

THE ROLE OF THE EUROPEAN PARLIAMENT IN ADDRESSING THE PROBLEM OF CLIMATE CHANGES

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ABSTRACT: *Protection of the environment from global warming is currently a principal area of cooperation and international regulations, which assumes a global or across borders dimension. The persistence, purpose and inter-temporal nature of the problem of global warming, call for global actions of prevention.*

In this context, the European Parliament adopted a resolution on 11 March 2009 on a EU strategy for a comprehensive climate change agreement in Copenhagen and the adequate provision of financing for climate change policy.

In the provisions of this Resolution, The European Parliament calls for the EU to continue to develop a foreign climate policy and adopt a unified position to maintain its leadership role in the negotiations at COP 15 and also to support the ambitious goals in the discussions with the international partners in order to reach an ambitious international Agreement at the Conference from Copenhagen in December 2009, adapted to the latest scientific findings and in line with the objective of 2°C.

The Parliament believes that the Copenhagen Agreement should bind the parties to mandatory reductions and international sanctions, to be defined for non-compliance.

KEYWORDS: *Protection of the environment, global warming, European Parliament, climate change policy, Conference from Copenhagen in December 2009*

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1. GLOBAL SOLUTIONS FOR ADDRESSING THE CLIMATE CHANGE PROBLEM

Mobilization aiming the extremely complex problem of global warming is the result of unquestioned scientific, technical and economic data offered by the authorized bodies. Most of the world's scientific community believes that climate change effects are visible in the rise of average global temperature, accelerated melting of glaciers, rising sea levels, increase in the frequency of extreme weather events, changing rainfall patterns on a global scale, periods of vegetation change, changes local ecosystems, etc.

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Climate changes are a challenge for which there is no single policy, but the combination of existing opportunities and increase of efficiency in all social and economic areas of states would contribute to solving the problem of resources and distribution.

Protection of the environment from global warming is currently a principal area of cooperation and international regulations, which assumes a global or across borders dimension. The persistence, purpose and inter-temporal nature of the problem of global warming, call for global actions of prevention.

The legal status of measures taken against climate change is generally that of framework treaties. History of international conventions on climate is neither abundant nor distant, early 70s being the beginning of the process of regulation in environmental law.

The United Nations Convention on Climate Change, adopted at the Conference on Environment in Rio de Janeiro in 1982, is the one that has launched a new challenge to the modern world to stabilize concentrations of greenhouse gases in the atmosphere at a level that prevents any risky climate disruption, establishing a general framework for intergovernmental in this respect.

The third Conference held in Kyoto, Japan in 1997, represented a step forward in addressing climate change occurred after the adoption of the Framework Convention. During this event the Kyoto Protocol on Climate Change was adopted, that entered into force in February 2005, a document that establishes a series of common but differentiated responsibilities of States to reduce greenhouse gas. Awareness of the climate problem both in the international and national community became obvious through the very ratification by most countries. However, although this protocol has provided a specific legal and economic device for the battle against climate change, proposing targets for reducing the greenhouse gas emissions, compliance with these commitments has been a big problem.

The 15th International Conference of the Parties, held in December 2009 in Denmark, Copenhagen, had as a main goal the signing of an interim Agreement that establishes the overall legal and institutional steps toward a final Agreement ended in 2012, that would establish specific national commitments on reducing emissions of greenhouse gases.

2. ROLE OF THE EUROPEAN PARLIAMENT IN THE MATTER OF CLIMATE CHANGES

2.1. The legal basis of the EU resolution on the strategy for the 2009 Copenhagen conference on climate change

The resolution on the EU strategy for the Copenhagen conference on climate change, was based on a series of previous international documents, resolutions and recommendations of the European Parliament and Council. In this context we like remember:

–United Nations Framework Convention on Climate Change (UNFCCC) and Kyoto Protocol to the Framework Convention, negotiated in December 1997 and ratified in 2006;

