The place and role of a general climate law in the legal arhitecture for fighting for climate change

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Abstract. *Being a global problem par excellence, climate change also implies, from a legal governance point of view, to address it globally and to act jointly and complementarily at local, national, regional and international levels. The related regulatory process developed and crystallized in this way vertically through regulatory systems with phased legality, and horizontally starting from a framework regulatory act continued and individualized by specific provisions. Following this reasoning, the initial momentum was given at global level by the Framework Convention on Climate Change, with the Kyoto Protocol and the Paris Agreement, then followed within EU by the European Climate Law, with the "Fit for 55" package and, respectively, as rule in relation to the States, the national climate laws and the developing legislative mechanism within them.*

From this perspective, the legal-climate architecture in Romania also implies drafting a general climate law which establishes the national framework for achieving the ecoclimatic objectives adopted at European level and tailored to domestic conditions, by sectors of activity, establishing the carbon balance in stages, specific measures, structured both on mitigation, resilience and adaptation, as well as a series of institutional decisions.

Keywords: *European Climate Law, Environmental law, Climate law, "Fit for 55", Carbon neutrality, Climate act, Right to a stable climate, Romanian climate law, EU climate law, Paris Agreement.*

JEL: K32, Q54.

1. Preliminary Remarks

Legal regulation perceives and expresses the climate need in its own terms and with specific meanings. The law thus created, which relates to climate change caused by greenhouse gas emissions generated by human activity, is the result both of a reaction to the alarm signals from scientists regarding the irreversible degradation of the climate and of the harmful consequences of this phenomenon for the system of life on the planet. The interest in climate was thus first established scientifically and then brought to the international community in order to develop and adopt treaties and intergovernmental agreements, starting with the Framework Convention on Climate Change (1992), followed by the Kyoto Protocol (1997) and the Paris Climate Agreement (2015). Having thus been prefigured, the international climate law was at first very general and slightly binding, then went through a phase characterized by a greater legal force, with a marked economic emphasis (the Kyoto Protocol) and today is in a phase of voluntary commitments (under the form of nationally determined contributions), but which has more varied instruments that are more adapted to the evolution of the international community and civil society (the Paris Agreement). Despite the difficulty of reaching an international agreement able to translate the need to "stabilize the climate system" into firm and concrete legal obligations, there have been substantial changes and important developments at regional level. This is first and foremost the case of the European Union, which has been a pioneer and an example in the adoption of strategies, policies, and legal regulations on the mitigation of GHG emissions, adaptation and resilience to the effects of climate disorder. Following the course of the international political-normative process, which started with a framework regulation and continued through protocols and other adoption and particularization instruments based on the results of new climate assessments, EU climate law has already reached the necessary systematization phase by means of the Green Deal (2019) (Duțu, 2022, p. 588 et seq; Duțu, 2021, p. 66 et seq; Thieffry, 2022, p. 17 et seq)). For this purpose, the general framework reformulated in the perspective of the vision and in the implementation of the objectives and commitments stipulated by the Paris Agreement was established by Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality, which will be developed, in a first phase, through amendments to the pre-existing legislative texts, as well as through the regulations related to the "Fit for 55" package announced in 2022. For the EU Member States,

an intermediate legal level is thus established in relation to the original and global legal dimension, on one hand, and to that of a domestic law which is also undergoing a profound transformation, initiated by the adoption of general domestic climate laws, as a framework regulatory foundation on which to build the entire national regulatory edifice for taking over and specifically transforming international regulations and transposing those of the European Union. National legislative framework acts on climate are not limited to taking over the international and European acquis, but imply, in addition to reflecting its content in domestic terms, also establishing the relevant regulatory-institutional context, and specificities and developments corresponding to the social, economic, legal and ecoclimatic realities of each country, so as to crystallize an efficient domestic environmental and climate law, integrated into the general membership system. From this perspective also in the case of Romania, an EU Member State and State Party to the Paris Climate Agreement (2015), it is necessary to draft and adopt a general climate law, based on and subject to which the national climate law should be crystallized, in full agreement with the pre-existing international and European Union guidelines. The premises for this legislative approach are, first and foremost, the experience of comparative law in this area, especially the European experience, as well as the European Climate Law of 30 June 2021. This is thus imposed, both as a requirement for harmonizing Romanian law with the European regulatory level and for its own development, namely the establishment, through codification, or at least a first systematization and rationalization, of the new environmental and climate law.

