

# Research On Coordination Mechanism Between Environmental Law and International Commercial Law under Green Trade Barrier

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**Abstract:** In the context of the growth of global trade and the increasing demand for environmental protection, green trade barriers, as an emerging non-tariff barrier, have a profound impact on the pattern of international trade. This paper focuses on green trade barriers, deeply analyzes their characteristics, causes and multiple impacts on international trade, and reveals the complex challenges and collaborative opportunities faced by environmental law and international commercial law in this field. Through high-standard environmental regulations and technical requirements, green trade barriers not only limit the market access of some countries' products, but also promote the innovation of global green industry and environmental protection technology. At the same time, there are differences between environmental law and international commercial law in legislative concept, implementation mechanism and international cooperation, so how to achieve effective coordination between them under the background of green trade barriers has become an urgent problem to be solved. This paper puts forward a multi-dimensional coordination strategy: strengthen international cooperation, promote the integration of environmental agreements and trade rules; Improve domestic laws and regulations to ensure that they are in line with international standards; Encourage the development of green industries to enhance international competitiveness; Improve the dispute settlement mechanism to provide a fair platform for trade disputes; And strengthen the public awareness of environmental protection, build a green consumption culture. Only through strengthening

international cooperation, improving domestic laws, promoting the development of green industries, improving dispute settlement mechanisms, and enhancing public awareness of environmental protection can we effectively address the challenges brought by green trade barriers, promote the harmonious coexistence of international trade and environmental protection, and achieve sustainable development of the global economy.

**Keywords:** Environmental Regulations; Green Trade Barriers; International Cooperation; Sustainable Development

## 1. Introduction

### 1.1 Research Background

With the deepening of globalization, international trade has become an important engine driving world economic growth. However, with the deepening of trade liberalization, trade frictions between countries are also increasing, and non-tariff barriers have become one of the important means for countries to protect their own industries and maintain trade interests. Among them, as an emerging form of non-tariff barrier, green trade barrier has gradually become an important part of international trade policies and measures [1], and its importance has been increasingly highlighted in international trade in recent years.

The emergence of green trade barriers stems from the increasing attention to environmental protection around the world. With the acceleration of industrialization and the continuous growth of population, environmental problems have become a major challenge restricting the sustainable development of human society. In order to

cope with this challenge, countries have strengthened environmental protection legislation, improve environmental protection standards, and try to apply these standards in international trade, in order to restrict those products that do not meet the environmental requirements to enter the domestic market. Therefore, the green trade barrier came into being and has become an important issue in the field of international trade.

## **1.2 Literature Review**

At present, there are three representative views on the definition of the concept of green trade barriers.

The first view is that the green trade barrier violates the basic principles of WTO and is unreasonable. For example, some people believe that green trade barriers are trade barriers that restrict or prohibit the import of foreign goods by some countries in the name of environmental protection, in the name of trade protection, and in the name of trade protection, they set environmental standards that are too high for international acceptance, or double standards that are higher than the environmental protection level of domestic goods [2]. Some people believe that there is a prominent problem in the field of economic development, that is, trade protection measures under the pretext of environmental protection and packaging are called green barriers or environmental barriers, which makes the entire international trade face the danger of green trade protectionism [3].

The second view is that green trade barriers are actually "environmental restrictions". They believe that green trade barriers refer to the importing country's efforts to prevent or restrict the import of certain foreign commodities through the development of strict environmental protection technical standards, complex health and quarantine systems, or the adoption of green environmental labels and green packaging systems [4]. Under the guise of protecting the environment, some developed countries actually build non-tariff barriers to achieve the purpose of trade protection, which is a reflection of trade protectionism [5].

The third view makes a distinction between green trade barriers and "environmental restrictions", but confuses the two in its analysis. On the one hand, they believe that

the green trade barrier is unreasonable and different from the "environmental restriction clause" [6]. However, in the specific analysis, the green trade barriers will be divided into reasonable and unreasonable.

## **1.3 Research Significance**

The impact of green trade barriers on international trade is manifold. On the one hand, it limits the market access of some countries' products, increases trade costs, and affects the smooth progress of international trade. On the other hand, it also promotes the development of global green industries and environmental protection technologies, and promotes the optimization and upgrading of the international trade structure. Therefore, it is of great significance for promoting the sustainable development of international trade to deeply study the characteristics, influence and countermeasures of green trade barriers.

