

Section ECOLOGY AND ENVIRONMENTAL STUDIES

**ELEMENTS OF THE EDUCATIONAL SYSTEM IN THE
ECOLOGICAL FIELD PRINCIPLES OF ENVIRONMENTAL
LEGISLATION**

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ABSTRACT

This article has as a starting point the definition of the concept of ecological principles. Then, after classification of the principles of ecology (domestic principles and international principles), we present and critically analyze and compare the main principles in the field of ecology. Among the ecological principles on the domestic chain, we present and analyze 11 principles, namely: pollution must be combated at the source; the interests of environmental protection must be taken into account in all design or execution decisions; any exploitation or use of natural resources must be avoided if it is accompanied by damage; it is necessary to raise the level of scientific and technological knowledge, *inter alia* by supporting scientific research; the costs of preventing and combating pollution to be borne by the polluter; the activity of one state not to harm the environment of another state; during the elaboration of the community policy in the field of environmental protection to take into account the interests of the developing states; community environmental protection policy must be developed in the long term and protection must be comprehensive and international, which is achieved, *inter alia*, through cooperation within international bodies; the cause of environmental protection is everyone's responsibility and for this reason education is irreplaceable; depending on the source of pollution, the most appropriate level of action must be established taking into account the nature of the pollution, the necessary measures, the characteristics of the protected territory. This principle is defined as a "subsidiary principle"; it is necessary to harmonize and coordinate national policy in the field of environmental protection in accordance with the long-term commonly accepted directives. We also present and analyze the principle according to which environmental protection must be an essential element of the economic and social policy of the state. Finally, another ecological principle, the principle of prevention of ecological risks and damage.

Keywords: Ecological Principles, Educational System, Ecological Risk Prevention



INTRODUCTION

The principles of environmental legislation represent a kind of ABC of ecology. Their knowledge is necessary (but, unfortunately, not sufficient) for the scientific application of effective procedures for environmental protection.

The importance of these principles by the environmental legislation is also reflected by the provisions coming from the European Union (EU). It is the duty of each EU Member State to adapt these provisions to national specificities and needs.

European environmental policy is based on the principles of precaution, prevention, correction of pollution at source and "the polluter pays". Multiannual environmental action programs set the framework for future action in all areas of environmental policy. They are integrated into horizontal strategies and are taken into account in international environmental negotiations. Last but not least, implementation is key [1].

Article 11 and Articles 191-193 of the Treaty on the Functioning of the European Union (TFEU). The EU has the power to act in all areas of environmental policy, such as air and water pollution, waste management and climate change. The scope of its competence is limited by the principle of subsidiarity and the requirement of unanimity in the Council on matters such as taxation, land use planning, land use, quantitative management of water resources, choice of energy sources and the structure of energy supply. [2], [3].

PRINCIPLES OF ENVIRONMENTAL LEGISLATION

The principles of environmental law are those essential rules, of maximum applicability, which underlie the branch of law.

There are two categories of principles of environmental legislation:

A. Internal principles

B. International principles.

Principles of internal environmental legislation

Modern regulation of environmental protection is no stranger to the **theoretical substantiation of principles**. The fundamental principles of environmental law are influenced by **tradition and innovation** and determine the content of all norms of environmental law. Moreover, these specific principles give to the obligatory social norms regarding the protection, improvement and development of the environment that unity, that general logical affinity and common to all norms of environmental law, which guides the content of these norms and delimits them from other branches of law [4], [5].

Any general principle of law is the **result of a social experience** and at the same time a reflection of some objective requirements of the evolution of the

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society, of the social coexistence, of ensuring that necessary balance between the rights of some and the obligations of others.

As a result of a process of **abstraction and crystallization**, these principles express **the essence of environmental protection policy**.

The importance of general principles is also highlighted when we consider a large number of normative acts, the current chaotic stage of regulatory activity and the need to quickly find answers to environmental degradation problems [6], [7].

The principles of law direct the activity of legal regulation, both within the special law on environmental protection and in the context of other regulations.

Legislation can only be consistent when it follows pre-determined directions and strictly follows some well-defined principles.

In most cases, the fundamental legal principles are not only theoretical speculations, made at the level of scientific research, but result from the analysis of current trends applicable to the rule of law. The inclusion of fundamental principles in the rules of law takes place when those rules of law are important in principle.

These fundamental principles also facilitate the concrete application of the rule of law and help to discern the will of the legislator, as they constitute the "spirit of the law", the social support of law, ie their connection with social values. That is why, in certain cases, the principles of law take the place of the norm of regulation.

In a civil or commercial case, if the law is silent, the judge resolves the case based on the general principles of law. Or such a solution, in the case of environmental law, in full affirmation and crystallization, has very special importance.

Thus, they are recognized as principles of environmental law: the public interest character of environmental protection, conservation, prevention, caution in decision making and "the polluter pays". These principles are expressly enshrined in law or may result from dispersed provisions, thus being the product of orders of national law.

In the following, we will highlight only two aspects of the complex process of identifying the basic principles: the first refers to the *European Community's policy and regulations in the field of environmental law*, and the second refers to *the model environmental law project developed by the Council of Europe in 1994*.

Principles of international environmental legislation

At the level of Community policy, environmental protection was institutionalized in 1973, by announcing the first Action Program of the European Community, considered the skeleton of Community policy in the field of environmental protection. The first rules of principle were formulated in this program, which were subsequently legally enshrined through successive amendments to the Treaties: the Single European Act (1986), the Maastricht Treaty (1992), the Amsterdam Treaty (1997).



