

#### 4. The European Union and its rule-creating force on the European continent for moving to climate neutrality by 2050 at the latest

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##### INTRODUCTION

Since the very first steps of global climate governance, the European Union has taken responsibility for addressing climate change.<sup>1</sup> It did so particularly by means of taking an active role as a party to international treaties in the field of climate change, and by adopting a broad package of internal EU laws, even if the interplay between internal and external action was often the sort of 'je t'aime, moi non plus' relation.<sup>2</sup> Stimulating sufficient ambition across the world was closely related to the need to overcome an awkward internal disagreement, as discussed by Kati Kulovesi, on how to steer the Union towards effective mitigation of its own emissions.<sup>3</sup> Altogether, developing internal frameworks and exerting influence through bilateral or regional cooperation<sup>4</sup> contributed to efforts to push the international agenda forward.<sup>5</sup>

In its internal order, the EU has built strong steering powers to address climate change by means of legal instruments, and has done so within the context of its fundamental values such

<sup>1</sup> In a 1989 resolution of the Council the need for the (then) European Economic Community and the Member States to play their full part in the definition and implementation of a global response to the problem, and this without delay, was already asserted: Council resolution of 21 June 1989 on the greenhouse effect and the Community OJ C 183, 20/07/1989 P. 0004–0005.

<sup>2</sup> An expression evoking a paradoxical love-hate relationship.

<sup>3</sup> Kati Kulovesi, 'Climate Change in EU External Relations: Please Follow My Example (Or I Might Force You To)', in Elisa Morgera (ed.), *The External Environmental Policy of the European Union* (Cambridge University Press 2012), 115; Marc Pallemmaerts, 'Le cadre international et européen des politiques de lutte contre les changements climatiques' (2004) 33 (n° 1858–1859) *Courrier hebdomadaire du CRISP* 5–61, DOI 10.3917/cris.1858.0005, Chapter 5 on the EU policy on climate change (in French), evoking all early steps of the EU policy on climate change since 1989. The EU played, for instance, a decisive role in the adoption of the Kyoto Protocol, with the consequence that Member States had thereafter little other choice than to adopt legislation meant to comply with the new international duties.

<sup>4</sup> See also in this respect the discussion of so-called 'minilateralism': Kati Kulovesi, 'Addressing Sectoral Emissions outside the UNFCCC: What Roles for Multilateralism, Minilateralism and Unilateralism?' (2012) 21 *Review of European, Comparative & International Environmental Law (RECIEL)*, 193; Scott Barrett, *Why Cooperate? The Incentives to Supply Global Public Goods* (Oxford University Press 2007).

<sup>5</sup> Elisa Morgera and Kati Kulovesi, 'The Role of the EU in Promoting International Standards in the Area of Climate Change', University of Edinburgh School of Law Research Paper No. 2013/22, p. 15, also in Poli et al. (eds), *EU Governance of Global Emergencies* (Brill 2013). The following authors also use the concept of minilateralism; Joanne Scott and Lavanya Rajamani, 'EU Climate Change Unilateralism' (2012) 23 *European Journal of International Law*, 469; Tom Delreux and Sander Happaerts, *Environmental Policy and Politics in the European Union* (Palgrave 2016), 205–230.