

Original Paper

Implications of Foreign Environmental Codification Paradigms for China's Ecological Civilization Code Compilation

Enjie Liu¹

¹ School of Marine Law and Humanities, Dalian Ocean University, Dalian, China

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Abstract

Under the context of advancing ecological civilization, China's codification of an eco-environmental code constitutes both a legal system upgrade and a manifestation of green governance values. This study examines the urgency of codifying China's fragmented environmental legislation, addressing critical challenges such as regulatory gaps, normative inconsistencies, and legislative redundancies. Through comparative analysis of Swedish and French codification paradigms, the paper highlights codification's systemic advantages in harmonizing environmental governance frameworks. A three-stage codification pathway is proposed: establishing value-oriented principles, defining moderate codification objectives with adaptable scope, and adopting a "general-special provisions" structure with logically sequenced chapters. The findings suggest a medium-scale codification model that integrates international experiences with China's ecological modernization needs. This hybrid approach balances code stability with regulatory flexibility, accommodating evolving environmental challenges while providing systematic legal support for ecological civilization construction. The proposed framework addresses current legislative fragmentation through hierarchical integration while preserving necessary regulatory adaptability—a strategic response to the dynamic nature of environmental governance in developing jurisdictions.

Keywords

Eco-Environmental Code, French Environmental Code, Swedish Environmental Code

1. Introduction

Ecological integrity constitutes not only the cornerstone of human survival but also a vital capital for sustainable societal development. Guided by the principles of ecological civilization, contemporary legal codification must prioritize ecosystem protection, ensuring comprehensive juridical recognition of ecological elements. The proposed Eco-Environmental Code transcends conventional environmental

legislation by emphasizing holistic ecosystem conservation through lifecycle governance—from source control to terminal remediation—thereby institutionalizing systematic environmental stewardship. China’s environmental legal framework currently faces tripartite deficiencies: legislative gaps in emerging ecological domains, regulatory delays in addressing evolving challenges, and excessive abstraction that undermines enforcement efficacy. These systemic shortcomings exacerbate the disjunction between statutory provisions and practical conservation needs. Concurrently, normative fragmentation manifests through interlegal contradictions across statutes and regulations, complicating judicial application, impeding administrative enforcement, and eroding public legal literacy. The codification initiative represents a paradigmatic restructuring rather than mere legislative augmentation. Through systematic integration of dispersed legal instruments and structural optimization, the Eco-Environmental Code aims to establish a coherent hierarchy of environmental norms with enhanced operational precision. This transformative approach promises dual dividends: elevating governance efficiency through normative synergy while fostering civic environmental jurisprudence—a critical foundation for mobilizing multi-stakeholder participation in ecological modernization.

2. The Current Status and Imperatives of Codifying China’s Eco-Environmental Code

China’s current environmental and ecological legal system faces several challenges, including insufficient supply, fragmentation, and high redundancy of legal provisions (Pu, X. L., 2020). In terms of supply, there are notable legislative gaps and delays in specific environmental fields, with some legal provisions being too vague to implement, creating a discrepancy between legal supply and actual environmental protection needs. Fragmentation is seen in conflicts and inconsistencies across different laws and regulations, complicating legal application, increasing enforcement challenges, and confusing the public. Additionally, redundant provisions on the same or similar issues across legal documents waste legislative resources and undermine the system’s unity and clarity. To address these problems, it is imperative to build an integrated and systematic environmental and ecological legal system through code compilation, aiming to integrate legal resources, optimize legal structure, enhance coordination and unity, and better tackle China’s complex ecological and environmental issues.

3. Sweden’s Environmental Code: Development and Characteristics

3.1 Development of Sweden’s Environmental Code

Sweden’s environmental code development began in the 1990s, forming a complete environmental law system through multiple legislative reforms. In 1969, Sweden enacted the “Environmental Protection Law,” creating a preliminary environmental legal framework. As environmental problems worsened, the Swedish government recognized the deficiencies of existing laws, particularly in enforcement and authority. In 1992, Sweden established sustainable development goals at the Rio UN Conference on Environment and Development, and began drafting an environmental code in 1993. After several years, Sweden officially implemented the “Environmental Code” on January 1, 1999, consolidating 16

existing environmental laws into one code.