At the same time, environmental law and international commercial law, as important legal systems to adjust international trade activities, play a key role in the response to green trade barriers. However, there are differences between the two in the legislative idea, goal pursuit and implementation means. How to achieve the coordination and integration of the two under the background of green trade barriers has become an urgent problem to be solved. Therefore, the study of this paper not only helps to deepen the understanding of green trade barriers, but also provides theoretical support and practical guidance for the coordinated development of environmental law and international commercial law.

## **2. Characteristics and Influence of Green Trade Barriers**

### **2.1 Definition of Green Trade Barriers**

Green trade barriers are usually divided into two categories: one is government-guided green barriers. In the name of protecting natural resources, ecological environment and human health, it sets barriers for products from other countries and regions and restricts their imports by formulating a series of harsh environmental standards. It is an emerging non-tariff barrier for the purpose of protecting the domestic market, and it is also a more common kind. The other type of green barriers

is non-government guidance. Due to the difference in environmental protection awareness of producers or consumers in different countries, the production or consumption of products will be affected, resulting in the imbalance of products in the international circulation [7].

## 2.2 Manifestations of Green Trade Barriers

From the practice in the field of international trade and the relevant provisions of various countries on green trade barriers, it can be summarized that the common concrete manifestations of green trade barriers in today's international trade mainly include: environmental standard system, environmental tax system, environmental labeling system, environmental packaging system, environmental health and quarantine system, environmental trade sanctions system.

Environmental standards system can be divided into product-related environmental standards and process-related environmental standards. Environmental tax refers to the financial measures implemented in order to achieve environmental objectives [8]. The purpose of this system is to protect the environment through the pricing of environmental resource elements, and it is a concrete embodiment of the polluter pays principle. Environmental tax means include specific taxes and charges, tax relief, and differential taxation for different products. These taxes are called "eco-taxes" or "environmental taxes" [9]; Environmental signs, also known as green signs, ecological signs, refers to government management departments or public or private

According to certain environmental protection standards, indicators or regulations, the human group issues a specific mark to the relevant voluntary applicants that their products or services meet the requirements. A product with a mark means that the entire process of the product from research and development to production and recycling meets the environmental requirements [10]; Environmental packaging, also known as green packaging or ecological packaging, was first proposed in 1987 in the United Nations Commission on Environment and Development's "Our Common Future" [11]. In foreign countries, environmental packaging is graphically summarized as 4R, namely

Reduce, Refill, Recycle, Recovery [12]; The environmental health and quarantine system, also known as the green health and quarantine system, is a strict environmental and technical standard based on the protection of natural resources and ecological environment to ensure that human beings, animals and plants are protected from pollutants, toxins, microorganisms, additives, etc. [13]. Environmental trade sanction system is one of the most severe measures in the green trade barrier system, which often restricts the products that do not meet the environmental standards by prohibiting the import of certain products or taking retaliatory measures in international trade.

## 2.3 Characteristics of Green Trade Barriers

### 2.3.1 Legitimacy and Concealment Coexist

Green trade barriers are usually in the name of environmental protection, relying on national environmental laws, regulations and international environmental protection conventions, with a clear legal basis, showing its legitimacy. However, because its specific standards, implementation methods and enforcement are often decided by each country, it has strong subjectivity and flexibility, so it also has a certain degree of concealment and is easy to become a tool of trade protectionism.

### 2.3.2 Universality and Difference

Green trade barriers involve a wide range of fields, from product production, processing, packaging, transportation to sales, use and recycling and other aspects may become the object of its restrictions. At the same time, due to the differences in the level of economic development, environmental conditions, cultural background and values of countries, there are also significant differences in environmental standards and requirements, which further increases the complexity and diversity of green trade barriers.

### 2.3.3 Technical and Dynamic

Green trade barriers are often closely related to environmental technical standards and regulations. With the progress of science and technology and the improvement of environmental awareness, these standards and regulations will be constantly updated and improved, thus promoting the technical content of green trade barriers. In addition, green trade barriers also show a strong dynamic, that is, with the change of

international trade situation and national trade policies and constantly adjust and optimize.

#### **2.3.4 Duality and Controversy**

On the one hand, green trade barriers can promote the development of global green industry and environmental protection technology, and promote the sustainable development of international trade; On the other hand, it may also become a means for some countries to restrict imports and protect their own industries, leading to intensified international trade frictions and disputes. Therefore, the green trade barrier has a dual nature, and its actual effect often depends on the specific situation and the game between countries. At the same time, due to the legitimacy, concealment, universality and difference of green trade barriers, it has also aroused widespread disputes and discussions in the international community.

