Exploration on the perfection of regional environmental legal system and revelation on energy collaboration

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Abstract. This article takes the law economics angle as the starting point, puts forward the suggestion for the improvement of the regional environmental law system. Some suggestions are put forward, such as reforming the punishment mechanism from the angle of law and economy, improving the national awareness of environmental protection and promoting the internationalization of the mechanism of environmental protection. To promote the energy cooperation under the background of Belt and Road Initiative, in view of its great importance to China, by perfecting the environmental legal system and constructing the green energy system to protect the green energy system.

1. Introduction
Based on the existing regional environmental law system, there is plenty room for improvement in the reform of punishment mechanism, the cultivation of national environmental protection awareness and the internationalization of environmental protection mechanism. At the same time, under the background of "One Belt and One Road" in China, promoting international energy cooperation will also have great significance for China.

2. Suggestions on reform of regional environmental legal system

2.1. Establish a rational system that responds to the economic legal system and environmental legal system
From the point of view of law and economics, in the two aspects of the first illegal pollution or the direct production of profits, the "reasonable" choice for the economic man is nothing more than the choice of which one has greater interests. At this point, however, the vagueness of pollution assessment in the environmental legal system and the inadequacy of punishment have become more prominent. For example, in the “Environmental Impact Assessment Law” clause, it is stated that the ceiling for unauthorized construction of fines is only 200,000 [1]. At this time, the law-abiding cost is far less than the cost of illegality for the company's interests can be compared. In the actual production activities, when there are many problems facing the first pollution or the first production, the latter company is selected. Maybe they face fines of several tens of thousands of each year, but in the face of huge benefits, these insignificant "fines" are calculated by their "intense" in the "necessary cost."

Now, we consider the rationality of this behavior as a proposition. From the point of view of law and economics, we use game theory to draw the conclusion that in this kind of production activity, for a specific company, the variable is the illegal cost, and the decisive factor lies in the game of the
compulsory level of the actor and the environmental legal system. According to the principle of game theory and the actual situation changes, both are preferred. In other words, for a company that will carry out production activities harmful to the environment, if the illegal implementation of the economic activity is more likely to be blamed under certain circumstances, the stronger the accountability, the more costly it is to violate the law. Under the circumstances, the less likely that the actor chooses to implement the action; conversely, if the company's illegal production of the economic activity has a lower probability of recourse and a lower cost of illegality, then it is illegal to implement it, the stronger it is [2].

As expected, on April 24, 2014, China’s “Amendment to the Environmental Protection Law” experienced its first amendment in 25 years. After four deliberations, it was finally passed in the voting of the 8th meeting of the Standing Committee of the 12th National People’s Congress. And the implementation of January 1, 2015, the first highlight is to increase the “penalty by day” system, that is, the length of time to determine the number of fines, not capped [3]. This is undoubtedly a major advancement in the environmental legal system, and it also indicates that the “measurement of time and quantity” is based on the pollution time and the degree of pollution to jointly determine the basis for punishment.

Therefore, the legal system for environmental laws in various regions should indeed increase the degree of punishment in the economy and increase the intensity of legislation and law enforcement. This is not only due to the increasing number of economic behavior companies that knowingly break the law or use the law to seek profits. It is because in the face of the “One Belt and One Road” strategy, the “Global Trade Melting Pot” and the continuous increase in imports and exports, multinational companies will continue to enter China’s territory. Under the obvious difference in funding background and tax law, China has to seize the time to do a good job in environmental legal system prevention, do not allow more corporate companies to be fearless, and use money to destroy the existence of their own domestic survival and run counter to the sustainable development of the economic environment.

Therefore, in the face of environmental pollution, our company should not only comply with environmental laws and regulations, but also actively develop the green industry and devote itself to the major trend of energy conservation, pollution reduction and pollution control. The government's call to actively invest in water pollution treatment projects has been praised by people. It can be described as fame and fortune.

China has started to provide targeted support and encourage companies to operate water-contaminated domestic water, industrial wastewater treatment, etc.. At the same time, more investment is being made, and the investment is mainly concentrated in Jiangsu, Zhejiang and other places where industrial water use and emissions are high in the economic region.