- Plan of Action adopted at the Conference in Bali (Decision 1/COP 13), December 2007;
- 15th Conference of Parties (COP 15) to the UNFCCC and the 5th Conference of the Parties serving as Meeting of Parties to the Kyoto Protocol (COP/MOP 5), Copenhagen, Denmark 7 and 18 December 2009;
- Climate-energy package of regulations adopted by the Parliament on December 17, 2008, in particular Directive 2009/29/EC of the European Parliament and European Council of 23 April 2009 amending Directive 2003/87/EC on the improvement and expansion of the community trading of emissions of greenhouse gases¹, and Decision. 406/2009/CE European Parliament and the Council of 23 April 2009 on the national effort to reduce emissions of greenhouse gases to meet the Community's commitments to reduce emissions of greenhouse gases by 2020²;
- Directive 2008/101/EC of the European Parliament and European Council of 19 November 2008 amending Directive 2003/87/EC to include aviation activities in the system for trading greenhouse gas emission trading within the Community³;
- Commission Communication entitled “Enhancing financing efforts to combat climate change: A European model for Agreement in Copenhagen” (COM (2009) 0475);
- Previous resolutions on climate change, in particular Resolution of 4 February 2009, entitled “2050: The future begins today - Recommendations for the EU's future integrated policy on climate change” and resolution of 11 March 2009 on the EU strategy for a comprehensive Agreement in Copenhagen climate change and to ensure adequate funding of climate change policy
- Joint Statement of 20 December 2005 of the Council of Europe and the Governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: “European Consensus”, in particular paragraphs 22, 38, 75, 76 and 105;
- European Council Resolution of 21 October 2008, entitled “Building a Global Climate Change Alliance between the European Union and poor developing countries most vulnerable to climate change⁴;
- Rules of Procedure (110) of the European Council.

2.2. Main provisions of the resolution

The Resolution of the European Parliament's on the EU strategy at the International Conference in Copenhagen, Denmark, in December 2009, regarding climate changes, includes a series of recommendations designed to influence the EU position and its role in the events of crucial importance for the quality of life on earth;

The European Parliament calls for the EU to continue to develop a foreign climate policy and adopt a unified position to maintain its leadership role in the negotiations at COP 15 and also to support the ambitious goals in the discussions with the international partners in order to reach an ambitious international Agreement at the Conference from

¹European Official Gazette L 140, 5.6.2009, p. 63.

²European Official Gazette L 140, 5.6.2009, p. 136.

³European Official Gazette L 8, 13.1.2009, p. 3.

⁴European Parliament's Resolution P6_TA(2008)0491.

Copenhagen in December 2009, adapted to the latest scientific findings and in line with the objective of 2°C. The Parliament believes that the Copenhagen Agreement should bind the parties to mandatory reductions and international sanctions, to be defined for non-compliance. It recalls that the international Agreement should ensure that developing countries, taken together, limit their emissions rise by 15-30% below the level they would reach in the current situation to ensure that the objective of 2° C is achieved;

The climate changes are estimated to be a global issue that represent a challenge for which there is no single policy solution, but a combination of existing opportunities and increase in efficiency in all economic and social fields as well as developed countries and the developing would help solving the problem of resources and distribution, thereby paving the way for a third industrial revolution;

The Parliament considered that the EU's collective contribution to the efforts of mitigation and the adaptation needs of developing countries should rise to at least EUR 30000 million per year by 2020, a level that could increase in the light of new information on the seriousness of climate change and the scale of their cost;

The European Parliament considers that the EU budget review, which will take place, should focus on providing sufficient financial resources for protective measures against climate changes and also adapting to them. It also considers it necessary for the economy to become efficient and sustainable in the world not only to prevent dangerous climate changes by reducing emissions of greenhouse gases, but also because the EU has the potential to increase investments, the number of employment places, economic growth, competitiveness and improve quality of life, without sacrificing the objective of ensuring access to modern energy services for all. In this context, it underlines the urgent need to improve global energy efficiency and increase the share of renewable energy sources;

The European Parliament considers that the practices in some sectors (such as: water management, ecosystems conservation, agricultural production, soil conditions, health, food security and natural disaster risks, etc.) have caused and aggravated the climate in those areas suffering also the serious consequences of climate changes;

Therefore, the Parliament considers that these two dimensions should be included in the Copenhagen deal with specific measures to reduce to some extent the effects of climate change in these sectors and adaptation measures.

