

# Just transition governance

Boosting participation in the energy transition: Five action areas for the new EU policy cycle (1/5)

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## Introduction

The energy transition has the potential to offer many benefits – environmental, social and economic. Effective and just governance structures in both private and public spheres are essential in order to safeguard these positive effects for all: existing power dynamics must not be allowed to consolidate the benefits for the affluent in society while directing the burdens onto the least well-off, who also have the least economic and decision-making power. An important factor here is that while the transition has significant frontloaded costs, there is a delay before the benefits are felt. And although it has been recognised that a just transition is key for the success of the EU's energy transition, its social dimension is still weak and patchy.<sup>1</sup>

Moreover, the dominant narrative around the EU's energy transition is shifting. In 2019, fighting the climate crisis was one of the top priorities on the EU agenda, but the current framing has an overwhelming focus on competitiveness. This shift – which can be seen in both the European Council's Strategic Agenda 2024-2029 and the mission letters to the new Commissioners – also impacts just transition governance, as is shown the portfolio of the Executive Vice-President of the European Commission for Clean, Just and Competitive Transition, for example.

Amidst this changing context, the pace of energy transition will continue to intensify. This will require far more resources, not least because the low-hanging fruit in terms of reducing emissions has already been picked. The challenges of a just transition will also intensify, especially with regard to inequality and employment change. In order to address these, good and just governance structures to oversee the EU's energy transition and steer it toward social and environmental justice, territorial cohesion and fair participation are needed more than ever. This encompasses not only the attainment of socially just outcomes, but also the establishment of processes that meaningfully involve workers and communities in decisions that will affect them. And crucially, this must not only apply to the most affected regions and industries, but also include affected groups across the board, in all regions and sectors.

In this brief we focus on just transition<sup>a</sup> governance structures at the EU level<sup>2</sup>, though we acknowledge that these interact with mechanisms at the Member State level, such as those considered in another brief within this series: Local Management of a Systemic Transition on local transition management. We argue that, while there are already some relevant elements in place, these are limited in scope, lack proper funding and constitute a fragmented response rather than an integrated and comprehensive framework addressing multiple issues that cut across different policy silos. Finally, we propose ways to adapt the current just transition governance framework so that it can live up to its potential to bolster fair participation in the EU's energy transition.

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<sup>a</sup> The related EU documents often use the terms 'just transition' and 'fair transition' interchangeably, though neither is defined in the European Green Deal. The aim of this brief is not to refine the terminology, but to promote stronger participation and inclusion in the EU's energy transition, and to identify ways of improving them. For the different meanings and approaches to just transition, see for example Just Transition Research Collaborative (2018).<sup>a</sup>

## State of play: How just transition governance contributes to fair participation in the EU energy transition

There are several EU mechanisms that relate to just transition governance. Some of these are dedicated just transition instruments with a dual climate and social focus, linked to the European Green Deal and explicitly intended to promote a just transition *that leaves no one behind*, while others have mixed objectives with just transition relevance.

The first of these is the **Just Transition Mechanism (JTM)**, a framework to secure € 55 billion between 2021 and 2027 to address the socio-economic effects of the transition in the 'most affected regions,' which in practice mainly means coal regions. The pivotal mechanism is the Just Transition Fund (JTF), which is part of **the EU Cohesion Policy framework**. To unlock funds, Member States have to submit Territorial Just Transition Plans (TJTPs) for Commission approval. As a reporting and allocation mechanism, these plans are an important governance tool in ensuring a just transition.

Another mechanism is the **Social Climate Fund (SCF)**.<sup>b</sup> This will provide € 86.7 billion between 2026 and 2032 to deal with the social impacts of the new emissions trading scheme for buildings and road transport (ETS2) on vulnerable households, micro-enterprises and transport users. Member States must submit Social Climate Plans (SCPs) identifying how they intend to use the funds. This can include measures or investments to increase the energy efficiency of buildings or decarbonise heating and cooling, or to provide temporary direct income support. The revision of the main emissions trading scheme (ETS1) also envisages a **Modernisation Fund** for 13 Member States that can be used for just transition objectives, among others.

