

REPORT 4/2012 BY THE JOINT COMMITTEE FOR EU AFFAIRS, DATED MAY 8, 2012, ON THE COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY BY THE PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON ACCOUNTING RULES AND ACTION PLANS ON GREENHOUSE EMISSIONS AND REMOVALS RESULTING FROM ACTIVITIES RELATED TO LAND USE, LAND USE CHANGE AND FORESTRY [COM (2012) 93 FINAL] [2012/0042 (COD)] {SWD (2012) 40 FINAL} {SWD (2012) 41 FINAL}.

BACKGROUND

A. The Protocol on the application of the principles of subsidiarity and proportionality attached to the Lisbon Treaty of 2007, in force since December 1st, 2009, establishes a procedure allowing national parliaments to verify European legislative initiatives' compliance with the subsidiarity principle. The said Protocol has been developed in Spain by Act 24/2009, of December 22, amending Act 8/1994, of May 19. In particular, new articles 3 j), 5 and 6 of Act 8/1994 are the legal basis for this report.

B. The Proposal for a Decision of the European Parliament and of the Council on accounting rules and action plans on greenhouse gas emissions and removals resulting from activities related to land use, land use change and forestry, has been adopted by the European Commission and conveyed to national Parliaments, which have a period of eight weeks to verify the subsidiarity check of the initiative, being the deadline May 8, 2012.

C. The Bureau and the Spokespersons of the Joint Committee for EU Affairs agreed on March 27, 2012, to examine the said European legislative initiative, appointing to that end MP Mr. Alejandro Alonso Núñez as rapporteur and requesting the Government the report envisaged in section 3 j) of act 8/1994.

D. So far written reports have been received from the Government and from the Regional Parliaments of Aragón, the Basque Country and Extremadura, in which they considered the European legislative initiative examined to be in compliance with the subsidiarity principle.

F. The Joint Committee for EU Affairs, in its meeting held on May 8, 2012, adopted the following

REPORT

1.- Article 5.1 of the Treaty on the European Union indicates that *“the use of Union competences is governed by the principles of subsidiarity and proportionality”*. According to Article 5.3 of the same Treaty, *“under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall only act in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level”*.

2.- The examined proposal is based on Article 192 (1) of the Treaty on the Functioning of the European Union:

“1. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after Consulting the Economic and Social Committee and the Committee of the Regions, shall decide what action is to be taken by the Union in order to achieve the objectives referred to in Article 191.”

3.- This legislative proposal is part of the measures taken by the Union to guarantee the fulfilment of the green gas emissions reduction commitment, established in the “Climate and Energy Package”. It incorporates the agreements adopted in the Framework Convention Climate Change Conference held in Durban in December 2011, in the sense of making it mandatory to account activities related to land use, land use change and forestry. Thus, the LULUCF sector will be integrated into the Union’s climate policy and contribute to the fulfilment of climate change commitments.

According to the proposal, Member States must establish robust and comprehensive accounting rules for greenhouse gas emissions by sources and removals by sinks associated with agricultural and forestry activities in the LULUCF sector. On the other hand, Member States must adopt Action Plans designed to limit or reduce emissions by sources and maintain or increase removals by sinks associated with LULUCF activities, and provide for the evaluation of those plans by the Commission;

This is a matter of great interest for Spain, and it is particularly relevant in the shaping of the new Common Agricultural Policy to be applied for the new period 2014-2020.

CONCLUSION

For the aforementioned reasons, the Joint Committee for EU Affairs considers that the Proposal for a Decision of the European Parliament and of the Council on accounting rules and action plans on greenhouse gas emissions and removals resulting from activities related to land use, land use change and forestry complies

with the subsidiarity principle laid down in the Treaty on the European Union in force.