

# Towards a market-based climate regime in China?

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## Propositions to the dissertation

### Towards A Market-Based Climate Regime in China?

#### A Legal Perspective on the Design and Implementation of Greenhouse Gas Emissions Trading

1. The Emissions Trading Scheme, as a market-based instrument, requires substantial governmental regulation that should comply with the rule of law. This makes an in-depth legal analysis of its design and implementation necessary.
2. A theoretical framework comprised of three key elements, including setting an environmental target, allocation of allowances, and inspection and enforcement, can be used to understand and examine the regulatory design and implementation of an emissions trading scheme applied in a specific legal system.
3. The comparative analysis shows that there are important similarities and remarkable differences between the European Union Emissions Trading Scheme and the Chinese emissions trading schemes in terms of the selected key elements.
4. While several special regulatory design features of the Chinese emissions trading schemes can be justified by China's particular context, like the need for economic growth, some of them need improvement in light of China's aim to strengthen the rule of law. In this respect, the legal experiences with the European Union Emissions Trading Scheme can be examined in order to provide further inspiration to the establishment of a better legal framework for emissions trading in China.
5. Market-based regulation is often expected to result in cost-effective emission reductions, but it needs to be closely examined whether and how this instrument can achieve this aim in relatively weak legal systems.
6. The powerful Chinese government can make a quick and positive contribution to environmental protection, but, in view of the rule of law, governmental action *per se* should take place within an effective legal system. The gap between the *rule by law* and the *rule of law* still needs to be closed.
7. While global environmental law is theoretically understood as a set of legal principles developed by national, international, and transnational environmental regulatory systems to protect the environment and manage natural resources, both convergence and divergence are part of current practice. Comparative analysis is helpful in order to gain a mutual understanding between different systems and to examine whether there is a prospect of a real global environmental law.
8. The establishment of the emerging Chinese emissions trading schemes follows an experimental approach, which is intended to allow the policy makers to improve its regulatory design and implementation gradually. In this respect, the analysis and recommendations of this thesis can be used in the policy debate to inspire potential improvements of the Chinese emissions trading schemes.
9. Only part of the greenhouse gas emissions caused by the activities for conducting this research (the use of paper, electronic devices and travelling), which took place both in the EU and in China, are covered either directly or indirectly by an emissions trading scheme. In order to contribute to the mitigation of climate change, greenhouse gas emissions caused by conducting research need to be comprehensively regulated in the near future.