### **3. The Role and Challenge of Environmental Law and International Commercial Law in Green Trade Barriers**

#### **3.1 The Role of Environmental Law in Green Trade Barriers**

Environmental law plays a crucial role in the green trade barrier, the core of which is to provide the legal basis and normative framework for the green trade barrier. By establishing strict environmental protection standards and regulations, the Environmental Law clarifies which behaviors are in line with environmental protection requirements and which are regarded as polluting or damaging the environment. These standards and regulations provide a direct legal basis for the implementation of green trade barriers, so that environmental protection requirements in trade can be quantified and specific. Environmental law not only specifies environmental standards, but also establishes corresponding enforcement agencies and procedures to ensure that these standards are effectively enforced. In the context of green trade barriers, environmental law conducts environmental testing, certification and supervision of imported products through law enforcement agencies to ensure that products that do not meet environmental standards cannot enter the market, thus maintaining the fairness of trade and the seriousness of environmental protection. With the

increasingly severe global environmental problems, international cooperation has become the key way to solve environmental problems. By participating in the formulation and implementation of international environmental protection conventions, treaties and agreements, environmental law promotes the cooperation and exchanges among countries in the field of environmental protection. On the issue of green trade barriers, environmental law promotes the coordination and unification of international environmental standards and regulations, laying a solid foundation for the sustainable development of international trade.

#### **3.2 The Role of International Commercial Law in Green Trade Barriers**

International commercial law, as an important legal system to adjust transnational commercial activities, also plays an important role in green trade barriers. International commercial law provides a code of conduct and a dispute resolution mechanism for international trade activities by formulating a series of international trade rules and practices. On the issue of green trade barriers, international commercial law regulates the behavior of trading parties by clarifying environmental protection requirements and responsibility sharing in trade, and ensures the smooth progress of trade activities. There will inevitably be various disputes and disputes in international trade, and green trade barriers are no exception. International commercial law provides fair and efficient means of dispute resolution for trading parties through the establishment of arbitration institutions, courts and other dispute resolution institutions. In the dispute of green trade barriers, international commercial law can be ruled in accordance with relevant rules and practices, safeguarding the trade order and interests of all parties. International commercial law also promotes the positive role of green trade barriers by promoting the improvement and optimization of market mechanisms. For example, through the introduction of green trade certification system, environmental labels and other market mechanisms and means to encourage enterprises to strengthen environmental protection investment and technological innovation, improve the environmental performance of products and market

competitiveness. At the same time, international commercial law also maintains the fairness and transparency of the market by regulating trade practices and combating unfair competition.

### **3.3 Environmental Law and International Commercial Law Face Challenges in Green Trade Barriers**

Although environmental law and international commercial law play an important role in green trade barriers, they also face many challenges. Because of the differences in legislative idea, goal pursuit and implementation means between environmental law and international commercial law, it is easy to lead to legal conflicts and contradictions. How to coordinate these differences and realize the seamless connection and mutual support between laws is an important challenge for environmental law and international commercial law in green trade barriers. Green trade barriers often involve complex technical standards and testing and certification procedures. However, due to the differences in technical level, development stage and resource endowment, it is difficult to achieve complete unification of technical standards. Such differences not only increase trade costs, but also may lead to trade disputes and frictions. Therefore, how to achieve reasonable differences and unification of technical standards under the premise of ensuring environmental protection requirements is a problem that environmental law and international commercial law need to solve together. The implementation effect of environmental law and international commercial law often depends on the enforcement intensity and the level of supervision. However, in practice, due to the influence of various factors (such as political factors, economic interests, etc.), the implementation may be greatly reduced, resulting in the effect of green trade barriers can not be fully played. In addition, how to scientifically evaluate the implementation effect of green trade barriers in order to timely adjust and improve relevant policies and measures is also one of the challenges that environmental law and international commercial law need to face. The implementation of green trade barriers cannot be separated from the extensive participation

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and support of the public. However, at present, the public's awareness and attention to green trade barriers are still relatively low, and they lack sufficient environmental awareness and responsibility. Therefore, how to strengthen environmental protection publicity and education, improve public awareness and participation in environmental protection, is one of the directions that environmental law and international commercial law need to work together in green trade barriers.

### **4. Construction of Coordination Mechanism Between Environmental Law and International Commercial Law Under Green Trade Barrier**

Under the background that green trade barriers are increasingly becoming an important factor affecting international trade, how to build a coordination mechanism between environmental law and international commercial law has become a key issue to promote the sustainable development of international trade and maintain the balance of global ecological environment.

