

EU ENVIRONMENTAL LAW

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Principles Of European Environmental Law

**Mariolina Eliantonio, Emma Lees, Tiina
Paloniitty**



Principles Of European Environmental Law:

EU Environmental Law Geert Van Calster, Leonie Reins, 2017-02-24 EU Environmental Law discusses the reality for legal practice throughout the EU as environmental law of the Member States is becoming ever less national. Consequentially, European environmental regulation is becoming more complex and interrelated, making it an emerging field of study for European law graduates and an area of increasing exposure to the legal profession. This book gives readers a thorough overview of core European environmental law with a section on the basic framework and principles as well as on substantive law issues giving insight into the legislation in the different sectors and the most topical developments.

Principles of European Environmental Law Richard Macrory, Ian Havercroft, Avosetta Group of European Environmental Lawyers, Ray Purdy, 2004 The precautionary principle, the polluters pay principle and similar principles have become embedded in the language of contemporary environment policy. In this important new study, leading European experts in environmental law consider the legal significance of such environmental principles both in jurisprudential theory and in practice before the courts. The development of the principles within the European Treaty is considered as well as the approach of the European Court of Justice to their interpretation. But it is the interpretation of environmental principles in front of national courts within Europe that forms the heart of the study, with chapters covering a number of the key European jurisdictions. The study, the first of its kind, presents a dynamic picture of environmental case law across Europe.

General Principles of European Environmental Law Eric Engle, 2012 This article outlines the general principles of European environmental law so that common law jurists can understand their potentials and limits as a means to protect the environment. Though general principles of law are important as a source or at least as a persuasive guide to law in civilian systems, these principles of law do not exist in the domestic law of common law states such as the U.S. except vestigially in the general principles used in equity proceedings (equitable maxims).

A Guide to EU Environmental Law Josephine van Zeben, Arden Rowell, 2020-10-27 Written by two internationally respected scholars, this unique primer distills European Union environmental law and policy into a practical guide for a nonlegal audience as well as for lawyers trained in other jurisdictions. The first part explains the basics of the European legal system, including key actors, types of laws, and regulatory instruments. The second part describes the EU's overarching legal strategies for environmental management and delves into how the EU addresses the specific environmental issues of pollution, ecosystem management, and climate change. Chapters include summaries of key concepts and discussion questions as well as informative spotlights offering brief overviews of topics. With a highly accessible structure and useful illustrative features, *A Guide to EU Environmental Law* provides a long overdue synthetic resource on EU environmental law for students and for anyone working in environmental policy or environmental science.

Regulation, Enforcement and Governance in Environmental Law Richard Macrory, Hon. KC, 2014-10-09 *Regulation, Enforcement and Governance in Environmental Law* is an updated edition of Richard Macrory's most influential writings. Spanning his entire

career these are all works which have helped shape contemporary environmental law and policy The book includes the full text of his 2006 Cabinet Office Review on Regulatory Sanctions new chapters on the Climate Change Act 2008 the Environment Tribunal and analysis of recent leading cases The book is divided into five thematic sections Regulatory reform Institutional Reform and Change the Dynamics of Environmental Law the Courts and the Environment and Europe and the Environment Reviews of the first edition This book is surely destined to become a must read for anyone academic practitioner or student interested in the development of regulation enforcement and environmental governance P Bishop IUCN Academy of Environmental Law Journal An excellent reference work on environmental law an extremely important and valuable edition to the environmental lawyer s bookshelf C Abbot Journal of Environmental Law It is a rare to find a volume which consumes one s attention for 765 pages and rarer still that such a blockbuster be a law book This book is not solely for environmental enthusiasts it should be essential reading for anyone concerned with the institutional reform transparency and accountability in the UK and EU C MacKenzie Cambridge Law Journal

