Climate Change in Juridical Regulations

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Key words: *climate changes, juridical regulations, environment*
Abstract: Born as a branch of biology, the environmental science was not seen as a science with a bright social future. But, slowly, its impact became more varied, wide and complicate. Studying natural balances, environmental scientists forecasted their gradual degradation; after a few decades, the development of industrial companies deeply modified the planet's environment. The appearance and development of pollution, the disappearance of some species, global issues manifestation and so on, were evident signs of a profound environmental crisis.

"*The environmental crisis*" taking place in the mid 1960s and its immediate consequences, the likelihood of a self destroying disaster, raised for the first time in history questions about the man's capacity to exploit and use nature, "*the boundaries*" within which economic growth may be conceived and carried out so that the natural environment on which human beings depend, is not deteriorated essentially and irreversibly.

"At theoretic-conceptual level, the influence of "*the environmental crisis*" of environment protection and conservation was expressed by the appearance and development of new dimensions and divisions for traditional disciplines, having tendencies of autonomy and specific affirmation and representing real (possible) answers to this major challenge of the beginning of century and millennium.

Representative for this fact is the development of social ecology, political ecology, environmental economics, education ecology, environmental law" (**Mircea Duțu "***Environmental Law***"** CH BECK Publishing House, Bucharest, 2007, p.3-4)

Facing these realities of outmost importance for mankind, law could not remain indifferent. This explains the multitude of juridical regulations related to environment protection and conservation that are enacted worldwide and also in each country because environment deterioration through human action does not have land boundaries.

I. Preliminary notions. About environmental law

Climate changes like other environment-related issues are the object of the regulations and rules of environmental law.

I find very significant for the study about the birth of this new branch of juridical sciences- environmental law, the statements made by the renowned theoretician of this subject in one of his recent works[1].

Born as a branch of biology, the environmental science was not seen as a science with a bright social future. But, slowly, its impact became more varied, wide and

[1] **Mircea Duțu "***Environmental Law***"** CH BECK Publishing House, Bucharest, 2007, p.3-4.

complicate. Studying natural balances, environmental scientists forecasted their gradual degradation; after a few decades, the development of industrial companies deeply modified the planet's environment. The appearance and development of pollution, the disappearance of some species, global issues manifestation and so on, were evident signs of a profound environmental crisis.

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Representative for this fact is the development of social ecology, political ecology, environmental economics, education ecology, environmental law". Facing these realities of outmost importance for mankind, law could not remain indifferent. This explains the multitude of juridical regulations related to environment protection and conservation that are enacted worldwide and also in each country because environment deterioration through human action does not have land boundaries.

The same author concludes stating that „ *During a long and incongruous process when at first we dealt with a law "indifferent" to environment and slowly became "a law for the environment", the legal sciences also integrated as fundamental values solidarity and the reconciliation between man (society) and nature. Environmental law*[1] *represents the most important type of development and self-assertion of law in the postmodernist era ...*".

The environmental world crisis at the end of the 60s also brought about the assertion of international environmental law which was favoured by a multitude of factors and which triggered the cooperation among countries as means of stopping and diminishing the effects of this crisis.

Generated by the cross-border character of pollution and the appearance of worldwide effects, environmental issues imposed international cooperation.

Initially the first environment-related regulations had a sector-based character, the international acts enacted targeting anti-pollution practices, the protection of some vegetal or animal species or the improvement of environment protection in some geographically deteriorated areas.

(For example – „*The Convention for the protection of farming pastures*" signed in Paris on March 19th 1902, the Treaty from February 7th 1911, closed between USA and Great Britain and the Treaty from Washington on February 7th 1911 between USA, Great Britain and Russia that regulated the preservation and protection of seals for their skin; *Convention Relative to the Preservation of Fauna and Flora in their Natural State* – London 1933; *Convention for preventing sea pollution by oil* – London, 1954; the Treaty from Moscow relative to the interdict of nuclear experiments in air, in space and water (August 5th 1963) so on.

The year 1968 represents a crucial moment in the evolution of the international environmental law because in this year the United Nations Organisation (U.N.), European Council (E.C.) and the Organisation of African Unity (O.A.U) launched systematic environment related activities.

