

CHINA, EU AND SERBIA AND THEIR STATUS IN INTERNATIONAL ENVIRONMENTAL AGREEMENTS

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Abstract: The paper aims to overview the similarities and differences between the People's Republic of China, the European Union (EU) and the Republic of Serbia (RS) regarding their membership in the international environmental agreements. At the beginning of the paper, the authors point out to the growing importance of international agreements in the field of environmental protection, as instruments of contemporary politics and environmental law. The focus is on global environmental issues and on international agreements in this area (climate change and ozone layer protection, water resources management, soil protection, biodiversity protection, hazardous chemicals and hazardous waste management, etc.). In the central part of the paper, the authors address the status of China, the EU and the Republic of Serbia in the most important international multilateral environmental agreements. The bases of the analysis are international multilateral agreements with the global character. The length of time required to become a party to certain international agreements of a global character is examined. The general framework of the discussion is determined; on the one hand, by the estimates that China is a country with serious environmental problems and, on the other hand, by the fact that the EU is one of the leaders in global environmental policy. The position of the RS, as a country candidate for the EU membership, is largely determined by the obligations regarding the harmonization of national regulations with the EU regulations, including ratification of a relevant international agreement in the field of environment. In conclusion, it is noted that there are no significant differences between China and the EU in terms of the length of time needed to become a party

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to the most important global international environmental agreements, but there are differences in terms of the several protocols and the speed of acceptance of amendments to several international agreements. Due to various circumstances, there are some differences in terms of the RS membership in international environmental treaties.

Key words: China, EU, Serbia, international agreements, environment, global problems.

INTRODUCTION

In literature, China is usually taken as an example of a country facing tremendous environmental problems, mainly because of the accelerated economic development and the changes it brings with it.²China has made significant efforts in terms of defining the elements of a contemporary environmental policy and law, but many of the country specificity should be respected. On the other hand, the EU is usually considered one of the most important leaders in international environmental policy, especially when it comes to efforts to address the most important global environmental problems.³ The policy and legal system of the Republic of Serbia in the field of the environment over the last fifteen years have almost been completely determined by the formally proclaimed goals related to the EU membership. During this period, all adopted laws and strategic documents were aimed at harmonizing with the EU regulations and strategic objectives.⁴ One of the common elements of China, the EU and RS policy in the field of environment is the issue of how they relate to global environmental problems. This issue is examined through an analysis

² For the official reports on the state of the environment in the last few years, See: Ministry of environmental protection the People's Republic of China, 2017; Xibing Huang, Zhao Dingtao, Colin G. Brown, Wu Yanni, Waldron A. Scott, 2010.

³ For the state of the environment, See: European Environment Agency, 2017; Zito, R. Antony, 2005; Karin Bäckstrand & Ole Elgström, 2013.

⁴ For basic information on the state of the environment, see Ministry of Agriculture and Environmental Protection, Belgrade, 2015. For more detailed reports on the situation in certain areas, see the Serbian Environmental Protection Agency, 2017. Regarding the current state of the regulations in the field of environment, including international agreements, as well as plans for the future period, See Office for European Integration, 2016.

of signing and ratification of the most important international multilateral global agreements grouped into three groups: agreements in the field of climate change and protection of the ozone layer, agreements in the field of nature protection and cross-border resources and agreements regulating the management of hazardous chemicals and hazardous waste. The question of the possible limitations of this type of analysis could be considered in more details depending on the various factors including the objectives of the analysis.⁵

INTERNATIONAL AGREEMENTS IN THE SYSTEM OF INSTRUMENTS OF CONTEMPORARY ENVIRONMENTAL POLITICS AND LAW

To the significance of international treaties, as instruments for solving problems in the field of environment, contribute their general characteristics in particular, especially in comparison with other sources of international law (a large number of them, relative reliability, relatively clearly defined obligations, relatively fast procedure of creation and changes in the agreements, clearly expressed will of the contracting parties, etc.). Increased awareness of the possibility of solving common environmental problems, both global and regional ones, has helped to