3.2 Characteristics of Sweden's Environmental Code

Sweden's Environmental Code features a unique moderate codification model. This model emphasizes practicality, moving away from the absolute rigor and certainty of traditional codes. Instead, it maintains openness through "clear authorization" and "creating entry points" to adapt to evolving environmental management needs. The code has a dynamic structure with a "general provisions-specific provisions" framework, covering various aspects such as nature protection, regulations on specific activities, supervision, penalties, and compensation. It reflects a comprehensive approach to environmental issues. Additionally, the code coexists with other laws in practice. By revising conflicting provisions, it achieves coordination and unity with the existing legal system, ensuring the integrity and consistency of the law.

4. France's Environmental Code: Process, Structure and Main Content

4.1 Process of Environmental Code Development in France

The main process of environmental code development in France began in 1989 when the French government established a Senior Committee for Code Compilation to guide relevant government departments in code compilation for various branches of law. In 1991 the, French Society for Environmental Law submitted a feasibility report on codification to the Ministry of Environment, stating that from the perspectives of legal system development and social needs, it was necessary to compile an environmental code. In 1990, the French Ministry of Environment announced the plan for environmental code, and in 1992, the working institutions and mechanisms for code compilation were put in place, marking the official launch of France's environmental code compilation work (Mo, F., 2018, pp. 52-54).

4.2 Structure and Main Content of France's Environmental Code

With its complex structure and extensive content coverage, France's Environmental Code is highly representative among civil law countries. The code consists of three main parts: legislative provisions, administrative regulations, and annexes. The legislative provisions and administrative regulations are further subdivided into seven volumes (Lü Z. M., & Dou, H. Y., 2018, pp. 862-882). Each volume contains sections, chapters, articles, sub-articles, paragraphs, and specific provisions, which are distinguished by prefixes "L" and "R" or "D". Volume I, "General Provisions," clarifies the legislative purpose of the code and the basic principles of environmental law, covering procedures such as environmental information disclosure and public participation. Volume II, "Physical Environment," focuses on the management of water, marine, and atmospheric environments. Volume III, "Natural Spaces," sets out provisions for the protection of various natural spaces. Volume IV, "Natural Heritage," covers the protection of animals and plants and the regulations on natural habitats. Volume V, "Prevention of Pollution, Risks and Damages," includes the classification of environmental protection facilities and the management of chemical substances. Volume VI is specially dedicated to

environmental regulations for France's overseas territories, while Volume VII focuses on the protection of the Antarctic environment. Through this comprehensive and systematic approach to codification, France's Environmental Code aims to enhance the transparency, coordination, and enforceability of environmental law to promote sustainable environmental development.

5. Implications of Environmental Law Codification in Sweden and France for China

5.1 Implications of Sweden's Environmental Code for China

Sweden's environmental code experience offers China valuable lessons as China seeks to enhance its ecological and environmental legal system. Firstly, Sweden's approach shows China must choose a codification path that suits its national conditions and has foresight. Its moderate codification, moving away from traditional absolute rigidity and certainty to a more flexible and practical method, offers China a new model. China could adopt a less complex and more implementable codification approach, advancing the modernization and internationalization of its environmental law system.

Secondly, the flexibility and openness of Sweden's code highlight the need for China to stay adaptable during codification. Environmental issues evolve with economic and social progress, posing new challenges. Thus, China's future environmental code must be flexible and open-ended to remain relevant and effective.

Lastly, Sweden's successful implementation of its environmental code, especially in environmental courts and legal liability coordination, offers China useful references. This indicates that during codification, China should focus not only on environmental laws themselves but also on coordination with other legal fields like civil, criminal, and administrative law. Such cross-departmental cooperation can ensure the effective implementation and coordination of environmental laws, fostering mutual support among different legal areas and building a more robust and efficient legal system.