In addition to these two funds, there is the **Council Recommendation on ensuring a fair transition towards climate neutrality ('Fair Transition Recommendation')**, which takes a different governance approach and does not provide its own funding.<sup>c</sup> Instead, it provides guidance to Member States on how to implement a range of measures to support the people most affected by the green transition, taking a whole-of-society approach. These include active support for quality employment, access to training and lifelong learning, fair tax benefits and social protection systems, access to affordable essential services, and measures to support social dialogue and citizen participation. It is not a legally binding instrument, but its implementation will be monitored via the European Semester and advisory committees to the Ministers in the Employment and Social Affairs Council (EPSCO). It is therefore an example of the EGD being linked with social governance.

Alongside the dedicated just transition instruments, there are also other governance tools that are equally important for delivering fair participation in the energy transition. The **NextGenerationEU** programme and its cornerstone, the Recovery and Resilience Facility (RRF), have contributed both directly and indirectly to just transition governance. The RRF is a funding instrument intended to address the consequences of the pandemic<sup>1</sup> and requires Member States to

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<sup>b</sup> The regulation setting up the fund is based on Article 91 Treaty on the Functioning of the EU (TFEU) (transport), Article 192 TFEU (environmental protection) and Article 194 TFEU (energy).

<sup>c</sup> While cutting across numerous legal bases, this measure is based on the competence found in Article 166 TFEU (vocational policy) and Article 149 TFEU (cooperation on action in the field of employment).

submit extensive national Recovery and Resilience Plans (RRPs) outlining measures across six priority pillars, including green transition and social and territorial cohesion. These plans were an important step towards more systemic policies. However, studies have shown that, despite some of the funds being used to ensure that people are not left behind in the green transition, the link between social and green objectives is often not made explicit and is not required in the reporting.<sup>3</sup>

The **European Pillar of Social Rights (EPSR)** is another governance framework relevant for delivering a participatory and inclusive energy transition, as mentioned in the European Green Deal Communication. Other socio-economic instruments and governance structures also provide opportunities to promote a just transition: these include the European Semester and budget allocations under other elements of the EU Cohesion Policy framework.<sup>d</sup>

In addition, there are also relevant systems in place in the domains of environment, energy and climate. The **Regulation on the Governance of the Energy Union and Climate Action ('Governance Regulation')** is a framework by which Member States must submit 10-year National Energy and Climate Plans (NECPs) covering the five dimensions of the EU energy union, including energy efficiency and the internal energy market. In its latest assessment of draft NECPs, the Commission highlighted the socio-economic effects of the energy transition and encouraged Member States to 'enhance the development of comprehensive national just transition strategies' in their final NECPs and to report on national just transition measures.<sup>4</sup> **REPowerEU** additionally sets concrete objectives for the energy transition with, *inter alia*, enhanced targets for renewable energy generation, and funding linked to the RRP and NECPs.

## What is missing?

There are three main challenges to ensuring an adequate just transition governance framework.

### Lack of coordination

The above discussion shows that there are many different tools relevant to just transition governance, pursuing a variety of governance approaches, with different goals and temporal and material scopes. This **fragmentation of objectives and instruments** is an obstacle to a comprehensive, coherent and transparent just transition governance framework.

It also reveals a broader disconnect **between social objectives and the energy transition** in overarching frameworks such as the EPSR and the Governance Regulation. The EPSR Action Plan states that the measures proposed in it will benefit the 'twin transitions', green and digital, but there is no section specifically dedicated to social measures that address the challenges of the energy transition. Similarly, addressing the social consequences of the energy transition in NECPs is not one of the explicit objectives of the Governance Regulation framework. As noted by the Commission itself, Member States have therefore only provided a partial assessment of the socio-economic impacts of the

<sup>d</sup> The Just Transition Fund is only one of the funding programmes included in the EU's Cohesion Policy. Cohesion Policy aims to ensure the development of the EU as a whole by providing resources to the EU regions facing the biggest development challenges. As identified by the European Trade Union Confederation, the most relevant Funds for social development are the European Social Fund Plus, European Regional Development Fund, Cohesion Fund, Just Transition Fund and Asylum, Migration and Integration Fund. All of these are also relevant to the topic of this brief.

transition in their NECPs, and most lack a comprehensive set of targeted policies to deal with them.<sup>5</sup> In other words, there is lack of integration between social and economic governance frameworks on the one hand and climate and energy governance frameworks on the other. This often also means that there is an over-reliance on environment ministers when it comes to work on just transition and climate, with social affairs and labour ministers excluded.