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[1] The same opinion can be found in **Florin Făinişi** – „*Environmental Law*", „Pinguin Book" Publishing House, Bucharest, 2005, p.30 and so on.; **Ernest Lupan** – „*Environmental Law*"*, „Lumina Lex"* Publishing House*, Bucharest, 2001, p.5 and so on.;* ***Ioan Ciochină-Barbu*** – „*Environmental Law*" – *specialization public administration*", „Junimea" Publishing House, Iaşi, 2007, p.9 and so on.

In1968 the General Assembly passed the Resolution no.2898 through which a world conference on "human environment" was established and took place in June 1972 in Stockholm where a general statement, an "Action Plan" and a resolution relative to institutional and financial provisions recommended to the world organisation were passed.

The Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration) comprises a set of 26 principles and a series of ideas such as: man is both the creator and creation of environment, the natural elements and the ones created by man are vital for his welfare and the exertion of fundamental rights and freedoms including the right to life; environment protection and improvement have a major impact on the population's wellbeing and development.

The conference from Stockholm had the merit of approaching environment protection issues and methods of ensuring it, in a global manner, in all meanings of the term.

Despite the Stockholm Conference optimistic results recorded for international collaboration the planet's environment continued to deteriorate in a general and alarming manner.

This situation determined the U.N. to examine two documents published in 1987 by the General Assembly – respectively a study entitled „*Environmental Perspectives to 2000 and beyond"* and the report of the World Commission on Environment and Development [1] (W.C.E.D).

The W.C.E.D. report promotes an integrated approach for the development policies and projects; according to which if these ones are environmentally rational it will trigger a sustainable development in developing and developed countries. The main role in this project is played by preventive and anticipatory measures, without neglecting immediate coercive measures.

The conclusion of the W.C.E.D. report is that „*it responds to current needs without compromising the ability of future generations to respond to their own needs*".

The same report recommends the establishment of regional and world reunions to promote environment integration and economic growth.

According to the Resolution no.44/228 from December 22nd 1989 the United Nations Conference on Environment and Development took place in Rio de Janeiro during the period 3-14 June 1992. The conference passed a series of acts such as „*Rio declaration on environment and development* ", also known as „*Earth Charter*", „*Agenda 21*"; *Convention on biodiversity*; *Framework convention on climate change* ; „*Declaration on woods* "and „*Declaration on desertification*".

Henceforward, I will present in detail the issue of climate change which was the subject of the Framework *convention on climate change* but only because this is the theme of the present paper and only from the point of view of the juridical regulations of this phenomenon, the issue of climate change being very complex and needing a multidisciplinary and interdisciplinary approach.

II. The meaning of the phrase „*climate change*"

Climate was defined by the National Meteorological Organisation as a synthesis of weather on a long period of time so to determine certain statistical features.

In climatology, according to international agreements, a period of 30 years (1961-1990) is called reference period.

[1]For these reports to also read **A.O.Alede** – „*International Environmental Law from Stockholm to Rio – An Overview of Post Lesspu and Futures Challenges*", Environmental Policy and Law, vol. 22 nr.2/1992, p.88-103 and **Mircea Duțu** – *quoted work*, p.20.

At the beginning of 1970 the climate theory introduced the notion of *climate system* which comprises subsystems such as air, oceans, land, biosphere and cryosphere. Climate variability is determined by the diverse nature of these interacting subsystems.

Climate variability, due to the complexity of the climate system, has many forms – short-term variability (several years), long term variability (up to a few centuries, millenniums) and the observed climate variability which is none other than their superposition.

Short term variability is most common being also called *fluctuations/oscillations* and long term variability is associated with climate change.

Climate change[1] is caused by both *internal factors* (modifications within the climate system or the interactions among its components) and *external natural factors* (the variation of sun energy, volcanic eruptions, variation of orbital parameters of Earth) or *external anthropogenic factors* the result of human activities (the alteration of air composition due to high concentrations of green house effect gases).

It is important to emphasize the fact that these factors act simultaneously and their division is very difficult.

The global climate of the last decades suffered major changes which triggered the appearance of the important issue of *climate change assessment* for the future decades.