2. "Climate Law", Climate Legislation

According to a dictionary definition, "climate law" means the legal deed, adopted by a legislative power, which specifies the level of ambition to be achieved in order to fight climate change or the requirements to adapt to the conditions generated by climate change, while setting out the milestones to enable these objectives to be achieved (Missone, 2022, p. 343-344). Thus, from this perspective, the phrase does not primarily and stricto sensu refer to the entire body of legislation aimed at mitigating greenhouse gas (GHG) emissions or adapting to the effects of climate change, but only to the special regulatory deed adopted to provide for long-term objectives and establish the appropriate mechanisms related to the governance needed to achieve them. Lato sensu, however, it concerns any

reference text of a regulatory-legislative nature that establishes the essential milestones of a transformation towards a low-carbon society. The actual expression "climate law" was inspired by the UK Climate Act of 2008, which at the time was the result of the demands of the associative sectors, and which has gradually succeeded in gaining the support of the economic sectors through its clarity and effectiveness. Last but not least, it was the first piece of legislation to incorporate a logic of long-term transformation of society from a climate perspective. The dissemination of the concept as part of the implementation of the 2015 Paris Climate Agreement has become one of the recurring demands of climate protesters or associations that have taken legal action under climate litigation. Since it is mainly a concept and in the absence of a standardized model (as it happened in the 1990s with the model law on the environment developed within the Council of Europe), its main constitutive elements may possibly result from an analysis of comparative law. At the same time, the existence of a European Climate Law (at European Union level) gives us important benchmarks in this respect, at least for EU Member States.

It is considered that a "climate law", regardless of the title conferred, is identified by reference to its components, which essentially concern: the setting of concrete medium- and long-term eco-climate objectives, requiring the emergence of a notion of path whose temporal dimensions will go beyond the short timeframe of the political agenda; the creation of an institutional infrastructure aimed at improving the quality of the benchmarks, among which the creation of a high independent authority with the task of objectifying data and interpreting the competences conferred with the implementation of such objectives; obligations of transparency and accountability to the respective legislative assemblies; mechanisms for consultation involving stakeholders, including civil society (Averchenkova, Fankhauser & Nachmany, 2017, p. 61) .

Irrespective of the strong symbolic dimension, the legislator's intervention is considered necessary in climate matters for reasons of legal security and protection of fundamental rights. Incorporating climate objectives into legislation is an immediate source of rights and obligations, including collective ones, which by no means provide mere programmatic instruments having only the authority of a recommendation. The connection with fundamental rights calls for legislative action for two opposing but complementary reasons. First, in democratic regimes, any limitation on the exercise of fundamental rights and freedoms - being aware

that the demands of the ecoclimatic transition could limit the rights of certain investors or the freedom for business - must be provided for by law and in compliance with the essential content of fundamental rights; by virtue of the principle of proportionality, such limitations may be made only if they are deemed necessary and effectively meet the objectives of general interest established by the legislator or the need to protect the rights and freedoms of others. In another context, that of arbitration operating under investment protection treaties, choices are made democratically - the essence of which is the legislative process - and are decisive. Then, constitutional requirements laid down in many countries (e.g., the right to a healthy and ecologically balanced environment) seldom have a direct effect and require the legislator to determine precisely its terms and conditions. Only in case they are included in texts situated at the top of the hierarchy of rules, long-term objectives, established by legislative assemblies, are likely to be modified, only at the level of elections and changes of majority, by rules with the same level, as long-term continuity is the best guarantee in legal orders where legislative work is subject to non-regression mechanisms (such as the notion of standstill, also in Romanian law) which has inspired the requirement of progression in the matter contained in the Paris Agreement (Misonne et al., 2020, p. 124).