To establish a coordination mechanism between environmental law and international commercial law, we should first clarify the coordination goal, and strengthen environmental protection while ensuring trade liberalization, so as to achieve a win-win situation between economic development and environmental protection. By coordinating the differences between environmental law and international commercial law, we can reduce legal conflicts and contradictions and provide a stable legal environment for international trade. Promote the coordination and unification of environmental protection standards among countries, improve the transparency and predictability of environmental protection standards, and reduce trade costs. Secondly, it is necessary to strengthen international cooperation and exchanges, actively participate in the formulation process of international environmental protection conventions and treaties, promote the incorporation of environmental protection requirements into international trade rules, and provide international legal support for green trade barriers. Through bilateral and multilateral cooperation mechanisms, China will strengthen exchanges and cooperation with



other countries in environmental protection legislation, law enforcement and justice, and jointly address the challenges posed by green trade barriers. Strengthen the research and development and promotion of environmental protection technology, promote the wide application of environmental protection technology in international trade, and improve the global environmental protection level. At the same time, promote the coordination and unification of technical standards and environmental protection requirements, strengthen the integration of technical standards with international standards, improve the domestic legal and regulatory system, establish and improve the dispute resolution mechanism, and strengthen public participation and awareness. Gradually establish a coordination mechanism conducive to both international trade liberalization and global ecological environmental protection to provide a strong guarantee for the sustainable development of international trade.

## **5. Conclusions**

This paper focuses on the interaction between environmental law and international commercial law and the construction of coordination mechanism under the green trade barrier. While promoting the greening of international trade and promoting environmental protection, green trade barrier may also become a tool of trade protectionism and hinder international trade to some extent. Therefore, it is necessary to dialectically look at the impact of green trade barriers, not only to make full use of its positive role, but also to be alert to its possible negative effects. Environmental law provides the legal basis and normative framework for green trade barriers, while international commercial law provides the code of conduct and dispute resolution mechanism for international trade activities. The two complement and promote each other in green trade barriers, and jointly maintain the fairness of international trade and the seriousness of environmental protection. Facing the challenges and opportunities brought by green trade barriers, it is particularly important to build a coordination mechanism between environmental law and international commercial law. By strengthening international cooperation and exchanges, improving domestic laws and

regulations, promoting the coordination and unification of technical standards and environmental protection requirements, establishing and improving dispute resolution mechanisms, and enhancing public participation and awareness, we can effectively reduce legal conflicts and contradictions, and promote the harmonious coexistence of international trade and environmental protection. The construction of the coordination mechanism between environmental law and international commercial law under the green trade barrier is a long and complicated process, which needs the joint efforts and continuous investment of governments, enterprises and all sectors of society. Only by continuously strengthening cooperation and exchanges and promoting institutional innovation and technological progress can we gradually establish a coordination mechanism conducive to both international trade liberalization and global ecological and environmental protection.

Looking forward to the future, with the increasingly severe global environmental problems and the continuous development of international trade, the common interests of countries in environmental protection and trade liberalization will become more and more prominent. Therefore, international cooperation will become an important driving force to promote the construction of coordination mechanism between environmental law and international commercial law under green trade barriers. In the future, countries will further strengthen cooperation and exchanges in environmental protection legislation, law enforcement, judicial and technical exchanges, and jointly cope with the challenges brought by green trade barriers. With the in-depth development of international trade and the continuous improvement of environmental protection awareness in various countries, the trend of unification of environmental protection standards and regulations will become more and more obvious. In the future, countries will actively promote the coordination and unification of environmental protection standards and regulations, and reduce trade barriers and disputes caused by legal differences. At the same time, international organizations and the multilateral trading

system will also play a more active role in promoting the harmonization of environmental standards and regulations.

Technological innovation is one of the key factors to promote the construction of the coordination mechanism between environmental law and international commercial law under the green trade barrier. In the future, with the continuous development and innovative application of environmental protection technology, it will effectively promote the green process of international trade and the in-depth development of environmental protection work. At the same time, technological innovation will also provide a more scientific, reasonable and feasible basis and support for the formulation and implementation of environmental protection standards and regulations. The public is one of the important forces in environmental protection. In the future, with the popularization and improvement of environmental protection awareness and the rapid development of information and communication technology, the degree of public participation in the construction of coordination mechanism between environmental law and international commercial law under green trade barriers will be more extensive and in-depth. The public will participate in environmental protection activities through various channels and means, express environmental protection demands, supervise environmental protection behaviors, etc., and contribute to promoting the construction of a coordination mechanism between environmental law and international commercial law under green trade barriers.

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