⁵ The status in international agreements could be taken as one of the criteria for assessing the state's attitude towards a particular type of environmental problem. However, for more precise conclusions, it is necessary to analyze the practical attitude towards a problem in the form of, among other, the implementation of international obligations under international agreements. This, of course, requires much larger space and another type of methodology that goes beyond the scope of this paper. The question of how the EU is understood (as an international organization or a confederate state, or something else, etc.) could also have an impact on the results of a more detailed analysis. For the purposes of this paper, this issue is not addressed separately, but it starts from the fact that the EU has an international legal subjectivity, i.e. it can conclude international agreements in accordance with the relevant provisions of the EU Treaty and the Treaty on the Functioning of the EU. The question remains how to determine RS membership in international agreements, since Yugoslavia has ratified a number of international agreements, but RS has been registered as a member from a later date i.e. the date of the notification of succession (from Yugoslavia). Finally, since the paper is the attempt to apply some kind of comparative method, one should also bear in mind the dilemmas related to this method and the comparative environmental law as a whole. See: D. Todić, 2016.

strengthen the recognition of the need to regulate certain issues of common interest throughout international agreements. Although there are still many problems in the system of international environmental agreements, first in the part relating to their application, international agreements remain one of the most important instruments for solving environmental problems during the age of globalization. Since the world has become globalized, the impact of interconnection between the countries has increased (Antevski, Jelisavac Trošić, p. 123). If we look at the dynamics of concluding multilateral and bilateral environmental agreements, we can observe that, in the period 1990-2000, there was an increase in the number of both (European Environment Agency, 2010). In addition, a huge increase in the number of concluded bilateral agreements was registered in the period after 1970. We can also observe that there is a decline in the number of concluded agreements between 1996 and 2010. The phenomenon of the increase in the number of agreements concluded (multilateral and bilateral) from the early 1970s and 1990s should be linked to overall activities that took place before, during and after the two major international global environmental conferences (Stockholm and Rio Conference). It is usually considered that the history of international legal regulation of certain environmental issues, or of issues of relevance for this area, begins in the second half or at the end of the nineteenth century. Since then, a huge number of international treaties of different character and different relevance for the environment have been concluded. The UNEP Register of International Treaties and other Agreements in the Field of the Environment contains, until the year 2005, a total of 272 international treaties, including amendments to the contracts (UNEP, 2005; Mitchell, 2002-2016). The list of multilateral environmental agreements deposited with the Secretary-General for the Chapter XXVII (Environment) includes a total of 17 basic international treaties (global and regional), among more than 560 contracts of different characters in the other areas. In addition to 17 basic contracts in the UN treaty database, there are 35 protocols annexed to the individual international agreements (total of 18) or changes to basic contracts (a total of 17) (UN Treaty Collection, 2017). There are some differences, but also some consents, in the literature dealing with global environmental problems on several issues that are considered to have global characteristics. Without considering whether it is the scientific articles,

analysis of another character or official reports of certain international organizations dealing with issues of importance for the field of environment, several deep-seated problems are considered as a subject of regulation in different ways. UNEP's Global Environmental Outlook provides an overview of the situation in each of the following areas: atmosphere, soil, water, biodiversity, chemicals and waste (UNEP, 2012). In the context of the consequences of demographic and economic trends for the next four decades, the OECD takes on, for the key issues of global concern, the issues related to climate change, biodiversity, water and the effects of environmental pollution on human health (OECD, 2012). In the document 'The future we want' adopted at the Rio + 20 conference in 2012, in the part defining the 'framework for activities', among other things it is specifically discussed about problems related to water management (para. 119-124), energy (para. 125-129), sustainable transport (para. 132-133), sustainable cities and human settlements (para. 134-137), ocean and seas (para. 158-177), reduction risks of accident (para. 186-189), climate change (para. 190-192), forests (para. 193-196), biodiversity (para. 197-204), desertification, soil protection and droughts (para. 205-209), mountains (para. 210-212), chemicals and waste (para. 213-223), etc. (United Nations, 2012). If we take for the bases of the analysis the international agreements of universal character in the field of the environment (or agreements with the tendency of universality), the most significant global problems in the field of environment can be considered the problems for which the appropriate international legal framework ('regime') has been developed at the global level. In this regard, the following global problems could be considered the most significant: air pollution, climate change, ozone layer damage, protection and sustainable use of water resources, protection and sustainable use of biodiversity (and forests), protection and sustainable use of land, hazardous waste management and dangerous chemicals management. For the purposes of this article, all international agreements of a global character are grouped into three groups: international agreements in the field of climate change and protection of the ozone layer, international agreements in the field of nature protection and protection of cross-border natural resources and international agreements in the field of hazardous chemicals and hazardous waste management.