The complexity of the climate system, the different nature of substances which are part of it, their interaction, bring about the need to use extremely complicated numerical models which are based on dynamic physical and chemical laws that simulate the behaviour of this subsystems. The influence of the anthropogenic factor brings an uncertainty related to the evolution of green house effect gas emissions.

Certain emissions related accessories were designed and continue to be designed in order to draw up climate change scenarios. Emission scenarios take into consideration the features of human society future development, features that include political decisions.

The simulations carried out with various models show the difference between scenarios, but the common signal is that of climate warming. Despite the stabilisation of the concentration of green house effect gases the climate will continue to warm up[2].

Intergovernmental Panel of Climate Change – I.P.C.C. was set up in 1988 by the World Meteorological Organization (W.M.O.) and the Programme of United Nations for Environment, to assess on a comprehensive, objective, open and transparent basis the latest scientific, technical and socio-economic literature produced worldwide relevant to the understanding of the risk of human-induced climate change, its observed and projected impacts and options for adaptation and mitigation.

The structure of the Intergovernmental Panel of Climate Change comprises three working Groups:

- Working Group I (W.G. I) having as objective the assessment of scientific aspects related to climate system and climate change;
- Working Group II (W.G. II) for the evaluation of social-economic and material systems vulnerability to climate change, positive and negative outcomes of climate change and options for adjustment to these changes;
- Working Group III (W.G. III) which evaluates options for limiting greenhouse effect emissions.

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[1] For further details about climate change read Dan **Bălteanu, Mihaela Şerban –** „Global environment modifications – *an interdisciplinary assessment of uncertainties"*, „Coresi" Publishing House, Bucharest, 2005, p.62 and so on.

[2] About measures of preventing and clearing out the consequences of global warming read **Lester R. Brown** – coordinator – „*State of the world/1999 – Global issues of mankind*", Technique Publishing House, Bucharest, 1999, p.17 so on.

The main activity of the Intergovernmental Panel of Climate Change is to provide regular reports, assessments about the level of climate change knowledge and technical papers on issues related to scientific input.

Until now, I.P.C.C. provided 3 Assessment Reports .

The first assessment report drawn up in 1990, had an important role in the negotiation of *United Nations Framework convention on climate change* (U.N.F.C.C.) by the Committee of Intergovernmental Negotiation which passed in 1992 in Rio de Janeiro and was enforced in 1994. This document provides a general political framework for climate change issues.

The second assessment report of I.P.C.C. was drawn in 1995 and served as negotiation basis for the *Kyoto Protocol* from 1997.

The third assessment report of I.P.C.C. was elaborated in 2007 and presents a synthesis of current climate change research results observed in the XXth century and climate scenarios for the XXIst century.

The fourth report of I.P.C.C. was elaborated at the end of 2007.

From the reports provided by I.P.C.C. a series of scientific data are worth to be considered.

As far as *climate changes observed in the XXth century* are concerned, they may be summarized this way:

- the global average temperature increased during the period 1860-2000 with 0,6ºC, more emphasized in North America, the equator area and Asia where there were average temperatures between 0,4-0,8ºC;
- the global average sea level rose with an annual rate of 1 mm;
- the duration of ice covering of rivers and lakes dropped to 2 weeks at high and medium latitudes from the northern hemisphere;
- a decrease of width and spatial extension of ice in the arctic area (with 40%during the last 30 years); there were no changes in the ice extension in the fore-arctic area (1978-2000);
- the retreat of icebergs from the non-polar areas (Alps);
- phenomena like EL NINO were more frequent and more intense during the last 30 years (1997-1998 there was the post powerful event of this kind);
- mutations in biosystems occurred, such as earlier blossoming of plants, earlier arrival of migrant birds ;
- precipitations increased with 5-10% at medium and high latitudes from the northern hemisphere and decreased with 3% in the subtropical regions (dry); a 2-4% rise of intense precipitations frequency ;

Relative to the *climate changes for the* XXIst century the reports of I.P.C.C. say that:

- the global average temperature will grow with 1,4-5,8ºC depending on the emissions scenario, being 2-10 times higher than the warming of last century ;
- the quantities of precipitations will grow globally, with great regional differences: decreases and increases between 5-20%;
- climate change leads to modifications in the air circulation triggering at its turn changes in the frequency and amplitude of some weather extreme conditions;
- very hot days will be more frequent and cold days less common;
- extreme precipitations occurrence and amplitude will grow in many regions and drought will accentuate .

