FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

TOWARDS A FUNDAMENTAL-RIGHTS-COMPLIANT EUROPEAN GREEN DEAL

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Introduction

With temperatures rising and the rate and severity of natural disasters increasing, efforts to mitigate the impacts of climate change are accelerating. Pursuant to its commitments under the Paris Agreement, the European Union (EU) has adopted a broad range of measures to reduce greenhouse gas emissions while transitioning the economy and the overall way of life to more sustainable and 'green' sources and ways.

The European Green Deal was adopted in 2019, aimed at setting the EU on the path to a green transition. It is the EU's principal strategic measure designed to transform the EU into a modern, resource-efficient and competitive economy by ensuring that: (i) no more net greenhouse gas emissions are generated by 2050; (ii) net greenhouse gas emissions are reduced by at least 55 % by 2030; (iii) economic growth is decoupled from resource use; and (iv) no people and places are left behind.

Fundamental rights, as guaranteed by the Treaty on European Union (TEU), are both values (Article 2 of the TEU) and general principles of EU law (Article 6(3) of the TEU).

The Charter of Fundamental Rights of the European Union (the Charter) is a cornerstone of primary EU law. In 2020, the European Commission reinforced its commitment to compliance with the Charter by adopting a new strategy to strengthen the application of the Charter in the EU. It proposes that the Charter serve as a compass for EU institutions and enumerates specific actions to strengthen people's awareness of their rights and ensure the effective implementation of the Charter by the Member States. The strategy underscores that impact assessments of EU legislative processes should address fundamental rights.

Thus, fundamental rights are an integral part of the applicable legal framework which binds the EU and Member States as they develop, adopt and implement EU secondary law. The Green Deal and related policies are therefore not implemented in a legal vacuum or fundamental rights-free zone: the Charter, applicable international human rights law and EU fundamental rights law also govern in this policy area.

The results of this initial analysis are based on desk research of a selected number of legislative files of the green transition or EU climate policy, including those of the Green Deal. They reveal a fragmented and incomplete approach to addressing the specific fundamental rights impacts of climate change and an inchoate approach to mainstreaming fundamental rights in EU climate policy generally.

The consequences of climate change already affect all Europeans' daily lives with significant environmental, economic, social and health impacts. However, climate change particularly impacts the rights of people in vulnerable situations. Those with limited financial resources or living on the margins of poverty or in poverty, individuals experiencing discrimination based on their ethnicity or geographical background, along with children, young people and older people, or those with disabilities, are likely to suffer the most severe repercussions of climate change and

environmental degradation. European Union Agency for Fundamental Rights (FRA) reports show that Roma people, who are the largest minority in Europe, face high numbers of housing deprivation, discrimination and poverty. Every second Roma person lives in damp, dark dwellings or housing without proper sanitation facilities, and every fifth person has no access to tap water inside their dwelling. The European Environmental Bureau, Europe's largest network of environmental citizens' organisations, describes such a 'push to the wastelands' as environmental racism against Roma communities. Similarly, the 2024 European Environmental Agency (EEA) report on climate risk assessment shows that climate change can exacerbate existing risks and crises, leading to system-wide challenges affecting whole societies, with vulnerable social groups particularly affected.

While the EU and its Member States have committed significant funding and programmes to reach the climate targets, these implementing policies and measures rarely reflect fundamental rights explicitly. The Communication setting out the Green Deal does not specify how the Charter or fundamental rights obligations that Member States have under EU or international law should be complied with when implementing the Green Deal. In its commitment to tackle climate change, the EU has established as an aim of the Green Deal that the transition be just and inclusive and put people first, emphasising that such a socially just transition be reflected in EU policies and at the national level. The Green Deal stresses the need to tackle energy poverty and ensure a fair transition, including through designing measures for households unable to afford key energy services, financing renovation schemes and reducing energy bills.

In its Strategic Plan 2023–2028, FRA identified climate change as one of seven key megatrends with implications for fundamental rights. In 2023, the agency launched an initial project looking into the fundamental rights challenges of the green transition, with a specific focus on people in vulnerable situations and the principle to leave no one behind.

FRA activity - research on the just transition of the Green Deal

This paper is part of the ongoing FRA project 'Ensuring the right to environmental protection', which was launched in 2023 and seeks to identify the most urgent social and fundamental rights challenges, gaps and promising practices, relevant implementing legislation related to climate change, and the commitment of the UN sustainable development goals (SDGs) to leave no one behind.

This project consists of a mix of fieldwork research via expert interviews and desk research on selected programmes or projects carried out in 10 selected Member States (Belgium, Czechia, Estonia, France, Germany, Greece, Poland, Romania, Spain and Sweden).

As a first step, the project focuses on projects which aim to contribute to the climate targets within the priority of energy efficiency and to tackle energy poverty. The research will focus, in particular, on legal and policy measures affecting those in precarious living conditions and those most exposed to negative impacts of environmental changes.

The main results of the field research will be published in the second half of 2025.

In the context of the agency's emerging research on environmental protection, this paper explores the Green Deal through a fundamental rights lens, including its commitment to a just transition and to leave no one behind. It marks a first step to raise awareness about the relative absence of fundamental rights in EU climate policy and the need to mainstream fundamental rights in future climate legislative and policy files. It reflects on how the systematic, explicit and comprehensive application of fundamental rights as part of a human-rights-based approach (HRBA) to climate policy could advance a just and inclusive transition.

This paper does not purport to offer a comprehensive analysis of the implementing legislation and policy files of the Green Deal. However, it provides a preliminary appraisal of the extent to which fundamental rights are reflected in said files and finds that it is limited and ad hoc. This paper is based on initial desk research which sought to identify and analyse key elements of the Green Deal with potential impact on fundamental rights. The research explored whether and how selected legislative measures adopted under the Green Deal had an explicit link to rights, freedoms and principles referred to the Charter or reflected the nexus of fundamental rights as general principles of the Union's law pursuant to Article 6 of the TEU. The paper addresses EU institutions, policymakers in Member States and other stakeholders concerned with environmental policy and fundamental rights, with the aim of raising awareness about the need to take fundamental rights into account in strategies and legislation aimed at implementing the Green Deal.

This paper provides an overview of the relevant and applicable fundamental rights obligations of Member States and EU institutions as they implement the Green Deal, and can serve as a baseline for further research and analysis to inform future policies. Consistent with the Commission's

communication on the Green Deal, it considers how fundamental rights obligations and principles can be leveraged to ensure that the 'Green Deal can make consistent use of all policy levers: regulation and standardisation, investment and innovation, national reforms, dialogue with social partners and international cooperation.'

The first section of the paper outlines the elements of a hypothetical HRBA to the Green Deal. In the second section, the paper discusses the EU's and international human rights obligations to ensure a safe, clean, healthy and sustainable environment. The third section provides an overview of the elements of the Green Deal with potential implications for social rights, particularly for the EU funds, the EPSR, specific action to tackle energy poverty and the EU environment programme to 2030. The fourth section sheds light on challenges and risks if fundamental rights are not explicitly taken on board in the implementation of the Green Deal. The 'Ways forward' offer preliminary suggestions of how an HRBA can be developed and fundamental rights strengthened in the EU's green transition.

1. A human-rights-based approach to the Green Deal

An HRBA to the Green Deal is grounded in international human rights treaties (to which all EU Member States are party) and is consistent with the EU's horizontal obligations to respect and promote fundamental rights, as laid down in Article 6 of the TEU and Article 51 of the Charter of Fundamental Rights of the European Union. Horizontal rights and principles on equality and equal opportunities, social protection and inclusion, health, non-discrimination, environment and consumer protection are set out in Articles 8, 9, 10, 11 and 12 of the Treaty on the Functioning of the European Union (TFEU, see also Section 2.1) and the Charter. An HRBA aims to strengthen capacities of 'duty-bearers' to meet their obligations and 'rightsholders' to claim these rights, and is applicable to a range of policy areas.

Definition - a human-rights-based approach

'A human rights-based approach (HRBA) is a conceptual framework that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse obligations, inequalities and vulnerabilities and to redress discriminatory practices and unjust distributions of power that impede progress and undercut human rights. Under a human rights-based approach, plans, policies and programmes are anchored in a system of rights and corresponding obligations established by international law.

[…]

In practical terms, a human rights-based approach can be used to guide policies and measures of climate change mitigation and adaptation. It can inform assessments, and strengthen processes, ensuring access to essential information, effective participation, and the provision of access to justice (remedies).'

Source: United Nations, Office of the High Commissioner for Human Rights, n.d., 'Applying a human rights-based approach in climate change negotiations, policies and measures'.

The EU's commitment to sustainable development and human rights is reflected in various policies and frameworks, including its commitment to advance the 2030 Agenda for Sustainable Development and the SDGs.

> *'The EU's goal of accelerating its twin green and digital transitions, as well as implementing the SDGs through its recovery from the COVID-19 crisis, is reflected across this EUVR (EU Voluntary review). The EU is fully committed to becoming greener, more digital, more socially just, more inclusive and more resilient. The EU is fully committed to a human rights-based approach*

in the implementation of the 2030 Agenda.'

EU voluntary review on the implementation of the 2030 Agenda for Sustainable Development (p. 27)

All projects supported by the EU's regional and structural policy programme must be implemented consistently with the programme's horizontal principles. These include fundamental rights and principles enshrined in the Charter and the United Nations Convention on the Rights of Persons with Disabilities (CRPD), and the principles of gender equality and non-discrimination.

The EU has called for a fair transition to a climate-neutral economy and established the Just Transition Mechanism as a key initiative to address the social and economic effects of the green transition and to make sure that no one is left behind.