CHINA, THE EU AND SERBIA – MEMBERSHIP IN THE GLOBAL INTERNATIONAL ENVIRONMENTAL AGREEMENTS

China, the EU and Serbia – parties to the international environmental agreements

For the purposes of this analysis, Table 1 takes into account key international agreements of a global characteristic, without entering into a specific discussion of the relevance of some of them, or the relevance of the issues they regulate, for the state of the environment in China or in the EU. We start from their comparability with the global dimensions of the problem they regulate.⁶ All global international agreements are grouped into three groups, depending on the subject of regulation (climate change and protection of the ozone layer, nature protection and cross-border natural resources management and chemicals and waste management).

⁶Also this question is mentioned in: M. Oksenberg, *Economy E.*, 1998.

Climate change and ozone layer protection

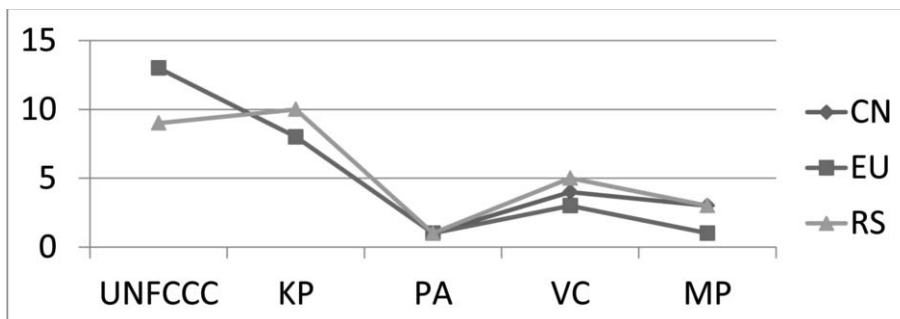
Table 1. Membership in the multilateral environmental agreements (climate change and protection of the ozone layer)

	CN	EU	RS
UNFCCC (1992)	2005	2005	2001
KP (1997)	2005	2005	2007
KP Amendment (2006)	2010	-	2009
DA (2012)	2014	-	2017
PA (2016)	2016	2016	2016
VC (1985)	1989	1988	1990
2001 (s)			
MP (1987)	1991	1988	2001 (s)
LA (1990)	1991	1991	2005
CA (1992)	2003	1995	2005
MA (1997)	2010	2000	2005
Beijing A (1999)	2010	2002	2005
Kigali A (2016)	-	-	-

Source of data: International agreements official sites

Abbreviations: UNFCCC – UN Framework Convention on Climate Change, KP – Kyoto protocol, DA – Doha Amendment, PA – Paris Agreement, VC – Vienna Convention on Ozone Layer Protection, MP- Montreal protocol, LA – London Amendment, CA – Copenhagen Amendment, MA – Montreal Amendment, BA – Beijing Amendment, KA – Kigali Amendment.

Chart 1. The length of time required to become a party to international agreements in the field of climate change and protection of the ozone layer (in years)



Source of data: International agreements official sites.