International climate change regulation

United Nations Framework convention on climate change (U.N.F.C.C.C.) was signed at the Earth Summit from Rio de Janeiro in June 1992 by 154 countries. It appeared after worrying signals at the end of 1980 relative to the growing political and public awareness on climate change.

The convention provides an international legal framework and a set of acceptable principles for nearly all countries involved.

The convention accepts the fact that climate change represents a serious issue and assures the developing countries that its approach is first and foremost the liability of industrialized countries.

U.N.F.C.C.C. was enforced in November 1994, after being signed by 50 signatories and was ratified by 181 member states called "*Parties of the Convention*".

The status of framework convention allows the addition of protocols so to clarify the targets of diminishing or the special measures of reducing green house effect gas emissions (G.E.S.).

The general objective of the convention as it results from the art. 2 of U.N.F.C.C.C. is to „ *to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manne*r".

U.N.F.C.C.C. is based on four major principles:

- *equity* – the equitable manner of distributing between states the responsibility of reducing the emissions of G.E.S., taking into consideration that up until now emissions mainly came from the industrial states of Europe and North America ;

- *precautionary measures* – climatology uses prognoses that suppose certain levels of uncertainty. Parties have to act now in order to protect the climate and cannot wait until the absolute scientific proof about the impact of climate change is found;

- *efficiency* – the policies and the measures to approach climate change have to be efficient in relation to costs so as to ensure global benefits at the lowest price possible;

- *sustainable development* – defined as „ the development which satisfies all the needs of the present without endangering future generations' capacity to satisfy theirs ".

The convention supposes the commitment of the parties to:

- Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases;

- Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change, to promote sustainable management;

- Promote and cooperate in the development, application and diffusion of climate change related issues, including transfer, of technologies, practices and processes, education, instruction and public awareness;

- Cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods;

- Communicate to the Conference of the Parties information related to implementation.

The convention commits the Parties – developed countries and other parties included in the 1 Annex to take several specific measures, namely to pass policies and measures demonstrating that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention.

The Convention also establishes the financial responsibilities of countries from Annex II – especially of developed states by assisting developing countries, complying with the obligations of the Convention and supporting vulnerable countries to adapt to climate change including the transfer of non-polluting technologies.

The central body established through the framework Convention is the *Conference of the Parties* – CoP - which meets each year.

The Secretariat is responsible to organise daily activities of the Convention and associated efforts, transmit reports and prepare CoP meetings.

The subsidiary body for Scientific and Technological Advice is a forum of negotiation which is meeting between annual Conferences. It comprises governmental representatives with competences in relevant expertise fields.

The Subsidiary Body for Implementation – S.B.I. also composed of governmental representatives assists the CoP in evaluations and revisions.

The Framework Convention also defines a mechanism to ensure financial resources on a grant or concessional basis, including for the transfer of technology. The Global Environmental Facility – G.E.F. hosted by the World Bank and supervised together with the United Nations Environmental Programme was accepted as temporary agency.

Kyoto Protocol

At the first Conference of Parties from Berlin in 1995, the Parties decided that the commitments of U.N.F.C.C.C. for the Parties of Annex 1 were not „*appropriate*" and they launched a new round of discussions to decide some commitments more strict and in detail for each country.

After two years of negotiations the Kyoto protocol was signed at the Conference of Parties (CoP 3 from December 1997).

The Kyoto conference was the event with the greatest impact on environment issues after the earth Summit from Rio de Janeiro.

The main achievement of the Protocol is to define some legal and quantified constraints for green house gases for each industrialised country.

The Kyoto Protocol defines the green house gases allowed for each Party as terms of allocated quantities for the commitment period 2008-2012. Annex A of the Protocol specifies the green house gases and their sources. The commitments apply to all industrialised countries from Annex 1 of the Convention and the numerical commitments are specified in Annex B of the Protocol.