Definition - just transition and just resilience

The terms 'just transition' and 'just resilience' have been used in different contexts and there is no agreed underlying definition or concept. The concept of just transition emerged in response to job losses in the face of environmental protection policies. It is reflected both in the Paris Agreement – which is since 2015 the legally binding international treaty on climate change – and in Guidelines for a just transition towards environmentally sustainable economies and societies for all, issued by the International Labour Organization in the same year. It describes just transition as a process 'towards an environmentally sustainable economy which needs to be well managed and contribute to the goals of decent work for all, social inclusion and the eradication of poverty.' A just transition is a process of greening the economy in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind.

- **Explicit grounding in human rights.** An HRBA to the Green Deal would require the EU and its Member States to apply human rights obligations and principles at all stages of the development, implementation, monitoring and evaluation of climate policies. These are obligations and principles derived from the EU treaties and instruments – including the Charter, the European Pillar of Social Rights (EPSR) and international treaties such as the European Convention on Human Rights (ECHR), the Paris Agreement and the Aarhus Convention (UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters) – in the development and implementation of legislation and policies designed to adapt to and mitigate climate change. Article 37 of the Charter, which addresses the principle of environmental protection, provides a key legal connection between environmental protection and human rights standards.
- **Attention to people in situations of vulnerability**. An HRBA calls for particular attention to be paid to the impacts of climate change and environmental degradation on people in vulnerable situations, such as those living in poverty or facing discrimination. At the same

time, the commitment to leave no one behind is central to the SDGs and the Green Deal.

Definition - to leave no one behind

'Leave no one behind' is one of the six guiding principles of the 2030 Agenda for Sustainable Development and its SDGs; it is also a principle undergirding the Green Deal. It aims to address the causes and consequences of poverty and inequality and represents the unequivocal commitment of all UN Member States to eradicate poverty in all its forms, end discrimination and exclusion and reduce inequalities and vulnerabilities, including to the impacts of climate change and environmental degradation.

- **Non-discrimination.** This is a foundational principle of EU law which is also applicable in the context of climate change policies. Article 21 of the Charter prohibits discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. In this regard, intersectional aspects and underlying structures of discrimination must be considered by both the EU and its Member States. Approaching climate change from the perspective of fundamental rights requires ensuring equal protection of rights, including for those in vulnerable situations or at risk of discrimination, whether in respect of the impacts of climate change itself or in regard to measures designed to address climate change.
- **Participation.** Ensuring participation, especially for individuals and groups who are typically excluded, is a key operational principle of an HRBA. Participation in public, political and cultural life is a fundamental human right recognised in a number of international human rights treaties and instruments, including the Universal Declaration of Human Rights, which provides for the right to participate in government and free elections, the right to participate in the cultural life of the community, the right to peaceful assembly and association and the right to join trade unions.

Participation enables the advancement of all human rights. It plays a crucial role in the promotion of democracy, the rule of law, social inclusion and economic development.

UN, Office of the High Commissioner for Human Rights, Guidelines for States on the effective implementation of the right to participate in public affairs

In the context of climate policies, this means that citizens and local communities must be empowered to participate actively in the design and implementation of policies and initiatives aimed at implementing the Green Deal. The Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, to which all Member States and the EU are party, emphasises the importance of meaningful participation of the local community and the public in environmental decision-making, including access to

environmental information held by public authorities.

- **Accountability** in the context of the Green Deal requires that states and other entities comply with their human rights obligations and responsibilities and are held accountable for their actions or omissions in respect of climate policy. In assessing climate impacts and designing climate mitigation and adaption policies, states' actions must be consistent with legal obligations enshrined in human rights instruments such as the ECHR, related case-law by the European Court of Human Rights (ECtHR), the Charter of Fundamental Rights of the European Union, as well as the European Social Charter (ESC) and core UN human rights treaties, including the CRPD and the UN Convention on the Rights of the Child. Accountability relies on a robust legal and regulatory framework that protects rights and provides effective redress mechanisms. The right to an effective remedy and to a fair trial is enshrined in the Charter (Article 47).
- Upholding the foregoing principles of an HRBA requires **monitoring compliance with fundamental rights and gathering data** on the impact of climate policy actions and climate change on the enjoyment of legally protected rights. This includes identifying impacts of the EU's green transition on fundamental rights, mapping key legal and policy provisions to ensure a just transition and identifying fundamental rights risks for those already in vulnerable situations or at risk of discrimination. Addressing social inequalities in the green transition and the disparate impacts of climate policy on the rights of certain groups relies on effective monitoring and data collection. Human rights indicators are a key means to measure the fulfilment of human rights obligations and progress towards the targets set by Member States. The UN Office of the High Commissioner for Human Rights has developed a framework of indicators which has been applied by governments, human rights institutions and FRA in several of its reports (see for example: Implementing the UN Convention on the Rights of Persons with Disabilities: Human rights indicators, Monitoring framework for an EU Roma Strategic Framework for Equality, Inclusion and Participation: Objectives and indicators).
- An HRBA emphasises **sustainable production and consumption** to be implemented through **human rights due diligence**, as outlined in the UN's Guiding Principles on Business and Human Rights. Through its adoption of the corporate sustainability due diligence directive (CSDDD) in May 2024, the EU has incorporated these principles into binding EU law.

In 2021, the EU adopted the strategy to strengthen the application of the Charter. It aims to integrate human rights in all legislation and policy files, both at the national and the EU levels. It is contended that this strategy embodies the EU's own version of a commitment to an HRBA, a contention that is explored in more operational terms in the following sections.

Legal corner - fundamental rights impact assessment

The updated 2021 strategy to strengthen the application of the Charter of Fundamental Rights in the EU underscores the requirement to apply the Charter in impact assessments and invites Member States more explicitly to 'use impact assessments and legislative scrutiny procedures to ensure that initiatives implementing EU law comply with the Charter and develop guidance and training for national and local administrations.'

In 2019 the Commission took stock of its better regulation policy and developed guidelines (2021) and a toolbox (2023). In accordance with the better regulation guidelines and toolbox, an impact assessment is required for the preparation of a legislative or policy proposal, which is 'likely to have significant economic, environmental or social impacts or which entail significant spending, and where the Commission has a choice of policy options.'

The guidelines and toolbox cover the entire policy cycle and include guidance on how the Commission should consider fundamental rights and equality obligations in impact assessments.

Tool #29 of the toolbox underscores that questions on fundamental rights should be addressed during the early preparatory stage of any envisaged initiative, i.e. from the planning stage or at the latest when drafting the 'call for evidence'. Stakeholder consultations and studies should include – wherever possible – collection of data on any potential impacts on fundamental rights. According to the tool, all identified policy options should be screened against the fundamental rights checklist. In addition, the promotion of equality is addressed in a specific checklist.

Going forward – and in the implementation of the Green Deal – the EU should mandate the systematic use of fundamental rights impact assessments and ensure compliance with the Charter as an integral part of the development of future climate and environmental legislation and policies. Although impact assessments are carried out on a case-by-case basis in the context of the scrutiny and validation of EU legal or policy initiatives, a fundamental rights impact assessment should be carried out systematically by the EU institutions and the Member States in all contexts, and as required by the Charter strategy.

FRA activity - foresight on fundamental rights and environmental protection

The Commission uses strategic foresight to 'anticipate trends, risks, emerging issues, and their potential implications and opportunities in order to draw useful insights for strategic planning, policymaking and preparedness.'

The Commission communication on better regulation (COM/2021/219) integrates strategic foresight into EU policymaking, as indicated in the 'Better regulation toolbox': 'The EU must make sure that it develops policies that are robust and future-proof, and that policymakers and institutions are prepared to anticipate changes to proactively shape the future according to the EU's political priorities.' It is important that any strategic foresight exercise takes account of the EU's horizontal obligations to respect and promote fundamental rights (as laid down in Article 6 of the TEU and Article 51 of the Charter).

In November 2023, the FRA hosted a foresight workshop on the intersection between fundamental rights and environmental protection. A wide range of experts, including representatives of EU institutions, Member States authorities, civil society organisations and independent experts, explored trends and developments in climate change and environmental protection, and reflected on how these could impact on the future of fundamental rights in the EU to 2040 – both positively and negatively.

The workshop concluded that future developments in climate change and environmental degradation were likely to put further pressure on fundamental rights in the EU and its Member States, with certain population groups already in vulnerable situations expected to suffer the most severe consequences. It highlighted that without solutions to mitigate climate change and environmental degradation, prices for basic goods and services will increase as resource scarcity and food insecurity grow. Climate pressures might also lead to larger migratory flows, both within the EU and from other world regions. While prompting the need for integration measures, the arrival of migrants and refugees could help reduce labour market and skills shortages and increase societal diversity.

The green transformation of infrastructure, industry and society to achieve a 'net zero' carbon Europe will require significant financial investment. This will increase competition for limited budgets between the support of industry transformation and the funding of just transition measures.

Digitalisation will continue to be a key enabler for unlocking the benefits of a circular economy: material passports, large-scale environmental monitoring, harvesting of energy efficiency gains and the promotion of sustainable consumption decisions all depend on digital technologies.

2. The human right to a safe, clean, healthy and sustainable environment

While the 1948 Universal Declaration of Human Rights does not include an explicit reference to 'environment', there has been slow but steady recognition of the right to a clean, healthy and sustainable environment at the international level and in the EU.

> *'A safe, clean, healthy and sustainable environment is necessary for the full enjoyment of a vast range of human rights, including the rights to life, health, food, water and development'*
>
> UN General Assembly, Note by the Secretary-General (2019)

2.1. The European Union's commitment to environmental protection

Article 191 of the TFEU provides the legal basis for EU policy on the environment. It enunciates the objectives of EU policy on the environment, which include preserving, protecting and improving the quality of the environment, protecting human health and promoting measures at the international level to deal with regional or worldwide environmental problems. Article 11 of the TFEU requires that the EU integrate environmental protection requirements into the definition and implementation of its policies and activities. Several treaty provisions allow the EU to adopt measures to protect the health, safety and economic interests of consumers (Article 169 of the TFEU). Article 37 of the Charter provides the principle of environmental protection, as shown below.

