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*Introduction to the Symposium: Managing the Ecological Transition of the
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The European Green Deal is an innovative project aiming at making Europe 'the world's first climate-neutral continent' by 2050.¹ Its macro-objective, 'the irreversible and gradual reduction of greenhouse gas emissions and enhancement of removals by natural or other sinks in the Union',² clearly falls within the boundaries of climate and environmental action. Its ambitions, however, go much beyond such commitment. Climate neutrality is indeed a target provided with a highly transformative force, one pointing to the establishment of a new European society, which the Commission describes at the same time as fair and prosperous, sustained by a more advanced growth model and founded on a positive and harmonious relation between human beings and the environment.³ Beneath the surface of the apparently technical goal of climate neutrality lurks a re-orientation of the fundamental mission of the European integration project.

Four aspects of such process of functional re-orientation of the European project are prominent and deserve to be highlighted. To begin with, the Green Deal is a long-term regulatory project, that is a process triggered by the Green Deal Communication, adopted by the Commission in 2019 as the first manifestation of 'a Europe that strives for more', and relying on a great number of subsequent measures having different regulatory forms (legislative proposals, such as that for a 'European Climate Law'; sectoral strategies, exemplified by the European Industrial Strategy and the Strategy for EU biodiversity, adopted respectively in March and May 2020; and various types of policy-documents, such as the Circular Economy Action Plan and the European Green Deal

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¹ U. VON DER LEYEN, *A Union that strives for more: My agenda for Europe. Political Guidelines for the Next European Commission 2019-2024*, available at https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf

² Proposal for a Regulation of the European Parliament and of the Council establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (*European Climate Law*), COM (2020) 80 final, Article 1.

³ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, *The European Green Deal*, COM (2019) 640.

Investment Plan), all presented in the 'timeline' available on the Commission's website.⁴ The Green Deal, in other terms, is a regulatory process launched by the Green Deal Communication, continuously animated by the Commission and far from concluded.

Second, the Green Deal may be interpreted as a process managing a transition from one phase of the European integration process to another. In particular, it may be understood as an attempt to move out from the current phase of European integration - that of the European multidimensional crisis, which was opened by the 2008 financial crisis and reaches out to present, exacerbated by the pandemic emergency⁵ - and to open a new and more positive phase, ultimately leading to the establishment of a new societal order. From this point of view, this is a defining moment of the European Union (EU) history and the Green Deal Communication adopted in December 2019 is a constitutive document, equivalent, for idealist ambitions and potential practical impact, to the Schuman Declaration of May 9, 1950.

Third, the new phase is not a mere updating and modernization of the traditional European construct. While building on the deep values of such construct (starting with the triptych of peace, prosperity and supranationalism), the Green Deal departs from it in one remarkable way: it redesigns the traditional and constitutive value of prosperity in a way which recognizes that human beings are part of Earth's life systems and that their social and economic behaviors are ecologically bound. The type of transition that the Green Deal aims at managing is essentially an ecological one.

Finally, the new societal order that the Green Deal aims at establishing has a marked global nature. Far from being exclusively European, limited to the relationships between the subjects of the EU legal and political order, the Green Deal is a project inextricably linked to the main results of inter-state cooperation in the field of climate change, represented by the various measures adopted within the UN framework. In particular, it aims at the same time at implementing and substantially developing the UN legal framework, a double feature which characterizes the European Green Deal as an executive initiative, instrumental to

⁴ See https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en.

⁵ See e.g. E. CHITI-A.J. MENÉNDEZ-P.G. TEIXEIRA (eds.), *The European Rescue of the European Union? The Existential Crisis of the European Political Project* (Recon Report, 2012); and E. NANOPOULOS-F. VERGIS (eds.) *The Crisis Behind the EuroCrisis: On the Multi-Systemic Failure of the EU*, Cambridge University Press, Cambridge, 2019.

the implementation of the Paris Agreement and the 2030 Agenda for sustainable development, while at the same time giving the EU the chance to act as a global leader, by providing 'a practical example for all other regions around the world' on how accomplishing the international requirements may lead to 'a more prosperous, fair, resilient and healthy world'.⁶

Our Symposium features a collection of papers sharing such overall perspective and exploring some key dimensions and dynamics of the European Green Deal.⁷ It is ideally articulated in two sections, one focusing on a number of issues of the European Green Deal as a regulatory project managing the ecological transition of the EU, another situating such regulatory project in the context of the globalized legal space.