5.2 Implications of France's Environmental Code for China

France's environmental code experience holds great significance for China's environmental legal system construction. First, France's codification highlights its role in promoting environmental laws towards standardization, systematization, and refinement. Confronted with rapid environmental legislation and related issues like ambiguous provisions and conflicting clauses, France achieved organic integration of legal norms through codification, thereby strengthening the overall effectiveness of its legal system. This offers China practical references for tackling similar challenges.

Second, France gave high importance to selecting a codification model. Its Senior Codification Committee established a principle of compiling on the basis of existing laws, which was crucial for the codification process. This shows that clarifying the codification model, connotation, authority scope, content, and principles is vital for ensuring the correctness and efficiency of codification work. It provides China with strategic guidance that careful planning of the codification model and principles is needed at the early stage of codification.

Third, France's experience underscores the need to break down departmental barriers when determining the scope of codification and adopt a cross-departmental perspective. Some problems in France's codification process, such as the exclusion of some environmental-related legal provisions, reflect the limitations of determining the codification scope based on a single administrative department's authority. Environmental issues are often cross-sectoral, involving the functions and responsibilities of multiple administrative departments. Thus, effective inter-departmental coordination is required. For China, this means that when determining the scope of environmental code compilation, a single-department perspective must be transcended. Instead, the functions and responsibilities of all relevant departments should be comprehensively considered to ensure comprehensive coverage of environmental laws, optimal allocation of legal resources, and maximization of legal effectiveness.

In conclusion, France's environmental code experience provides profound insights for China on promoting codification in the environmental law field, including the importance of codification, the strategic significance of model selection, and the necessity of cross-departmental cooperation. These insights are highly valuable for guiding China's environmental code compilation and helping China build a more improved, coordinated, and efficient environmental legal system.

6. The Path Selection for the Compilation of China's Ecological and Environmental Code

Based on an in-depth analysis of the successful codification experiences of Sweden and France, and in line with the core values of China's ecological civilization construction, China should adopt a moderate-scale, moderately systematic, and incremental codification model for its ecological and environmental code. This model emphasizes value leadership, using ecological civilization construction as a guide. It stresses the integrity and systematic nature of ecological and environmental protection, aiming to achieve harmony between humans and nature through legal means, rather than just addressing specific environmental problems.

In terms of objectives, China's codification should focus on phased and moderate codification. This means avoiding a blind pursuit of comprehensive code content and simple imitation of foreign models. Instead, a code-compilation path that suits China's national conditions, aligns with global trends, and has Chinese characteristics should be developed. This approach ensures the code's practicality and adaptability, enabling it to better support environmental protection in China.

When defining the code's scope of regulation, the connection between environmental law and other branches of law must be thoroughly considered to ensure the code is comprehensive and well-coordinated. Given the dynamic and evolving nature of environmental law, the code should also be flexible and forward-looking, leaving room for future environmental issues.

In terms of framework, the code should follow the classic "general provisions-specific provisions" structure. The general part sets out universally applicable principles and rules to guide the entire code, while the specific part is divided into chapters based on environmental law's regulatory areas (Zhu, B. C., 2020, pp. 16-21). This ensures the code's systematicness and workability.

At the micro-level, the code's internal structure should follow a logical sequence and be divided according to environmental law's content. Each chapter should be both independent and interconnected, forming an organic whole. Moreover, the code should be flexible enough to incorporate emerging environmental issues, ensuring its continued relevance and effectiveness.

In conclusion, the path for compiling China's ecological and environmental code should feature moderation, systematization, and incrementality. It should focus on the present while looking to the future to establish a scientific, rational, and effective ecological and environmental legal system. This will provide solid legal support for China's ecological civilization construction and sustainable development.

7. Discussion

In choosing the compilation model for China's ecological and environmental code, it's essential to integrate the experiences and insights from Sweden and France with China's ecological civilization values and environmental rule-of-law practices. China should opt for a moderate-scale, moderately systematic, and incremental model. This approach allows China to maintain the code's stability while adapting to the dynamic and evolving nature of environmental law. Consequently, China can establish a robust legal foundation for its ecological civilization and environmental rule-of-law construction.

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