### Lack of resources

A *sine qua non* to achieving a just energy transition is **securing the necessary investment, but the JTF and SCF are limited in their budget, timeframe, and the sectors and activities they cover**.<sup>6</sup> They are inherently reactive, responding only to the most urgent and specific problems with limited resources that fall short of investment needs.<sup>7</sup> On top of this, it is unclear whether and how the funding for the JTM will continue after 2027.

In addition to the shortcomings in the funding instruments explicitly linked to just transition objectives, **underfunding is an issue across the EU's energy transition** more broadly. And with the RRF ending in 2026, this widescale investment gap is set to increase still further.<sup>8</sup> Economists estimate that these shortfalls add up to about € 400 billion per year<sup>e</sup> in the areas of clean energy, grids and other infrastructure, massively threatening the scope and speed of the EU's green commitments, including its just transition objectives.<sup>9</sup> The scale of the problem was confirmed in the recent report by Mario Draghi,<sup>10</sup> which identified an additional investment need of € 800 billion per year to address the EU's main challenges, which include the energy transition and clean industry competitiveness. Europe's fiscal straitjacket is the main obstacle here, even with the reformed risk-based framework for fiscal rules that took effect from April 2024.<sup>11</sup>

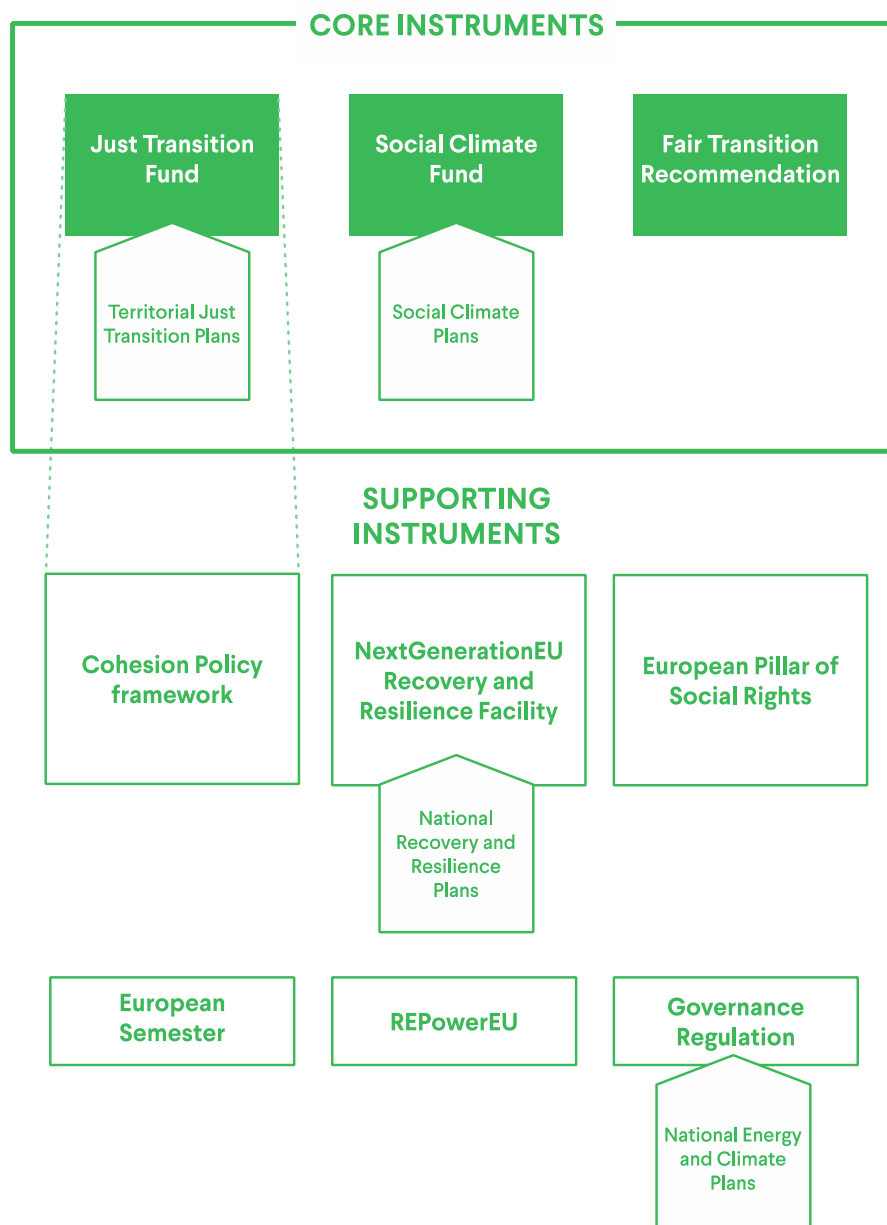
Finally, when it comes to the social dimension of energy transition spending, some of the available funds – such as the European Social Fund (ESF), the European Regional Development Fund (ERDF) and the RRF<sup>12</sup> – do not yet explicitly pursue just transition objectives and are not always aligned with them. This is a missed opportunity to ensure that adequate investment is directed towards ensuring inclusion and participation in the EU's energy transition.

