

PONT PROJECT

WORKING EUROPE SEMINAR
ENERGY, ENVIRONMENT
AND CLIMATE
27 - 31 MARCH 2017

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CONTENT

- HISTORICAL ELEMENTS
- RELATIONSHIP EU-MEMBER STATES
 - DIVISION OF COMPETENCES
- ENERGY
- ENVIRONMENT
- CLIMATE
- FINAL REMARKS

MAIN HISTORICAL ELEMENTS

- ECSC 1952 (CONCLUDED FOR 50 YEARS)
 - COAL AND STEEL
- EEC 1958
 - INTERNAL MARKET
- EAEC 1958
 - NUCLEAR ENERGY
- ESA 1987
 - ENVIRONMENT
- LISBON 2009
 - ENERGY
 - CLIMATE

DIVISION OF COMPETENCES: EU-MEMBER STATES

- SENSITIVE ISSUES
 - POLITICAL, ECONOMIC AND SOCIAL DIMENSIONS
 - SOCIETY
 - PUBLIC SERVICES
 - BUSINESS
 - FOREIGN POLICY
- EU-MEMBER STATES
 - EU COMPETENCES HAVE BEEN CAREFULLY CIRCUMSCRIBED
- ALL THREE TOPICS IN CATEGORY ‘SHARED COMPETENCES’ (ARTICLE 4 TFEU)

EEC: INTERNAL MARKET

- ARTICLE 3(3) TEU
 - THE UNION SHALL ESTABLISH AN INTERNAL MARKET. IT SHALL WORK FOR THE SUSTAINABLE DEVELOPMENT OF EUROPE BASED ON BELANCED ECONOMIC GROWTH AND PRICE STABILITY, A HIGHLY COMPETITIVE SOCIAL MARKET ECONOMY AIMING AT FULL EMPLOYMENT AND SOCIAL PROGRESS, AND A HIGH LEVEL OF PROTECTION AND IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT. IT SHALL PROMOTE SCIENTIFIC AND TECHNOLOGICAL ADVANCE
- ARTICLE 26(2) TFEU
 - THE INTERNAL MARKET SHALL COMPRISE AN AREA WITHOUT INTERNAL FRONTIERS IN WHICH THE FREE MOVEMENT OF GOODS, PERSONS, SERVICE AND CAPITAL IS ENSURED IN ACCORDANCE WITH THE PROVISIONS OF THE TREATIES

EAEC

- PREAMBLE
 - NUCLEAR ENERGY REPRESENTS AN ESSENTIAL RESOURCE FOR THE DEVELOPMENT OF INDUSTRY AND WILL PERMIT THE ADVANCEMENT OF THE CAUSE OF PEACE
- ARTICLE 1:
 - IT SHALL BE THE TASK OF THE COMMUNITY TO CONTRIBUTE TO THE RAISING OF THE STANDARD OF LIVING IN THE MEMBER STATES AND TO THE DEVELOPMENT OF RELATIONS WITH THE OTHER COUNTRIES BY CREATING THE CONDITIONS NECESSARY FOR THE SPEEDY ESTABLISHMENT AND GROWTH OF NUCLEAR INDUSTRIES

ENERGY

- ARTICLE 294 TFEU
- CONTEXT: INTERNAL MARKET
 - LIBERALISATION
 - COMPETITION
- OBJECTIVE: NEED TO PRESERVE AND IMPROVE THE ENVIRONMENT
- TARGETS
 - FUNCTIONING OF THE ENERGY MARKET
 - SECURITY OF SUPPLY
 - ENERGY EFFICIENCY / ENERGY SAVING / DEVELOPMENT RENEWABLES
 - INTERCONNECTION OF ENERGY NETWORKS

ENERGY

- SAFEGUARD CLAUSE MEMBER STATES:
 - THE RIGHT TO DETERMINE THE CONDITIONS FOR EXPLOITING ITS ENERGY RESOURCES
 - CHOICE BETWEEN DIFFERENT ENERGY SOURCES
 - GENERAL STRUCTURE OF ITS ENERGY SUPPLY