From Table 1 and Chart 1 can be seen that there is a certain overlap in the length of time needed to become a party to some international agreements in the field of climate change and protection of the ozone layer. China and the EU needed about the same time to ratify UNFCCC (13 years), KP (8 years) and PA (1 year). In the case of Serbia, it took a little longer (in relation to China and the EU) to ratify the KP (10 years) and VC (5 years), while the UNFCCC was ratified before China and the EU (9 years). Serbia became a PA member in the same year as China and the EU. In terms of the Vienna Convention on Ozone Layer Protection it took 3 years to the EU to become a member, China 4 years, and Serbia 5 years. For the Montreal protocol, it took 1 year to the EU, China 4 years, while the Serbia took over the obligations from the Montreal protocol in 2001 based on the Socialist Federal Republic of Yugoslavia (SFRY) succession. Otherwise specified, the SFRY had ratified this agreement in 1990, which is 3 years since its adoption.

Nature protection and management of cross-border resources

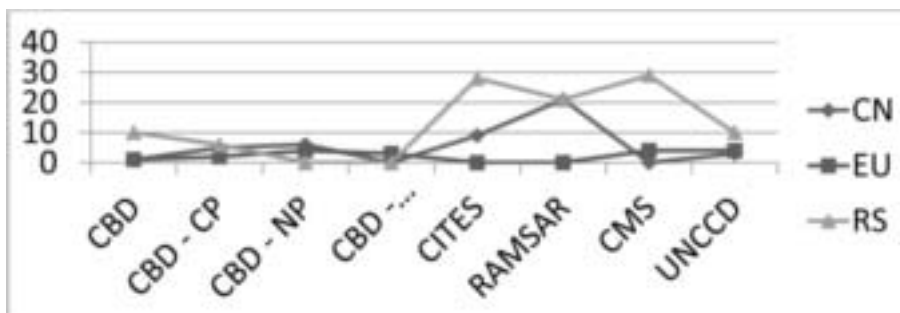
Table 2. Membership in the international environmental agreements (nature protection and cross-border resource management)

	CN	EU	RS
CBD (1992)	1993	1993	2002
CP (2000)	2005	2002	2006
NP (2010)	2016	2014	-
NKL SP (2010)	-	2013	-
CITES (1973)	1981	- (all EU countries)	2001 2006 (S)
RAMSAR (1971)	1992	- (all EU countries)	1992
CMS (1979)	- "RS"	1983	2008
WHC (1972)	1985	- (all EU countries)	2001 (s)
UNCCD (1994)	1997	1998	2007
UNWC (1997)	-	-	-

Source: International agreements official sites

Abbreviations: CBD – Convention on biodiversity, CP – Cartagena Protocol, NP – Nagoya Protocol, NKL SP – Nagoya Kuala Lumpur Supplementary Protocol, CITES – Convention on International Trade in Endangered Species of Wild Fauna and Flora, RAMSAR - Convention on Wetlands of International Importance especially as Waterfowls Habitat, CMS – Convention on migratory species, WHC - Convention Concerning the Protection of the World Cultural and Natural Heritage, UNCCD – UN Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, UNWC - Convention on the Law of the Non-Navigational Uses of International Watercourses, 'RS' – 'Range state'.

Chart 2. The length of required time to become a party to international agreements in the field of nature protection and cross-border resource management (in years)



Source of data: International agreements official sites

In terms of international agreements in the field of nature protection and cross-border resource management, the shortest period for accepting obligations from the most important international treaties was needed by the EU, followed by China and eventually Serbia. The same time was needed for both China and the EU to ratify the CBD (1 year) and similar period for the UNCCD ratification (3 and 4 years respectively). In the case of Serbia, it took a longer period to accept obligations under the following international agreements: CITES (20 years), the Ramsar Convention (21 years) and CMS (29 years). The ratification of the CBD took 10 years, which is also much longer than in the case of both China and the European Union. Still, neither China, nor the EU and the RS are members of the UNWC.