The Symposium is opened by an article, by *Andrea Giorgi*, discussing the relevance of the proposal for a European Climate Law in the overall process triggered by the 2019 Communication: as Giorgi argues, the European Climate Law seems more an *ex post* formalization of the Green Deal's Communication than a self-sufficient legislation, although one should not overlook the incremental nature of the process. Next, *Stefano Porfido*, *Michela Biscosi* and *Filippo Venturi* analyze three important European strategies elaborated by the Commission, concerning, respectively, the European industrial sector and policy, biodiversity and the food system. By pointing to these strategies, the three articles highlight a number of key dimensions of the Green Deal. *Porfido* stresses the tension inherent in the New EU Industrial Strategy between domestic interests and a more nuanced supranational vision, reflecting a change in the idea of prosperity which is at the basis of the European integration project. *Biscosi* explores the political thinking behind the contents of the Biodiversity Strategy and juxtaposes the Strategy to the evolution of EU environmental law and policy. *Venturi* reconstructs the evolutionary, rather than revolutionary, character of the

⁶ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, *Stepping up Europe's 2030 climate ambition. Investing in a climate-neutral future for the benefit of our people, The European Green Deal*, COM (2020) 562 final, at p. 7.

⁷ This is a rather unexplored field of research; see however some forerunners' analyses on the Green Deal and certain specific processes anticipating its launch: A. MOLITERNI, *La sfida ambientale e il ruolo dei pubblici poteri in campo economico*, in *Riv. quadrimestrale di diritto dell'ambiente*, 2020, p. 32; E. BRUTI LIBERATI-M. DE FOCATHIS-A. TRAVI, *Aspetti della transizione nel settore dell'energia: gli appalti nei settori speciali, il market design e gli assetti di governance*, Wolters Kluwer, Milano, 2017; J. VÍNUALES-E. LEES, *Oxford Handbook of Comparative Environmental Law*, Oxford University Press, 2019.

Farm to Fork Strategy, which aims at satisfying the urgent needs of environmental protection within the existing institutional, political and economic architecture of the EU. Thereafter, *Chiara Scissa* points to the functional connection between the Green Deal and the Aarhus Convention, and analyzes the Commission's attempts to exploit the Aarhus Convention's potentialities, in particular in light of the rather rigid case-law of the European Court of Justice. Two articles then take a more constitutional perspective: *Roberta De Paolis* emphasizes the potential impact of the European Green Deal on the ongoing constitutional discourse on the EU polity, in particular in the perspective of 'Political Constitutionalism', while *Giammaria Gotti* discusses the involvement of the public in the Green Deal's regulatory process and the appeal, made by the Commission, to people as 'citizens'.

Gürkan Çapar and *Guilherme Pratti* expand and articulate our understanding of the European Green Deal by positioning it in the wider context of the global governance, where other Green Deals emerge and interact with one another. Which explanations can we give to the rise of a number of Green Deals? How do they relate to one another and to the existing plethora of international and transnational initiatives tackling climate and environmental-related challenges? How can we assess the Green Deal phenomenon? *Çapar* and *Pratti* provide different answers to those questions, both of them capable of illuminating the rationale and dynamics of the Green Deal process. Their articles represent a stimulating and instructive reading, which provides readers with a sense of perspective.

This Symposium is the result of a collective work carried out within the context of the PhD programme in Law at the Scuola Sant'Anna, Pisa, in winter 2020. All authors are PhD candidates who have engaged in a fresh and creative discussion in a research course on the European Green Deal and the EU ecological transition. Coordinating such discussion has been a genuinely enriching experience, for which I am grateful to all authors of the following articles.

ABSTRACT

Edoardo Chiti - *Introduction to the Symposium: Managing the Ecological Transition of the European Union*

The European Green Deal implies a re-orientation of the overall mission of the European integration project. Four aspects of such process of functional re-orientation are prominent. To begin with, the Green Deal is a long-term regulatory project. Second, it may be understood as an attempt to move out from the current phase of European integration and to open a new and more positive phase, ultimately leading to the establishment of a new societal order. Third, the new phase is not a mere updating and modernization of the traditional European construct, as the Green Deal redesigns the traditional and constitutive value of prosperity in a way which recognizes that human beings are part of Earth's life systems and that their social and economic behaviors are ecologically bound. Finally, far from being exclusively European, limited to the relationships between the subjects of the EU legal and political order, the Green Deal is a project of global relevance.

KEY WORDS: *European Green Deal; European integration; ecological transition.*