Legal corner - Charter of Fundamental Rights of the European Union: Title IV Solidarity: Article 37: Environmental protection

A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the EU and ensured in accordance with the principle of sustainable development.

Although Article 37 of the Charter is a principle and not a right, it can be read in conjunction with other Charter rights to enhance the protection of the individual in the context of the environment.

The general EU commitment to environmental protection has generated a range of legislative measures. These include Directive 2011/92/EU,which requires Member States to conduct environmental impact assessments to identify any direct or indirect effects of a project on its environment – including human beings, fauna, flora, soil, water, air, climate, the landscape, material assets and the cultural heritage – and the interactions between any of these factors in

order to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being embedded in Article 191 of the TFEU and the Aarhus Convention. The Green Deal is the EU's response to tackling climate and environmental-related challenge and to meeting the commitments and global climate objectives of the Paris Agreement. It is a comprehensive package of policy initiatives adopted in 2019, aimed at setting the EU on the path to a green transition, with the ultimate goal of reaching no net emissions of greenhouse gases by 2050 and reducing net greenhouse gas emissions by at least 55 % by 2030. The European climate law sets the legally binding target of the Green Deal to reach net zero greenhouse gas emissions by 2050. The EU has established a regulatory framework to ensure the timely and effective implementation of the targets and objectives of the Green Deal. EU institutions and the Member States are bound to take the measures necessary at the EU and national levels to meet the target, taking into account the need to promote fairness and solidarity among Member States.

The European climate law refers to the rights and principles laid out in the Charter, particularly Article 37, but much of the remaining EU environmental legislation does not. The legislative package for implementation of the Green Deal and fit for 55 comprises more than 100 legal and policy documents with only limited references to fundamental rights or the Charter. Although the Charter strategy demands that proposals that have a particular link with fundamental rights include specific recitals explaining how the proposal complies with the Charter, this requirement is not always applied.

An initial screening of the respective impact assessments undertaken for legislation under the Green Deal does not show that the fundamental rights checklist was used or that it makes reference to the Charter. For example, the most recent nature restoration law within the EU biodiversity strategy refers to a limited number of rights, such as judicial protection (point 82) and rights of indigenous peoples and local communities (point 4), but without a general reference to fundamental rights or to the Charter itself. The memorandum accompanying the proposal for the nature restoration law states that the proposal respects fundamental rights and the Charter but with no further details.

However, some other measures do include limited references to the Charter or to rights protected by the Charter. The EU chemicals strategy for sustainability (point 2.5) recognises chemical pollution as a threat to the right to a life with dignity, notably for children, especially in low- and middle-income countries. The new regulation concerning batteries and waste batteries (point 138 of the recital) aims to reduce environmental and social impacts throughout the life cycle of the battery by establishing clear due diligence rules. It links the application of the regulation with the principles of the Charter, but does so solely in respect of procedural safeguards for the imposition of penalties.

Energy poverty has been on the EU legislative agenda since 2009 and became a high priority since the energy crisis accelerated due to the Russian war of aggression against Ukraine. Since then, the Commission has set a number of legislative initiatives to not only control energy prices and enhance energy efficiency, but to protect and target the households most vulnerable to energy poverty. For example, the most recent revised energy performance of buildings directive, which

entered into force in May 2024, makes explicit reference to Article 17 of the Charter (the right to property) and Article 34, which 'recognises and respects the right to social and housing assistance in order to combat social exclusion and poverty' (see also Section 3.2).

A number of other key policy files reflect environmental and social considerations, and even concerns relating to vulnerable groups, but none of the final legislative acts explicitly refer to the Charter. Examples of this approach include:

- the EU forest strategy for 2030,
- the EU strategy on adaptation to climate change,
- the EU new industrial strategy.

In addition to its signature climate law, the EU has adopted a range of legislative measures on the reporting of social and environmental risks and on corporate responsibility relating to environmental and social impacts; several of these refer to or are anchored in fundamental rights and in international human rights law instruments and standards:

- the non-financial reporting directive enhances greater business transparency and accountability on social and environmental issues;
- the corporate sustainability reporting directive established reporting requirements on social and environmental risks;
- the EU taxonomy regulation introduced a green classification system that translates the EU's climate and environmental objectives into criteria for specific economic activities for investment purposes;
- the CSDDD, adopted in 2024, introduces mandatory human rights and environmental due diligence obligations across various stages of a supply chain, and requirements to adopt transition plans for climate change mitigation for larger companies operating in the EU.

The Charter applies universally to all EU legislation, regardless of whether the legislation includes an explicit mention of it. However, when secondary law lacks specific and explicit reference to the Charter, there is a heightened risk that the legislation may overlook or downplay pertinent Charter provisions. This risk is particularly pronounced when fundamental rights impact assessments are conducted on a case-by-case basis rather than systematically. Thus, the absence of a reference to fundamental rights is not indicative of whether rights were considered or somehow (de facto) reflected in the legislation. However, this absence is of some concern, as a thorough assessment of fundamental risks and impacts actually did take place. Indeed, without such an explicit reference, it is difficult to substantiate the assertion that such impacts were thoroughly considered and to understand how such impacts could be effectively monitored going forward. Moreover, it is important to acknowledge that merely referencing Charter articles in Commission impact assessments – which is the case for most of the legislative proposals analysed – does not constitute a fundamental rights impact assessment. A comprehensive evaluation of potential impacts on fundamental rights requires a more thorough and systematic approach and, it is argued here, a fundamental rights impact assessment.

2.2. International recognition of the human right to a safe, clean, healthy and sustainable environment

The 1992 Rio Declaration on Environment and Development was a key instrument recognising the link between human rights and the environment and the importance of local citizen participation in environmental issues. The 2012 Rio+20 UN Conference on Sustainable Development launched a process to develop SDGs and adopted the ground-breaking guidelines on green economy policies. And in 2022, 50 years after the UN Conference on the Human Environment, the UN reconvened in Stockholm, addressing the 'triple planetary crisis of climate change, pollution and waste, nature and biodiversity loss, as well as other planetary ills that are affecting current and future prosperity and wellbeing.' The 'Stockholm+50' report underscored the urgent need for bold and deliberate actions, as well as clear political will to accelerate action on these commitments. It also highlighted the need for a combination of incentives and policies, finance and capacity support to achieve sustainable development, putting human well-being at the centre of a healthy planet and prosperity for all.

The now defunct UN Sub-Commission on Prevention of Discrimination and Protection of Minorities had long emphasised the relevance of human rights, including the right to life, health, food, water, housing, culture, property and the right to privacy in the environmental context, effectively '[greening] existing human rights.' The term 'the human rights to a healthy environment' emerged as a denominator 'for the environmental aspects of the entire range of human rights'.

The Aarhus Convention was the first international treaty to include an explicit reference to the right to a healthy environment, providing for 'the right of every person of present and future generations to live in an environment adequate to his or her health and well-being' (Article 1). The EU and its 27 Member States are all parties to the Aarhus Convention.

In 2012, the Human Rights Council established the mandate for an independent expert on human rights and the environment (resolution 19/10), whose first report mapped the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.

FRA activity - enforcing consumer rights to combat greenwashing

A 2024 FRA report examines legal frameworks and case-law in selected Member States to assess whether they ensure consumers' access to accurate information about the environmental effects of products and services, and whether they hold companies accountable for making misleading green claims ('greenwashing'), in line with Articles 11, 37, 38 and 47 of the Charter.

The study also analyses the application of the Aarhus Convention, which allows individuals to access environmental information held by public agencies, potentially including information related to specific products or services. In this context, the findings show that exceptions, such as those applicable to cases which involve protected data, ongoing legal cases, public security concerns or where a company's competitive position is harmed, are sometimes applied too broadly. Furthermore, challenging such denials of access to information can be ineffective and slow, and the relevance of the information may decrease over time.

Source: FRA (2024), Enforcing consumer rights to combat greenwashing.

In October 2021, at the recommendation of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the United Nations Human Rights Council adopted a resolution on the 'right to a safe, clean, healthy and sustainable development'. A resolution soon followed in the United Nations General Assembly. The UN has published a user guide on the human right to a clean, healthy and sustainable environment. It provides guidance on how the right can be used to prevent unsustainable and unjust laws, policies, projects and plans proposed by governments and businesses, and how it can be used to advance the transformative and systemic changes urgently needed to achieve a just and sustainable future.

In its 2023 General Comment 26, the UN Committee on the Rights of the Child outlines a child-rights-based approach to environmental protection, with a special focus on climate change, and recognises the principle of intergenerational equity. It underscores the role of children's rights in both the process and the outcome of protecting children rights in the context of climate change.

The 2015 Paris Agreement enshrines global obligations in response to the urgent threat of climate change, aiming to cut greenhouse gas emissions and 'to limit the temperature increase to 1.5° C above pre-industrial levels.' In doing so, the agreement acknowledges that 'parties should, when taking action to address climate change, respect, promote and consider their respective obligation on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations, and the right to development, as well as gender equality, empowerment of women and intergenerational equity.' The Paris Agreement and its goals are reflected in the Green Deal to make Europe climate-neutral by 2050 and to reduce greenhouse gases by at least 55 % by 2030.

The issue of environmental or climate justice has continued to gain traction at the international level. This is because the disproportionate impacts of climate change on marginalised groups require a broader conceptualisation of climate or environmental justice, in order to tailor mitigation and adaptation efforts to mitigate those impacts and effectively protect the most vulnerable. In this regard, the European Economic and Social Committee calls for a 'drafting of an EU Bill of Climate Rights to encapsulate the rights of EU citizens and nature in the context of the challenges of climate change and encourages EU institutions and National Governments to examine the application of the principles of Climate Justice at all levels'.

