

The [**European Green Deal**](https://ec.europa.eu/transparency/regdoc/rep/1/2019/EN/COM-2019-640-F1-EN-MAIN-PART-1.PDF)[[2]](#footnote-2), adopted in 2019, sets out a roadmap for a climate neutral continent by 2050. It aims to protect the health and well-being of people from environment-related risks and impacts. With the European Green Deal, the EU renewed its commitment to lead by example. Yet, as the EU accounts for only an 8% (and decreasing) share of global emissions, ambitious internal policy is not enough. The EU has made climate change a central element of its external policy. It works with its global partners to advance climate action and provides financial support to developing countries.

Most recently, in February 2022, EU Foreign affairs ministers approved Council conclusions[[3]](#footnote-3) on the outcomes of the 26th UN Climate Change Conference (COP26) and set out priorities for the work of the EU on **climate diplomacy**.  These conclusions recognise that the direct and indirect effects of climate change, biodiversity loss and environmental degradation represent risks to the realisation of human rights and reiterates the need for human rights to be integrated systematically into climate action and energy diplomacy.

The implementation of the Paris Agreement requires substantial financial resources. Under the agreement, developed countries committed to mobilising $100 billion (around €84 billion) every year to support developing countries. The EU and its member states, as the largest provider of **public climate finance** in the world, contribute to climate action beyond their borders too. In 2020, they provided funding to developing countries worth €23.3 billion. These financial resources support mitigation and adaptation actions in EU partner countries worldwide to help them reduce their emissions and build resilience against the effects of climate change. More than a third of the EU’s budget reserved for support to neighbouring and to developing countries is set aside to step up efforts on climate change. Ambitious climate action is not just a way to confront the climate crisis and the biodiversity crisis, but is also a growth strategy that is a winning strategy, not just for Europe itself but also globally. As the Council of the European Union has highlighted, nature-based solutions play an important role to solve global challenges such as biodiversity loss and ecosystems degradation, poverty, hunger, health, water scarcity and drought, gender inequality, disaster risk reduction and climate change[[4]](#footnote-4).

Three quarters of the EU’s greenhouse gas emissions are caused by the production and consumption of energy. The EU is working towards the **decarbonisation of the energy** sector – a central element of the green transition. In December 2020, the Council adopted conclusions on the **strategies on offshore renewable energy and hydrogen**[[5]](#footnote-5).

The transition towards clean energy is a prerequisite​ to put the EU on track for climate neutrality by 2050. The European Green Deal and the **'Fit for 55'** package[[6]](#footnote-6) set out the EU's goals and actions for the energy transition. Further policy actions include the **just transition mechanism**[[7]](#footnote-7), the ‘**farm to fork’ strategy**[[8]](#footnote-8), the **biodiversity strategy**[[9]](#footnote-9) and the **European industrial strategy**[[10]](#footnote-10) and the **circular economy** action plan[[11]](#footnote-11).

**Carbon removals** from forests, agricultural practices or technological solutions will play a growing role in achieving climate neutrality by 2050, and will become the main focus of action thereafter, when negative emissions will be needed to actively reduce concentration of CO2 in the atmosphere and stabilise the world’s temperature increase. The EU believes that all forms of carbon dioxide removal (CDR), should be scaled up in a sustainable way to ensure as much mitigation as possible. The Commission will propose a regulatory EU framework for the certification of carbon removals by the end of 2022. The certification framework should ensure the transparent identification of carbon farming and industrial solutions that unambiguously remove carbon from the atmosphere. In December 2021, the Commission adopted the Communication “Sustainable Carbon Cycles”[[12]](#footnote-12) which sets out an action plan on how to develop sustainable solutions to increase carbon removals.

**Addressing the risks of new technologies to the enjoyment of human rights**

The EU promotes and protects the human rights of its citizens, including the right to a clean, healthy and sustainable environment, to life, to health, the right to clean water and sanitation, the right to food, and the right to an adequate standard of living, by setting the highest environmental standards of protection, including with regard to the introduction of new technologies on to the European market. In order to afford this level of protection, the risks of these technologies are assessed on a case-by-case, on the basis of the precautionary principle and the best available science.