This is not only a matter of strict integration from the economic point of view and the legal system, but also an attitude toward environmental protection and related legal systems. Although the law is not the basis for us to solve problems, in general, the legal constraints or legal sanctions such as fines are not the fundamental purpose of the government. The fundamental purpose is to protect the environment and the ecological protection that we rely on to survive and the protection of sustainable development. Because humans respect laws for fear of the law, our country’s regional environmental laws should also adopt distinctive and effective legal system measures that respond to local conditions, gradually improve the environmental legal system, and strive to achieve sustainable development of the regional environment. The law can be followed, there are laws available.

2.2. Laying the foundation of environmental legal system with public participation system
In the modern society that promotes “all for me and for all”, the role of the masses in society is more and more important. It is not only a group but also the subject of all economic and other activities. Therefore, regardless of whatever kind of production activities and the role of the masses play a vital role. This has to do with two aspects: On the one hand, the masses, as subjective actors, are the subject of any activity, and thus play the leading role of the fundamental actor; on the other hand, the masses,
as an objective role, face production. The "bystanders" such as activities can play a good role in judging from the overall situation and the side, and can also play an important role in supervision. Therefore, we should also pay attention to the improvement and development of environmental legal system from two aspects.

To give a simple example, the food safety problem in China can be described as a worrisome future. The emergence of "ditch oil" and "genetically modified vegetables" not only reflects the poor social responsibilities of enterprises in the food industry, but also reflects the domestic part of the country. The area's ecological environment is a "spoofing." These companies are often exposed by such non-governmental organizations before the occurrence of major accidents. For example, “Jin Jin Lang” Food Co., Ltd. has been responsible for serious water pollution during its production activities and paid 20,000. In addition to the fine imposed by the money, the masses have not boycotted or reconsidered their unscrupulous behaviors while paying fines while continuing to produce. This is precisely the profound manifestation of the people's own consciousness about “who is responsible for pollution” and weak environmental protection laws. But often this kind of legal system is not in place, the current state of the government is not strict, and the awareness of the people's rights protection is shallow. This has led to a series of highly cost-effective production activities at the expense of the environment, resulting in too much “green food”. The inedible commodities of the outer garment, even the so-called "organic vegetables" wrapped in pesticide coats, have made the food safety issue an unprecedented worry.

On the one hand, China should strengthen the legal norms for a wide range of environmental education for all, not only through school education and government advocacy to improve education standards, but also to try to expand the participation of the public in environmental sustainability in the legal context. For example, in the “Environmental Protection Law” that was formally implemented on January 1, 2015 in China, the public was effectively involved in the environmental governance mechanism and an environmental public interest litigation system was established [4]. The institutional protection of citizens’ right to receive educational knowledge and information allows the public to consciously feel the crisis brought by environmental issues in the rights provided by the law and be able to spontaneously realize their obligations in the sustainable development of the environment. Subjectively advocated to change from one's own and form a good sense of the rights and obligations of the environmental legal system.

On the other hand, in China, on the education aspect of the environmental legal system, there are examples that can be followed in Article 5 of the existing “Environmental Protection Law”: “The state encourages the development of environmental protection science education, strengthens the research and development of environmental protection science and technology, raises the level of environmental protection science and technology, and popularizes the scientific knowledge of environmental protection” [5]. This principle is provided for environmental education. However, its contents are relatively vague and cannot play a role in guiding the government and other departments more accurately and practically. Therefore, it is necessary to try to institutionalize and legalize a propaganda and education work of the environmental protection legal system. In order to solve the problem of people's economic activities destroying the environment in external forces, the internal forces have strengthened the public's binding force on the environment.

At the same time, the author believes that in dealing with public supervision and accountability in the environmental legal system, we should find a solution to the problem from the source, solve the lack of environmental legal awareness from the subject of the behavior, and the environmental supervision personnel are not in place. The more crucial question is how to make feedback from the public appeals can achieve the good situation that the people seek for and the state-owned company needs. This requires the emergence of more effective legal systems and implementation of relevant government departments.