2.3. The Council of Europe and the human right to a safe, clean, healthy and sustainable environment

Neither the ECHR nor the ESC include an explicit provision on the protection of the environment or the right to a safe, clean, healthy and sustainable environment. However, the Council of Europe's Manual on Human Rights and the Environment sets out principles derived from the ECHR and the ESC. For example, Article 2 of the ECHR – the right to life – entails not only the obligation to avoid deaths directly related to acts and omissions of the state but also, as part of the 'doctrine of positive obligations', a duty of public authorities to take positive steps in anticipation of threats that may derive from non-state actors.

ECtHR case-law points to important links between the enjoyment of human rights enshrined in the European Convention of Human Rights and the environment. For example, the Court has recognised that environmental hazards can pose a threat to the right to life (Öneryıldız v. Turkey). Environmental pollution has been found to interfere with the right to respect for private and family life (López Ostra v. Spain). The Court has also acknowledged the importance of environmental protection in relation to freedom of expression (Steel and Morris v. the United Kingdom). Environmental regulations and their impact on property rights have been addressed in *Fredin v. Sweden* and in *Taşkın and Others v. Turkey*. In these judgments, the ECtHR emphasised the importance of access to information and public participation in decision-making processes related to environmental issues.

More recently the ECtHR affirmed the human rights link to climate policies in three landmark rulings delivered on 9 April 2024, confirming for the first time in its jurisprudence that the adverse impacts of climate change fall within the ambit of human rights protection under the convention (see Legal corner - ECtHR recognises climate action as a human right).

On 27 September 2022, the Council of Europe Committee of Ministers adopted a recommendation to Member States to actively consider recognising the right to a clean, healthy and sustainable environment as a human right in national law. The 2023 Reykjavik Declaration underscored the need for coordinated action for the protection of the environment. It emphasised an inter-generational and sustainable approach, affirming that 'human rights and the environment are intertwined and that a clean, healthy and sustainable environment is integral to the full enjoyment of human rights by present and future generations.' In March 2024, the Council of

Europe Drafting Group on Human Rights and Environment adopted a draft report on the need for and the feasibility of a further Council of Europe instrument on environment and human rights.

Legal corner - ECtHR recognises climate action as a human right

The ECtHR case of *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* of 9 April 2024 represents a milestone in climate change litigation and the interpretation of Article 8 of the ECHR.

The ECtHR has significantly advanced the interpretation of Article 8 in the context of climate change, and established important precedents for climate action.

- Recognition of climate change as a human rights issue: the Court has firmly established that the impacts of climate change fall within the scope of human rights protected by the ECHR, particularly Article 8, which protects the right to respect for private and family life. According to the Court, this right encompasses a right to effective protection by state authorities from the serious adverse effects of climate change on lives, health, well-being and quality of life.
- Positive obligations of states: the ruling established that states have positive obligations under the convention to combat climate change effectively. This includes implementing adequate domestic regulatory frameworks, such as carbon budgets or national greenhouse gas emissions limitations. Taking effective action on climate change is not just as a matter of policy but a requirement under human rights law. While recognising that national authorities have wide discretion in implementing legislation and measures, the Court held that Swiss authorities had failed to act in a timely and appropriate manner to address climate change.

The ECtHR's ruling includes the Court's interpretation of standing (locus standi) and victim status.

- The Court highlighted the importance of access to justice for non-governmental organisations (NGOs) in climate litigation. The Court found that the applicant association had the right (*locus standi*) to bring a complaint regarding the threats arising from climate change in the respondent state on behalf of those individuals who could arguably claim to be subject to specific threats or adverse effects of climate change on their life, health, well-being and quality of life as protected under the convention. This was a significant development, as it recognised the crucial role that NGOs can play in advocating for climate justice and holding states accountable for their climate policies.
- Ultimately however, the Court held that the four individual applicants did not fulfil the victim-status criteria under Article 34 of the convention and declared their complaints inadmissible. In the context of complaints concerning harm or risk of harm resulting

from alleged failures by the state to combat climate change, applicants failed to show that were personally and directly affected by the impugned failures. Several other judgements delivered on the same day, such as *Duarte Agostinho and Others v. Portugal and 32 Others* and *Carême v. France*, were declared inadmissible.

Source: European Court of Human Rights (9.4.2024): Verein KlimaSeniorinnen Schweiz and Others v. Switzerland; Duarte Agostinho and Others v. Portugal and 32 Others; Carême v. France.

While recognising that national authorities enjoy wide discretion in the implementation of legislation and measures, the Court held that the Swiss authorities had not acted in time and in an appropriate way to devise, develop and implement relevant legislation and measures in this case. The rulings are expected to lead to similar challenges to governments' climate policies in the future and influence litigation strategies against both States and companies. The Council of Europe's Committee of Ministers will now supervise the implementation of the judgment by the Swiss authorities.

3. The Green Deal through a fundamental rights lens

The Green Deal calls on governments to dramatically reduce greenhouse gas emissions by supplying clean and affordable energy, mobilising industry for a clean and circular economy, building and renovating in an energy- and resource-efficient way. Figure 1 illustrates the elements of the Green Deal.

Figure 1 – The European Green Deal

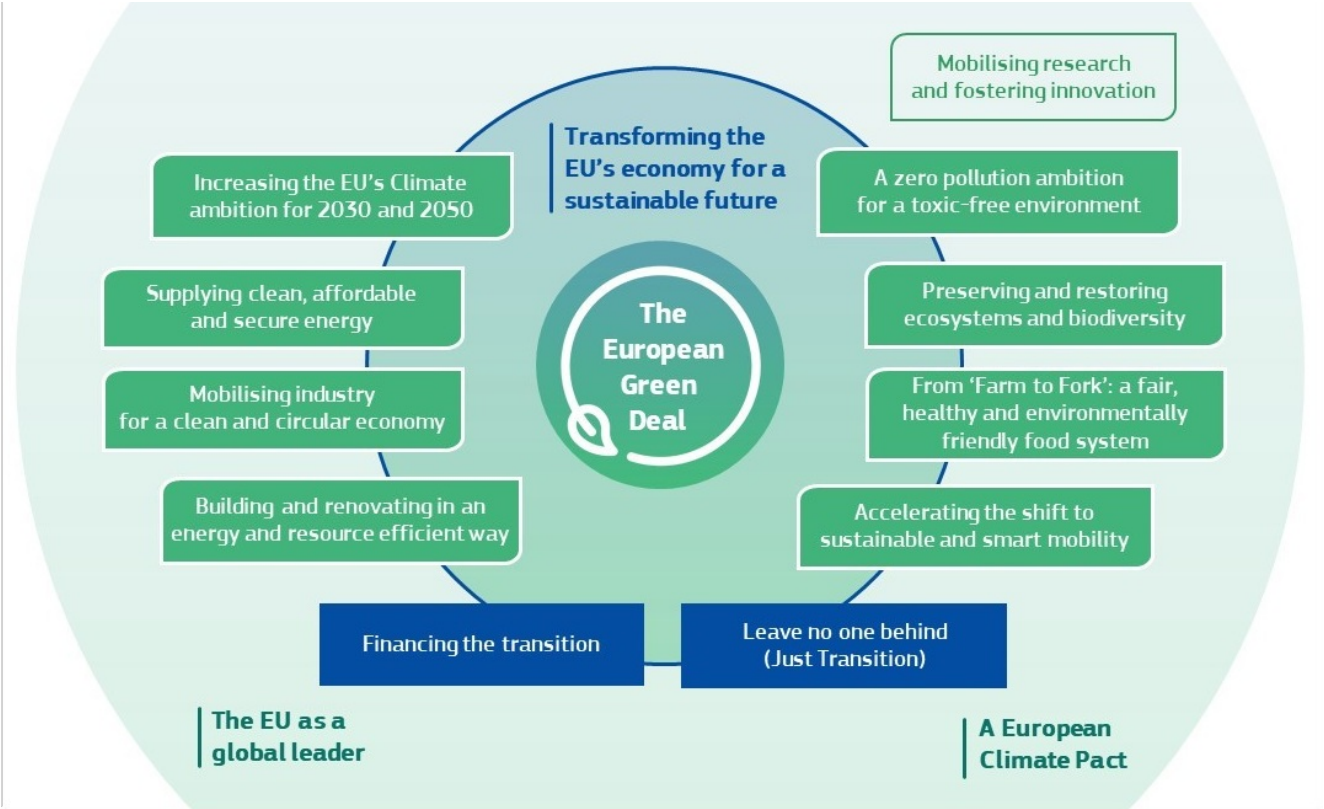

Figure 1 illustrates the various elements of the Green Deal. Transforming the EU's economy for a sustainable future contains the following elements: increasing the EU's climate ambition for 2030 and 2050; supplying clean, affordable and secure energy; mobilising industry for a clean and circular economy; building and renovating in an energy- and resource-efficient way; mobilising research and fostering innovation; a zero pollution ambition for a toxic-free environment; preserving and restoring ecosystems and biodiversity; from farm to fork: a fair, health and environmentally friendly food system; accelerating the shift to sustainable and smart mobility; financing the transition; leaving no one behind (just transition).

© European Commission

Source: Commission communication – The European Green Deal, COM(2019) 640.

The Green Deal focuses not only on meeting climate goals, but also promises numerous benefits for Europe, its economies and its citizens, such as cleaner air, water and soil, increased food security and support for agricultural producers.

