

- WWU
MÜNSTER

The global emissions were not reduced but are wandering to other countries and may even increase there?

Let's issue an adjustment mechanism to fight carbon leakage!

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Pazifischer Ozean

OZEANIEN



Antarktischer Ozean

ANTARKTIKA

Arktischer Ozean

Phase IV: 2021-2030

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Ozean

- Establishing a second ETS only for imports
 - Mirroring the EU ETS
- With the result that imports bear (nearly) the same financial burden as if they had been produced in the EU

Sounds awesome!
But what is about
the principle of
subsidiarity?

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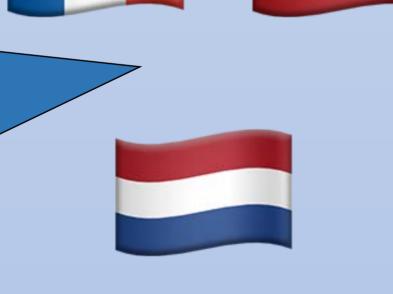


Compatibility with EU Law

What is the correct legal basis?

- Art. 192 TFEU
- Art. 113 TFEU
- Art. 114 TFEU
- Art. 3, 31, 207 TFEU

But the mechanism seems to be a tax aquivalent.
Is Art. 192 I TFEU really the correct legal basis?



No, we are treating foreign products just alike.

No problem!

This is a clear

case for

Art. 192 I TFEU!

Also, we are protecting the environment with our mechanism!



Compatibility with WTO Law

Is the CBAM discriminating foreign products?

- Eligible taxes for Border Tax Adjustments
 - Like products
 - No excessive taxation
- Possible justification in case of violation of GATT?

Wait! The mechanism is discriminating our products in international trade!









Are you sure?
It seems like
you are rather
protecting your
industry!