Action programs are political statements of intent that include all those measures that are planned to be implemented in a given period, as well as a definition of their context. The programs also have the role of establishing the necessary measures for change and announcing their introduction.

The importance of the first Action Program, carried out in 1974-1976, is due, first of all, to the **11 fundamental** principles announced, which constitute, even today, the basis of all the other action programs as well as other regulations. These principles are:

1. Pollution must be combated at source.
2. The interests of environmental protection must be taken into account in all design or enforcement decisions.
3. Any exploitation or use of natural resources must be avoided if this is accompanied by damage.
4. It is necessary to raise the level of scientific and technological knowledge, *inter alia* by supporting scientific research.
5. The costs of preventing and combating pollution shall be borne by the polluter.
6. The activity of one state should not harm the environment of another state.
7. The interests of developing countries shall also be taken into account in the development of Community policy in the field of environmental protection.
8. Community policy on environmental protection must be developed in the long term and protection must be comprehensive and international, which is achieved, *inter alia*, through cooperation within international bodies.
9. The cause of environmental protection is everyone's responsibility and for this reason education is irreplaceable.
10. Depending on the source of pollution, the most appropriate level of action must be established taking into account the nature of the pollution, the necessary measures, the characteristics of the protected territory. This principle is defined as a "subsidiary principle".
11. It is necessary to harmonize and coordinate national policy in the field of environmental protection in accordance with the long-term commonly accepted directives.

These basic principles or component parts of the Action Program can be found in other important documents of the European Community or the European Union.

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PRINCIPLES FOR THE DEVELOPMENT OF ENVIRONMENTAL LAW

Another example, also European, is the elaboration, in 1994, by a team of experts of the Council of Europe of a model law on environmental protection to support the legislative activity of the states of Central and Eastern Europe. The model not only contains and explains these principles, but also emphasizes that they are important auxiliary tools for the development of environmental law.

The principles set out in this model are:

1. The precautionary principle;
2. The principle of the alternative, according to which polluting activities must be replaced with less polluting activities (element of novelty);
3. Preservation of biodiversity;
4. Prohibition of the destruction of natural energy resources;
5. The "polluter pays" principle;
6. The principle of civil society participation and the right to information;
7. The principle of cooperation.

Internationally, the first significant documents were:

- Stockholm Declaration (1972)
- World Nature Charter (1982)
- The Rio Declaration (1992), which in fact enshrined the principles set out in the first documents.

These were later supplemented by a series of international treaties which, taking over the principles enunciated by various international conferences, gave them binding legal status.

For the most part, the principles of environmental law can be deduced by interpreting legal regulations, but they can also be formulated directly in the rules of this branch of law.

Romanian environmental law has been used both ways. Thus, art. 3 fin the former law of environmental protection, no. 137/1995, were listed the principles and strategic elements underlying ensuring sustainable development.

The same solution was adopted by the new framework regulation, Government Emergency Ordinance no. 195/2005. The principles and strategic elements underlying it are listed in art. 3, as follows:

- a) the principle of integrating the environmental policy in the other sectoral policies;
- b) the precautionary principle in making the decision;
- c) the principle of preventive action;



- d) the principle of withholding pollutants at source;
- e) the "polluter pays" principle;
- f) the principle of conservation of biodiversity and ecosystems specific to the natural biogeographical framework;
- g) sustainable use of natural resources;
- h) informing and participating the public in decision-making, as well as access to justice in environmental matters;
- i) development of international collaboration for environmental protection.

In art. 4 of the O.G. provides the ways to implement the principles and strategic objectives, as follows:

- a) integrated pollution prevention and control by using the best available techniques for activities with significant impact on the environment;
- b) adoption of development programs, in compliance with the requirements of environmental policy;
- c) correlation of land use planning and urban planning with the environmental one;
- d) conducting the environmental assessment before approving plans and programs that may have a significant effect on the environment;
- e) environmental impact assessment in the initial phase of projects with significant environmental impact;
- f) introduction and use of incentive or coercive economic levers and instruments;
- g) solving, on competence levels, the environmental problems, depending on their magnitude;
- h) the promotion of normative acts harmonized with the European and international regulations in the field;
- i) establishing and monitoring the implementation of compliance programs;
- j) creation of the national system for integrated monitoring of environmental quality;
- k) recognition of products with low impact on the environment, by granting the ecological label;
- l) maintaining and improving the quality of the environment;
- m) rehabilitation of areas affected by pollution;

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- n) encouraging the implementation of environmental management and audit systems;
- o) promoting fundamental and applied research in the field of environmental protection;
- p) educating and raising public awareness, as well as its participation in the process of elaboration and application of environmental decisions;
- q) development of the national network of protected areas for maintaining the favourable conservation status of natural habitats, species of flora and fauna as an integral part of the European ecological network - Natura 2000;
- r) application of systems to ensure the traceability and labeling of genetically modified organisms;
- s) the priority removal of pollutants that directly and seriously endanger human health.

CONCLUSION

The scientific application of the principles of environmental legislation presupposes first of all their knowledge. From this point of view, the educational process specific to the ecological field has special importance. Education for respect and protection of nature must be based, among others, on the saying "Let nature heal itself". That means if you can help nature with something, do it, if not... better let it heal on its own.

The two main categories of principles of environmental legislation (domestic principles and international principles) each have their importance. In this context, it is very important that the principles at international level be adapted to the national specifics of each country.

One of the most important principles of environmental legislation is "The polluter pays". This implies, even punitively, that pollution be combated right from the source.

Another important objective of the principles of environmental legislation must be the elaboration of environmental strategies for as long as possible. These strategies must also take into account the condition and methods of implementing the concept of sustainable development.

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