The 'fit for 55' package as part of the Green Deal is a set of proposals to revise and update EU legislation transforming the EU's climate goal of reducing EU emissions by at least 55 % by 2030 into a binding legal obligation. The EU has established tools and provisions designed to support a fair and just transition and ensure that the most affected vulnerable groups are not left behind during the green transition. The following sections describe these measures and their fundamental rights implications and safeguards. The most important among these are the EU cohesion funds and the Just Transition Mechanism. The centrepiece of NextGenerationEU is the Recovery and Resilience Facility (RRF), which was created to mitigate the pandemic's economic and social impact and to achieve the EU's climate targets. The EU has placed particular emphasis on tackling energy poverty and the EU environment action programme (EAP) to 2030 is aimed at reducing emissions and reaching the EU's climate goals.

In addition, the European Pillar of Social Rights is an overarching social policy instrument of the EU which has relevance to various aspects of the green transition.

3.1. EU funds and the common provisions regulation

One third of the EU's multiannual 2021–2028 budget and the NextGenerationEU instrument to recover from the COVID-19 pandemic has been allocated to green investments: both established mechanisms and new funds provide specific economic and social support for the green transition.

EU funding managed by the Commission, in partnership with national and regional authorities, accounts for approximately 80 % of the EU budget and is implemented under a 7-year cycle (long-term budget) until 2027. The common provisions regulation lays down common provisions on the Just Transition Fund (JTF), the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund and others. Article 9 of the regulation defines the horizontal principles for EU shared management funding, which requires Member States to comply with the Charter and the CRPD. Further, Member States and the Commission are obliged to ensure gender equality and non-discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation and accessibility for persons with disabilities during the preparation, implementation, monitoring, reporting and evaluation of programmes.

The JTF was established to mitigate the potential negative consequences of the green transition, focusing on those territories most likely affected by the transition towards climate neutrality, with the overall goal of reducing regional disparities.

In 2023, FRA research explored how the enabling conditions in applying EU funds related to the Charter and the CRPD are upheld in practice. It identified several areas for improvement, including the need for meaningful participation of fundamental rights bodies and civil society in all relevant phases of the implementing programmes. It further highlighted the need to build capacities, the development of tools and the provision of sufficient resources for the relevant bodies and organisations by Member States. The report also stressed the need to enhance monitoring and provide access to transparent, independent complaint mechanisms.

Not all EU funds fall under the common provisions regulation and, as such, not all are subject to the enabling condition on the Charter in the implementation of the programmes, for example the Social Climate Fund (SCF) and the NextGenerationEU Fund (see Sections 3.1.1 and 3.1.2).

3.1.1. Just Transition Mechanism & Social Climate Fund

The transition to a more sustainable Europe is supported by funds under the Just Transition Mechanism and the JTF, along with the SCF and the European Globalisation Adjustment Fund, among others. The mechanism aims at alleviating, for the most affected territories, the economic, environmental and social costs of the transition towards climate neutrality by 2050.

The overarching goals of the mechanism target (i) companies and sectors active in or comprising carbon-intensive industries, (ii) Member States and regions with high dependence on fossil fuel and carbon-intensive industries, and (iii) protecting people and citizens most vulnerable to the transition by:

- facilitating employment opportunities in new sectors and those in transition;
- offering re-skilling opportunities;
- improving energy-efficient housing;
- fighting energy poverty;
- facilitating access to clean, affordable and secure energy.

Member States are required, in their territorial just transition plans, to identify the 'most negatively affected territories, including the social, economic and environmental impact of the transition to a climate-neutral economy of the Union by 2050, identifying the potential number of affected jobs and job losses, the depopulation risks, and the development needs and objectives, to be reached by 2030 and linked to the transformation or closure of greenhouse gas-intensive activities in those territories'.

As outlined in Section 3.1, the implementation of major EU funds must consider the horizontal enabling condition of compliance with the Charter and the CRPD. Furthermore, the regulation that establishes the JTF requires Member States to prepare their territorial just transition plans in compliance with the EPSR (see Article 11).

The SCF is part of a larger effort to reduce greenhouse gas emissions in the EU by 55 % by 2030 ('fit for 55'), which will launch in 2026. It focuses on 'vulnerable households, micro-businesses and transport users' who are negatively impacted by the costs of the green energy transition in the areas of buildings and road transportation. The objective of supporting vulnerable households is to 'help tackle energy poverty and improve access to zero and low emission mobility.' Member States are due to submit their proposals on the use of the fund by June 2025. The regulation establishing the fund requires Member States to set up their national social climate plans in a manner consistent with the action plan for the implementation of the EPSR (EPSR action plan).

3.1.2. Recovery and Resilience Facility

The RRF was established as the centre piece of the NextGenerationEU funding in 2021 to support the economic recovery from the coronavirus pandemic and build a greener, more digital and more resilient future for the EU. National plans were required to allocate at least 37 % of their budget to green measures. Funding provided under the RRF must support equal opportunities, including gender equality, and contribute to the implementation of the EPSR. As such, it strengthens EU efforts to support greening of policies and mitigating impact of necessary climate transition issues in connection with economic impacts of the COVID-19 pandemic. With respect to fundamental rights, the regulation provides one limited reference to the Charter in its recital (33): 'Recovery and resilience plans should not affect the right to conclude or enforce collective

agreements or to take collective action in accordance with the Charter of Fundamental Rights of the European Union, and Union and national law and practices.'

A 2023 FRA report on social rights in the RRF finds that 'some Member States put forward measures in their plans that may raise concerns about compatibility with the EU Charter of Fundamental Rights or the CRPD. For example, using facility funds to refurbish or build institutions for people with disabilities may not comply with Article 19 of the CRPD on living independently and being included in the community'. The measures address a number of social vulnerabilities among a variety of population groups in the EU, including women, children and young people in situations of vulnerability, people with disabilities, older people, Roma people and people in precarious working conditions. Out of 4 473 measures adopted, 869 addressed the social and territorial cohesion and only 7 % social protection, including social services and the integration of people in vulnerable situations. The European Institute for Gender Equality's assessment of the RRF is that its gender equality provisions fall short in comparison with the legal and policy commitments to gender equality by the EU and the Member States, along with the 2024 international NGO report of the Citizens Observatory for Green Deal Financing finding a lack of attention for social inclusion and fundamental rights in the RRF.

3.2. EU action to address energy poverty

The revised EU energy efficiency directive and the social climate fund regulation define energy poverty in the following terms:

> *'Energy poverty' means a household's lack of access to essential energy services, where such services provide basic levels and decent standards of living and health, including adequate heating, hot water, cooling, lighting, and energy to power appliances, in the relevant national context, existing national social policy and other relevant national policies, caused by a combination of factors, including at least non-affordability, insufficient disposable income, high energy expenditure and poor energy efficiency of homes*

In September 2023, the new energy efficiency directive was published, establishing targets for reducing the EU's energy consumption by 11.7 % until 2030. It obliges Member States to prioritise vulnerable customers and social housing within the scope of their energy savings measures and to actively address energy poverty. Member States are encouraged to make the best possible use of funds to ensure a just and inclusive energy transition.

In October 2023, the Commission published its recommendation to tackle energy poverty across

the EU, calling on Member States to take swift action to implement the definition of energy poverty and to set out structural measures to ensure affordability and access to energy.

The Energy Poverty Advisory Hub is an EU-funded initiative aimed at knowledge sharing, capacity building and technical assistance for local governments in the Member States. It includes an online platform with information materials, training courses and sharing good practices, along with direct technical assistance to local governments in tackling energy poverty via two grant calls in 2022 and 2023. It also produced a methodology guidebook, which identified several primary and secondary indicators to measure energy poverty across the EU.

The recast electricity directive (Directive (EU) 2019/944), adopted as part of the clean energy for all Europeans package, establishes a right to universal service, where Member States are obliged to ensure electricity supply for household customers (Article 27), easily and clearly comparable, with transparent and non-discriminatory prices and implemented in a transparent and non-discriminatory way. In substance it is in line with the Charter principle, which recognises and respects access to services of general economic interest (Article 36), but does not refer directly to the Charter's provision or other relevant international human rights instruments, such as the CRPD.

The 2024 revised energy performance of buildings directive aims to increase the rate of renovation in the EU, particularly for the worst-performing buildings in each country. Member States must support the introduction of minimum energy performance standards with an enabling framework including technical assistance and financing support, in particular targeting vulnerable households (recital 29). Further financial incentives target, as a priority, vulnerable households, people affected by energy poverty and people living in social housing (Article 17 (18)).

Similarly, the 2024 electricity market reform directive (Directive (EU) 2024/1711) and Regulation (EU) 2024/1747 explicitly address energy poverty and vulnerable energy customers. They foresee protection from electricity disconnection (Article 28a) and non-discriminatory access to energy supplies, including the right to energy sharing (Article 15a).

3.3. The European Pillar of Social Rights

Although not a legally binding instrument, the EPSR enshrines 20 basic principles of EU social policies relating to equal opportunities and access to the labour market, fair working conditions and social protection and inclusion in broader terms, such as homelessness. The EPSR action plan was adopted in 2020 with the aim of strengthening the social dimension of all EU policies. It seeks to 'ensure that the transition to climate-neutrality, digitalisation and demographic change are socially fair and just, and making the Green Deal and the upcoming 2030 Digital Decade successes for all Europeans.'

The EPSR provides a clear reference point for the Just Transition Mechanism, emphasising the need to focus on those most vulnerable to the impacts of climate change: jobseekers, those at risk of poverty, children, young people, old people, women and workers with disabilities. The EPSR

is to 'serve as a guide toward efficient employment and social outcomes when responding to current and future challenges, which are directly aimed at fulfilling people's essential needs, and towards ensuring better enactment and implementation of social rights.'