Chemical and waste management

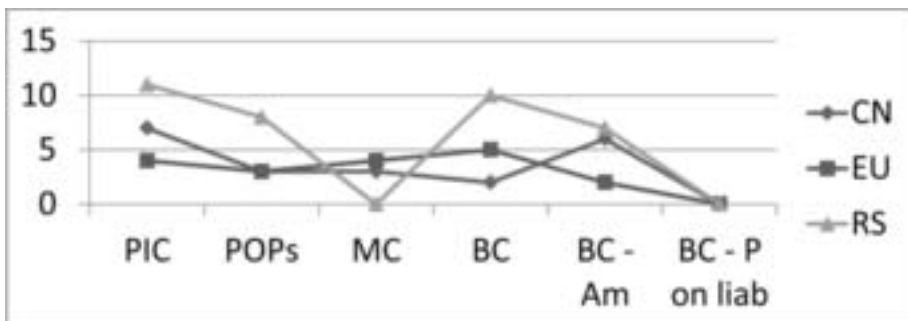
Table 3. Membership in the international environmental agreements (chemicals and waste management)

	CN	EU	RS
PIC (1998)	2005	2002	2009
POPs (2001)	2004	2004	2009
MC (2013)	2016	2017	-
BC (1989)	1991	1994	1999 2000 (s)
BS Am (1995)	2001	1997	2002 (a)
BC PL (1999)	-	-	-

Source of data: International agreements official sites

Abbreviations: PIC - Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, POPs - Stockholm Convention on Persistent Organic Pollutants, UNCD - United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and / or Desertification, Particularly in Africa, MC - Minamata Convention on Mercury, BC - Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, BS Am - Basel Convention Amendments, BS PL - Basel Convention Protocol on Liability.

Chart 3. The length of time required to become a party to international agreements in the field of chemicals and waste management (in years)



Source: International agreements official sites.

In the case of global international agreements in the field of chemicals and waste management, there are certain differences and similarities between China, the EU and the RS, in the length of time needed to sign and ratify the international agreement. A shorter time was needed for the EU to become a member of the PIC, as well as the Amendment to BC. China became a member of the BC sooner. POPs required the same time for both countries (3 years). On the other hand, for Serbia it took much longer to become a member of all three key international treaties in this area (PIC, POPs and BC), while the MC has not yet been ratified. The Basel Convention Protocol on Liability has not been ratified by any of the three analyzed countries.

Ratification of international agreements in China, the EU and Serbia

In this part of the paper, we point out only to the basic provisions of the relevant regulations governing the ratification of international agreements in China, the EU and Serbia (“Ratification”, “acceptance”, “approval” and “accession” mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty (Article 2. Paragraph 1.b. of the Vienna Convention on the law of treaties, 1969). For a more detailed analysis, a different format of the research paper is needed. The authors considered that, in the context of the debate on the length of time necessary for the acceptance of obligations under international agreements, the issue of the internal procedure could be relevant. That is why in the following we are exploring the internal procedures in each of the countries studied, in the domain of ratification of international agreements with the focus on the environmental agreements.

China

According to the provisions of Article 67, paragraph 14 of the Constitution of China, the Standing Committee of the National People’s Congress decides on the ratification and termination of contracts and important agreements concluded with other states (The National People’s

