

MODERN STUDIES IN EUROPEAN LAW



EU ENVIRONMENTAL  
LAW, GOVERNANCE AND  
DECISION-MAKING

SECOND EDITION

MARIA LEE

# Eu Environmental Law Governance Decision Making

**Martin Hedemann-Robinson**



## **Eu Environmental Law Governance Decision Making:**

**EU Environmental Law, Governance and Decision-Making** Maria Lee, 2014-01-12 A vast and diverse body of EU law addresses an enormous range of environmental matters This book examines a number of areas of substantive EU environmental law focusing on the striking preoccupation of EU environmental law with the structure of decision making It highlights the observation that environmental protection and environmental decision making depend intimately on both detailed specialised information about the physical state of the world and on political judgments about values and priorities It also explores the elaborate mechanisms that attempt to bring these distinctive decision making resources into EU environmental law in areas including industrial pollution chemicals regulation environmental assessment and climate change

**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

**Research Handbook on EU Environmental Law** Marjan Peeters, Mariolina Elia Antonio, 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

**The Oxford Handbook of Comparative Environmental Law** Emma Lees, Jorge E. Viñuales, 2019-05-06 This Handbook is the first comprehensive account of comparative environmental law It examines in detail the methodological foundations of the discipline as well as the substance of environmental law across countries from four vantage points country studies from all continents responses to common problems including air pollution water management nature conservation genetically modified organisms climate change and energy chemicals waste foundational components of environmental law systems including principles property rights administrative and judicial organisation command and control regulation market mechanisms informational techniques and liability mechanisms and common interactions of environmental protection with the broader public private and criminal law contexts The volume brings together the foremost authorities in this field from around the world to provide a concise self contained and technically rigorous account of environmental law as a single overall system

**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 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 **Enforcement of European Union Environmental Law** Martin

Hedemann-Robinson, 2015-05-15 Offering a detailed account of the various legal arrangements at European Union level this book is an ideal reference tool for practitioners and legal scholars As well as examining the principal sources of EU environmental law enforcement it also contributes to the legal and political debates that surround the subject Spanning three parts the author examines the practical impact of the legal arrangements at Union level that are used to uphold EU environmental norms Offering a comprehensive account of the current state of EU environmental law enforcement and the developments affecting it Martin Hedemann Robinson explores the role of the European Commission the possibilities for private law enforcement and the responsibilities of member state national authorities Key legal developments that have occurred since the first edition have been incorporated including new statutory developments and case law Particular attention is paid to the impact of the 2007 Lisbon Treaty on foundational EU treaty provisions enabling the European Commission to take legal action against EU member states infringing Union environmental law the establishment of a new legal architecture at Union level on the topic of environmental criminal policy as well as increased EU legislative intervention in the area of environmental inspections The impact of the 1998 Aarhus Convention on EU environmental law enforcement is