The EU and its Member States are signatories to a number of multilateral environmental agreements which require Parties to adopt the necessary legislative and regulatory tools to ensure that any new technology, including climate technologies, will only be deployed after careful assessment. International, EU-level and national level requirements for environmental impact assessments (both at project level and for plans and programmes) are particularly important, and so are requirements on transparency, public participation, and access to justice. In this regard, we highlight the important role of the Aarhus Convention[[13]](#footnote-13) on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters in order to ensure transparent, effective, safe and inclusive public participation in decision-making. We also acknowledge that the Espoo Convention[[14]](#footnote-14) and the Protocol on the Strategic Environmental Assessment[[15]](#footnote-15) provide framework and guidance for assessing and reducing environmental impact.

As an example for the EU’s efforts to address the risks of new technologies in a forward-looking manner, the EU recognized that existing and new battery technologies will play a growing role in the European and the global economy as we rely increasingly on electricity generated by renewable energy to replace fossil fuels. In this context, the EU is in the process of putting in place requirements on sustainability, safety, labelling and information to allow the placing on the market or putting into service of batteries, as well as requirements for the collection, treatment and recycling of waste batteries.

It is proposed that the batteries regulation will include a supply chain due diligence policy with the objective to address the social and environmental risks inside and outside the EU inherent in the extraction, processing and trading of certain raw materials for battery manufacturing purposes. In particular, it should address the risks in the battery supply chain in relation to the protection of human rights, including human health, protection of children and gender equality, in line with international human rights law.

Through the EU’s Sustainable Product Initiative[[16]](#footnote-16), and as part of its efforts to create a more circular economy, the EU intends to reduce the negative life cycle environmental impacts of products, lays down a framework for setting eco-design requirements based on the sustainability and circularity aspects listed in the Circular Economy Action Plan[[17]](#footnote-17), such as product durability, reusability, upgradability and reparability, the presence of substances of concern in products, product energy and resource efficiency, recycled content of products, product remanufacturing and high-quality recycling, and for reducing products’ carbon and environmental footprints. In doing so, it will contribute to achieving the EU’s overall climate, environmental and energy goals, while supporting economic growth, job creation and social inclusion.

While not a “new” climate technology, **bioenergy** is the main renewable energy source in the EU, representing a share of 60% of renewables. Support for biofuels has been shown to lead to deforestation and forest degradation in third countries, replacing primary forests by plantations of palm oil or soybeans for biofuel production. For these and other reasons, the EU has revised its Renewable Energy Directive[[18]](#footnote-18) to reinforce the sustainability criteria of biomass for energy, in particular to reduce the risks of deforestation.

1. https://eeas.europa.eu/sites/default/files/eu\_action\_plan\_on\_human\_rights\_and\_democracy\_2020-2024.pdf [↑](#footnote-ref-1)
2. https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal\_en [↑](#footnote-ref-2)
3. https://www.consilium.europa.eu/en/press/press-releases/2022/02/21/climate-diplomacy-council-calls-for-accelerating-the-implementation-of-the-glasgow-cop26-outcomes/ [↑](#footnote-ref-3)
4. Council Conclusions 19 December 2019, 15272/19 [↑](#footnote-ref-4)
5. https://www.consilium.europa.eu/en/press/press-releases/2020/12/11/offshore-and-other-renewable-energies-council-adopts-conclusions/ [↑](#footnote-ref-5)
6. https://www.consilium.europa.eu/en/policies/green-deal/fit-for-55-the-eu-plan-for-a-green-transition/ [↑](#footnote-ref-6)
7. https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal/finance-and-green-deal/just-transition-mechanism\_en [↑](#footnote-ref-7)
8. https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy\_en [↑](#footnote-ref-8)
9. https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030\_en [↑](#footnote-ref-9)
10. https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/european-industrial-strategy\_en [↑](#footnote-ref-10)
11. <https://ec.europa.eu/environment/strategy/circular-economy-action-plan_en> [↑](#footnote-ref-11)
12. https://ec.europa.eu/clima/system/files/2021-12/com\_2021\_800\_en\_0.pdf [↑](#footnote-ref-12)
13. https://unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf [↑](#footnote-ref-13)
14. https://unece.org/environment-policyenvironmental-assessment/text-convention [↑](#footnote-ref-14)
15. https://unece.org/fileadmin/DAM/env/eia/documents/legaltexts/protocolenglish.pdf [↑](#footnote-ref-15)
16. https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12567-Sustainable-products-initiative\_en [↑](#footnote-ref-16)
17. https://ec.europa.eu/environment/strategy/circular-economy-action-plan\_en [↑](#footnote-ref-17)
18. [↑](#footnote-ref-18)