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## **GREENING OF EUROPE – ECONOMIC CONSEQUENCES AND LEGAL-POLITICAL ASPECTS**

The topic of this contribution is to approach the issue of environmental policy enforcement in the framework of the European Economic Area. The central intention (not only) at the supranational level is, in its essence, to ensure higher protection of the environment [1] (as a whole) with the anticipated positive impact; exceeding the «borders» of the European Union.

At the same, it should be noted that environmental protection is, in principle, a phenomenon that can't be seen only through optics of legal-regulatory mechanisms. This is at least the result of mutual interactions between political and socio-economic factors.

To the successfully approximation of this aim can help the implementation of policies, especially at the supranational level, but in particular at the national level (in the legislative environment of the Member States of the European Union) through the adopting of systemic, functional and directly enforceable (applicable) generally binding legal norms.

These deserve special attention, especially in supranational contexts and (secondarily) through the transposition of these normative legal acts by the Member State of the European Union in the framework of law-making [2].

Given the defined scope of the article, we would like to state on this place principally the essential legal documents on which the European Union is founded. Those in its essence legitimize the scope and manner of performance their powers in the framework of implementation of its individual policies.

On the section of environmental protection, this is the Treaty on the Functioning of the European Union [3] and its Article 11. This states that environmental protection requirements must be integrated into the definition and implementation of European Union policies and into activities, principally with regard to supporting sustainable development [4].

The second essential legal norm, having the same legal force as the founding document of the European Union, is the Treaty on European Union [5]. The legal basis in the extent of environmental protection is Article 3. Under this provision, the European Union strives, inter alia, for the sustainable development of Europe based on balanced economic growth and price stability, a social market economy with high competitiveness aimed at achieving full employment and social progress, as well as a high level of environmental protection and improvement of its quality. The European Union shall achieve its objectives by appropriate means by range, in which the relevant competences have been conferred upon it by the Treaties.

Given the thematic focus of this article, it's desirable to define a fundamental term, such as greening. In its essence, it includes all areas

of human activity with a focus on reducing negative impacts on the environment. We could say that it has a direct (ecological) connection with the behavior (thinking) of people in this sphere, in broader contexts with its (subsequent) analysis, especially in economics and law, but also in political science, sociology, etc.

The tool for enforcement this broad-spectrum intention (good effort), as we have already specified above, is the adoption of mainly functional and systematic legislation at the supranational level, with particular emphasis on national legislation [6, p. 486].

However, simultaneously with the creation of legal norms (necessary reforms), the economic consequences for economically active persons within of their incomes, also for recipients of pensions (especially old-age, disability etc.), must also be taken into account.

We mean in particular the highly topical issue, concerning economic reforms in the field of economic policy of the European Union and its Member States in the sphere of energy, i.e. disproportionate increase in gas and electricity prices. This so-called the jump increase in prices will primarily affect consumers (natural persons; respectively households), while it will also have a significant impact on the operation of enterprises, especially small and medium-sized enterprises.

The question arises, if increasing expenses for energy customers (consumers and enterprises) is really (necessarily?) the only possible way in the field of energy in order to quasi «subsidize» processes in the sphere of environmental protection that should have a progressive impact on society as such.

In this context, it's necessary to consider, whether this noble goal can be achieved in other ways than (at present) with a significant negative economic impact, especially on the most vulnerable households in the framework of the so-called energy poverty. The point is that the proposed increase in energy prices, in its essence, doesn't correspond to the incomes of a large part of the population, not to mention the recipients of old-age pensions and so on.

For the resolving, respectively mitigating these adverse economic consequences, the European Commission has presented a set of tools

for measures and support to combat rising energy prices, which should also be useful in the long-term perspective [7]. With the need to find an accelerated solution (not only) to this issue, the European Council subsequently met and called, inter alia, the Member States of the European Union and the European Commission to make the best possible use of this set of tools to providing short-term assistance to the most vulnerable consumers and supporting European enterprises, taking into account the diverse and specific situation of each Member State of the European Union [8, p. 4].

