

*Courtesy translation*

Opinion of

Foreign and European Union Affairs Committee of the Senate of the Republic of Poland

on the proposal for a regulation of the European Parliament and of the Council establishing a framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law)

COM(2020)80

adopted at the sitting on 2 June 2020

1. In times of energy and economic evolution, the Foreign and European Union Affairs Committee of the Senate of the Republic of Poland (FEUAC) fully recognizes the need to combat climate change and to establish an ambitious objective for the EU to achieve climate neutrality by 2050 by adopting the European climate law. In the opinion of FEUAC, the reduction of greenhouse gas emissions must not pose a threat to the EU's energy self-sufficiency objective and the energy security of the Member States.
2. FEUAC emphasizes that in accordance with the integration principle as specified in Article 11 of TFEU, it is necessary to implement the objectives of the European climate law when implementing other EU policies, in particular the cohesion policy and the Common Agricultural Policy.
3. FEUAC has reservations regarding the legal basis of the regulation indicated by the European Commission (EC). There is no doubt that the proposal's objective is to limit climate change, which is one of the objectives of EU environmental policy indicated in Article 191 of TFEU, and therefore falling within the scope of Article 192 (1) of TFEU. However, due to the fact that this regulation will have a significant impact on the Member States' choice between different energy sources, as referred to in Article 192 (2) of TFEU, FEUAC recommends the legal basis of Article 192 (2), requiring the unanimity of the Member States.
4. FEUAC emphasizes that the reduction of greenhouse gas emissions means deep interference in various sectors of the economy, which may be associated with the extension of the scope of the competence of the European Union. In this regard, FEUAC believes that setting out the trajectory should be subject to subsidiarity scrutiny by national parliaments. And the Member States, which will collectively implement the objectives set out in the draft act, must have an influence on making decisions as to how they will be achieved. According to FEUAC, defining the trajectory should also take into account its feasibility within the energy mix of individual Member States.

5. FEUAC notes that determining the trajectory for reducing greenhouse gas emissions is one of the essential elements of this act and, in accordance with Article 290 of TFEU, it should be established with the participation of Member States and the European Parliament by means of legislative acts. In view of the above, FEUAC has a negative opinion on the granting of the European Commission the power to determine the EU trajectory for reducing greenhouse gas emissions in the years 2030-2050 by way of delegated acts.

6. The reservations of FEUAC arise due to unclear criteria according to which the EC is to assess measures adopted at the national level, as well as references to taxonomy that may lead to the exclusion of technologies necessary for gradual achievement of climate neutrality. In the opinion of FEUAC, the pace of reaching climate neutrality by individual Member States should be adjusted to their economic and technological potential while respecting the principle of solidarity.

7. At the same time, FEUAC is convinced that ambitious environmental and climate objectives with far-reaching economic and social effects require adequate financial means, both in the 2021-2027 Multi-annual Financial Framework and in later years to provide the necessary support to the countries and regions that are most vulnerable to the negative consequences of climate transformation. FEUAC notes that new instruments, such as the Just Transition Fund, cannot be financed at the expense of treaty policies - cohesion policy and the Common Agricultural Policy.

8. FEUAC notes with satisfaction the readiness of the European Commission to coordinate activities in the field of climate protection strengthening the national and local policies of the Member States in this area and the leading role of the European Union in the global fight against climate change.