The notion and practice of a "climate law" is now present and operating at all levels, whether at European (EU Regulation 2021/1119 of 30 June 2021), national, federal, or even local level. The emergence of such special laws is particularly noticeable in Europe (such as in: France, Germany, Belgium, Denmark, Spain, Finland, Hungary, Ireland, Norway, The Netherlands, United Kingdom, Sweden, etc.), but also on other continents such as, for example, in New Zealand (Climate Change Response Zero Carbon Act 2019) or in New York State in the USA (Climate Leadership and Community Protection Act 2019). In a certain way all these specific legislative reactions are direct and indirect legal expressions of the ratification and implementation of the 2015 Paris Agreement.

Of course, the drafting and adoption of a climate law are also conditioned by the institutional and constitutional particularities of each legal order, beyond the political opportunities and contingencies. The characteristic of such dimensions concerns in particular the fact that failure to take account of such a context risks rendering it ineffective, especially with regard to compliance with the paths set in the long term. The question of whether countries that do not have such laws are

more or less successful in actually reducing GHGs or achieving climate neutrality, as compared to more traditional legislation, remains a benchmark (Scotford, Minas, 2019, p. 67-81)

3. The French Example of the "Climate and Resilience Law"

French legal regulations in this field already have a history of their own and are subsumed in the broad sense of the generic notion of "climate law". First, the Law on Energy Transition for Green Growth (LTCEV) of 2015 is considered the milestone of the new energy policy, introducing energy transition as a method of mitigation and adaptation to climate change. It concerns all human uses of natural resources and not only the production and useful consumption of energy; it also aims to reduce energy consumption; promote the circular economy; diversity of the energy mix; transparency of governance of public actors; fight against food waste. It has been the matrix of the following laws with relevance in this field, in particular those on mobility, anti-waste for a circular economy, energy-climate as well as climate and resilience.

The Law of 8 September 2019 on Energy and Climate (LREC) is a step forward. It is distinguished by the explicit association of these two elements (energy and climate). As an echo of the Government's 2017 climate plan, the regulatory act integrates the notion of "carbon neutrality", which it defines (in Article 1) and sets a timeframe for achieving, namely 2050. Associated with these climate targets are various energy targets. To this end, extensive governance reforms and numerous material innovations have also been made.

Thus, in terms of governance, LREC reinstates Parliament's role in defining strategic energy and climate planning, which was previously largely seized by the Government. The law will establish every five years the priorities for action of the public powers "for the management of all forms of energy on the continental metropolitan territory" (Art. 2), and the planning documents (Multiannual Energy Programming and National Low Carbon Strategy) will therefore have to be drawn up in accordance with this law (Le Baut-Ferrarese, Durand, 2020, p. 12-19). "Private" governance instruments are put in place, thus increasing the constraints on operators which are subject to the obligation to produce a GHG balance sheet and/or to make an extra-financial performance statement; the obligation for financial institutions to inform their clients about the climate risk of their

investment portfolio. Regarding the material innovations, new mechanisms are introduced to support innovative technologies for the production of renewable electricity in the form of an "experimentation contract" (Art. 30); facility for setting up renewable energy production units (Art. 35-49). Finally, by introducing the notion of "resilience" in its title, the Law of 22 August 2021 on Combating Climate Disruption and Strengthening Resilience (LDCR) adds the dimension of adaptation. Also known as the "Climate and Resilience Law", the new regulatory act aims to accelerate the ecological transition of French society and economy. Intended as a transcription of the measures proposed by the Citizens' Climate Convention, the law includes provisions on additional measures bearing meanings not unrelated to the adaptation context, such as: the ban on inland flights when there is an alternative of rail transport, without connection, on heated or acclimatized terraces, on thermal "strainer" in buildings, the programmatic nature of the targets set for the State, etc.

The text of the law comprises 305 articles distributed in 8 titles and is structured around five themes: consumption, production and work, travel, housing, and land artificialization, food and it toughens the criminal sanctions applicable for damages to the environment and climate. According to Article 1 "The State undertakes to comply with the target set in April 2021 by the EU: at least 55% reduction of GHG emissions by 2030" (Douteaud & Roche, 2022, p. 13).