The commitments represent a reduction of 5,2% in comparison with the green house gases of 1990.

The Protocol introduces three flexible mechanisms for international transfer (common implementation, clean development mechanism, emissions credits trading)

If a country has more emissions that the allocated quantity from the Protocol, she can use these mechanisms in order to purchase either „*Assigned Amount Units"* – AAU or „*Emission Reduction Units*" – ERU obtained through joint implementation projects or „*Certified Emission Reductions*" – CER through clean development mechanism.

In addition to the internal policies and measures which the states will need in order to reach targets, the Kyoto Protocol establishes a series of international mechanisms based on market principles of mitigating green house gases:

- *Joint Implementation*– JI;
- *Clean Development Mechanism* – CDM;
- *Emissions Trading* – ET.

Flexible mechanisms aim at assisting countries from Annex 1 in reaching objectives, allowing for emissions mitigation with the lowest costs possible. At the same time, these mechanisms can facilitate technologies transfer or finance flows towards developing countries or with transition economy.

Participation to these mechanisms is voluntary. Through these mechanisms the Protocol creates a series of incentives for industrialised countries to invest in clean environmentally friendly technologies in the countries with *economies in transition* – EIT) and in developing countries.

Mechanisms related to joint implementation (JI) and clean development mechanisms (CDM) are project based tools. Unlike the mechanism of emissions credit trading (ET) the other two mechanisms ensure real reductions of emissions through investments and technological innovations and sustainable development in developing countries and in transition economy countries.

U.N. Conference on climate change[1], which took place in Bali– Indonesia, during the period 3-14 December 2007, launched the negotiations on closing a comprehensive and ambitious international agreement on climate changes for the period after 2012, when the first period of commitment of the Kyoto Protocol ends.

Negotiations have to end by the end of 2009.

This is the main objective of the Commission and of European Union member states – as reaction to the worrying results of current and future climate change assessments, carried out by the Intergovernmental Committee on Climate Change (I.P.C.C.).

The position of the European Union was approved on October 30th 2007 by the Council of Ministers for environment. The essential elements proposed by the European Union for the agreement on climate change for the period subsequent to 2012 are:

- limiting the level of global warming to maximum 2 degrees Celsius above the temperature registered in the pre-industrial period. Respecting this limit means that the following 10-15 years will have a constant global level of emissions and until 2050 it will be cut down with a percentage of 50% compared to the level registered in 1990 ;

- more significant obligatory reductions of absolute gas emissions by developed countries.

The European Union requires developed countries to diminish emissions collectively with 30% and with 60-80% until 2050 in comparison with the levels recorded in 1990. Until passing an agreement the European Union took it upon itself to diminish green house gases with 20% until 2020, starting with 2008.

- equitable and efficient contributions from other countries, especially from countries with emerging economies, ensuring an economic rise with low emissions;

- consolidate and extend the global market of coal, including some innovative and flexible mechanisms. The European Union marketing system of emissions ratios demonstrated that the market is operating;

- intensify cooperation for the research, development and use of clean technologies necessary for gas emissions reduction;

- intensify efforts to approach adaptation to climate change. The cooperation needs to be strengthened in order to face the inevitable impact of climate change and especially to intervene for the poor and vulnerable;

- adopt some measures relative to emissions caused by international air and water transportation;

- reduce emissions caused by deforestation which contributes with 20 % to global carbon dioxide emissions.

Juridical regulations on climate change in internal law

On an *internal level* the national measures relative to greenhouse effect gases (GES) are in close relation to the achievement of Romania's commitments taken by ratifying the Framework Convention of the United Nations signed in Rio de Janeiro on June 5th 1992, ratified through Law no. 24/1994[2] and the Kyoto Protocol of the Framework

[1] www.business.cream.ro

[2] Published in the Official Journal no.119/12.05.1994.

Convention of the United Nations on climate change passed on December 11th 1997 and ratified by our country through Law no.3/2001[1].

