

# Preface

In a period when the international community is fully committed to seek an appropriate solution to respond to the threat of climate change, the role and example provided by the international climate regime composed of the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol is still relevant in the field of international environmental law and within the existing multilateral environmental agreements. It is my view that the rules, procedures, instruments and particularities of the international climate regime are and will remain innovative and pioneer in many aspects, whatever will be the structure and details of the post-2012 agreement.

The participation of the European Community (EC) and the Member States in the international climate change regimes is a complex and unique issue. In the case of the Kyoto Protocol, this is rendered more complicated by two considerations: the fact that for the purposes of Article 4 of the Protocol, the membership of the EC and Member States is frozen at a particular point in time; and the enlargement of the European Union of 1 May 2004 and 1 January 2007. It is only by addressing the architecture of the Kyoto Protocol and the various types of obligations established both under international and European law that one is able to identify the responsibility of the European Community and the Member States in the event of non-compliance with those obligations.

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