

## *Editorial*



# Building Back Greener: Environmental and Climate Protection in the EU in the Post Covid-19 Era

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*“On the arid lands there will spring up industrial colonies without smoke and without smokestacks; forests of glass tubes will extend over the plains and glass buildings will rise everywhere; inside of these will take place the photochemical processes that hitherto have been the guarded secret of the plants, but that will have been mastered by human industry which will know how to make them bear even more abundant fruit than nature, for nature is not in a hurry and mankind is. And if in a distant future the supply of coal becomes completely exhausted, civilization will not be checked by that, for life and civilization will continue as long as the sun shines!”*

GIACOMO LUIGI CIAMICIAN, *THE PHOTOCHEMISTRY OF THE FUTURE*,  
36 *SCIENCE*, 1912, 385–394

Since early 2020, the world has entered an unprecedented phase of unrest due to the outbreak of the Covid-19 Pandemic. Yet importantly, such time of disruption also enhanced collective awareness and wisdom. In fact, the Pandemic has bluntly reminded us the massive hustle that nature can drag upon us, but also in turn the hustle that we as humans hosted on this planet are posing upon our common home.

Unsurprisingly, to face an abrupt, concrete existential threat is what it took to shake the rock-solid grounds of our political, economic and social construction.<sup>1</sup> The compelling need to ensure full recovery in the post-Pandemic era thus led to unprecedented public expenses – and therefore, public debt – to ensure that no one is left behind as we shall return to our previous lifestyles while pursuing economic growth. This is of no surprise, as extraordinary times call for extraordinary responses, and this has happened historically in cases of great economic depressions or large-scale conflicts. Yet, what is new in this post-global crisis is the global, consolidated recognition of the need to seize the Covid-19 recovery as a unique – maybe, the last – chance to shift towards sustainable, low-carbon and resilient mankind.

The European Union has taken a leadership role in this collective strive towards a new, greener post-Pandemic world. In fact, such efforts were already on the EU's agenda before the onset of the Pandemic. The 2019 European Green Deal and the draft 8th Environmental Programme clearly recognized the need to put environmental and climate objectives as the cornerstone of the future EU's action. In the words of Commission President Von der Leyen, “[O]ur goal is to reconcile the economy with our planet, to reconcile the way we produce and the way we consume with our planet and to make it work for our people”.<sup>2</sup> Thus, the EU seems not to have missed the opportunity provided by the post-Pandemic recovery to orient Member States action towards the fight against the three, long-standing threats to humanity beyond the Pandemic: Climate change, pollution and biodiversity loss.

Yet to win these fights requires a true rethinking of the approach to environmental and climate policies at the EU and Member States level. Against such backdrop, this special issue aims to unpack some selected critical issues down the long and winding road ahead to achieve to build back the EU greener, and better.

This collection stems from a Working Group “Covid-19, Cities and the Environment”, established under the umbrella of the Global Pandemic Network.<sup>3</sup> The Working Group comprised top legal experts from all continents,

1 See *R.J. Lifton*, *The Climate Swerve: Reflections on Mind, Hope and Survival*, 2017.

2 See *Ursula von Der Leyen*, Press remarks by President von der Leyen on the occasion of the adoption of the European Green Deal Communication, 11 December 2019.

3 The Global Pandemic Network is a community of scholars from universities around the world kick-started in the wake of the Covid-19 Pandemic outbreak. It intends to promote debates, comparisons, research and webinars in relation to the legal, economic and social aspects associated with pandemics and linked not only to the emergency but also to the precautionary and recovery phases, through an integrated and interdisciplinary approach. My heartfelt thanks to all the participants to the Working Group for their insightful contributions.

and addressed a large spectrum of issues related to the Covid-19 environmental and climate responses at all levels, with prominent emphasis on local governments.

The selected contributions in this special issue focus on key aspects of the EU's post Covid-19 environmental and climate agenda. First, *Kendro Pedrosa* and I will address the issue of air and noise pollution. The clear-sky and silent visions of our living environment during the Covid-19 lockdown measures have underscored the magnitude of the threat posed by widespread air pollutants and excessive noise exposure, particularly in urban areas. Our analysis shows that despite the EU has strived to regulate air pollutants emissions and noise levels, the planning approach taken thus far is still falling short in terms of delivering effective results and, more importantly, lacks overall coordination. Noise and air pollution are mutually reinforcing threats for human health, moreover stemming to a large extent from the same sources. The contribution will hence appraise the EU's legal regimes on air and noise pollution to set a legal and research agenda towards a comprehensive response to these threats also by underscoring the need to rethink local solutions on the ground.

The second contribution, authored by *Larissa-Jane Houston* and *Oliver Ruppel*, focuses on the support to the uptake of renewable energy, while touching upon the external dimension of EU's climate policy. The European Green Deal is not only about strengthening the EU's response to the environmental and climate crisis, but also a roadmap to make the same EU an international leader in the fight against climate change.<sup>4</sup> In this respect, the EU aims to become a standard-setter as to the governance and regulatory responses to climate change. Looking at this prism, the authors address the recently established *International Just Energy Transition Partnership* concluded between the EU and South Africa. South Africa, besides being one of the most developed and fossil fuels-dependant countries in the African continent, is also one of the historically strategic partners of the EU. The EU is aware that to boost the energy transition towards a low-carbon economy will generate winners and losers. The phase-out of coal power generation will entail a major shift of financial resources, a reconversion of manpower and entire economic areas. As highlighted in this article, international cooperation will foster the international regime built under the umbrella of the Paris Agreement by enhancing capacity building and boost technological innovation.

Third and last, *Alessandro Monti's* article addresses the issue of urban cycling mobility in the EU. To rethink and reshape the way we move across urban areas individually and collectively is crucial to abate pollution – thus reducing

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4 See Commission Communication, The European Green Deal, COM(2019) 640 final, at 20.

negative externalities – while embracing new, sustainable paradigm in our daily life. In the EU, there is still a large divergence between frontrunners and laggards when it comes to cycling mobility in urban areas. Notably, because of the Covid-19 Pandemic, several European cities have begun to adopt mobility plans to implement cycling routes and other forms of light mobility. However, as noted in the contribution, where EU law entails a powerful role in orienting local decision-making towards light and smart mobility and nudging individuals towards such means of transport, several blind spots remain, which shall be duly appraised especially in the context of the Covid-19 NextGenEU stimulus package.

Hence overall, as the world is still facing the daunting consequences of the first global Pandemic since a century, this collection will hopefully distil meaningful insights as to an effective roadmap for both legal scholars and policy-makers in order to build the EU back better and greener while fully implementing the European Green Deal's and the Paris Agreement's objectives. For arguably, to deliver effective and prompt solutions to the staggering gap between the deterioration of our climate and ecosystems cannot be more urgent.

This double issue of JEEPL continues with the articles of *Katharina Franziska Braig*, *Nadezhda Kutepova* and *Vicky Vouleli* on the interaction between the Aarhus Convention and the European Convention on Human Rights, and of *Ioannis Fasoulis*, assessing Norway's ocean governance aptitude in light of the United Nations Global Compact principles for sustainable oceans. Finally, the service section is composed by *Ludwig Krämer's* review of Mar Campins Eritja and Teresa Fajardo del Castillo edited book titled 'Biological diversity and international law. Challenges for the post 2020 scenario', the Legislation Report and the Case Law Report.

We wish the reader a pleasant reading!