

Brussels, 12 December 2022



Parlement Européen
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Mr Frans Timmermans
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Mr Virginijus Sinkevičius
Commissioner for Environment
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Dear Executive Vice-President and Dear Commissioner,

Climate change is one of the greatest threats and urgencies the European Union is facing. This context is even more vulnerable after 10 months of war in Ukraine. Precisely, the consequences of the war in Ukraine on energy and all its derivatives (production crisis, food crisis, etc.) stem from our dependence on fossil fuels. We understand that in this context, it is necessary to deploy urgent measures to alleviate inflation and to continue the ecological transition. In this sense, renewables are a bet for the future because they offer a sustainable alternative to fossil fuels.

However, the transition cannot be made without taking into account the territories, without planning and without environmental assessment. Otherwise, we would be making the same mistakes in the future. In this regard, it is essential to design energy and environmental policies with the involvement of the Parliament as co-legislator, as well as with the participation of civil society. Here is why the [proposal for a regulation to ‘accelerate the deployment of renewable energies’](#), presented on 9 November 2022 by the Commission to the Council of the European Union and for which there is already a text in the Council that is expected to be approved on 13 December, is not in line with EU law:

- Lack of legal basis, as it cannot be reasonably understood that the proposed environmental derogations can be considered as falling within the concept of financial assistance to Member States as set out in Article 122 TFEU, chosen as the basis for the proposal.

- It violates the principle of environmental non-regression implicit in the objective of achieving sustainability based on a high level of protection and improvement of the quality of the environment and the promotion of solidarity between generations set out in Article 3(3) TEU, as it reduces the existing level of protection by extending the derogations.

- It contradicts the principle of integration laid down in Article 11 TFEU and Article 37 of the Charter of Fundamental Rights by preventing fundamental environmental protection requirements from being integrated into the definition and implementation of energy policies. It transgresses the limits set out in the main directives on the protection of biodiversity and

ecosystems (Articles 6(4) and 16(1)(c) of Directive 92/43/EEC, Article 4(7) of Directive 2000/60/EC and Article 9(1)(a) of Directive 2009/147/EC) and the principle of case-by-case monitoring, leading to significant risks of deterioration which have not been assessed and therefore contradict the precautionary principle of Article 191(2) TFEU.

In this regard, we would like to convey to you the following:

- The European Union cannot meet the challenges it faces today and will face in the future by kicking democracy into the teeth. Parliament is co-legislator and the Commission and the Council can no longer ignore the role of the directly elected legislative body of the European Union in making policies that affect millions of people living in Europe. We therefore call on you to not to use article 122 of the TFEU, which is intended for economic aid to States, to extend environmental exceptions.

- To draw your attention to the consequences that regulation will have on the biodiversity of the territories. The so-called REDV regulation is an attack on biodiversity and on the territories of the rural world, instead of being at the service of the people who live on and from the land. Its adoption on 13 December is a step backwards on climate change and compromises the EU's climate commitments.

We thank you for considering these matters.

Kindest regards,

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Kostas Arvanitis (The Left)
José Gusmão (The Left)
Anja Hazekamp (The Left)
Petros Kokkalis (The Left)
Marisa Matias (The Left)
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