The EPSR action plan increasingly takes into account the green transition and the consequences of climate change, but has not done so in a systematic or holistic way. For example, the 2024 Commission staff working document on access to essential services in the EU describes access to energy, water and transport under the aspects of climate change and the green transition. It notes concrete actions such as developing and funding sustainable transport solutions and provides examples of groups in vulnerable situations, such as low-income households, the elderly and persons with disabilities, that could benefit from certain measures.

> *As the social and environmental agenda are intrinsically linked, the EPSR should be aligned with the 'European Green Deal'.*
>
> European Trade Union Confederation, 2021

The EPSR action plan requires Member States to make full use of the EU funds when planning the allocation of financial resources. A European Parliament briefing on the social and labour market impact of the green transition stresses that the scope and size of such funds is limited: since EU competence in the area of social policy is limited, the policy action relied upon will be at the national and regional levels.

> *Success or failure of regional, national, and European responses will be determined by the ability of policymakers to set up an integrated policy framework comprising social, labour market and industrial policy elements.*

3.4. The EU environment action programme to 2030

Building on the Green Deal, the EAP aims to speed up the transition to a climate-neutral, resource-efficient economy, recognising that human well-being and prosperity depend on healthy ecosystems.

The 8th EAP, adopted on 2 May 2022, established the EU's common agenda for environment policy until 2030 and particularly calls for active engagement of all stakeholders at all levels of governance, to ensure that EU climate and environment laws are effectively implemented. It provides the policy basis for the EU's achievement of the environmental goals under the United Nation's 2030 Agenda and its SDGs.

Six priority objectives should be achieved by 2030: achieving the 2030 greenhouse gas emission reduction target and climate neutrality by 2050; enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change; accelerating the transition to a circular economy; pursuing a zero-pollution ambition, including for air, water and soil and protecting the

health and well-being of Europeans; protecting, preserving and restoring biodiversity and enhancing natural capital; and reducing environmental and climate pressures related to production and consumption. These are especially relevant when highlighting the link between greening and impact on human rights through just transition.

It recognises the right to a clean, healthy and sustainable environment, as laid out in Resolution 48/13 of the United Nations Human Rights Council, as an enabling condition for attaining the priority objectives of the 8th EAP.

The EAP is the key instrument of the Green Deal until 2030 and is anchored in the TFEU. It is required to be implemented in line with the SDGs and the EPSR but lacks explicit anchoring in the Charter.

4. Challenges from existing EU legislation and policies

As the EU endeavours to implement the Green Deal and the transition to a more sustainable economy, the concomitant goal of ensuring no one is left behind presents a significant challenge. Indeed, despite the EU's policy efforts, Equinet's preliminary assessment of the Green Deal's impact on equality shows that inequalities persist between different regions and demographics across the EU.

4.1. Reinforcing existing inequalities through the green transition

The Green Deal aims to make the EU climate-neutral by 2050 through initiatives that include increasing renewable energy and reducing emissions. However, the transition to a greener economy will impact access to basic services, income and consumption, employment, environmental quality and the quality of life. While the long-term strategic aim of the Green Deal is consistent with sustainable development and the realisation of rights, in the short term its implementation may impact negatively on several fundamental rights, such as the right to adequate housing, social protection and health, as underlined in FRA's Fundamental Rights Report 2024. Member States have committed to reducing inequalities in the SDGs (Goal 10), which is also enshrined in principle 3 of the EPSR rights. Member States are obliged to ensure non-discrimination based on any ground, as laid out in the Charter, and to guarantee social protection (Article 34), health care (Article 35) and equal access to services (Article 36). As climate change and the green transition accelerate, these commitments are not consistently linked with respective policy answers and measures to protect those already at risk of discrimination and social exclusion.

EU law outlaws discrimination: it addresses inequalities and promotes social inclusion through a set of legal and policy instruments that address gender disparities, workplace- related discrimination and discrimination in access to goods and services. At the same time, there is still no clear legal and policy framework protecting people from the impact of climate change and environmental degradation, or from negative consequences of the Green Deal.

A 2022 report by the Parliament stresses that Green Deal just transition policies strongly focus on ensuring employment and employability, but do not adequately address the deteriorating situation of pensioners, in particular the existing and growing pensions gender gap . A 2023 study for the Employment and Social Affairs Committee emphasises that EU climate policy instruments 'demonstrate a limited recognition and narrow understanding of negative socioeconomic impacts.' It notes that 'inequalities not only intersect but mutually reinforce each other, creating self-reinforcing paths of (dis)advantage'. The study also highlights that the basic inequality dimensions are rarely discussed in the 14 EU climate policy instruments. While class and gender are identified, the same cannot be said about disability and age. The other significant gap relates to ethnicity and race-based dimensions of inequality. For example, in the 2003 heatwave in France, during which 15 000 people died, most of those that perished were older people; two

thirds of the victims were women, particularly poorer women living in marginalised suburban neighbourhoods.

Equality and non-discrimination are legal principles that must be upheld in measures that seek to tackle the complex social and economic changes brought about by climate change. Similarly, relevant and applicable laws protecting fundamental rights must be considered in all actions and initiatives taken to implement the Green Deal. Failing to do so risks exacerbating existing inequalities and perpetuating cycles of disadvantage for already marginalised groups; it also risks neglecting or even violating fundamental rights protected under EU law.

4.2. Climate change, health and impact on vulnerable groups

Article 35 of the Charter requires Members States to ensure a high level of human health protection in the definition and implementation of all EU policies and activities. Climate change will affect everyone, but some people and places will be affected more than others. Certain individuals and communities – particularly those who are already marginalised and vulnerable – are likely to be disproportionately affected and face greater risks and threats to their enjoyment of fundamental rights. This could impact the rights of persons with disabilities (Article 26) or the rights of the elderly (Article 25) established in the Charter. A 2018 EEA study shows that people with certain diseases are more affected by heat than those in the general population. Also, older persons are more vulnerable to the impact of climate change. The European Climate and Health Observatory points out that children and young people are particularly prone to mental health problems related to climate change. Socio-economic status and financial constraints may make it more difficult for lower-income groups to prepare for and recover from the extreme impact of weather change (ETC/CCA, 2018). Furthermore, a disproportionate exposure of ethnic minorities, such as Roma communities, to flood risks has been found in some countries.

The trajectory of climate change impacts continues, as also underlined in the 2023 report of the Intergovernmental Panel on Climate Change: 'Future exposure to climatic hazards is increasing globally due to socio-economic development trends including growing inequality, and when urbanisation or migration increase exposure.' The report defines inequality as the 'uneven opportunities and social positions, and processes of discrimination within a group or society, based on gender, class, ethnicity, age, and (dis)ability, often produced by uneven development. Income inequality refers to gaps between highest and lowest income earners within a country and between countries.' The report also states that 'actions that prioritise equity, climate justice, social justice and inclusion lead to more sustainable outcomes, co-benefits, reduce trade-offs, support transformative change and advance climate resilient development.'

According to the 2014 Intergovernmental Panel on Climate Change climate change report, the impacts of climate change events on individuals, communities and regions vary, depending on the vulnerability of the people or areas affected and their level of exposure. The 2022 EEA study Towards 'just resilience': Leaving no one behind when adapting to climate change confirmed that despite efforts to adapt to climate change in Europe, the most vulnerable groups in society are

still the most affected. The impact on vulnerable groups due to climate change regards the following:

- older people, children, groups of low socio-economic status and people with health problems, who tend to be more vulnerable to climate change impacts than the general population;
- people's ability to avoid or cope with these climate hazards depends on their financial resources, the extent of their social networks, whether they own a home and other factors;
- individuals and communities can often be vulnerable in more ways than one and can be exposed to various climate-related hazards.

While the Just Transition Mechanism and the EPSR and related funds make considerable efforts to address social inequalities and promote fundamental rights, climate-related threats to the health of people in vulnerable situations are not yet addressed systematically or in a manner consistent with binding fundamental rights obligations in the implementing policy files, at the EU, national and regional levels.

4.3. Energy poverty and fundamental rights

Energy poverty may have a negative impact on the enjoyment of a number of fundamental rights embedded in the Charter (e.g. Articles 21, 34 and 36). Energy poverty also contradicts principle 20 of the EPSR, which provides that everyone has the right to affordable essential services, including water, sanitation, energy, transport, financial services and digital communications.

In addition to relevant and applicable obligations relating to fundamental rights under EU law, international legal obligations, such as those under the CRPD and the International Covenant on Economic, Social and Cultural Rights, continue to bind Member States, including when they design, adopt and implement climate policy.

According to Eurostat data, over 41 million people in the EU (9.3 % of the population) were unable to keep their home adequately warm in 2022. Those who are already in a vulnerable situation are less likely to cover energy costs against rising prices. For example, low-income households cannot afford to keep their house adequately warm twice as often (20.1 %) than the general population. According to the European Disability Forum, 24 % of persons with disabilities are at risk of energy poverty.

FRA data show that energy poverty is unequally affecting different groups and immigrants, descendants of immigrants and Roma people and Travellers, who have a considerably higher risk of experiencing energy poverty than the EU-27 average. Also, the 2023 FRA report Being black in the EU – Experiences of people of African descent shows that 14 % of persons of African descent cannot afford to keep their house warm, compared with 9 % for the general population. This is also underlined in the FRA report Being Muslim in the EU – Experiences of Muslims, which finds that twice as many Muslim households (18 %) could not afford to keep their home warm, compared

with the general population (9 %).

The FRA Fundamental Rights Report 2024 concludes that in 2022 and 2023, measures adopted by the EU and Member States to address rising prices and housing issues and to tackle energy poverty have largely mitigated negative impacts on poverty and social exclusion. However, such measures were not rights-based, often remained temporary and did not always reach the most vulnerable.