2.3. European Parliament's resolution on climate change adaptation.

The Resolution regarding "Adaptation to climate changes: Towards a European framework for action", has as a legal basis, the following resolutions adopted by the European Parliament on climate changes:

- European Parliament's resolution of 10 April 2008, entitled: "Adapting to climate changes - options for EU action"⁵;

- European Parliament's resolution of 4 February 2009, entitled "2050: The future begins today - recommendations on EU's future integrated policy on climate change"⁶;

⁵European Official Gazette C 247 E, 15.10.2009, p. 41.

⁶European Parliament's Resolution, P6_TA(2009)0042.

- European Parliament's legislative resolution of 16 September 2009, relating to forest fires in the summer of 2009⁷;
- European Parliament's resolution of 25 November 2009 on the EU Strategy for the Copenhagen Conference on Climate Change (COP 15)⁸;
- European Parliament's resolution of 10 February 2010, in connection with the results of the Copenhagen Conference on Climate Change (COP 15)⁹;
- United Nations Framework - Convention on Climate Change (UNFCCC) Kyoto Protocol to the UNFCCC and the outcome of the 15th Conference of the Parties to the UNFCCC in Copenhagen¹⁰;
- Directive 2009/29/EC of 23 April 2009 amending Directive 2003/87/EC to improve and extend the EU emissions trading of greenhouse gas¹¹;
- Rules of Procedure of the European Parliament, art.48;
- Report of the Committee on Environment, Public Health and Food Safety and opinions of the Committee on Industry, Research and Energy, the Committee on Transport and Tourism, the Regional Development Committee and the Committee on Fisheries.

The main impacts of climate changes are estimated by experts to be manifested through intense rainfalls, low snow amounts and longer periods of drought. Such a development will have a direct impact on the geography of land, speeding up erosion flood risks, with simultaneous reduction of snowfall, which will negatively influence the entire ecosystem.

In addition, current water management practices clearly shows why the current way of water management must be adapted. In such cases, adaptation measures must be fundamental in addressing the dynamic challenges of climate changes and improving safety and capacity of providing services in the European Union. Adaptation is widely cited as a key project designed to allow existing systems to improve emergency management, by combining terrestrial and satellite observations, for forecasts of severe cases is related to mitigation.

The White Paper is, however, only a preparatory document that aims to develop a comprehensive policy framework which can be further developed by necessary plans and strategies. Therefore, an initiative report of the European Parliament does not contain references to specific details about a number of policy areas, but outlines a general strategic approach on the EU's increasing resilience to the impacts caused by climate change.

After specific strategy plans, there will surely be found that the conditions for a thorough analysis, particularly as regards the financial aspect.

The means of financing can be established only when there is a clear idea about the results to be obtained. A comprehensive adaptation strategy should include the following main points: focus on communication (the data collection and distribution of national networks and local authorities), including clear Agreement on how the adaptation efforts will be distributed according to national capacity, regional and local adaptation and their territorial influence, emphasis on responsible governance structure to achieve a genuine political efficiency, introducing climate change adaptation policies in all other EU policies.

⁷European Parliament's Resolution, P7_TA(2009)0013.

⁸European Parliament's Resolution, P7_TA(2009)0089.

⁹European Parliament's Resolution, P7_TA(2010)0019.

¹⁰CCONUSC – Decision Project -/CP 15, Copenhagen Agreement, FCCC/CP/2009/L.7.

¹¹European Official Gazette L 140, 5.6.2009, p. 63. Advance unedited version, http://www.denmark.dk/NR/rdonlyres/C41B62AB-4688-4ACE-BB7B-F6D2C8AAEC20/0/copenhagen_Agreement.pdf

In a policy as important as policy adjustment, the territorial dimension should not longer be a goal, but the operational dimension, therefore, consistent land management and planning is a fundamental aspect of it.

A few suggestions to the White Paper indicated the need to address the relationship between climate change adaptation and human and animal health. Finally, the insurance sector's role should be reassessed to meet the highest current risks, by proposing new forms of public-private partnership.