ENERGY: DECISION MAKING

- ORDINARY LEGISLATIVE PROCEDURE
 - ARTICLE 294 TFEU (CO-DECISION)
 - EXCEPTION: MEASURES OF A FISCAL NATURE
 - COUNCIL: UNANIMITY
 - EUROPEAN PARLIAMENT: CONSULTATION

ENVIRONMENT

- ARTICLES 191-193 TFEU
- CONTEXT
 - INTERNAL MARKET
 - GLOBALIZATION
- OBJECTIVES
 - QUALITY OF THE ENVIRONMENT
 - UTILISATION OF NATURAL RESOURCES
 - INTERNATIONAL COOPERATION (*CLIMATE CHANGE*)
- TARGET
 - HIGH LEVEL OF PROTECTION
 - TAKING INTO ACCOUNT THE DIVERSITY OF SITUATIONS IN VARIOUS REGIONS
- GENERAL ACTION PROGRAMMES

ENVIRONMENT

- PRINCIPLES
 - PRECAUTIONARY PRINCIPLE
 - PREVENTION
 - ENVIRONMENTAL DAMAGE TO BE RECTIFIED AT SOURCE
 - POLLUTER PAYS
 - ‘NUANCE’ IN ARTICLE 192(5) TFEU
- SAFEGUARD CLAUSE MEMBER STATES
 - RIGHT TO TAKE PROVISIONAL MEASURES, FOR NON-ECONOMIC ENVIRONMENTAL REASONS, SUBJECT TO A PROCEDURE OF INSPECTION BY THE UNION

ENVIRONMENT: DECISION MAKING

- ORDINARY LEGISLATIVE PROCEDURE
 - ARTICLE 294 TFEU (CO-DECISION)
- EXCEPTIONS:
 - TOWN AND COUNTRY PLANNING
 - MANAGEMENT OF WATER RESOURCES
 - LAND USE (EXCEPTION: WASTE MANAGEMENT)
 - MEASURES SIGNIFICANTLY AFFECTING A MEMBER STATE'S CHOICE BETWEEN DIFFERENT ENERGY SOURCES AND THE GENERAL STRUCTURE OF ITS ENERGY SUPPLY

ENVIRONMENT: DECISION MAKING EXCEPTIONS

- PROCEDURE
 - UNANIMITY COUNCIL
 - CONSULTATION EUROPEAN PARLIAMENT
 - CONSULTATION ECONOMIC AND SOCIAL COMMITTEE
 - CONSULTATION COMMITTEE OF THE REGIONS
- ‘PASSARELLE’ PROVISION:
 - FROM SPECIAL TO ORDINARY LEGISLATIVE PROCEDURE

MINIMUM CHARACTER

- ARTICLE 193 TFEU
 - RIGHT OF MEMBER STATES TO MAINTAIN AND INTRODUCE MORE STRINGENT PROTECTIVE MEASURES
 - COMPATIBILITY WITH THE TREATIES
 - NOTIFICATION TO COMMISSION

CLIMATE

- ARTICLE 191(1), 4TH INDENT
 - UNION POLICY ON THE ENVIRONMENT SHALL CONTRIBUTE TO PURSUIT OF THE FOLLOWING OBJECTIVES
 - PROMOTING MEASURES AT INTERNATIONAL LEVEL TO DEAL WITH REGIONAL OR WORLDWIDE ENVIRONMENTAL PROBLEMS, AND IN PARTICULAR COMBATING CLIMATE CHANGE
- TOPIC IS FULLY ‘INTEGRATED’ IN TREATY TITLE ON ENVIRONMENT

FINAL REMARKS

- TOPICS APPEARED RELATIVELY LATE ON THE EU AGENDA
- TOPICS ARE INTERRELATED
- POLITICAL SENSITIVENESS
 - NATIONAL SECURITY AND STABILITY OF THE SOCIETIES
- NATIONAL VERSUS EUROPEAN COMPETENCES
 - SHARED COMPETENCES
- ‘TRAITÉ CADRE’ VERSUS ‘TRAITÉ LOI’
 - THE MANDATE OF THE EU HAS BEEN DESCRIBED IN DETAIL