Congress of the People's Republic of China, 2015). In accordance with Article 7 of the Law on the Procedure of the Conclusion of Treaties (1990), the term 'important contracts and agreements' includes: contracts of friendship and cooperation, peace agreements, other contracts of a political nature; contracts and agreements regulating border issues; contracts and agreements on judicial assistance and extradition; and contracts and agreements containing provisions that do not comply with national laws (Todić, 2015). The State Council has the authority to conclude contracts and agreements with other states (Xue H., Jin Q., 2009). When it comes to the question of the relationship between international and domestic law, the Chinese constitution is not determined explicitly, but this issue is addressed by the norms of some laws (Ibid). Thus, Article 46 of the Environmental Protection Law (1989) provides that if an international environmental agreement, of which the People's Republic of China is a contracting party, contains provisions other than those contained in the laws of the People's Republic of China, the provisions of an international agreement shall apply, with the exception of those provisions in respect of which the People's Republic of China has declared a reservation. China is a member of all key international environmental agreements of a global nature. The main attention in a global environmental policy is attracted by the China's policy in the field of climate change. China is a member of the United Nations Framework Convention on Climate Change and the Kyoto Protocol from 1994 and 2005 respectively. China delivered the Second National Communication on Climate Change in 2012. In the broadest sense, strategies and goals in the field of climate change are the part of the measures envisaged in the Twelfth National Economic and Social Development Plan (2010, a five-year plan), with GDP growth projections of 7% a year. For the first time, a 17% reduction in CO₂ emissions per unit of GDP is envisaged, and also are envisaged the measures for strengthening the capacity for adaptation to climate change, strengthening the international cooperation, etc. (UNFCCC, 2013).

European Union

Article 37 of the Treaty on European Union provides that the Union may conclude agreements with one or more states or international

organizations in areas governed by Chapter 2 (it is referred to 'Special Provisions on a Common Foreign and Security Policy'). In the European Union, the provisions of Articles 218 and 219 of the Treaty on the Functioning of the European Union (TFEU) regulate the procedure for concluding an agreement and conducting negotiations. Paragraph 2 of Article 216 of the TFEU provides that 'agreements concluded by the Union are binding upon the institutions of the Union and of its Member States. Paragraph 1 of the same article states that the Union may conclude an agreement with one or more third states or international organizations in the following situations: 'where the Treaties so provide or where the conclusion of an agreement is necessary in order to achieve, within the framework of the Union's policies, one of the objectives referred to in the Treaties, or is provided for in a legally binding Union act or is likely to affect common rules or alter their scope'. Naturally, to understand the scope of this formulation, one should bear in mind the overall competence of an organization such as the EU, and in particular the issue of sharing competencies between the EU and the member states. When it comes to the issue of the relationship between international and EU law, usually in support of the thesis on the monistic nature of EU law, the provision of Article 216 of the TFEU (paragraph 2) is stated, which stipulates that 'agreements concluded by the Union are binding upon the institutions of the Union and on its Member States'.⁷ Some authors associate the EU's leading position in the field of environment with international environmental contracts, (Jordan A., 2008; Schlosberg D., Rinfret S., 2008) and some are associated to the organization's efforts to manage globalization processes through impacts in regulating particular issues and strengthening international institutions, i.e. through concrete interests (Schaik V. L., Schunz S., 2012). Hence, it is not surprising that all EU Member States are the members of the most important international agreements in the field of environment that have a universal character.⁸ In the part relating to climate change, one of the key strategic documents in which climate change is defined as a priority area for the functioning of

⁷ For some aspects of this debate look: V. R.A. Wessel, 2011. See: Medović, 2008.

⁸ For a complete list of international environmental agreements in which the EU has the status of a signatory, See: EU, 2016.

the European Union is the Europe 2020: A European Strategy for Smart, Sustainable, and Inclusive Growth (European Commission, 2010; Todić, 2011).⁹ This is primarily due to the system characteristic of the document, the context in which climate change is placed and the ambitions that are set before the EU. Through three formulated EU objectives in the field of climate change (reduction of greenhouse gas emissions by at least 20% compared to 1990 levels,¹⁰ 20% share of renewable energy sources in electricity consumption and improvement of energy efficiency through reduction of primary energy consumption for 20% compared to the projected levels) strongly emphasizes the fundamental character of the energy sector and the necessity of an integral approach to objectives and instruments in different sectoral areas of importance for climate change.