4. European Climate Law

4.1. Initiation and Progress of Climate Regulation at European Union Level

European Union has been a pioneer and an example in the adoption and implementation of legal regulations on climate protection (Thieffry, 2020, p. 16). The first measures of this kind date back to 1993, just after the adoption of the Framework Convention on Climate Change (1992) and consist of the establishment of an emissions monitoring mechanism. The centerpiece of the current SEQUE device, a market tool, has been gradually expanded and strengthened. The first "legislative package" was adopted in 2009 with a view to achieving the objective of reducing GHG emissions by 20% by 2020. Its components were different but complementary: a decision on the effort made by the Member States to reduce their GHG emissions, three directives on promoting the use of energy from renewable sources, specifications for fuels and geological

storage of CO2 and a regulation on emissions from private cars. Then, two other "legislative packages" aiming to implement the Paris Agreement - and thus the target of a reduction of the emissions by 40% - generated a series of regulations and directives. The first one, the so-called "transition to a low-carbon economy" package, classically based on Art. 192 para. 2 of the EU Treaty, comprises two regulations of 30 May 2018: Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and Regulation 2018/841 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework. The second one, the "clean energy" package, adopted based on Article 194 TFEU, consists of Directive 2018/2001 of 11 December 2018 on the promotion of the use of energy from renewable sources, Directive 2018/44 of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings, and Directive 2012/27/EU on energy efficiency. Regulation 2018/1999 also of 11 December 2018 on the Governance of the Energy Union and Climate Action, based on Articles 192 and 194 and reinforces EU's possibility to achieve its reduction target despite Member States' reluctance to subscribe to individual binding commitments. Other regulations have been adopted under sectoral policies, such as Regulation 2019/631 of 17 April 2019 setting CO2 emission performance standards for new passenger cars and for new light commercial vehicles, or Regulation 510/2011 of 11 May 2019 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO2 emissions from light-duty vehicles. All these pieces of legislation will be revised and supplemented in application of the European Green Deal and the European Climate Law, which gave normative force to its main subject and revealed the interim target of a 55% reduction in emissions by 2030, without specifying the means. It is the subject of a new legislative package entitled "Adjustment to the 55 objective" and concerns 15 legislative acts containing measures that are either entirely new or strengthen the existing climate and energy legislation.

4.2. EU Framework Law on Climate

Expressing the EU framework regulation for the legal transposition of the Green Deal (2019), Regulation (EU) 2021/1119 of the European Parliament and of the

Council of 30 June 2021 ("European Climate Act"), by the very subsidiary name adopted, underlines the unity of the climate action at European Union and Member State level, expressly stressing that "the relevant Union institutions and the Member States shall take the necessary measures at Union and national level, respectively, to enable the collective achievement of the climate-neutrality objective... taking into account the importance of promoting both fairness and solidarity among Member States and cost-effectiveness in achieving this objective" [Art. 2 (2)]. We must keep in mind that the Green Deal represents a new architecture of European governance, referring to a conglomerate of old measures and techniques, but brought together in a regulatory ecosystem, a new configuration of the principle of coherence. This architecture gives meaning to the primacy of the ecoclimate transition, for reordering EU substantive law starting from the new rights and imposing no less a new form of planning, necessary to protect future rights (Berrod, 2021, p. 68).

In justifying the new regulatory climate support, which will eventually involve the adoption of some 50 new or supplemented and updated legislative acts at EU level, a number of reasons and dimensions specific to the issue at hand have been taken into account. From a legal point of view, the European Union Climate Framework Law responded to the EU's commitment to step up its efforts to fight climate change and was intended to ensure the implementation of the 2015 Paris Agreement and as such "guided by its principles and on the basis of the best available scientific knowledge, in the context of the long-term temperature goal set". In terms of public policy, the legal requirements were expressed for the new growth strategy (European Green Deal), which aims to transform the Union into a fair and prosperous society with a modern, competitive and resource-efficient economy with no net greenhouse gas emissions in 2050 and with economic growth decoupled from the use of resources.

