

Summarised report

OPINION WITH REMARKS 2/2015 OF THE JOINT COMMITTEE FOR EU AFFAIRS, DATED OCTOBER 8, 2015, ON THE COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY BY THE PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2003/87/EC TO ENHANCE COST-EFFECTIVE EMISSION REDUCTIONS AND LOW-CARBON INVESTMENTS (TEXT WITH EEA RELEVANCE) (COM (2015) 337 FINAL) (2015/0148 (COD)) (SWD (2015) 135 FINAL) (SWD (2015) 136 FINAL).

BACKGROUND

- A. The legal basis for this report is to be found in articles 3 j), 5 and 6 of Act 8/1994 (amended by Act 24/2009), developing in Spain the Protocol on the Application of the Principles of Subsidiarity and Proportionality attached to the Lisbon Treaty.
- B. The document is submitted to the Joint Committee for EU Affairs for its consideration.
- C. The Government has been requested a report and the European legislative initiative is considered, appointing as Rapporteur MP Mr. José Segura Clavell.
- D. The Government has conveyed a report stating that, since it is an exclusive competence of the EU, the principle of subsidiarity does not apply.
- E. The Joint Committee for EU Affairs, in its meeting held on October 8, 2015, considered the following:

OPINION WITH REMARKS

- 1. Articles 5 (1) and 5 (3) of the TEU describe the principles of subsidiarity and proportionality.
- 2. The legislative proposal considered is based on article 113 of the TFEU.
- 3. On October 23 and 24, 2014, the European Council held a meeting on the climate and energy framework of the EU (Horizon 2030). In its conclusions, the Council fixed a series of essential goals for 2030.
- 4. In order to efficiently face climate change and attain the EU's decarbonisation objectives in the long term, it is necessary to advance towards a low carbon economy, as agreed in the European Council of 2014, of 50% for 2050.
Another key element to attain the fixed goals is the establishment of the Energy Union.
Likewise, reducing global emissions of greenhouse gases by 40% for 2030 as compared to 1990. Therefore, the Proposal contains several proposals to attain the objectives fixed by the said European Council.

5. The report expresses disconformity with the fact that the Proposal does not deal with matters related to aviation coverage. The Commission justifies that the Directive's application should take effect after an international agreement has been reached at the ICAO Assembly in 2016 on a global-market based measure.
6. Likewise, it is found surprising that maritime navigation, given its importance, is not included in the framework defined in October 2014. Member States should partially compensate certain installations in sectors or sub-sectors which have been determined to be exposed to a significant risk of carbon leakage because of costs related to greenhouse gas emissions. The Protocol and accompanying decisions adopted by the Conference of the Parties in Paris need to provide for the dynamic mobilization of climate finance. Member States, in turn, must promote contributions and collect auction revenues to fight climate change. They must also promote skill formation and reallocation of of labour affected by the transition of jobs in a decarbonizing economy.
7. Reduction of greenhouse emissions is becoming increasingly important compared to renewable energies.
8. The objective is to reduce overall EU greenhouse gas emissions by at least 40% below 1990 levels by 2030, broken down by sectors and subsectors.
9. There are repercussions given the content of the draft Directive since the subsidiarity principle cannot be applied. The considerations of the Spanish Government can be found in a document conveyed to the Cortes Generales, which clearly states the need to make progress in crucial issues, free allocation of emission rights, compensation of indirect costs, ...

CONCLUSION

For the aforementioned reasons, the Joint Committee for EU Affairs, considers that the Proposal complies with the principle of proportionality, thus guaranteeing the good functioning of the internal market.

However, given that climate change is a cross border problem, it is necessary first to coordinate action for European climate, since it is a supra national competence of the EU, and subsequently extend it to the rest of supra national organizations.

Therefore, the opinion takes the form of considerations, which, from a political perspective, fall within the realm of competences of the Spanish Cortes Generales, through the Joint Committee for EU Affairs, and which must be known and assumed by Spanish governmental sectors during the coming months.