### Lack of certainty

Member States have wide **discretion** over the type of activity and beneficiaries supported by the relevant Funds, which creates the potential **risk that investment will not reach those most in need of support** through the transition but will instead benefit the more affluent, including businesses. Analyses of TJTPs, for example, show that most of the measures proposed in them relate to economic rather than social objectives.<sup>13</sup>

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<sup>e</sup> The average yearly investment need is at least 813 billion euros (5.1 per cent of EU GDP) if the 2030 EU climate targets are to be met. Given the current level of investment, the yearly European climate investment shortfall is therefore estimated at 406 billion euros.



A more general issue linked to the fact that both the JTF and SCF leave such wide discretion to Member States is that differences in Member States' political priorities, institutional capacities and technical expertise can result in **different levels of commitment to a just transition**.<sup>14</sup> This is also a major issue in relation to the Fair Transition Recommendation: even though it encourages Member States to put in place cross-cutting measures that are not limited to a specific sector or time period, the fact that it is non-binding and does not include any financial incentives casts doubt over its ability to strengthen inclusion and participation in the energy transition. The European Council's Social Protection and Employment Committees' first assessment of the implementation of the Recommendation identifies significant differences across Member States in terms of overall progress. It notes that, so far, 'only one country has put in place a dedicated strategic and institutional framework for a fair transition'.<sup>15</sup>

Indeed, hard *legal obligations* on Member States to guarantee any aspect of a just transition are conspicuously missing from all three just transition instruments.<sup>16</sup>

This includes, for example, any obligation on Member States to require companies to ensure workforce reskilling and upskilling and that new jobs offer decent working conditions. Furthermore, while both the JTF and SCF include some provisions on **consultation** in the preparation of TJTPs, they **do not impose specific procedures to ensure that all stakeholders have the chance to participate** in a meaningful way. Analyses of TJTPs show that it is often unclear who participated in consultations and to what extent their contributions were taken into account, and that Member States differed in the ways in which they involved various actors.

## How can the EU improve its just transition governance?

The current just transition governance mechanisms are not sufficient to deal with the multiple challenges ahead, or to ensure citizens' inclusion and participation in the energy transition. Filling the existing gaps and ensuring a comprehensive, coherent, well-funded and stable legal framework will be essential in order to address the social impacts of the energy transition. This approach should be guided by good governance principles: transparency, accountability, effectiveness, inclusiveness and respect for the rule of law. It must also be informed by evidence, provide space for democratic participation, and work across different policy areas to produce coherent policies that address employment transitions and the distributional effects linked to mitigation policies.<sup>17</sup>