The scientific argument primarily started from the findings and conclusions of the 2018 IPCC Special Report on the impact of global warming of 1.5ºC above pre-industrial levels and related global greenhouse gas emission pathways, which reveals the need to mitigate and limit warming to 1.5ºC in particular to reduce the possibility of extreme weather phenomena and of reaching tipping points in the field. At the same time, the connections of climate change in biodiversity erosion are taken into account, in the context of data from the IPBES 2019 Global Assessment Report on Biodiversity and Ecosystem Services. Finally, such a legal

approach was required because of the essential need to set a long-term objective - that of climate neutrality - in order to contribute to the economic and societal transformation implied by the eco-climate transition. With such a vision, the EU legislative act aims to establish a "framework for the irreversible and gradual reduction of anthropogenic greenhouse gas emissions by sources and enhancement of removals by sinks regulated in Union law" [Art. 1 (1)], and to set out a "binding objective of climate neutrality in the Union by 2050 in pursuit of the long-term temperature goal set out in point (c) of Article 2(1) of the Paris Agreement and provides a framework for achieving progress in pursuit of the global adaptation goal…" [Art. 1 para. (2)]. From this perspective, the regulatory act first provides for the climate neutrality objective according to which a Union-wide balance between GHG emissions and removals, which are regulated in the Union law, shall be achieved by 2050 at the latest, so as to reach net zero emissions by that date, and EU aims to achieve a negative emissions balance thereafter [Art. 2 (1)]. The Union's interim climate objectives include a binding one for 2030 to reduce domestic GHG emissions (emissions after removals) by at least 55% compared to 1990 levels and another for 2040 to be set by a legislative act, based on a detailed impact assessment (Art. 4). In line with Article 7 of the Paris Agreement, the relevant Union institutions and the Member States ensure continued progress in enhancing adaptive capacity, strengthening resilience and reducing vulnerability (according to a first strategy in this area, set in 2021). The European Scientific Advisory Board on Climate Change serves as a "point of reference for the Union on scientific knowledge relating to climate change by virtue of its independence and scientific and technical expertise", in accordance with the tasks laid down in Article 3 of the Climate Regulation. Its work is based on the best available and most recent scientific evidence, including the latest reports from the IPCC, IPBES and other international bodies. In the context of enhancing the role of science in the field of climate policy, each Member State is invited [Art. 3 para. (4)] to establish a national climate advisory body, "responsible for providing expert scientific advice on climate policy to the relevant national authorities as prescribed by the Member State concerned". By establishing such advisory body, the Member State informs the European Environment Agency (EEA) thereof.

An assessment of the Union's progress and measures in this field is conducted, first by 30 September 2023 and every five years thereafter [Art. 6 (1)]. Also, such an operation with the same timeframe is carried out by the European Commission

in respect of the relevant national measures, both from the point of view of consistency with the climate neutrality objective of the national long-term strategies and the biennial progress reports, and with ensuring progress on adaptation respectively (Art. 7).

The *public participation* supposes the Commission to work with all parts of society "to enable and empower them to take action towards a just and socially fair transition to a climate-neutral and climate-resilient society" (Art. 9). To this end, the EU executive authority "shall use all appropriate instruments, including the European Climate Pact (ECP), to engage citizens, social partners and stakeholders, and foster dialogue and the diffusion of science-based information about climate change" and the related social aspects. Launched in 2021, the ECP is a framework to promote, through an online platform and dialogue and information exchange, the dissemination of scientifically sound information on climate action and to provide practical advice in a concrete context.

5. Premises and Elements of a General Climate Law in Romania

In order to achieve the commitments under the Paris Agreement (2015), to transpose and to create the conditions for the implementation of the strategic documents and legal regulations adopted by the European Union in pursuit of the ambition to become the first climate-neutral economy and society by 2050, with an intermediate target of reducing GHG emissions by at least 55% compared to 1990 levels, it is necessary to establish and promote an appropriate national legal-institutional framework to give coherence and the necessary dynamics to this multidimensional approach. As the need was felt at Community level to establish a "framework for the irreversible and gradual reduction of anthropogenic greenhouse gas emissions by sources and enhancement of removals by sinks regulated in Union law" [Art. 1 of Regulation (EU) 2021/1119] and the European Climate Law of 30 June 2021 was approved, in the same manner, it is also necessary in the internal context, for the political, regulatory and institutional design and implementation, to have a specific regulation, vision and concrete, adequate and effective action. It is an obligation expressly laid down in Art. 2 para. (2) of Regulation 2021/1119 according to which the relevant Union institutions and the Member States shall take the necessary measures at Union and national level respectively "to enable the collective achievement of the climate-