4.4. Employment and green jobs in the just transition

The green transition has and will continue to have a significant impact on the labour market both in terms of risks, such as the expected impact of climate change to occupational health and safety, the loss of jobs, such as the phasing out of coal mining, and opportunities for new jobs in green technologies, goods and services. This may impact several fundamental rights, such as Article 31 of the Charter, which guarantees the right to fair and just working conditions, or Article 23, which establishes equality between women and men. Studies show the unequal distribution of gender and age among 'green jobs' and 'brown jobs' [1] .Occupational health-related risks such as heat stress differ depending on the sectors. For example, according to the European Agency for Safety and Health at Work, 'sectors where workers are likely to do intense physical work in direct exposure to sunlight and heat include agriculture, forestry, public spaces and road repair and maintenance, fisheries, construction, mining and quarrying, transport, postal services, waste collection, and maintenance and utilities supplies.' Depending on the sector, there are higher occupation numbers among women or men, low-wage earners or higher numbers of immigrants.

A Eurofound paper on addressing the needs for green jobs and skills in view of the changing labour markets in the transition to a green economy calls for particular emphasis to be placed 'on addressing the gender employment gap and – in many countries in the case of women – activating under-utilised labour.' In this regard, to increase the participation of women in the labour market, policies and measures beyond training or equal pay are necessary, especially as regards work–life balance. Moreover, the study notes that 'analysis of labour market lack and employment rates of persons with disabilities and third country nationals in particular shows that untapped potential continues to exist in a tight labour market.'

Where negative impacts to employment are discussed, the mitigating measures rely heavily on existing programs and more general re-skilling and upskilling measures, but do not sufficiently tackle existing and upcoming inequalities.

4.5. Equal access to essential services

Ensuring equal, affordable and adequate access to essential services is one of the main challenges of climate change and its mitigating measures. Access to services of general

economic interest is enshrined in Article 36 of the Charter. In order to combat social exclusion and poverty, the Charter also recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources (Article 34).

A 2023 paper by Eurofound points to the need to support those negatively affected during the transition and those already in vulnerable situations: 'it is important to break the link between employment and fulfilment of basic needs. Currently, for instance, access to quality services often depends on income or employer-provided insurances. It is key to break this link to guarantee the right to "a life in dignity at all stages of life and effective access to enabling goods and services", as set down in the European Pillar of Social Rights.'

There are several policy challenges that remain unaddressed and for which a fundamental rights lens or perspective could prove useful. One clear gap in climate policy instruments is the absence of data on how the climate policy instrument may impact ethnicity and race-based dimensions of inequality. For example, barriers to access clean water and affordable energy have been identified for marginalised Roma people, particularly those living in segregated settlements. In this regard, it should be noted that the EU Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation (2021/C 93/01) has no reference to the Green Deal or the just transition.

4.6. Monitoring the just transition

The 2019 Commission report on the evaluation of the 7th EAP noted that its implementation could have been reinforced by a stronger monitoring mechanism. Eurostat, in close cooperation with the EEA and the Joint Research Centre, regularly publishes statistics for the Green Deal in three areas: (i) reducing our climate impact; (ii) protecting our planet and health, and (iii) enabling a green and just transition. The available indicators, however, are a limited reflection of the just transition process. For example, the only indicator concerning energy poverty is the SDG indicator 'population unable to keep home warm'.

On 26 July 2022, the Commission adopted a list of headline indicators to monitor progress towards the EU's environment and climate goals as foreseen in the 8th EAP. The relevant communication introduces a placeholder for environmental inequalities. The EEA has been developing an initial indicator linking exposure to air pollution with income levels as part of a broader effort to measure environmental fairness and to link the exposure of groups at risk of socio-economic marginalisation to environmental and health risks. Data collected and published by the EEA are more pronounced and also refer to the SDGs. Still, disaggregation for persons and households in vulnerable situations and a systematic monitoring across different living dimensions are lacking.

The most comprehensive data set in regard to the just transition is the social scoreboard, with parameters developed along the lines of the EPSR action plan. It could also be used as a base for assessing fundamental rights compliance, at least in the realm of social rights. While at-risk-of-poverty and social exclusion are measured, disaggregation is limited for various vulnerable living

situations, such as single parents, people with disabilities, immigrants, minority groups and intersecting characteristics and regional breakdowns.

There is still a large gap in equality data, for which FRA's surveys can partially compensate. Further, there is still little available data to measure the fundamental rights impact of environmental changes and policies to tackle them.

A possible approach to measure the fundamental rights impact of environmental changes and policies is demonstrated in the Gender Equality Index 2023, which includes a thematic focus on the socially fair transition of the Green Deal and developing gender-disaggregated data and analysis on the following aspects: (i) public attitudes and behaviours on climate change and mitigation, (ii) energy, (iii) transport and (iv) decision-making.

Embedding these indicators in an HRBA monitoring framework for a just transition could strengthen the accountability of the monitoring and help uphold the relevant and applicable fundamental rights obligations.

Ways forward

Fundamental rights are an integral and foundational part of EU law, and the EU and Member States have obligations to respect, protect and fulfil them. For fundamental rights to be effectively addressed in the implementing legislation of the Green Deal, they must be explicitly and systematically reflected in each and every legal and policy measure and at all stages of policy design, implementation, enforcement, monitoring and evaluation. The following section includes examples of how fundamental rights compliance could be ensured, both in the implementation of existing legislation and in future policy files in the EU green transition. Further research is warranted on gaps and challenges, definitions and concepts, along with more detailed guidance on how to integrate fundamental rights systematically and effectively in the Green Deal going forward, strengthening EU legal and policy coherence to ensure a just transition .

The emergence of an international 'human right to a safe, clean, healthy, and sustainable environment' attests to the role and relevance of fundamental rights for a just transition in the EU. Most pertinently, the Charter can guide action in ensuring that 'no one is left behind' in the Green Deal.

The just transition to a sustainable future for all relies on a comprehensive fundamental rights analysis, of both structural and intersectional factors that threaten or present risks to the rights of certain individuals and groups, which are then exacerbated by climate change or under additional threat due to policies designed to address climate change. EU institutions should therefore systematically and comprehensively address fundamental rights in their impact assessments, explore whether policy actions taken pursuant to the Green Deal take full and appropriate account of the fundamental rights impacts they may entail, and work to ensure that all such actions comply with the rights and principles outlined in the Charter.

Systematic integration of fundamental rights in the EU's green transition

To develop a comprehensive understanding of the challenges faced by vulnerable groups and how climate adaption and mitigation policies and actions can result in unintended negative impacts that compound their exclusion or undermine their enjoyment of fundamental rights, detailed ex ante assessments of climate policies and actions would be necessary. An HRBA to the green transition requires the explicit integration of relevant fundamental rights standards in climate and environmental protection policy and legislative files, at both the EU and national levels. An assessment of fundamental rights compliance should be consistently and systematically undertaken within the impact assessments conducted in the EU and in Member States, in line with the 'Better regulation: guidelines and toolbox' and the strategy to strengthen the application of the Charter. Such fundamental rights impact assessments should be done before developing climate policy measures, to ensure that relevant and applicable legal obligations relevant to fundamental rights as underlined in the Charter are considered, thereby ensuring policy coherence and the

respect, protection and fulfilment of legally protected rights. Such assessments should also consider and address any conflicts that may arise between different fundamental rights and between the rights and the imperative to protect the environment and mitigate climate change.

FRA activity - fundamental rights impact assessments in national lawmaking

In the context of the 25th anniversary of the Charter's proclamation in 2025, FRA will assess whether and how the Charter is considered in impact assessments and legal scrutiny in the context of national lawmaking. FRA will collect promising practices and get insights on challenges, gaps within relevant services and policies measuring the impacts of legislation on human/fundamental rights. This will include issues such as human/fundamental rights impact assessments and legal scrutiny of legislative proposals at the national level, along with evaluations of impacts on human/fundamental rights of adopted legislation, especially by national governments and parliaments, or other bodies having such competences.

The foregoing is consistent with an HRBA to climate policy. Applying an HRBA in implementing the Green Deal and mainstreaming fundamental rights obligations in climate policy and related legislation and policy documents could support more inclusive and just outcomes that protect people in vulnerable situations and benefit all members of society. In practical terms, this can be achieved through undertaking HRIA and evaluations. Such assessments should also consider and address any conflicts that may arise between different fundamental rights and between fundamental rights and the public policy imperative to protect the environment and mitigate climate change. Including references to the Charter in all relevant EU secondary law, policy documents and strategies does not guarantee the full and effective application of the Charter, but it goes some way to reducing the risk of overlooking or downplaying relevant and applicable charter provisions, including in the national implementation of relevant EU law.

In addition, all strategic foresight exercises relating to the green transition and climate change policies can benefit from a fundamental rights perspective and from relevant guidance developed by FRA.

The integration of fundamental rights legal obligations and principles in the Green Deal measures is necessary to ensure that the transition to a sustainable economy is environmentally sustainable, socially just and complies with the Charter. The main EU instruments for a just transition, namely the Just Transition Mechanism and the SCF, do not systematically or comprehensively integrate human rights obligations enshrined in the Charter. Such explicit integration could help ensure that measures adopted under the Green Deal are consistent with the provisions of the Charter and protect Europe's most vulnerable, marginalised and discriminated.

Effective application of fundamental rights as enabling conditions of EU funds

The EU's commitment to upholding fundamental rights, as enshrined in the Charter, requires that in policy terms, these principles are systematically and comprehensively integrated into the operation of EU funds. This integration is a moral imperative and a legal obligation for EU institutions and Member States. The horizontal enabling conditions of the EU funds (Annex III), which concern the effective application and implementation of the Charter and the implementation and application of the CRPD, are critical in this regard. However, their effective enforcement, implementation and monitoring remain a challenge.