Climate warming was proved in Romania [2] by a series of climatological data (over 100 years in 14 weather stations). According to these analyses in the XX-th century (1901-2000) the annual average temperature increased with 0,3ºC, value which is under the global warming of 0,6ºC. There were regional differences: a more significant warming in the south and east part of the country (reaching 0,8ºC in Bucureşti-Filaret, Constanța and Roman weather stations) and insignificant ones in the intra-Carpathian areas, except for Baia Mare station where the effect of the anthropogenic activity lead to a warming of 0,7ºC. During the period 1901-2006 the average warming in Romania was of 0,5ºC. From pluviometric point of view there was a general tendency of precipitation decrease, more emphasized in the southern part of the country after 1960.

Returning to the aforementioned international documents, Romania as country Party enforced the use of tools stipulated in these international acts:

a) implementation of flexible mechanisms provided in the Protocol ;

b) establish the scheme of trading the certificates of greenhouse effect gases and the conditions of elaborating national plans of allocating these certificates

Initially, these activities were regulated by the Government decision no. 780/2006[3] so that starting with 2008 a national Plan of allocating certificates of greenhouse effect gases for the period 2007 and 2008-2012, approved through the Government decision no. 60/2008[4].

c) sustainable and unitary management of funds obtained following the transaction of the unit of quantity granted through structures especially established within the Administration of the Environment Funds.

Romania's national Strategy on climate change 2005-2007[5] was elaborated and approved through the governmental decision no.645/2005 and the National Action Plan on climate change (PNASC)[6] was approved through the governmental decision no. 1877/2005.

Also, through the Government decision no.1570/2007[7] was approved the establishment of the National System for estimating the level of anthropic emissions of gas effect gases from sources or through retention by sequester of carbon dioxide, regulated by the Kyoto protocol (SNEEGHG).

The National strategy defines the policies regarding the compliance with the international and community obligations of Romania in this field, the national priorities in this regard, the environmental and economic benefits of our country relative to the participation to the implementation of flexible mechanisms established by the Kyoto Protocol, namely: joint implementation and emissions international trading.

National Action Plan on climate change (PNASC) is the main instrument of applying the Strategy establishing the manner in which the progress made through implementation are reported, establishing the tasks and responsibilities for each institution involved and identifies the main actors for each specific action and task with special terms of accomplishment (Chap. I and Chap. II) .

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[1] Published in the Official Journal no.81/16.02.2001.

[2] **Mircea Duțu "***Environmental Law***"** CH BECK Publishing House, Bucharest, 2007, p.383, footnote 1; **Angelica Cobzaru** – „*Environmental Law*", „Sedcom Libris" Publishing House, Iaşi, 2007, p.105

[3] According to the scheme of trading the certificates of greenhouse effect gases, published in the Official Journal no.554/2006.

[4] For approving the national Plan of allocating certificates of greenhouse effect for the periods 2007 and 2008-2012, published in the Official Journal no.126/2008.

[5] Published in the Official Journal no.670/2005.

[6] Published in the Official Journal no.110/2006.

[7] Published in the Official Journal no.26/2008.

In order to reach the targets mentioned and promote these documents the Emergency Ordinance of the Government no. 195/2005[1], the framework-regulation stipulates several tasks for the central public authority:

a) elaborate national policies and coordinate national, regional and local actions on air protection, climate change and population protection in compliance with the european and international policies ;

b) elaborate, promote and update the national Strategy on air protection and the National Action Plan on air protection;

c) elaborate, promote and update the national Programme of diminishing the emissions of sulphur dioxide, nitrogen oxides and powders from large burning installations;

d) coordinates the elaboration of the national Programme of progressive reduction of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia ;

e) elaborate, promote and update the national Strategy on climate change and the National Action Plan on climate change;

f) ensures the integration of the policies of green house effect gases and the adaptation to the effects of climate change in sectorial strategies ;

g) administers the national Record of green house effect gases;

h) coordinates the national System for assessing green house effect gas emissions;

i) coordinates the implementation of flexible mechanisms stipulated in the Kyoto Protocol of the Framework Convention of the United Nations on climate changes.

In the context presented before, the law uses and defines three important notions relative to climate changes:

- *authorization on green house effect gases* (which is the legal act issued by the competent public authority on environment protection for one or more installations or for parts of the installation situated in the same location and operated by the same worker, through which a number of certificates of green house gases are allocated);

- certificate of green house gas emissions (title which grants the right to emit a ton of carbon dioxide in a defined period);

- *emission border* (maximal quantity of a substance which may be emitted at a national level throughout a calendar year).