Serbia

The general provision of Article 16 paragraph 2 of the Constitution of the Republic of Serbia ('Official Gazette of the Republic of Serbia' No. 98/2006) stipulates that 'generally accepted rules of international law and ratified international agreements are an integral part of the legal order of the Republic of Serbia and are directly applicable'. In addition 'ratified international agreements must be in accordance with the Constitution' (Todić, 2013; See also Vukasović, Todić, 2012, para 109-120). This 'direct application' emphasizes the importance of the method of ratifying

⁹ In formal terms, the basic framework of the EU's activities is related to the fact that the EU is a member of the UN Framework Convention on Climate Change of March 21, 1994, and the Kyoto Protocol of 16 February 2005. See: UNFCCC, 2014a; UNFCCC, 2014b.

¹⁰ The increase in emission reductions to 30% by 2020 is proposed provided that others, both developed and developing countries, are committed to a fair share in the future global climate agreement after the expiry of the first binding period under the Kyoto Protocol. In May 2010, the European Commission released a Communication containing an analysis of the implications of different levels of ambition (targets of 20% and 30%) and the assessment of the risk of carbon leakage. European Commission, 2010. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Analysis of options to move beyond 20% greenhouse gas emission reductions and assessing the risk of carbon leakage, {SEC(2010) 650}, Brussels, 26.5.2010, COM(2010) 265 final.

international agreements and opens up various dilemmas. A serious 'technical' problem with regard to 'immediate application' may be related to the interpretation of the meaning of this term, bearing in mind the fact that the application of (some) international agreements involves the prior adoption of internal regulations, in the state signatory of an international agreement.¹¹ The complexity of the various situations related to the 'direct' application of international agreements is analyzed by Etinski, finding several situations in which one can be found by interpreting the regulations.¹² Vukadinovic estimates that 'from the point of view of Serbia's accession to the EU' for such a constitutional solution of the ratified international agreement, it 'does not have to be an obstacle until the signing of the Treaty of EU Accession'. The author also points to the possibility that 'the provision on blind direct application' could 'provoke the issue of mutual compliance with the provisions of the Constitution' (Vukadinović, 2010, p. 31). 'Hence the issue of the law-making process as a whole can be significant for the

¹¹ It is interesting that the Law on the Conclusion and Execution of International Treaties (Zakon o zaključivanju i izvršavanju međunarodnih ugovora) does not mention these issues, except in the case of 'technical regulations made on the basis of an international agreement (Article 24) and indirectly when it comes to 'securing the financial means necessary for the execution of an international agreement', as a compulsory part of the content of the Law on the ratification of an international agreement (Article 12, point 2). Bang explains the practice of the United States to sign and not ratify international environmental agreements by the absence of a compromise among the political actors of this country, in the regard to the passing regulations ensuring the implementation of international agreements. Guri Bang, 2011.

¹² 'In cases where there is no corresponding national legal rule, it is clear that the rule of international agreement is directly applicable. If there is a domestic rule, which does not contradict international, different situations are possible. If the domestic rule is equal in its effect to the rule of the international agreement, the domestic rule is applied, taking into account the international rule, ... If the domestic rule is not equal in scope and content of its effect with the rule of international agreement, the rule from an international agreement applies directly as a supplement to the domestic rule. If, however, the domestic rule provides for higher protection of basic human rights, the application of the rules of the international agreement cannot reduce this protection. The third group of situations are situations in which there is a contradiction between the domestic rules and the rules of the international agreement... The most complex situation is when a domestic rule contradicts the rule of international agreement, which does not appear as *les specialis*'R. Etinski, 2013. For some dilemmas, See Vukadinović, 2010.