European Environmental Law J. H. Jans, Hans Vedder, 2012 Taking into account new case law of the European courts recent environmental directives and regulations and the new provisions of the Lisbon Treaty this book provides an in depth analysis of important legal issues of European environmental law What are the legal grounds for EU environmental policy and on what principles are directives and regulations based upon To what extent are EU environmental regulations more stringent than national environmental standards What are the requirements the Court of Justice has imposed on the member states implementing environmental directives How and to what extent can European environmental law be relied upon and challenged before national courts and the European courts How do the Treaty rules on the internal market and undistorted competition interfere with national environmental policy Answers to these and other questions can be found in this book The book discusses all major environmental directives and regulations integrating important judgments of the Court of Justice on their interpretations Furthermore national case law on the application of European environmental law is also taken into account Provided by publisher

European Environmental Law Suzanne Kingston, Veerle Heyvaert, Aleksandra Čavoški, 2017-07-20 EU Environmental Law is a critical comprehensive and engaging account of the essential and emerging issues in European environmental law and regulation today Suitable for advanced undergraduate and postgraduate students the book delivers a thematic and contextual treatment of the subject for those taking courses in environmental law environmental studies regulation and public policy and government and international relations Placing the key issues in context EU Environmental Law takes an interdisciplinary and thematic approach to help students to better understand the implementation and enforcement of environmental law and policy across Europe It offers an accessible overview and links theory with practical applications that will allow students to contextualise the outcomes of legal rules and their impact on public and private behaviours It provides a definitive account of the subject examining traditional topics such as nature conservation law waste

law and water law alongside increasingly important fields such as the law of climate change environmental human rights law and regulation of GMOs and nanotechnology

Research Handbook on EU Environmental Law Marjan Peeters, Mariolina Eliantonio, 2020-06-26 This comprehensive Research Handbook discusses how the EU has used its regulatory power to steer towards environmentally friendly behaviour delving into the deep concerns related to the compliance with and enforcement of EU environmental law It also highlights the important role of civil society s use of environmental procedural rights and characterizes how the CJEU case law has contributed to the effective implementation of EU environmental legislation

Environmental Principles and the Evolution of Environmental Law Eloise Scotford, 2017-02-09 Environmental principles from the polluter pays and precautionary principles to the principles of integration and sustainability proliferate in domestic and international legal and policy discourse reflecting key goals of environmental protection and sustainable development on which there is apparent political consensus Environmental principles also have a high profile in environmental law beyond their popularity as policy and political concepts as ideas that might unify the subject and provide it with conceptual foundations or boost its delivery of environmental outcomes However environmental principles are elusive legal concepts This book deepens the legal understanding of environmental principles in light of recent legal developments It analyses the increasing legal effects of environmental principles in different jurisdictions and demonstrates how they are shaping and revealing innovative and evolving bodies of environmental law This analysis is a step forward in understanding a key feature of modern environmental law and presents a robust methodology for dealing with novel legal concepts in the subject It also makes a contribution to environmental policy debates and discussions internationally that rely heavily on environmental principles including their supposed legal effects

EU Environmental Law and the Internal Market Nicolas de Sadeleer, 2014 A robust exhaustive and systematic legal analysis of the conflicts opposing integration of internal market and free competition rules with the environmental protection rules including climate change rules taken at an EU and national level

EU Environmental Law and Policy David Langlet, Said Mahmoudi, 2016 An accessible and comprehensive resource this volume details the structure and logic of EU environmental law and enables readers to quickly gain a thorough understanding of the different areas of EU secondary law pertaining to the protection of the environment

Krämer's EU Environmental Law Ludwig Krämer, Christopher Badger, 2024-05-30 The new edition of this essential book details the present state of EU environmental law as it has developed over the last 50 years The author was personally involved in its making and enforcement having worked for more than 30 years in the environmental department of the European Commission The book therefore provides unique insights into this complex field The book discusses in detail governance and other horizontal issues such as competence questions the division of power between the EU and its Member States the individual right to a clean environment and the integration of environmental requirements into other EU policies such as energy transport agriculture fisheries trade and tourism New chapters elaborate on the