neutrality objective... taking into account the importance of promoting both fairness and solidarity among Member States and cost-effectiveness in achieving this objective". Thus, even if from a technical and legal point of view the European Climate Law is a regulation, namely a legal act of general application, binding in its entirety and directly applicable in all Member States (pursuant to Art. 288 of the Treaty on the Functioning of the European Union, TFEU) it only regulates the "necessary measures at Union level" in the collective climate action, while the aspects relating to the national level, in their concrete and specific nature, are left to regulations under national law. Therefore, from this complementary and interdependent perspective the European Climate Law correlatively implies a national law of the same nature.

In this case, a general law is needed in Romania as well, with the same function of prefiguring the national framework for the achievement of the objectives assumed at Community level and the additional related ones, called to capture and express the domestic ecoclimatic as well as social, economic and cultural realities, in a coherent, interdependent and efficient approach. Such an imperative is also justified by the fact that the new development strategy implied by the ecoclimatic transition requires a profound transformation in all sectors of activity, in an organized and consistent design and development. Such a legislative approach is also favored by the existence of an assessment, with related conclusions, of the country's ecoclimatic condition, as radiographed by the Report "Limiting Climate Change and its Impacts: an Integrated Approach for Romania" (2022), prepared at the initiative of the Presidential Administration by the special working group set up for this purpose. The document contains "a mapping of the key challenges that Romania faces in the short, medium and long term in limiting climate change, as well as a series of measures aimed at responding to them". Prefigured from such perspective and with such premises, the preliminary draft of a Romanian climate law would establish the internal framework for taking over and implementing the international and European ecoclimatic objectives, both in terms of mitigation of climate warming and resilience and adaptation to the effects of climate change. The requirements and measures of the actual approach will be conceived and laid down by areas and sectors, production and consumption, mobility, food, etc., in a coherent vision and with complementary and associated activities. An important step forward, having a pioneering value, would be the legislative recognition of the right of every person to a stable climate favorable to the maintenance and improvement of their living conditions, and to this end the provision of

guaranteed rights related to the access to relevant information, consultation and participation in decisions in this field and the access to justice in this matter, so as to strengthen the intrinsic climatic aspect of the right to a healthy and ecologically balanced environment in its climatic dimension as provided for in Art. 35 of the Romanian Constitution of 8 December 1991 (revised). In the same sense of the equation between climate change and fundamental rights, the establishment of a Deputy Ombudsman specialized in the field of environmental rights and climate change would be welcome (according to Art. 10 of Law no. 35 of 13 March 1997 on the organization and functioning of the Ombudsman - as republished -). In the same more general context of developing and nuancing the legal regime conferred on the environment, it would not be unimportant to establish the protection of the environment, the fight against climate change, the conservation of biodiversity and the prohibition of pollution as actions of major public interest and a fundamental obligation of citizens and public authorities, which would constitute a genuine "ecoclimatic public order". A clear priority is the setting up of a national climate advisory body, responsible for providing expert scientific advice to the relevant national authorities on public climate policies, informing the European Environment Agency [according to Art. 3(4) of the European Climate Law]. It would be an independent body, made up of highly qualified interdisciplinary specialists, whose role would be to assess climate strategies and policies, and to provide objective and independent advice and recommendations on public climate action, relevant reporting and facilitating public and stakeholder participation in its development and implementation. Last but not least, the structure could assure dialogue and cooperation with the European Scientific Advisory Board on Climate Change, established at EU level to provide specific scientific advice, as well as with other national climate advisory bodies, in order to achieve their objectives. An essential part of the envisaged law should be promoting the reform of the national education system in line with the requirements of the transformation towards climate neutrality by creating (strengthening) the legal regime of training and education for the ecoclimatic transition. The extensive innovative process in general education, especially at university level and in appropriate education, needs a legal basis for its initiation and crystallization as quickly and efficiently as possible (Duțu, 2022, p. 96 et seq).

