

ENVIRONMENTAL BRAINFOOD MADE IN BRUSSELS

"They shoulder the heavy responsibility of taking decisive steps in the fight against climate change" -

With these words UN the new United Nations head for Climate, Christiana Figuères, addressed the Belgian representative at the August 2010 Kyoto Working Session in Bonn, who had just emphasised the Belgian environmental priority goals for the ongoing EU Council Presidency. After the failure of Copenhagen 2009, the Belgian Presidency wants to bring forward special efforts to relaunch the European Union's initiative to combat climate change on a global cross-border level. Herein underlining the devotion to incorporate environmental improving elements into its domestic juridical and economic system, and its relations with third-states.

This clear highlighting of environmental issues within the European Union's framework is not a novelty. Since the early nineties the European Union is acknowledging the transcendent cross-border characteristics of environmental problems, which cannot be handled alone by states. Article 191 § 1 of the Treaty on the Functioning of the European Union establishes the collective objective of "promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change." In other words, the European Union wholeheartedly embraces the idea of collective actions that combine continued institutional reform and adequate implementation of existing commitments to tackle contemporary environmental problems.

As in the case of other environmental related issues like GMO's, the European Union is taken another leadership role in addressing climate change by introducing both innovative domestic policy regulations, and international regulatory involvement. With the increase of public awareness during the last three decades the climate change topic gradually became one of outmost importance within the European Union's domestic and foreign policies. Initially, the European Union stepped in to develop a domestic approach to curb the emission of greenhouse gasses within its member states. With the introduction of an emission trading scheme and the launch of its first *European Climate Change Programme* in 2000, the European Union positioned itself as one of the most prominent and inspired signers of the Kyoto protocol.

It is in the line of its domestic commitments to tackle the climate change issue that the European Union played a vital role in the adaptation of 1997 Kyoto protocol. Embracing the idea of *burden-sharing* - and holding in mind its head start concerning green technology and implementation capacities - the Union took a clear leadership role during the Kyoto negotiations rounds.. Taking this straightforward green positioning, the European Union hoped to use international climate change commitments

to convince other highly polluting countries, like the United States and the Russian Federation, to reduce their emission levels. Then in late 2009 the climate change agreement of Copenhagen - *the Copenhagen Accords* - showed once more the difficulty to adopt global constructive environmental benchmarks. Herein, the European Union's fostering role was far less successful than during the Kyoto negotiations. Furthermore, this unsuccessfulness resulted into the acceptance of a non-binding document without any mentioning of long- and medium term emission level targets. It has been a clear failure, bearing in mind the European Union's pre-conference statements of pushing forward to an international binding document which could tackle climate change on a global and long term level.

Nevertheless, we may assume that the ambiguous "green" positioning of the European Union could generate certain new disputes and divisions between the old, the new, and the potential member states, due the economic and political transition, and the absence of civil environmental awareness within the later two. Several European scholars and politicians are clearly sceptical on the recent and future enlargements when it comes to environmental issues. According their expectations, alongside with the PR-friendly prospected economic and political improvements, the European Union's capacity to adopt and implement environmental policies will be eventually negatively affected. The traditional thinking is that new and future member states would fully self focus on their economic catch up, and uphold a less prominent - common - environmental strategy. These environmental pessimists are even arguing that next enlargements will slow down or even reverse the ongoing progress in the Union's environmental policymaking.

Despite the fact that we may have to question the very grounds for this reasoning - less pessimistic authors are even considering these enlargement as a blessing for expanding the European Union's high level environmental policies - the future prospects emerging from this pessimistic point of view, clearly have to be analysed and considered as a useful warning sign. As a consequence, we cannot lose touch with the European Union proactive environmental approach. Therefore, we could advocate for an incorporation of additional environmentally linked- alongside the current political, economic and juridical requirements - Copenhagen Criteria for future accession. Clearly unpopular but nevertheless essential approach bearing in mind the latest and future enlargements. Nonetheless if we, in the current positive green atmosphere, consider environmental protection on an equal level of importance like democracy, human rights and the rule of law, it is no exaggeration to aspire for a "Green Copenhagen Criteria" to self-preserve the European Union's leadership position.

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