
FOREWORD

I had the pleasure of participating at the two conferences which form the basis of this book: as a chairman at the 2007 The Hague Conference ‘*Tackling Climate Change – An appraisal of the Kyoto Protocol and options for the future*’ and as a speaker at the 2006 Siena Conference ‘*The Kyoto Protocol and beyond: a legal perspective*’. I would like to thank my colleagues Wybe Douma, Leonardo Massai and Massimiliano Montini for those opportunities, and although I was, unfortunately, unable to contribute a paper to this book due to time constraints, I am glad to be able to say a few words on the issue by means of this foreword.

The timing of the two conferences was well chosen: the period between the Siena Conference (June 2006) and The Hague Conference (March 2007) encapsulated perfectly the period of the drafting, the presentation and the approval of the ‘Integrated Energy and Climate Change Package’, as presented by the European Commission on the 10th of January 2007 and as approved by the Spring European Council of the 8th and 9th of March 2007. The importance of the Commission’s package and the Council’s conclusions must be strongly emphasized. They set, at the EU level, legally binding targets regarding the reduction of greenhouse gas emissions, energy efficiency, renewable sources of energy, and biofuels. The Energy Action Plan 2007-2009, included in the annex to the Council’s conclusions, will be the leading document for the future energy policy of the EU. The package, the conclusions and the plan, confirm once again the far-reaching ambitions of the EU in the field of climate change (policy). The most important instrument of the EU climate change policy remains the EU ETS, the European Union emission trading scheme. After the adoption of the Emission Trading Directive and its modification by the Linking Directive, the European Commission is now, on the basis of its first experiences, preparing a modification of the Emission Trading Directive. After several hearings, to be concluded by the summer of 2007, the Commission is expected to present a proposal for a directive in the autumn of 2007, aiming at, as soon as possible, approval and entry into force, and member state implementation by 2013. Next to more harmonization, simplification and enforcement, an enlargement of the Emission Trading Directive’s scope of application is high on the agenda. As is well-known, air traffic is one of the strongly debated sectors to be included. The revision of the Emission Trading Directive is of great importance: it must make emission trading more effective and efficient, and more credible. After a first round of weak national allocation plans (2005-2007), the Commission is well aware of the fact that it must take a tough position in the second round of national allocation plans (2008-2012), and it does, much to the dissatisfaction of some member states, which even want to challenge the allocation decision of the Commission before the European Court of Justice. We will have to wait and see. Although emission trading remains the central instrument of the EU’s climate change policy, earlier this year the Commission published an interesting green paper on the use of market-based

instruments in the environmental and energy policy of the EU. In the paper, an interesting link is made between energy taxation and emission trading. Obviously, in a number of situations, energy taxation is a more efficient and effective instrument than emission trading, and should, indeed, again be considered as a policy instrument in the battle against climate change. The unanimity problem in the Council obviously remains, but perhaps the track of enhanced cooperation could finally and definitely be explored.

Obviously, there are not only European developments in the climate change policy. Also at the international level a great deal of action and deliberation is being undertaken, and this within different settings: UNFCCC, IPCC, World Economic Forum, G8, Security Council, etc. Several important meetings have taken place and will take place in 2007. All of them aim at getting the post-Kyoto track or the post-2012 track launched. Between 2007 and 2009, a new international framework should be negotiated and approved, in order to continue international cooperation after 2012. Due to remaining differences between the EU, the US, and also big countries like India, China and Russia, as well as the large group of developing countries, the launching of the post-2012 debate remains problematic and it is far from certain that a new and strong legal framework will be developed in time. The involvement of all countries, but based on differentiated responsibilities and capabilities, should however and anyway remain the leading principle in this debate.

Next to the European and international level, a great deal is of course happening at country level. Almost on a daily basis, individual countries announce specific targets or actions in the field of climate change policy. Reference can be made, for example, to important initiatives at state level in the USA and Australia. It is clear that in many countries climate change has taken a high position on the political agenda, and forces politicians to take action in order to respond to societal demands and concerns.

I would like to conclude with a note of caution: in several countries and organizations, we see a certain climate change hype, created and increased by movies and reports, correctly or incorrectly. As always, one must be careful with hypes, also with the climate change hype. It is clear that there is a problem and that action is needed. However, one must avoid over-reactions, certainly when it is emotionally-driven and done in a sphere of over-bidding between countries or international organizations.

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