2.3. From regional to internationalized environmental legal system
After undergoing revision and reform of the 2015 “Environmental Protection Law”, China’s
environmental legal system has made great progress in specific areas of specific environmental laws, with clear accountability targets, and prevention and punishment efforts. It is undoubtedly directed at regional environmental laws. The system has taken a historic step. However, the regional environmental legal system not only requires the development of a national unified overall environmental legal system, but also requires the improvement of departmental and regional internal government regulations and laws and regulations. Progress, from the outstanding problems in the actual regional environment, targeted prevention and control policies, standardized legislation, strict law enforcement, and the formation of integrated environmental legal system characteristics from the whole to the region.

Not only that, during the process of the government's formulation of a regional environmental legal system, it actively absorbs the classical and effective environmental legal systems from abroad, and moves the regional environmental legislation norms towards the path of internationalized typical learning. For example, London, once smoggy, has become blue and clear under the British Government’s targeted and integrated governance of the region and its surrounding areas; the United States, the leader in the second industrial revolution, has undergone a series of industrialization. After the development of urbanization, the conflict between environmental sustainable development and economic development was sharp. However, in the latter part of the US government’s “unforgivable” punitive normative legislation on pollution units, few people touched the government’s “high-voltage lines” on environmental issues, etc. There are many examples of foreign typical environmental protection and prevention laws that can be used by our country for reference.

For example, from the perspective of regional cooperation, China can effectively learn from the successful case of air quality control in SCAQMD in the Southern California region of the United States, which can effectively promote the development of environmental management across administrative divisions in China. SCAQMD creates a committee of state governments and city representatives who have decision-making rights for legislation, budgets, and personnel appointments. It plays its role by formulating regional plans and cooperating with government departments. It also has the right to formulate atmospheric environmental quality management plans and detailed management methods, and has the right to punish those who violate the law. Through its continuous efforts, it has solved the cross-border air pollution issues in the California region and improved the environmental quality in the region.

However, the development of the economic environment in developed countries basically follows the old path of “control after pollution”. China should not follow such a high ecological and economic cost path and should develop in all regions of China. The current status of China’s overall economic development and prospects for future development will explore a legal system of environmental protection with Chinese characteristics.

3. Inspiration to energy cooperation
The protection of ecological environment is closely related to the energy cooperation plan put forward by Belt and Road Initiative. The environmental pollution caused by the traditional energy structure has affected human life. The so-called "pollution before treatment" model is no longer applicable to the current society. The severe environmental situation and the demand for economic development have prompted us to upgrade and transform our energy structure. Developing clean and renewable energy sources and strengthening cooperation between countries are the countermeasures to face the environmental pollution crisis. However, the deepening of energy cooperation cannot be separated from the perfect legal system of environmental protection and the regulation of energy development and utilization by means of law, so as to eliminate the sacrifice of the environment. Interest to obtain economic benefits of the development model is a strong guarantee for green energy cooperation.

Acknowledgments
This article is funded by “National Key R & D Program of China” (No. 2017YFC0820100) the Ministry of Science and Technology.
References

[1] National Development and Reform Commission, Ministry of Foreign Affairs, and Ministry of Commerce 2015 Vision and action to promote the establishment of the Silk Road Economic Belt and the 21st Century Maritime Silk Road (Beijing: Xinhua News Agency) available at: http://news.xinhuanet (accessed: Mar. 31st 2015)

[2] Yang J G 2014 The highlights of the new “environmental protection law” draw attention to the implementation of the “three questions” new law China Environmental Protection Online http://www.hbzhan.com/news/.html (accessed: Dec. 2014)

[3] The Latest Environmental Protection Law in Full 2015 Civil and Commercial Law Network available at: http://www.liuxiaoer.com//.html (accessed: May 2015)

[4] Xin C Y 2014 Interpretation of Environmental Protection Law of the People's Republic of China (Beijing, China: Law Press)

[5] Jiang M 2014 Research on Environmental Law Issues of Multinational Corporations in China (Beijing, China: University of International Business and Economics Press)