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Romania either as member of the United Nations Organisation or as a member of the European Union actively took part to all environment protection related, contributing in a significant manner both to the content of the international documents and to that of the European community, committing without restraint to putting into practice the obligations assumed through various international or regional documents.

Therefore, on an internal level, Romania made great efforts to harmonize environmental law with the community one, introducing in the internal environmental law over 300 Directives of the European Commission and Parliament.

Furthermore, important environment obligations are taken by Romania by means of the Accession Treaty of Romania to the European Union and the Lisbon Treaty which modified the European Union Treaty and the Treaty establishing the European Community[2].

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[1] Regarding environment protection, published in the Official Journal no..1196/2005, approved with amendments through Law no.265/2006 (Published in the Official Journal no.586/2006).

[2] Ratified by Romania through Law no.13/2007, published in the Official Journal no.107/2008.

The final objective of all international, community or internal juridical regulation which focus on environment protection, is to defend mankind's fundamental right to life and a healthy environment.

Following the development of international and internal regulations, one can draw the conclusion that environment quality became a component of human rights a fundamental right with its own profit and status, independent.

Despite the significant difficulties of achieving a healthy and balanced environment, currently we can speak of recognising and guaranteeing some specific substantial rights relative to its contents: right to clean water, pure air, to enjoy landscape, the benefit of biodiversity, the right to prevent planet's destruction.

REFERENCES

Alede, A.O., 1992 – *International Environmental Law from Stockholm to Rio – An Overview of Post Lesspu and Futures Challenges*, Environmental Policy and Law, vol. 22 nr.2/1992.

Bălteanu, D. Şerban, M. 2005. Global environment modifications – *an interdisciplinary assessment ofuncertainties*, Coresi Publishing House, Bucharest

Brown, R.L. coordinator. 1999. –*State of the world/1999 – Global issues of mankind*, Technique Publishing House, Bucharest

Ciochină-Barbu, I. 2007. *Environmental Law – specialization public administration*, Junimea Publishing House

Cobzaru, A. 2007. *Environmental Law*, Sedcom libris Publishing House, Iasi

Duțu, M. 2007. *Environmental Law* CH BECK Publishing House, Bucharest

Făinişi, F. 2005. *Environmental Law* : Pinguin Book Publishing House, Bucharest

Lupan, E. 2001. *Environmental Law*. Lumina Lex Publishing House, Bucharest

REGULATIONS

Law no.24/1994 for ratifying the United Nations Framework convention on climate change, signed in Rio de Janeiro on 15.06.1992 (published in the Official Journal no. 119/12.05.1994).

Law no.3/2001 for ratifying Kyoto Protocol of the United Nations Framework convention on climate change passed on December 11th 1997 (published in the Official Journal no. 81/16.02.2001).

Government decision no.1877/2005 for approving the National Action Plan on climate change (PNASC) (published in the Official Journal no 119/06.02.2006).

Government decision no.645/2005 for approving the National Strategy of Romania on climate change – 2005-2007 (published in the Official Journal no.670/27.07.2005).

Government decision no.780/2006 on the scheme of trading green house gases certificates (published in the Official Journal no.554/27.06.2006).

Government decision no.1570/2007 National System for estimating the level of anthropic emissions of gas effect gases from sources or through retention by sequester of carbon dioxide, regulated by the Kyoto protocol(published in the Official Journal no.26/14.01.2008).

Government decision no.60/2008 for approving the National Plan for allocating green house gases certificates for the period 2007 and 2008-2012 (published in the Official Journal no.126/28.02.2008).

Government emergency ordinance no.195/2005 on environment protection (published in the Official Journal no.196/30.12.2005) approved with modifications through Law no. 265/2006 (published in the Official Journal no.586/2006).

The Treaty on Romania's accession to the European Union, published by „All Beck" publishing house, 2005, Bucharest.

Lisbon Treaty which modified the European Union Treaty and the European Community Treaty, ratified by Law no.13/2008 (published in the Official Journal no.107/2008).