3. THE EUROPEAN PARLIAMENT AND ITS CONNECTION TO THE COPENHAGEN CONFERENCE

3.1. The Copenhagen Agreement

The 15th Conference of the Parties from Copenhagen, Denmark, 7th-18th of December 2009, represented a historic opportunity to strengthen the international response to global climate changes. The main purpose of the Copenhagen Conference was supposed to be the signing of an Agreement which contains the fundamental principles of a new multilateral framework that will ensure the equal and fair contribution of the major economies in addressing the global problem of climate. This Interim Agreement is to establish the basic legal framework and institutional architecture for the negotiations of a final Agreement post 2012 that will contain specific national commitments.

The Copenhagen Agreement was adopted by the UN Climate Change Conference on 18 December 2009.

Since states have not taken clear objectives for reducing CO₂ emissions, some participants considered the Agreement as a failure. European Commission President Jose Manuel Barroso, did not hide his disappointment saying that the pact lies clearly below the EU target. And Di-Aping Lumumba, chief negotiator of the G77 group of developing states, said the Agreement had the lowest level of ambition he could imagine. On the other hand, President Obama and British Prime Minister Gordon Brown, warmly welcomed the adoption of the Agreement.

At the Copenhagen summit, U.S. President promised a 17% reduction in U.S. emissions by 2020, assuming approval in the Congress on pending legislation but also on climate changes that would put a price on carbon through cap emissions and by allowing polluters to trade carbon permits.

The Copenhagen Agreement is a modest document with 12 paragraphs (three pages) that sets a target of limiting warming to 2 degrees Celsius compared to preindustrial levels. Its provisions relate to reducing emissions from deforestation and forest verification. It will also hire 100 billion dollars a year from rich countries and institutions worldwide in the next 10 years to help poor countries adapt to climate change.¹²

The main provisions of the Agreement are:

The Agreement endorses the continuation of the Kyoto Protocol

¹²Copenhagen Agreement of 18 December 2009, Denmark. Advance unedited version, http://www.denmark.dk/NR/rdonlyres/C41B62AB-4688-4ACE-BB7B-F6D2C8AAEC20/0/copenhagen_Agreement.pdf

The Copenhagen Agreement points out that Underlines that climate change is one of the greatest challenges of our time and emphasizes a “strong political will to urgently combat climate change in accordance with the principle of common but differentiated responsibilities and respective capabilities”.

The document acknowledges “the scientific point of view that global warming should be more than 2 degrees Celsius, in the context of sustainable development, in order to fight climate changes.¹³

The Agreement also considers that a development strategy with low emissions is essential for sustainable development.

States agree “developed countries shall provide adequate, predictable and sustainable financial resources, technology and capacity-building to support the implementation of adaptation action in developing countries”

It further establishes that developed countries would “commit to economy-wide emissions targets for 2020” to be submitted by 31 January 2010 and agrees that these Parties to the Kyoto Protocol would strengthen their existing targets.

States agree of a “goal” for the world to raise \$100 billion per year by 2020, from “a wide variety of sources”, to help developing countries cut carbon emissions (mitigation). New multilateral funding for adaptation will be delivered, with a governance structure.¹⁴

States decide to establishes a Copenhagen Green Climate Fund, as an operating entity of the financial mechanism, “to support projects, programs, policies and other activities in developing countries related to mitigation”.¹⁵

The Agreement calls for “an **assessment** of the implementation of this Agreement to be completed by 2015. This would include consideration of strengthening the long-term goal”, for example to limit temperature rises to 1.5 degrees.¹⁶

3.2. European Parliament’s Resolution of February 2010 on the results of the Copenhagen conference on climate change

The European Parliament considers that the negotiations on a comprehensive international agreement on climate change beyond 2012, which were to be concluded in Copenhagen in December 2009, ended with a disappointing agreement that the Conference of the Parties to the UNFCCC merely take note.¹⁷

Although it was a goal which is to be legally binding, the Agreement is not a legally binding document, it does not include any emissions reduction target and, therefore, no specific commitment to conclude an agreement legally binding in 2010.