Moreover, certain thematic enabling conditions (Annex IV), particularly those applicable to the European Regional Development Fund, the European Social Fund Plus and the Cohesion Fund, such as the 'National strategic policy framework for social inclusion and poverty reduction' (4.4), 'National Roma inclusion strategic policy framework' (4.5) or the 'Strategic policy framework for health and long-term care' (4.6), could help ensure that the EU climate and environment acquis is implemented in compliance with fundamental rights.

For policy coherence and consistency, the enabling conditions set out in the common provisions regulating EU funds should be applicable to all funds, including the NextGenerationEU Fund and the SCF. By integrating fundamental rights in the design, implementation and monitoring of all EU funds implementing the Green Deal, the EU can ensure that its climate and environmental goals are achieved in a way that promotes social justice, equality and human dignity.

A monitoring framework for a just transition

There is currently no comprehensive monitoring framework to evaluate the impact of environmental factors or policies on fundamental rights, which could be applied to assess the just transition. The Parliament study Policy instruments to tackle social inequalities related to climate change proposes further steps in the design of relevant policies and the use of EU funds to assess the impact of the green transition more clearly, and to address the social impacts of current climate policies on fundamental rights, including equality.

It is necessary to establish mechanisms to systematically assess, monitor and evaluate the impact of green policies on human rights, including the right to health, work and a clean environment. This includes investing in and building relevant capacities for data collection, indicator development and monitoring bodies, both at the EU and Member State levels. Most of the existing monitoring frames and indicators link only implicitly to particular fundamental rights, by referencing SDG indicators or, more generally, to the Charter. The development of a holistic and systematic monitoring of the just transition linking explicitly to the embedded fundamental rights is needed.

The collection of data on climate change impacts and the effectiveness of climate policies is essential for ensuring that climate justice is achieved. However, these data must be collected in a way that explicitly considers fundamental rights and respects the right to privacy and data protection rights. Data collection should follow the principles of transparency and accessibility to the public.

There is a need to develop specific human rights indicators to assess the effectiveness of green policies in upholding human rights standards and enabling evidence-based decision-making. It is crucial to engage with civil society organisations and human rights defenders to gather qualitative data on the ground, capturing the lived experiences of communities affected by green transitions. The role of equality bodies and national human rights institutions could be strengthened in this regard, in particular by providing sufficient resources and building the necessary capacity, as outlined in several FRA reports.

FRA, in close cooperation with the Commission and the Member States, has already developed human-rights-based monitoring indicators and provides guidance in different areas and EU strategies, such as Roma people and Travellers, anti-racism, disability and rights of the child. The data to populate these indicators are collected in dedicated surveys by FRA, as large-scale data collection across the general population typically does not cover certain groups. The derived indicators are valuable tools for assessing the impact of EU policies on fundamental rights and could be adapted to monitor the implementation of the Green Deal.

Ensure effective participation

Human rights frameworks have evolved significantly to emphasise participation and enforcement, including in regard to environmental issues. The UN Human Rights Council has repeatedly affirmed the importance of public participation in climate action. The Paris Agreement and other climate frameworks now explicitly recognise the importance of public participation and human rights in climate action, demonstrating the increased integration of rights-based approaches in climate governance.

All stakeholders, including civil society organisations and marginalised communities, should be involved in decision-making processes related to climate policies, to ensure effective participation of affected groups and individuals and that the views of those most affected are fully integrated, thereby helping uphold accountability, transparency and respect for human rights.

Climate assemblies are increasingly relied upon to guide government climate policy decisions and have the potential to influence and shape the work of governments and parliaments. National Climate Assemblies are events that bring together people from different backgrounds to discuss and deliberate on climate issues. These assemblies, which are held at the national, regional and local levels, aim to involve the public in addressing climate change. They provide a platform for citizens to contribute to the development of climate policies and the transition to a more sustainable future.

For example, Ireland held its first Children and Young People's Assembly on Biodiversity Loss in October 2022. The assembly acknowledged that biodiversity loss affects children's rights to a healthy and safe environment, so it is important for children and young people to be involved in decision-making; it yielded 58 calls to action across seven themes, including waste reduction, habitat protection and raising awareness.

Citizens, collectively as well as individually, should have access to complaints mechanisms and effective remedies to address delays and gaps in the implementation of legislation and to hold governments accountable for their obligations to implement a swift and fair green transition in compliance with fundamental rights obligations.

Similarly, in the private sector domain, the 2024 CSDDD requires companies to implement due diligence obligations, including establishing accountability and redress mechanisms, thereby enhancing access to justice for victims of human rights abuses.

Access to justice and adequate enforcement

Access to justice plays a crucial role in climate and environmental matters, by allowing individuals and civil society to bring claims to enforce their fundamental rights in the context of climate change, and ensuring accountability, particularly in addressing the collective impacts of climate change. The Parliament report Can Nature Get It Right? A study on rights of nature in the European context emphasised empowering civil society to ensure effective implementation of environmental law and aligning with Green Deal goals by promoting broader access to justice.

The role of **strategic litigation** should also be acknowledged. By selecting cases that aim to effect systemic change and set important precedents and protection standards, climate lawsuits can help embed an HRBA into climate mitigation and adaptation policies, advance climate action and hold governments and corporations accountable. Strategic litigation facilitates effective access to justice in climate change and can drive policy changes in this area.

In landmark cases across the EU, such as Neubauer v. Germany or Urgenda v. State of the Netherlands, domestic courts have clarified the human rights obligations of states linked to climate policies. The ECtHR, in three landmark rulings delivered on 9 April 2024, affirmed for the first time that the adverse impacts of climate change fall within the scope of human rights protection under the convention, obliging states to implement effective mitigation measures, and outlining criteria that climate policies should meet to comply with positive obligation of states to safeguard the right to private and family life (Article 8 of the ECHR).

Legal corner - Dutch and German climate cases with a significant impact on climate change policies and litigation

Urgenda Foundation v. State of the Netherlands: this landmark case was brought by the Urgenda Foundation and 900 Dutch citizens against the Dutch government. In 2019, the Supreme Court of the Netherlands ordered the government to reduce greenhouse gas emissions by at least 25 % below 1990 levels by the end of 2020, finding that the government had a duty of care to protect citizens' rights under the ECHR.

Neubauer et al. v. Germany: in 2021, the German Constitutional Court ruled that the government's climate protection law was insufficient and violated the constitutional rights of young people, ordering the government to set more ambitious emissions reduction targets.

Sources: Urgenda v. State of the Netherlands; Neubauer v. Germany.

Strategic litigation is therefore increasingly used as a tool to inform the development and implementation of just transition policies in a fundamental-rights-compliant manner. This is reflected in the growing number of environmental lawsuits filed globally, from around 800 between 1986–2014 to 1 200 in the subsequent 8 years until mid-2022. Such litigation can be expected to grow in the future, potentially informing the implementation of future just transition in practice, in Member States and beyond.

At the same time, these climate litigation trends point to a broad-based failure of States to act and to human rights violations emanating from states' omissions; they therefore signal the need for more effective and comprehensive legal and policy measures, including legislation at the national level. Litigation by itself is not a cure-all and cannot replace policy measures, which, as confirmed by the ECtHR, fall under positive obligations of states.

Moreover, strategic litigation is no substitute for legislative or policy action, but can serve as a valuable and effective complement to them. In particular, it can help identify gaps in fundamental rights protection in the green transition and facilitate the implementation of specific state measures. Successful lawsuits have prompted legislators around the world to act on climate change, making them a key social driver supporting decarbonisation measures. Additionally, litigation can foster and invigorate coalitions among civil society, institutional actors and other stakeholders.

Nevertheless, significant limitations exist in terms of legal standing (*locus standi*) before certain courts, which can impact the ability of parties to bring cases forward. In Verein KlimaSeniorinnen Schweiz and Others v. Switzerland, the ECtHR clarified the *locus standi* of individuals and associations under Article 34 of the ECHR in the context of complaints concerning harm or risk of harm resulting from alleged failures by the State to combat climate change. The Court of Justice of the European Union, for its part, has maintained a strict interpretation of the standing criteria for

private parties to bring direct actions under Article 263 of the TFEU, requiring applicants to show they are individually concerned by an EU act. As a result, a Parliament comparative study on legal standing argues that the preliminary reference procedure does not adequately compensate for the lack of direct access of individuals to the Court, which further underscores the importance of strategic litigation.

In conclusion, while strategic litigation and access to justice are important tools in addressing climate change, they must be complemented by robust legislative and policy measures and effective implementation of court decisions to effect meaningful change.

Abbreviations

- **CSDDD** - corporate sustainability due diligence directive
- **CRPD** - Convention on the Rights of Persons with Disabilities
- **EAP** - environment action programme
- **ECHR** - European Convention on Human Rights
- **ECtHR** - European Court of Human Rights
- **EEA** - European Environmental Agency
- **EPSR** - European Pillar of Social Rights
- **ESC** - European Social Charter
- **EU** - European Union
- **Eurofound** - European Foundation for the Improvement of Living and Working Conditions
- **HRBA** - human-rights-based approach
- **JTF** - Just Transition Fund
- **NGO** - non-governmental organisation
- **RRF** - Recovery and Resilience Facility
- **SCF** - Social Climate Fund
- **SDG** - sustainable development goals
- **TEU** - Treaty on European Union
- **TFEU** - Treaty on the Functioning of the European Union
- **UN** - United Nations

Endnotes

[1] There is no agreed definition of ‘green’ or ‘brown’ jobs, but ‘green’ jobs are mostly referred to as new employment opportunities in the green economy, where sustainability is the main objective of tackling climate change. It refers to professional activities that help to protect the environment and combat climate change by saving energy and raw materials, promoting renewable energies, reducing waste and pollution or protecting biodiversity and ecosystems. ‘Brown jobs’ are activities that potentially create a negative impact on the environment, lead to pollution of water, land and air, loss of biodiversity and exhaustion of natural resources.

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