Renewable Energy Tax Incentives and WTO Law: Irreconcilably Incompatible?

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Propositions

1) Despite addressing the goals of the Kyoto Protocol, direct tax incentives for the development of renewable energy have not been heavily implemented as pro-Kyoto Protocol tools.

2) An ‘aim and effects’ test applied in the examination of ‘likeness’ within the SCM Agreement is a solution by which the environmental motivation of environmental tax subsidies could be taken into account without encountering the procedural hurdles of including a GATT 1994 Article XX-equivalent in the SCM Agreement.

3) The innate national nature of direct corporate tax measures calls into question the appropriateness of these measures in addressing an international trans-boundary problem such as climate change.

4) The EU legal environment for environmental tax incentives provides inspiration for the WTO legal regime with respect to the treatment of environmental subsidies.

5) The WTO dispute settlement system is an appropriate forum in which to address the protection of the environment to the extent the environmental measures examined affect Member’s international trade interests.

6) Although Lamy stated that ‘WTO rules are living creatures, well capable of adjusting to changing realities…’, perhaps it should be borne in mind that the speed of change may well resemble the speed of evolution.

7) Although the appropriateness and effectiveness of environmental tax measures can be questioned, the fact remains that such measures are in place and as such should be consistent with EU and international legal obligations.

8) The price signal from phasing out existing exorbitant fossil fuel subsidies would provide an incentive to use energy more efficiently and trigger switching from fossil fuels to other fuels that emit less greenhouse gas emissions. IEA

9) In the beginning I called my PhD ‘my baby’. By now I know better.

10) The key to everything is patience. You get the chicken by hatching the egg, not by smashing it. Arnold H. Glasgow