



# Poland Challenges European Union on Draconian Climate Regulations

Poland has asked the European Union's highest court — the European Court of Justice — to cancel three of the bloc's most extreme climate-change policies on the grounds that they threaten the nation's energy security and the well being of its citizens. Poland is claiming that the policies are in breach of EU treaties, as they were adopted without the unanimous backing of the European Council.

The Polish government argues that EU policies regarding [banning](#) cars that emit CO<sub>2</sub> by 2035, national emissions [targets](#), and a law reforming the bloc's [carbon market](#) will burden Polish citizens who can least afford such drastic changes. They further argue that the extreme regulations infringe upon Poland's national sovereignty.

"The contested regulation imposes excessive burdens connected with the transition towards zero-emission mobility on European citizens, especially those who are less well off, as well as on the European automotive companies sector," the Polish government argued in its challenge.

A large part of Poland's objection to the policies is the ban on internal-combustion vehicles by 2035. This mandate was agreed to earlier this year. Poland joined a group of EU nations led by Germany who sought to stop the so-called clean car mandate. Eventually, the Germans caved when the EU agreed to a legal workaround for e-fuels, a synthetic alternative to petrol and diesel.

In the end, only Poland voted against the 2035 ban on combustion vehicles.

"The solution of banning combustion cars in 2035 is harmful to all European economies.... I believe that if today we are making a decision for 2035, then today it is necessary to look at its consequences for the following years," Poland's Climate Minister Anna Moskwa said in July when they first announced the challenges.

"There is no analysis of the social and economic impact, which is scandalous," Moskwa added. "Anyway, we are going to the Court of Justice in the near future with this decision."

The EU policy on national emissions targets Poland disproportionately, as the nation currently generates 70 percent of its power from coal. The Polish government claims that the high price of coal as it pertains to the EU's emissions-trading system will lead to vast cuts in coal jobs and "greater social inequality between Member States and increased social exclusion."

The EU has been careful not to refer to the emissions-trading scheme as a "carbon tax," because if it



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European Court of Justice headquarters in Luxembourg



Written by [James Murphy](#) on August 29, 2023

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were a tax, Poland would be correct, as all EU taxes must be passed unanimously. Poland argues that the cost it will incur because of the rule is, essentially, the same as a tax.

Poland has challenged the EU on its extreme climate measures in the past and failed. In 2016, the nation took the European Council and European Parliament to court for passing a law establishing a market stability reserve in the ETS to raise the price of carbon. Poland again said that the measure amounted to a tax, but the European Court of Justice — the same court that will decide the current challenges — rejected Poland’s case.

Most European experts are skeptical of Poland’s chances of success in the challenges.

“Such a justification, i.e. the protection of state interests presented as in the Polish government’s complaints, will not work — as confirmed by the court’s well-established previous jurisprudence in similar cases,” said Robert Grzeszczak, a professor of European law at the University of Warsaw.

“Besides, it’s a double-edged weapon. If Poland managed to challenge EU law on the grounds of its state interests, so could any other state challenge any other arbitrary act, precisely on the grounds of protecting national interests,” Grzeszczak added. “This is not sufficient on its own, specific infringements must be demonstrated which would cause the act to be annulled by the court.”

Besides, the EU’s high court will not want to be seen as standing in the way of the bloc’s climate agenda.

Supporters of the European “Green Deal” argue that a 17.5 billion euro EU “just transition fund” will assist Poland in a transition away from fossil fuels. But are a few billion euros really going to compensate Poles for the destruction of their way of life?

Another “transition” seems more reasonable. Poland should transition itself out of the European Union as quickly as possible. The EU’s version of progress does not appear to mesh with Poland’s national wishes. It’s time for Pol-exit and self determination for Poland.



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