

**ECONOMIC LAW ON NATURAL RESOURCES AND THE ENVIRONMENT
IN THE EUROPEAN AND GERMAN LEGAL SYSTEMS**

Second part of the course Economic Law on Natural Resources and the Environment,
from the perspective of comparison of laws

Contents

Preliminary remark: At the Faculty of Law of Universitas Gadjah Mada the courses are shared by several lecturers. This table informs about my lectures in April and May 2025. They complement those of my colleague *Dr. Wahyu Yun Santoso* from a comparative perspective.

§ 1 Introduction

- I. Why studying economic law on natural resources and the environment with a comparative approach?
- II. The heterogeneity of the economic law on natural resources and the environment in the various legal systems
- III. International, European and national economic law on natural resources and the environment

Part I: General aspects

§ 2 The unclear nature and systematics of the economic law on natural resources and the environment

- I. A field of law in itself or cross-sectional law?
- II. Part of public economic law [Öffentliches Wirtschaftsrecht], business administrative law [Wirtschaftsverwaltungsrecht], environmental law [Umweltrecht] or climate protection law [Klimaschutzrecht]?
- III. A highly fragmented body of law
- IV. The lack of a comprehensive European or German Economic Code
- V. The lack of a comprehensive European or German Environmental Code

§ 3 Legal and political framework conditions for the economic law on natural resources and the environment

- I. The restriction of state intervention in the economy by the principle of an open market economy with free competition in the European internal market (art. 119 FEU Treaty)
- II. The protection of the environment and the climate as legally binding policy objectives
- III. The protection of the environment and the climate as a separate policy and a cross-cutting task
- IV. The dual purpose of the economic law on natural resources and the environment to serve both the economy and the environment
- V. The law on natural resources and the environment at the center of the political struggle

Part II: Selected areas and topics

§ 4 Classical: mining law [Bergrecht]

- I. An area of law with a long history in Europe
- II. Systematic categorisation and terminology
- III. The German Federal Mining Act [Bundesberggesetz] of 1980

- IV. The fundamental distinction between freehold and freely mineable mineral resources [grundeigene und bergfreie Bodenschätze] (sect. 3 FMA)
- V. Exploration license [Erlaubnis], extraction license [Bewilligung], operation plan [Betriebsplan], environmental impact assessment [Umweltverträglichkeitsprüfung] and royalties
- VI. Mining proprietorship [Bergwerkseigentum]
- VII. Mining supervision [Bergaufsicht]
- VIII. Strict liability for mining damages
- IX. Criticism of current mining law
- X. The end of an era: Germany's coal phase-out

§ 5 Trend-setting: emissions trading law [Emissionshandelsrecht]

- I. Clarification of terminology
- II. Backgrounds
- III. The concept of reducing greenhouse gas emissions through a limited market of tradable emission allowances [Emissionszertifikate]
- IV. The EU Emissions Trading System in the energy, industry, aviation and maritime transport sectors (EU ETS 1) and its implementation in German law
- V. The temporary additional German fuel emissions trading system in other transport sectors and the heating sector
- VI. The coming EU Emissions Trading System for fuel emissions in the building, road transport and other sectors (EU ETS 2)
- VII. Problems and perspectives of emissions trading law

§ 6 Innovative: renewable energies law [Recht der erneuerbaren Energien]

- I. What are renewable energies?
- II. The importance of renewable energies for a greenhouse gas emission-free energy supply
- III. The EU Renewable Energy Directive (RED) (Directive 2018/2001)
- IV. The German Renewable Energies Act 2023 [Erneuerbare-Energien-Gesetz 2023]
- V. In particular: the integration of private photovoltaic installations into the electricity grid and the remuneration claims of their operators for electricity fed into the grid
- VI. Practical problems and perspectives of the current renewable energies law

§ 7 Ambitious enough? General climate protection law [allgemeines Klimaschutzrecht]

- I. Backgrounds
- II. The EU Regulation on the Governance of the Energy Union and Climate Action (EU Governance Regulation) of 2018 (Regulation 2018/1999)
- III. The EU Effort Sharing Regulation of 2018 (Regulation 2018/842)
- IV. The European Climate Law of 2021 (Regulation 2021/1119)
- V. The German Federal Climate Action Act [Bundes-Klimaschutzgesetz] of 2019
- VI. An unclear perspective: The sudden rise and fall of popular support for climate protection in the 2020s

§ 8 Outlook: current discussions on legal reforms and innovations

- I. How to simplify the complicated authorisation process for renewable energy plants
- II. Appropriate market rules for greenhouse gas-neutral services and products
- III. How to translate the Integrated Maritime Policy and the concept of Sustainable Blue Economy into law

IV. Towards a green hydrogen law?

V. Towards a comprehensive European or German resource conservation law?

VI. A missing discussion: How to simplify the overly complicated, fragmented and technocratic law and make it understandable for the average lawyer

More information on this course contribution at www.thomas-schmitz-yogyakarta.id. For any questions, suggestions and criticism please contact me via WhatsApp (+62 812 9824 3441) or e-mail (tschmit1@thomas-schmitz-eu.de) or in my office (Building A, room A.VI.11).

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