



Lisbon  
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# CLIMATE LAWS: TESTING INCLUSIVENESS AND COMPREHENSIVENESS

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# WHAT IS A CLIMATE LAW?

## WHY?

### **climate law are populating the earth**

Growingly adopted by states  
in national legislations

### **climate change is a cross-cutting issue**

Including completely different  
areas of regulation, other than  
the obvious link to energy  
policy

### **what is in a name?**

What exactly is a climate law?

### **what is the role of climate laws?**

what are they regulating?  
do they address multilevel  
governance and sustainability  
dilemmas?

# Testing comprehensiveness

Climate laws that exclusively address climate change mitigation and adaptation: Germany, Netherlands

Climate laws that address many other policies directly related to achieving mitigation and adaptation goals: Spain and Portugal

Climate law addressing many policies relevant for environmental protection: France

## PORTUGUESE CLIMATE LAW

Principles and generic duty to integrate climate change mitigation and adaptation in sectorial public policies

Health, foreign affairs, international cooperation, national defense, budgetary principles, sustainable finance, sustainable corporate governance, transports and mobility, circular economy, water and waste, fishing and agriculture, food law, industry, education.

Biodiversity protection as a core goal of climate policy

## SPANISH CLIMATE LAW

Principle of environmental protection, gender equality

Public health protection, energy security, digitalization of the economy, green mobility, smart cities, AI, workers' digital competences, transports (including harbors and maritime transports), food security, biodiversity, agriculture and forestry, public procurement, education, financial security, R&D, waste and contaminates lands, circular economy, green taxes, oil extraction (forbidding new permits)

# PORTUGUESE CLIMATE LAW

Principles and generic duty to integrate climate change mitigation and adaptation in sectorial public policies

Specific regulation concerning health, foreign affairs, international cooperation, national defense, budgetary principles, sustainable finance, sustainable corporate governance, transports and mobility, circular economy, water and waste, fishing and agriculture, food law, industry, education.

# PORTUGUESE CLIMATE LAW

Biodiversity protection as a core goal of climate policy

Mandatory climate impact assessment

Review of corporate law

Review of laws concerning oil prospection and exploration activities

Review of possible inconsistencies between climate policies and laws, namely: law conferring the right to develop projects and activities that contribute to GHG emissions; laws on infrastructures; public procurement and public contracts.

# FRENCH CLIMATE LAW (S?)

Law on the energy transition for green growth (2015) and Law combating climate change and building resilience to its effects (2021)

Changes to town planning code, construction and housing code, urban planning code, energy code, civil code, financial code, environmental code, transport system and clean mobility, tax code, environmental sanctions and crimes to prevent pollution, sustainable production and consumption (reduction of raw materials usage, secondary materials use, reduce consumption, ecodesign), waste management, greenwashing, landfill mining, renewable energy production. Consumer protection: informing, training, awareness, advertisement (ban on marketing oil), environmental impact of products, environmental claims, public procurement (life-cycle cost assessment)

# Testing Inclusiveness (multilevel governance)

Climate laws that almost exclusively address climate change mitigation and adaptation by the Government, with generic duties to cooperate and consult subnational entities: Germany, Spain

Climate laws that list agents in climate action and impose duties to adopt climate plans and adapt local planning instruments: Portugal



# TESTING INCLUSIVENESS (CIVIL SOCIETY)

Climate laws with extensive NGO and citizen participation:

- Portugal: right to climate stability; generic right to participate; Climate Action Council
  - Spain: generic right to participate; Experts Committee
  - Netherlands: promotion of the conclusion of agreements between parties
- other laws are applicable that grant participatory rights

# P r e l i m i n a r y c o n c l u s i o n s

Climate laws always consider/integrate energy policy

Some do not at all address the sustainability dilemmas posed by the energy transition

Some seem to disregard the fact that overexploitation of natural resources is a structural problem contributing to all sources of GHG

What is the role of a climate law?



# Thank you!

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