quality of the implementation of the international agreement. Regarding the implementation of international agreements by Article 142 (the judiciary principles), prescribes that the courts 'shall be separated and independent in their work and they shall perform their duties in accordance with the Constitution, Law and other general acts, when stipulated by the Law, generally accepted rules of international law and ratified international contracts.'. Court decisions are based on the Constitution, the law, the ratified international agreement and the regulation passed on the basis of the law' (Article 145, paragraph 2). At the same time, it is stipulated that 'Public Prosecutor's Office shall perform its function on the grounds of the Constitution, Law, a ratified international treaty and regulation passed on the grounds of the Law ' (Article 156, paragraph 2) (emphasis added). The provisions on the jurisdiction of the Constitutional Court indicate the manner in which the place of international agreements is defined in the hierarchy of legal regulations. In this sense, the first two points of paragraph 1 of Article 167 of the Constitution provide for the Constitutional Court to decide on: 'the conformity of laws and other general acts with the Constitution, generally accepted rules of international law and ratified international agreements', or 'the accordance of ratified international agreements with the Constitution'. The formulation of the provision of Article 194 of the Constitution is also on the track of this solution.¹³ Lastly, when it comes to the jurisdiction for the ratification of international agreements, the Constitution stipulates that for the ratification of international agreements the National Assembly is competent 'when the law provides for the obligation of their confirmation' (Article 99, paragraph 4).¹⁴ The Constitution

¹³ In paragraphs 4 and 5 is, inter alia, stipulated that 'ratified international agreements must not be in conflict with the Constitution', that 'Laws and other general acts adopted in the Republic of Serbia must not be in conflict with ratified international agreements and generally accepted rules of international law'.

¹⁴ Article 14 of the Law on the Conclusion and Execution of International Treaties (Zakon o zaključivanju i izvršavanju međunarodnih ugovora) distinguishes several types of international agreements that are confirmed by the National Assembly. These are: (1) 'military, political and economic agreements, 2) 'agreements creating financial obligations for the RS', 3) 'agreements requiring the issuance of new or amending existing laws' and 4) 'agreements deviating From the existing legal solutions'. At the same time, the law stipulates that other international treaties 'are not subject to verification procedures', although it is not entirely clear what this could be related to, taking into account the previously described category.

does not make any difference between international agreements when it prescribes the number of votes of the members of the Parliament required for a positive decision on the acceptance of an international agreement. In Article 105, paragraph 3. point 6. It is stipulated that 'laws regulating: ... the conclusion and ratification of international agreements' shall be decided by 'the majority of votes of all members of the Parliament'.¹⁵

CONCLUSION

There are significant similarities between China and the EU in relation to global environmental problems, if we take as the basic criterion the number of years required to obtain membership in a global international treaty Membership in UNFCCC, KP, PA, CBD, POPs, etc. started in the same year, both for China and for the EU. Similarities also exist regarding the membership in VC and UNCCD. Also, both China and the EU are not members of the UNWC, although some EU member states are parties to this international agreement. It is not clear if similarities between China and the EU could be attributed to the global characteristics of the two entities (country and international organization) of international relations, regardless of the differences based on many other criteria. There are some differences between China and the EU in terms of acceptance of obligations from the MPs and amendments to this protocol, as well as differences in relation to the PIC, in which the EU became the signatory before China. On the other hand, China has become the signatory before the EU to BC and MC. It is likely that the interpretation of these differences could be attributed, in part, to the specifics of China as a developing country. The differences are related to the date of acquiring the membership in some amendments and protocols of those basic international agreements. Regarding Serbia, there are significant differences in relation to China and the EU in terms of the length of time needed to become a party to some international environmental agreements of a global character. This is the case with CBD, CP, CITES, UNCCD, as well as with the basic contracts in the field of hazardous

¹⁵ For the analysis of the solution envisaged by the Constitution of Yugoslavia, See: Milojević, 2005.

chemicals and hazardous waste management (PIC, POPs, BC). Unlike China and the EU, the Republic of Serbia has not ratified MC. Differences between China and the European Union on the one hand, and the Republic of Serbia, on the other hand, is conditioned by a large number of factors. They are most probably in one part the consequence of international isolation in the last decade of the 20th century, and in the second part, the result of a lot of effort to compensate the lagging behind in taking over these international obligations under the international agreements during the process of Serbia's accession to the European Union. Regarding the procedures for ratification of international agreements, it is difficult without a detailed analysis to discuss how and to what extent the procedure in itself affect the dynamics of assuming international obligations. Naturally, when it comes to the European Union, it also remains the issue of the EU membership in international agreements, in regards to the membership of the EU member states in the same international agreements.

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