relationship between UK and EU law after Brexit written by Christopher Badger and on the global effect of EU environmental law and policy Other chapters deal with climate change biodiversity water protection air and noise pollution products and waste Implementation of EU law in the Member States and the prominent role of the EU Court of Justice with its more than 1 100 environmental judgments are discussed as well as an overall assessment of EU law and policy in environmental matters and its perspectives to 2030 under the 8th EU environmental action programme At a time of globalisation the book is indispensable reading for students researchers and practising lawyers alike European Union Environmental Law Peter G.G. Davies,2017-07-05 This comprehensive book provides analysis and discussion on the following key issues in EU environmental law environmental competence principles and objectives implementation and enforcement nature protection impact assessment trade and the environment waste management climate change and the EU An accessible work for all students of the subject both academic or professional EU Environmental Law and the Internal Market Nicolas de Sadeleer,2014-01-09 For some a protectionist policy underlies most environmental measures Lawyers working in the area of fundamental freedoms are very accustomed to discussing all issues within a free market framework and therefore often come to market friendly decisions Similarly while environmental law has taken on a renewed intensity at European level the tendency has been to analyse the subject rather narrowly and studies fail to address the impact of environmental law on market integration Written by one of the foremost experts in the area the book challenges current thought and re assesses the rules of economic integration within an environmental framework In so doing it bridges the gap between environmental and trade law and provides a systematic robust and practically workable analytical framework of the conflicts opposing rapidly evolving environmental and climate change measures and internal market as well as competition rules The book is divided into three parts beginning with a systematic and in depth analysis of the key Treaty provisions regarding environmental protection as well as an overview of secondary environmental law Part two addresses the compatibility of EU and national environmental protection measures with the provisions of the TFEU on the free movement of goods and services and the freedom of establishment Part three examines the compatibility of environmental protection measures with treaty provisions on the freedom of competition and State aids The book also includes discussion of all major cases handed down by the Court of Justice highlighting the real impact of the conflicts **The Role of International Environmental Law in Disaster Risk Reduction** Jacqueline Peel,David Fisher,2016-09-23 In The Role of International Environmental Law in Disaster Risk Reduction edited by Jacqueline Peel and David Fisher expert authors from four continents offer perspectives on the growing intersection between environmental law and disaster risk management Chapters discuss the potential for retasking environmental law tools and principles for purposes of mitigating the harms of potential disasters including those exacerbated by climate change and approaches for linking institutions and approaches across the environmental climate adaptation and disaster risk management fields internationally This book illustrates the blurring distinction between natural

and manmade disasters and the consequences for legal norms and practice in the formerly distinct areas of international environmental law and international disaster law

A Guide to EU Environmental Law Josephine van Zeben, Arden Rowell, 2020-10-27 Written by two internationally respected scholars this unique primer distills European Union environmental law and policy into a practical guide for a nonlegal audience as well as for lawyers trained in other jurisdictions The first part explains the basics of the European legal system including key actors types of laws and regulatory instruments The second part describes the EU's overarching legal strategies for environmental management and delves into how the EU addresses the specific environmental issues of pollution ecosystem management and climate change Chapters include summaries of key concepts and discussion questions as well as informative spotlights offering brief overviews of topics With a highly accessible structure and useful illustrative features **A Guide to EU Environmental Law** provides a long overdue synthetic resource on EU environmental law for students and for anyone working in environmental policy or environmental science This text can also be read with the authors **A Guide to US Environmental Law** for a comparative look at how two important jurisdictions in the world deal with key environmental problems

