

Legal Aspects of Consumption-based Instruments for Climate Change Mitigation

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Research field “Environmental Law: State responsibility and mitigation instruments in Climate Change Law”

Research question 1 | Cluster 3

Links to showcases Meyer 1, Meyer 2, Kirchengast 1, Kirchengast 2, Steininger 1, Bednar-Friedl 2

Background: Greenhouse gas emissions primarily can be addressed from the point of production or with a focus on consumption of goods and services. By following the second aspect emissions are allocated and responsibility is attributed to the very end of the supply chain, i.e., to consumers and final users and their country of residence. This may, and complementing a production-based attribution, lead to a more comprehensive, if not to say “fairer” attribution of emissions and subsequent burdens of climate change mitigation. E.g., it has been shown that more than 60% of Austria’s consumption-based emissions occur outside its borders. Furthermore, Austria’s most relevant sectors under a consumption-based perspective (construction, public administration, retail and wholesale trade) differ very much from that under a production-based one (electricity, iron and steel, non-metallic minerals). (Steininger et al 2017.) Thus “consumption-based” emissions can serve as an interesting complementary policy base to the present “production-based” ones (Steininger et al 2015).

Goal: The legal implications of such policies should therefore be analysed in depth “de lege lata” (regarding e.g., possible conflicts with WTO rules, EU law fundamental freedoms and national law) and adequate legal instruments should be proposed “de lege ferenda”. Such instruments should be developed in discussion with other experts, especially from economics and humanities, and could be e.g.:

- Target values or emission points for specific areas of economic activities/economic units (e.g. hospitals)
- Labelling of products
- Demand-side orientated certification schemes for enterprises
- Import restrictions
- Government Procurement (see EU-Directive 2014/24/EU, currently being implemented in Austria with delay)
- Per capita emission rights
- Border carbon adjustments

Methods and disciplinary background: The questions above should be analysed by legal methods, in dialogue with economists (which i.a., could give feedback on the actual effectiveness of the instruments implemented in a certain legal way, e.g., by quantitative multi-regional economic models), philosophers and natural scientists.

References:

Barrett, J., Scott K., (2012) Link between climate change mitigation and resource efficiency: A UK case study, *Global Environment Change*, Vol 22, Issue 1, 2012, 299-307.

Steininger, K.W., Munoz, P., Karstensen, J., Peters, G.P., Strohmaier, R., Velázquez, E. (2017) Austria’s Consumption-Based Greenhouse Gas Emissions: Identifying sectoral sources and destinations, 2017 (submitted).

Steininger, K.W., Lininger, C., Meyer, L.H., Munoz, P., Schinko, T. (2016) Multiple carbon accounting to support just and effective climate policies, *Nature Climate Change* 6, 2016: 35-41, DOI:10.1038/nclimate2867