Topic - Cities and climate change: challenges and opportunities

[Paper for Oral Presentation]

**Abstract – The Covenant of Mayors: Subsidiarity in Action in Meeting the EU Climate Change goals?**

Both the Paris Agreement itself and the Decision of the Conference of the Parties makes reference to “subnational units” and specifically “cities” in the context of capacity building, adaptation, enhancing cooperation and mobilizing greater ambition to tackle climate change. While not parties to the Agreement, it is clear that such units are understood to play a role in the achievement of its objectives.

The environment is a shared competence between the Union and the Member States (Article 4(e) TFEU) and since the Lisbon Treaty, Union law explicitly recognises measures designed to combat climate change as falling within this shared jurisdiction (Article 191 TFEU). While the principle of subsidiarity presupposes Union action only in the event that the “… objectives of the proposed action cannot be sufficiently achieved by the Member States …” (Article 5(3) TFEU), the preponderance of Union legislation regulating measures to tackle climate change across the Member States suggests that it is understood that these measures are best taken at Union level.

In light of this, the Covenant of Mayors, represents an unusual response to addressing an issue that traditionally has been seen as requiring action at international and national level. The Covenant – a voluntary commitment by local authorities across Europe to reduce carbon emissions and energy consumption – has become a significant driving force in the efforts to achieve the EU’s 20% CO2 reduction targets.

This paper seeks to analyse if, by allowing subnational units work more effectively in the achievement of the Union’s climate change objectives, the Covenant of Mayors represents a successful application of subsidiarity in the context of Union law. It examines the voluntary nature of the commitments being entered into by the signatories, the degree to which these are being actually achieved, and seeks to judge whether mandatory, EU wide law on these issues, would be more or less effective. It also draws a contrast with groupings of subnational units in the United States, where the moves to combat climate change on this level is a response to failings to act at the national level, as opposed to working as part of national measures.

Dr. Roderic O’Gorman

School of Law & Government, Dublin City University

Roderic.ogorman@dcu.ie