**European and Chinese environmental protection: a convergence?**

**Some issues about legal cultures.**

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European Union (EU) and China are usually seen as deeply different legal systems. European Union is considered as a member of the continental legal system. China is a member of the socialist family, and more widely a member of non-western legal systems. Some scholars in comparative law, such as authors from the relativist approach, strictly forbid this kind of comparison due to the deep differences between legal backgrounds and characteristics of these legal systems. Indeed, European legal basis are far from Chinese ones, such as about foundations of the state power or on the role of legal rules in the society.

However, a legal field seems to bring these legal systems closer: environmental protection. Despite deep differences in the foundations of these legal systems and with a cultural interconnection between Society and Nature which is truly distinct, European and Chinese legal systems show some similarities. Serious legal transplants from European instruments to Chinese regulations occurred, such as in water protection field or about air pollution. Does it indicate a Europeanization of Chinese environmental law?

This paper proposes to compare environmental legal systems in European Union and China. They both apply a multilevel governance in the field of environmental protection, as it is a shared power among different levels of government in both legal systems. Moreover, European Union and China both face serious environmental issues. In the same time, they must insure economic development. Finally, European and Chinese officials ratified several international conventions about environmental protection. As a result, international law is applied in each legal system.

Legal culture seems to have a strong impact on these issues and more widely on the entire environmental protection legal system. This analyze highlights the effect of legal culture on environmental protection instruments and their effectivity. This issue is usually underestimated in this field.

The comparative study will be led with a combined method, including a contextualist approach and some elements from the multilevel governance theory. First, it will highlight the deep differences among these legal systems, from a cultural and an environmental perspective. Legal culture contrasts between European Union and China are well known from comparatist scholars. Nevertheless, studies about legal culture in the field of environmental protection are quite uncommon. This kind of analysis is however useful to understand modern environmental law effectiveness. Then, this paper will analyze the rules dedicated to environmental protection in

European Union and China. This comparison will show some differences but also convergences that occur between Chinese and European environmental laws. It will analyze the scope of the different legal transplants operated from European law to Chinese law in environmental protection. Thus, the link between law and culture will be studied from an environmental perspective. This link seems to have a deep impact on the success of these transplants.

This paper will conclude with some proposals in this field. Regarding the impact of legal culture in environmental protection effectiveness, it may imply to include legal cultures issues in each project of legal transplant, and more widely in each project of international agreement in this field. Then, it will study issues about the creation of a new international legal instrument applying the conflictual method from private international law approach to environmental protection. As a result, legal and environmental cultures would be preserved and would insure a better effectiveness of environmental protection.