

§ 8 Outlook: current discussions on legal reforms and innovations

I. How to simplify the complicated authorisation process for renewable energy plants

- in Germany, despite the renewable energy privilege (see supra, § 6 IV.3.b), approval procedures for some renewable energy installations, such as wind turbines, are too complicated, take too long and can be too easily delayed by querulous neighbours

II. Appropriate market rules for greenhouse gas-neutral services and products

- climate protection needs the support by classical economic law:
- the need for marketing rules in the European internal market to ensure a transparent market with easy orientation and reliable information in the sectors of
 - greenhouse gas-neutral energy (from renewable sources)
 - greenhouse gas-neutral products (neutral themselves and neutrally produced and marketed)
 - greenhouse gas-neutral services (e.g. digital services, transport services etc.)
- in particular: the need for measures against the common deception by "climate-washing"
 - companies deceiving consumers with "climate neutrality fairy tales" about their products and services
 - currently, there is so much of this that the Federation of German Consumer Organisations [Verbraucherzentrale Bundesverband] even calls for an explicit ban of advertising with climate neutrality
- measures could include a European Union regulation with strict criteria about a differentiated but easily comprehensible, official *European system of reliable climate neutrality labels*

III. How to translate the Integrated Maritime Policy and the concept of Sustainable Blue Economy into law

- the EU follows the concept of a sustainable blue economy, i.e. a maritime economy based on a sustainable use of resources
- therefore, the European Commission has developed the political strategy "blue growth"
 - a long-term strategy for a sustainable blue economy in the fields of aquaculture, coastal tourism, marine biotechnology, ocean energy and seabed mining
- the EU's Integrated Maritime Policy (IMP) combines "blue growth" with other cross-cutting maritime policies (on marine data, maritime spatial planning, integrated maritime surveillance and sea basin strategies)
- but so far only a few legal acts on special issues implement these policies; a comprehensive legal implementation is still missing

IV. Towards a green hydrogen law?

- green hydrogen (see supra, § 6 IV.3.c) is rare in Europe because its electrolytic production requires too much electrical energy, but it could easily be produced in the Global South by solar power
- storing solar-generated energy in green hydrogen as a medium and exporting it to the industrial countries could become a win-win solution, the "oil business of the 21st century", but...
 - hydrogen transport, storage and usage infrastructure must yet be developed
 - fair green hydrogen partnerships with the Global South must be developed, preventing new postcolonial or neo-liberal exploitation and ensuring "energy justice", and
 - the necessary legal framework must yet be created, both domestically and in intern. law
 - in this process, highly qualified lawyers from the Global South must play an important role...

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

- legal experts, environmental associations and also the German Environment Agency [Umweltbundesamt] have long been calling for an integrated and comprehensive German or European resource conservation law, but so far there is no political will to tackle such an ambitious project
- like the project of a comprehensive environmental code (which failed twice in Germany), this will remain a desideratum for a distant future

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

- at present, the economic law on natural resources and the environment is an almost exclusive domain of a small group of highly specialised and mostly interest-driven lawyers
- even for the average lawyer who does not specialise in this area, this highly complicated, fragmented, sometimes inconsistent and volatile area of law is difficult to understand
- this affects interest and acceptance among the public and the legal profession and facilitates less transparent handling
- in order to increase interest, acceptance and transparency, the law in this area must be simplified, but there are few approaches to this in the predominantly elite-led discussion