

Press release

## Immediate action programmes cannot ensure compliance with climate targets - buildings with a substantial contribution, transport without sufficient ambition even at the outset

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**Berlin, 25.08.2022** - In the report prepared pursuant to § 12 of the Federal Climate Protection Act (KSG), the Council of Experts on Climate Change examines the assumptions underlying the immediate action programmes for the building and transport sectors submitted by the responsible federal ministries on 13.07.2022. The review of the Council of Experts follows a three-part scheme, which includes both the review of the emission reductions shown with regard to compliance with the KSG target path, as well as the review of the procedure for their calculation and the probability of their realisation.

### Examination of the immediate action programme for the building sector

The Council of Experts on Climate Change states that the proposed immediate action programme for the building sector, if the reduction effect of 137 megatons (Mt) CO<sub>2</sub>-eq. stated by the ministries BMWK and BMWSB were realised in combination with a modified reference path, would fulfil the condition of an immediate action programme according to the Federal Climate Protection Act (§ 8 (1) KSG), but only in a broad interpretation of this criterion. It is true that despite the immediate action programme, there would still be exceedances of the KSG requirements in the years 2022-2027. From 2028 onwards, however, the ministries show corresponding undershoots, so that the cumulative compliance gap between the emissions path and the KSG target path would be balanced by 2030. The in-depth examination of the assumptions shows that the realisation of the greenhouse gas reductions reported by the ministries is only partially probable. Overall, therefore, compliance with the KSG targets is not ensured by the immediate action programme.

Nevertheless, the Council of Experts believes that the immediate action programme will make a substantial contribution to reducing emissions in this sector. "Arithmetically, the building sector would summarily achieve its emissions target by 2030 if the greenhouse gas reductions indicated by the ministries were to occur in full," says Hans-Martin Henning, Chair of the Council of Experts on Climate Change. "However, whether the savings can really be realised to this extent seems questionable after our review." Moreover, he points to the increasing risk of missing the target if the further increase in the compliance gap between the emissions path and the KSG target path is initially accepted, and strong reductions are not to be made until the end of the decade. "This also raises the question for the legislator whether this is in line with the intention of the Federal Climate Protection Act."

### Examination of the immediate action programme for the transport sector

With regard to the proposed immediate action programme for the transport sector, the Council of Experts on Climate Change states that although it has an emission-reducing effect, it does not fulfil the requirement for an immediate action programme under the Federal Climate Protection Act (§ 8 (1) KSG). "According to the Ministry of Digital Affairs and Transport, the immediate action programme for the transport sector only saves 14 megatons of CO<sub>2</sub>-eq., so that arithmetically there is still a compliance gap of 261 megatons of CO<sub>2</sub>-eq. by 2030," says Brigitte Knopf, Deputy Chair of the Council of Experts.

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In this context, the responsible ministry, BMDV, has referred to the significantly more comprehensive climate action programme 2022 announced by the Federal Government for the near future, on which the Council of Experts will then issue a statement in accordance with § 12 (3) KSG. The Council of Experts on Climate Change has therefore refrained from an in-depth examination of the assumptions of the immediate action programme for the transport sector at this point in time. "In the transport sector, the overarching climate action programme will have to go considerably beyond the submitted sectoral immediate action programme," says Knopf and adds: "Otherwise, the sectoral climate target for 2030 could be missed significantly. This could result in critical challenges also with regard to the European targets."

### **Need for clarification regarding the Federal Climate Protection Act**

As already noted in previous reports of the Council of Experts, the present application of the Federal Climate Protection Act also revealed open points and questions of interpretation, the clarification or specification of which is of great importance in the view of the Council of Experts. These include, in particular, the timing of the involvement of the Council of Experts in the examination of an immediate action programme and the exact subject of the examination. The Council of Experts asks the Federal Government to create clarity and legal certainty regarding these questions in good time before the next examination of possible immediate action programmes.

The report is available here (in German): <https://expertenrat-klima.de/en/publikationen/>

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The Council of Experts on Climate Change (ERK) is an independent body of five expert persons from different disciplines. The members of the Council of Experts on Climate Change were appointed by the Federal Government in September 2020 for a period of five years. The Council is bound only by the mandate established by the Federal Climate Protection Act (§ 12 KSG) and is independent in its activities. The Council consists of the five members Prof. Dr Hans-Martin Henning (Chair), Dr Brigitte Knopf (Deputy Chair), Prof. Dr Marc Oliver Bettzüge, Prof. Dr Thomas Heimer and Dr Barbara Schlomann.

#### *Background to the audit*

In the event of a target shortfall in the previous year, the Federal Climate Protection Act (§ 8 (1) KSG) requires the responsible ministries to submit an immediate action programme for the respective sector within three months. The missed targets in the building and transport sectors were confirmed by the Council of Experts on Climate Change in its report published on 13.04.2022. The ministries BMWK/BMWSB and BMDV each published corresponding immediate action programmes for the building and transport sectors in time for 13.07.2022. In connection with the publication, the ministries have asked the Council of Experts on Climate Change to review the greenhouse gas reduction assumptions on which the immediate action programmes are based in accordance with § 12 (2) of the Federal Climate Change Act. Pursuant to § 8 (2) sentences 3 and 4 KSG, such an assumption review is a mandatory component of a draft resolution for the Federal Cabinet.

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