In this Resolution, the European Parliament observes that the EU was not able to play a leadership role in the fight against climate change and was not involved in final negotiations with the U.S., China, India, Brazil and South Africa on the final draft of the Agreement.

¹³Copenhagen Agreement of 18 December 2009, Advance unedited version, http://www.denmark.dk/NR/rdonlyres/C41B62AB-4688-4ACE-BB7B-F6D2C8AAEC20/0/copenhagen_Agreement.pdf

¹⁴Ibidem

¹⁵Ibidem

¹⁶Copenhagen Agreement of 18 December 2009, Denmark. Advance unedited version, http://www.denmark.dk/NR/rdonlyres/C41B62AB-4688-4ACE-BB7B-F6D2C8AAEC20/0/copenhagen_Agreement.pdf

¹⁷European Parliament Resolution of 10 February 2010 on the outcome of the Copenhagen conference on climate change (COP 15), P7_TA-PROV(2010)0019, europarl.europa.eu.

The European Parliament also expressed its regret about the many shortcomings of the Agreement at the Copenhagen Conference. Thus, it is not easy to get a comprehensive global agreement for the period after 2012, because it sets targets for reducing emissions of greenhouse gases worldwide, medium or long termed, and does not state when the global emissions would achieve its peak. In addition, the European Parliament notes the public disappointment and failure on achieving a meaningful agreement at Copenhagen.¹⁸

Also, it emphasizes the historical responsibility of developed countries in terms of irreversible climate change, invoking their obligation to provide sufficient, sustainable and predictable financial support to developing countries in order to enable them to make commitments on reducing their emissions of greenhouse gases, adapt to climate change and reduce emissions from deforestation and forest degradation, and to accelerate their capacity to meet future obligations under the international agreement on climate change¹⁹

EP resolution states that delays in obtaining an international agreement is not a justification for further delaying the adoption of EU policies to achieve the commitment already legally binding, taken for this purpose by the Union to reduce emissions 20% by 2020. In this connection, it reiterates its desire to move towards a reduction in greenhouse emissions by 30%, and also notes that the initiatives taken within the EU to promote and encourage the green economy, the energy security and reducing energy dependence will increasingly facilitate compliance with the commitment in this regard. The European Parliament stresses the need to create a new “climate diplomacy”, asking the EU High Representative and the Commissioner for combating climate change to take the lead in this strategy, in collaboration with developing countries and more advanced. The Parliament also urges the EU to agree on a “roadmap for Mexico”, including discussion of climate policy within each individual partnership and bilateral and multilateral cooperation agreement to develop a more coherent external strategy regarding climate protection. It recommended EU and Member States to build an “alliance of responsibility”, opened to all countries that believe that climate change represents a major threat to humanity and who are prepared to take action to stop global warming.²⁰ The EP resolution states that the EU’s collective contribution to the efforts of mitigation and adaptation needs of developing countries should rise to at least EUR 30000 million per year by 2020, a level that could increase based on new information obtained regarding the seriousness of climate change and the extent of their cost.²¹

A special importance is given to the increasing public awareness about the impact of climate changes on developing countries, emerging economies and rapidly evolving, enhanced dialogue being absolutely necessary, in particular with the least developed, with the Alliance of Small Island States (AOSIS) and Africa, for a binding international agreement on climate change aimed at reducing the impact and foreseeable consequences of climate change on demography, public health, migration and savings in these regions. In the resolution, the Parliament considers it essential for the competitiveness of the EU for

¹⁸Ibidem

¹⁹European Parliament Resolution of 10 February 2010 on the outcome of the Copenhagen conference on climate change (COP 15), P7_TA-PROV(2010)0019, europarl.europa.eu.

²⁰Ibidem.

²¹Ibidem.

other industrialized countries outside the EU to agree to undertake similar efforts and that, emerging economies and developing countries to take reasonable reduction commitments. It is also estimated that the reduction targets must be measurable, reportable and verifiable, so that commitments made by developing countries to submit national reports on their efforts to reduce emissions of greenhouse gases are appreciated.²²

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²²Ibidem