### 1. Improve knowledge and awareness of transition needs

An essential prerequisite for good just transition governance is a **stronger evidence base and awareness** with regard to (1) the effects of the transition on different sectors, regions and societal groups; (2) the needs in terms of investment, skills, services and social support; (3) progress on the implementation of existing transition-related instruments; and (4) issues such as gaps in coverage and barriers to implementation and good practice, including for participation in decision-making. The **EU Fair Transition Observatory**<sup>18</sup> being set up by the European Commission is a welcome development here, since it has the potential to strengthen inclusion and participation by providing data, evidence and analysis of the just transition. It will be important, however, that the role of the Observatory is not confined to the collection and analysis of quantitative data, but that it also conducts qualitative studies of citizens' experiences and concerns. It must also ensure that information is actively disseminated and made accessible to the various stakeholders at the national, regional and local levels; that it helps to raise awareness of just transition needs and objectives at the EU and national levels; and that its findings are fed into the EU and national policy-making processes. In respect of this latter point, the next step should be to integrate the Observatory more formally into EU decision-making processes, ideally in a formal advisory capacity. The Observatory should also foster participation by creating inclusive spaces for citizen input and for discussion about the objectives and results of its activities.

### 2. Put binding obligations in place

As already highlighted, one of the limitations of the current approach to just transition is the non-binding nature of the various instruments discussed above,<sup>19</sup> as well as the uncertainty over their future. This would be resolved by a **dedicated legal framework setting a common direction**, objectives and minimum requirements for the measures that Member States and companies should put in place. Trade unions and other organisations are calling for a Just Transition Framework Directive that imposes obligations on Member States and employers to plan proactively for a just transition and to anticipate and manage change within companies.<sup>20</sup> This should include, *inter alia*, obligations to work

with unions and civil society in drawing up just transition plans and workers' rights to training and reskilling. In order to ensure the meaningful involvement of affected workers and communities, the central elements of this kind of framework should be social dialogue, collective bargaining, and worker information, consultation and participation at the company level, as well as more general rights to public participation in just transition planning. A Just Transition Framework Directive could build on existing legislation here such as the Adequate Minimum Wages Directive, the Information and Consultation Directive, the Directive on public participation in environmental decision-making, and the public participation provisions in the European Climate Law.

### 3. Ensure coherence and coverage

A third lever would be to bridge the many currently siloed just transition-related governance mechanisms by **integrating the overarching EU social and energy policy frameworks**. The upcoming revision of the EPSR Action Plan provides an important opportunity to streamline social and energy transition objectives. Aspects of the new Action Plan could be specifically directed towards addressing the needs arising from the energy transition: investment in worker training and reskilling, job-to-job transitions, social protection, building renovation, switching to renewable heat to address energy poverty, and so on. It should be aligned with other just transition-related mechanisms such as the JTF, SCF and Fair Transition Recommendation, but also address issues not currently covered by these instruments.

A clear overarching governance framework that offers a strong, unified definition and clarifies the goals of a just transition, would enable mechanisms such as the myriad of abovementioned funds and their corresponding national plans to be used in a more effective and targeted way to strengthen the participation and inclusion dimensions of the transition. The upcoming preparation of Social Climate Plans is an opportunity for the European Commission to pilot this kind of integrated approach – in dialogue with Member States. The Clean Industrial Deal and related Acts, as well as the Anti-Poverty Strategy announced in Ursula von der Leyen's July 2024 Political Guidelines, should also be aligned with this frameworks and shaped and governed by its objectives and principles. When it comes to planning and implementation, it is important that political ownership of the transition does not rest solely with energy and climate ministers but is shared with social and economic affairs ministers. Finally, these revised governance systems must be included in the European Semester and its country-specific recommendations in order to effectively steer Member States' social and economic policies towards a just transition.

### 4. Secure sufficient and targeted funding

Closely linked to the above point, another way to promote a just transition is to **attach social and environmental conditionalities** to public funding, public procurement and state aid as well as to other benefits such as reduced regulatory burdens for businesses. Adding conditions to support from EU funds and regulatory benefits is arguably one of the most powerful ways to advance an inclusive transition, since it functions as a strong motivator for companies and Member States to align their decarbonisation efforts with social objectives. If they do not act in accordance with just transition benchmarks, they should not benefit from subsidies or other support. The EU has a basis to build on in this respect: its Taxonomy Regulation and the Do No Significant Harm principle, for



example, as well as the recently introduced ecological and social conditionalities for Common Agriculture Policy (CAP) payments.