Distributional Choices in EU Climate Change Law and Policy Javier De Cendra de Larragán, 2011-01-01 Climate change policy inevitably has two core components the goals and the means chosen to pursue those goals Decisions on goals and means necessarily have distributional consequences Any policy choice generates winners and losers While this outcome cannot be avoided even doing nothing leads to distributional consequences policymakers can through the choice design and implementation of policies shape to some extent the distribution of the burdens of mitigation and adaptation to climate change In greater depth than any previous legal study in the field this book deals with the way in which the European Union EU has dealt with climate change and with the distribution of the benefits and costs of climate change mitigation policies among affected parties With extraordinary thoroughness the author assesses the legality of choices made particularly concerning mitigation targets and timelines and examines the role that legal principles can play in the adoption interpretation and judicial testing of distributional choices His analysis of the tension between such choices and EU law is bolstered by an exploration of emerging legal principles which could provide additional guidance in this challenging and controversial area Among the core issues dealt with are the following relationship among mitigation adaptation and sustainable development regulations as means to make distributional choices distributional choices between generations and the principle of intergenerational justice distributional choices concerning firms and individuals the participation of affected parties in distributional choices access to justice in EU courts to challenge violations of procedural environmental rights the role of legal principles in making evaluating and testing distributional choices the principle of proportionality with its tests of appropriateness and necessity the principle of equality the precautionary principle the principle of prevention the polluter pays principle A concluding chapter offers deeply informed recommendations regarding the design of EU climate change law including a preliminary

assessment of EU wide personal carbon trading In its insightful illumination of how the inevitable trade offs weaknesses inconsistencies and ambiguities in the way law deals with distributional choices renders them vulnerable to external pressures this book will be of enormous value to regulators and policymakers concerned with effective efficient and fair climate change measures As a critical assessment of existing EU climate change laws and policies and as a systematic analysis of the problem of burden sharing this book will also prove highly valuable to academics in environmental fields of study

EU Environmental Principles and Scientific Uncertainty before National Courts Mariolina Elia Antonio, Emma Lees, Tiina Paloniitty, 2023-04-20 This comparative book explores the dynamics driving how courts across Europe and beyond understand and analyse scientific information in nature conservation The Habitats and the Birds Directives the core of EU nature conservation law are usually seen as the most uniform parts of EU environmental law This book analyses the case law from 11 current and former EU Member States courts and explores the dynamics of how and crucially why their understandings of scientific uncertainty on the one hand and EU environmental principles on the other vary The courts scope and depth of review access to scientific knowledge and scientific literacy all influence such decisions as does their interpretation of norms and principles How have the courts evaluated scientific evidence encompassing its essential uncertainties This book answers this and many more questions pertinent to EU environmental law comparative environmental law administrative law and STS studies Co edited by experienced leaders in the field and with outstanding contributors this book is an essential guide to the dynamics of nature conservation law

Implementing the Precautionary Principle Nicolas de Sadeleer, 2007 From fisheries to persistent organic pollutants to climate change itself no other environmental principle in environmental law has produced as much controversy as the precautionary principle Unlike a preventive approach in which action is taken provided that the threats to the environment are tangible with a precautionary approach authorities are prepared to tackle risks for which there is no definitive proof that the damage will materialize The ramifications of this increasingly apparent approach are profound and cut across all areas of risk assessment and management environmental law policy and regulation in every major sector However to date little thought has been dedicated to the implementation of the precautionary principle in a wide array of environmental circumstances This authoritative handbook addresses the legal aspects of how the precautionary principle is implemented in different sectors and examines its successes failures strengths and weaknesses Sectors and subjects covered include chemicals GMOs marine pollution fisheries and nature conservation and the book draws on cases in the EU in the USA and Nordic countries where the use of precaution has been gathering momentum Ultimately the book provides an indispensable appraisal of the question increasingly important in the era of human induced climate change of whether the precautionary principle is relevant indeed essential to avert major environmental and health risks and how and when it can be used successfully Published with MARIE CURIE ACTIONS

European Environmental Law: The foundations of EU environmental law: history, aims and context; 2.

Actors and instruments; 3. Principles in EU environmental law; 4. Techniques of regulating the environment; 5. Environmental rights in Europe; 6. Public enforcement of EU environmental law; 7. Private enforcement of EU environmental law; 8. Climate change; 9. Air pollution and industrial emissions; 10. EU water law; 11. Impact assessment; 12. Nature and biodiversity protection; 13. Technological risk regulation: chemicals, genetically modified organisms and nanotechnology; 14. Waste

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