

**Question for written answer E-002153/2015
to the Council**

Rule 130

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Subject: Withdrawal of the proposal on the establishment of the market stability reserve

Article 192(2)(c) of the Treaty on the Functioning of the European Union (TFEU) stipulates that 'measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply' should be adopted by the Council acting unanimously and after consulting the European Parliament. The same applies for 'provisions primarily of a fiscal nature' (Article 2(2)(a)).

The establishment of a market stability reserve for the emissions trading scheme will have a major impact on countries that are highly dependent on one high-emissions energy source, such as coal (for example, almost 90% of Poland's electricity is generated using coal). In addition, the purpose of the reserve is to drive up the price of emission allowances, which are paid into the budget. The provisions establishing the reserve are therefore of a fiscal nature.

The European Council Conclusions of 24 October 2014 state that the Council will 'keep all the elements of the [climate and energy policy] framework under review and will continue to give strategic orientations [...], notably with respect to consensus on ETS [...].'

In this connection, will the Council call on the Commission to withdraw its proposal on the establishment of the reserve (COM(2014)0020) on the basis of Article 192(1) TFEU and bring forward a new one on the basis of Article 192(2) in accordance with the principle enshrined in the Treaty of unanimity among Member States on important matters relating to energy?