In this context, we would like give attention that at the end of October, following the European Council meeting, was held session Ministers of the Member States of the European Union in the framework of Transport, Telecommunications and Energy Council. Regarding short-term measures, ministers agreed that national measures have to be taken as a matter of urgency to shield the most vulnerable consumers. In this context, the proposed toolbox provides a useful European framework to coordinate national measures. Ministers also discussed possible medium and longer-term options, including reforming the wholesale electricity market, voluntary joint purchase schemes for gas and level of the European Union solutions for storage [9].

In its essence, we need an (adequate) legal framework, in the broadest sense legislation, where the primary goal of its creation (and improvement) on the basis of an interdisciplinary nature, will be sustainable – ecological – obtaining energy. In other words, the primary role of the European Union's bodies should be to enforcement their own strategies in the long-term horizon in the context of sustainable economic growth and prosperity within the European Economic Area.

The active enforcement of these ambitious plans will (already today) require considerable efforts across the whole socio-political spectrum. From a legal point of view, the principles (leading ideas) must be taken into account when creating new (modern) and meaningful eco-legislation, especially in the European Economic Area, such as in particular the principles of subsidiarity [10],

proportionality and especially the principle of legal certainty. Some suggestions presented in this article are to be understood only in terms of academic opinions and *de lege ferenda* proposals.

### References:

1. In accordance with provision under § 2 of Act No. 17/1992 Coll. on the environment, we can conceptually understand the environment as everything, what creates conditions for the existence of organisms, including humans and is an assumption for their further development. Its components are mainly air, water, rocks, land and organisms.

2. To this aspects mainly: HODÁS, M.: *Kolíška vzniku zákonov v Slovenskej republike*. 1. vydanie. Praha: Leges, 2020, 228 s., ISBN 978-80-7502-521-0.

3. Consolidated version of the Treaty on the Functioning of the European Union. Official Journal of the European Union. Volume 55. Publications Office of the European Union. Luxembourg. 26. October 2012.

4. Within the third part of the Treaty on the Functioning of the European Union, focusing on the sphere of internal policy and the individual activities of the European Union, environmental issues are concentrated in Articles from 191 to 193. On this basis, the European Union's environmental protection policy contributes to the achievement of objectives such as: maintaining, protecting and improving the quality of the environment; protection of human health; prudent and rational use of natural resources etc.

5. Consolidated version of the Treaty on European Union. Volume 55. Publications Office of the European Union. Luxembourg. 26. October 2012.

6. However, at this point it's necessary to approach that the creation of laws at the national level of the Member States of the European Union, (for example) in the legal order of the Slovak Republic, is characterized by multicentrism of law-making, hypertrophy of legal regulation, exceptionally high rate of change of legal norms and complicated interconnection of legal norms and their considerable refinement by the juridical decision making. In: KUKLIŠ, P. – HODÁS, M.: *O súčasnej situácii v slovenskej právnej normotvorbe*. Právny obzor. Roč. 99, č. 6, 2016, ISSN 0032-6984.

7. 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. Tackling rising energy prices: a toolbox for action and support. COM/2021/660 final. Done at Brussels, 13.10.2021.

8. European Council meeting (21. and 22. October 2021) – conclusions. European Council. EUCO 17/21. In Brussels, 22.10.2021.

9. Energy ministers agreed to take stock of energy prices and progress made on the implementation of measures contained in the European Commission's toolbox in December 2021. The Energy Council will prepare the ground for the December European Council meeting, where European Union leaders will return to the issue of

energy prices. In: Transport, Telecommunications and Energy Council (Energy). Main results. In Luxembourg, 26.10.2021.

10. In wider contexts: FANDÁK, M. – FRANKO, P.: Princíp subsidiarity. In: BROSTL, A. a kol.: Ústavné právo Slovenskej republiky. 4. upravené vydanie. Plzeň: Aleš Čeněk. 2021, str. 376 a nasl., ISBN 978-80-7380-841-9.