

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.

This dissertation is dedicated to all those who gave their time, support and insights during the research and writing process. Much credit lies with my family. I am especially indebted to Professor Michael Bothe for his precious advice and support, countless inspiring discussions, invaluable feedback and firm encouragement. Furthermore, I would like to express my gratitude to Professor Eckard Reh binder for his endorsement and feedback. Special thanks also go to the T.M.C. Asser Institute for the support. Finally, the last remark is for Alessandra Becattini who brilliantly interpreted the re-sized version of Europe based on the level of greenhouse gas emissions provided by Worldmapper.

The Hague, July 2010

Leonardo Massai



<http://www.springer.com/978-90-6704-323-6>

The Kyoto Protocol in the EU
European Community and Member States under
International and European Law

Massai, L.

2011, VII, 431 p., Hardcover

ISBN: 978-90-6704-323-6

A product of T.M.C. Asser Press