### **The Do No Significant Harm principle<sup>f</sup> could be a key driver for the Just Transition**

if it were expanded to cover social objectives alongside its environmental focus, and universally applied to all European funding. This revised take could be piloted with the upcoming Social Climate Plans and play a pivotal role in defining and allocating the next multi-annual financial framework (MFF). The upcoming revision of the Public Procurement Directive is another key opportunity to pioneer an integrated just transition conditionalities framework, i.e. one that combines social and environmental elements. A streamlined approach incorporating this enhanced Do No Significant Harm principle would close the door to subsidies for socially or environmentally harmful activities. Likewise, the 2025 review of the Just Transition Fund Regulation, along with any legislative proposals that follow it, would be another opportunity to incorporate conditionalities for more targeted use of just transition funding for social purposes. Another desirable step would be a revision of the 2022 guidelines on state aid for climate, environmental protection and energy, to ensure that these include social, labour and environmental conditionalities where state aid is permitted.

In addition to steering funding in the right direction, we also need to look at the numbers. EU centralised funding combined with greater fiscal leeway for Member States will be essential for the energy transition, and especially for strengthening participation and inclusion. **Much more is needed from a financial angle** in order to ensure a just transition across the majority of sectors. The Commission's Political Guidelines 2024-2029 refer to additional funding for the just transition and propose a new European Competitiveness Fund under the next MFF to ensure sufficient financial resources for the Clean Industrial Deal. Its concrete provisions will need to ensure that funding for the Clean Industrial Deal follows just transition principles and thus also strengthens the participation and inclusion of workers and citizens in the clean energy transition. Just Transition Observatory findings on sectoral transition impacts and needs could provide guidance here.

### **5. Foster participation, partnership and multi-level coordination**

Finally, the impact of just transition governance on participation will also depend on the degree to which it succeeds in including all affected stakeholders in decision-making and funding allocation. The adoption of a bottom-up, people-centred approach for the TJTPs is one of the fundamental principles contained in the Regulation that established the Just Transition Fund, and public participation is also included in the other plans discussed above. However, effective implementation of these principles is lacking. The meaningful involvement of all affected actors at all levels (national and regional economic actors, social partners, civil society, research experts, environmental organisations, etc.) requires a multilevel partnership approach. **Stakeholders from the local to the European levels need to be co-drivers** in the design, implementation, monitoring and evaluation of the plans and governance more broadly. A stronger emphasis on these actions across all the socio-economic and energy transition-related governance plans and mechanisms discussed

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<sup>f</sup> The Do No Significant Harm principle has been applied to six environmental objectives, but its focus has been entirely on environmental harm, to the exclusion of social criteria. The Commission has launched a consultation process with tailored guidance on how to apply the principle to the Social Climate Fund (SCF), but its draft document does not include social criteria.

above – making them clear and mandatory – would be an important step towards a more inclusive transition. The brief on local transition management discusses this proposal in more detail.

## Concluding remarks

Governance of a just energy transition is critical to ensuring that the benefits of the transition are shared equitably and to minimizing the social and economic burdens placed on vulnerable workers and communities. Existing EU mechanisms such as the Just Transition Mechanism, the Social Climate Fund and more cross-cutting instruments such as the European Pillar of Social Rights provide an initial framework for delivering the governance to tackle the socio-economic impacts of the transition. However, these instruments have significant limitations, including a lack of coordination, insufficient resources, and the absence of binding legal obligations on Member States and businesses to ensure fair outcomes.

A strengthened, systemic just transition governance framework will be essential in order to overcome these challenges and ensure that the principles of transparency, accountability and inclusiveness are embedded in the transition process. This would involve better-informed policies as a result of granular data collection and awareness-raising, plus binding obligations, improved coordination between social and environmental policies, adequate financial resources, and greater involvement of all stakeholders, including workers, civil society and local communities. The universal application of clear social and environmental conditionalities in EU policy processes will be a key factor in strengthening participation and inclusion in the EU's energy transition. By adopting this approach, the EU can not only meet its climate goals but also ensure a socially just future for all its citizens.

## Endnotes

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