Of course, the technical and structural outlines are to be established according to the legislative technique by specialists in the field, as the claims of the present paper are limited to highlighting the need and outlining the general horizons of such a (possible) innovative regulatory act.

5.1. Relationship between the Environmental Framework Law and the General Climate Law

The unity between environmental and climate law, going as far as confusion, at least partial, also suggested by part to whole relationship between the key notions of environment and climate, is strongly manifested in EU strategy and regulations. Such a Community approach is also explained by the fact that there is no autonomous climate policy within the institutional framework of the Union and, consequently, no specific legal basis for the intervention of the European Union legislator in this area. From this perspective, climate law thus remains an aspect of environmental law, like all other Community policies and actions in line with the principle of integration, starting with the energy sector. The semantic combination operated in the doctrine represents, in turn, rather the result of evolutions of theoretical assessments and less a substantial radical rupture or extension and dilution, responding to the need of marking a very strong proximity, up to complete osmosis between what superficially may appear as different matters.

According to such an equation, one can also prefigure the relationship between the general environmental laws (currently led by GEO 195/2005 on environmental protection) and the climate, respectively, in the sense of the existence of separate framework regulatory acts, within complex, separate regulatory perspectives and structures, but with important connections and major intersections. As approaches evolve and regulations develop, the emphasis on integration and the need for systematization may lead to the emergence of major, complex regulatory systems, structured by levels of competence and action, incorporating the two areas in a more coherent and unified manner, under the banner of ecoclimate law.

6. Brief Conclusions

The above remarks on the premises and the need to draw up and adopt a general climate law also in Romania, as soon as possible, have at their core the idea that,

in this respect, it is not a question of a simple desire to imitate and to be inscribed in a subject, be it legal or fashionable. On the contrary, we are in the presence of a need of the Romanian society, both to be included in the context of major developments at European and global level and to perceive and transform its meanings appropriately and adapted in the domestic legal framework, according to its own priorities and realities. Climate change in all its perspectives - natural and social adaptation, energy, economic, geo-strategic and legal - requires a rapid and radical transformation of the ways of thinking, producing, consuming, and existing, and it is an obvious imperative for any State and collectivity in general to be part of the ecoclimatic transition that it entails. The goal of achieving carbon neutrality by the middle of this century (2050 in particular), the 1.5ºC-2ºC threshold for the acceptability of global average temperature increase and climate urgency are targets on which a scientific, political, legal and public consensus already exists. In order to proceed to the adoption and implementation of the required decisive measures, it is necessary to resort to various, complex legal instruments, configured in a regulatory-institutional architecture arranged in a system of steps of approach, expression and operation, at three related and interdependent levels: global (international), represented by the 1992 Framework Convention and the Paris Agreement (2015), and institutional by the UN complex, regional (par excellence, that of the EU, represented by the climate regime restructured by the European climate law and the related set of regulations) and national (as a rule, for the Member States of the Union aiming at translating the Community layer, but within its own framework and by the particularization of the general objectives set by the general climate law and the related regulations). From this perspective of structuring the legislative and institutional arsenal of the legal response to the challenges of climate change, such a legislative approach is also necessary in our country in order to prefigure such a projection. It would have the capacity and merit to promote a faster and more appropriate integration into the collective EU effort and to avoid a disorganized transition, particularly harmful for an economy and a social system in general already severely damaged and threatened with disintegration under the impact of the recent major crises caused by the Covid-19 pandemic and the war in Ukraine. All the more so as EU climate law structured from and on the basis of the 2021 European Climate Law is experiencing a particular dynamic, according to a predetermined and consistently applied program. Thus, for example, in such a perspective, on 18 April 2023, the European Parliament adopted five new key texts of the Green Deal, this time

concerning the implementation of the GHG emission reduction targets belonging to the "Fit for 55" package: the reform of the Emissions Trading System (ETS) and the Carbon Border Adjustment Mechanism.

All in-depth and relevant studies on the near and even long-term future converge on the fact that the fight against climate change, seen in its complexity in the forefront of sustainable development concerns, must be compatible with the finitude of the planet's resources.

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