also addressed in detail including the influence of recommendations of the rhus Convention s Compliance Committee      **The Evolution of EU Law** Paul Craig,Gráinne De Búrca,2021 This last decade has been particularly turbulent for the EU Beset by crises the financial crisis the rule of law crisis the migration crisis Brexit and the pandemic European Law has had to adapt and change in a way not previously seen First published in 1999 the goal then was to reflect on the important developments that had been made since the creation of the EEC That goal has not changed From EU Administrative Law through to the Regulation of Network Industries each chapter in this seminal work assess the legal and political forces that have shaped the evolution of EU law With new chapters covering the Rule of Law Judicial Reform Brexit Constitutional and Legal Theory Refugee and Asylum law and Data Governance this third edition of *The Evolution of EU Law* is a must read for any student or academic of EU law      *The Oxford Handbook of European Union Law* Anthony Arnall,Damian Chalmers,2015-07-23 Since its formation the European Union has expanded beyond all expectations and this expansion seems set to continue as more countries seek accession and the scope of EU law expands touching more and more aspects of its citizens lives The EU has never been stronger and yet it now appears to be reaching a crisis point beset on all sides by conflict and challenges to its legitimacy Nationalist sentiment is on the rise and the Eurozone crisis has had a deep and lasting impact EU law always controversial continues to perplex not least because it remains difficult to analyse What is the EU An international organization or a federation Should its legal concepts be measured against national standards or another norm The *Oxford Handbook of European Union Law* illuminates the richness and complexity of the debates surrounding the law and policies of the EU Comprising eight sections it examines how we are to conceptualize EU law the architecture of EU law making and administering EU law the economic constitution and the citizen regulation of the market place economic monetary and fiscal union the Area of Freedom Security and Justice and what lies beyond the regulatory state Each chapter summarizes analyses and reflects on the state of play in a given area and suggests how it is likely to develop in the foreseeable future Written by an international team of leading commentators this *Oxford Handbook* creates a vivid and provocative tapestry of the key issues shaping the laws of the European Union      [International Environmental Law Compliance in Context](#) Belen Olmos Giupponi,2021-04-22 This book explores how compliance with international environmental law has changed over time offering a critical analysis of its current shifting patterns Beginning with an overview of compliance with international environmental law the book goes on to explore in detail compliance in the different legal regimes instituted by Multilateral Environmental Agreements MEAs the addition of new subjects of international law the legal relations between developed and developing countries and the emergence of new compliance mechanisms in global environmental law The analysis takes two key developments into consideration the evolution in forms of compliance and non state involvement in compliance with international environmental law In the final section three case studies are provided to demonstrate how these changes have occurred in selected areas climate change biodiversity and water resources

Throughout the book topics are illustrated with extracts from specific international environmental law jurisprudence and relevant international environmental law instruments In doing so the book offers a comprehensive analysis of compliance with international environmental law providing original insights and following a clear and systematic structure supported by reference to the sources This book will be of interest to professionals academics and students working in the field of compliance with international environmental law

**The EU Treaties and the Charter of Fundamental Rights** Manuel Kellerbauer, Marcus Klamert, Jonathan Tomkin, 2019 This Commentary provides an article by article summary of the TEU the TFEU and the Charter of Fundamental Rights offering a quick reference to the provisions of the Treaties and how they are interpreted and applied in practice Written by a team of contributors drawn from the Legal Service of the European Commission and academia the Commentary offers expert guidance to practitioners and academics seeking fast access to the Treaties and current practice The Commentary follows a set structure offering a short overview of the Article the Article text itself a key references list including essential case law and legislation and a structured commentary on the Article itself The editors and contributors combine experience in practice with a strong academic background and have published widely on a variety of EU law subjects

**A Guide to EU Environmental Law** Josephine van Zeven, 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

**Environmental Courts and Tribunals** Ceri Warnock, 2021-01-07 The global phenomenon of the establishment of specialist courts is one of the most important recent developments in environmental law Although they are generally seen as a much needed innovation they do pose challenges particularly around questions of legitimacy This important book tackles these questions directly looking specifically at the courts in the common law world It argues that to fully understand the nature of the adjudication of these courts a bottom up approach must be taken ie the question before the court is determinative Despite its theoretical focus the book will also provide invaluable insights to practitioners engaging with these new courts for the first time An innovative study on a seismic change in how environmental law is adjudicated

**The EU as a Global Regulator for Environmental Protection** Ioanna Hadjiyianni, 2019-08-08 This book critically examines the extension of EU environmental legislation beyond EU borders through measures that determine access to the single market

on the basis of processes that take place in third countries It makes a timely contribution to political debates about the relations between EU and non EU countries and the Union's role in the global governance of environmental policy where it has been considered a global leader The book aims to identify and explain the emerging legal phenomenon of internal environmental measures with extraterritorial implications as an important manifestation of EU global regulatory power and assesses the extraterritorial reach of EU environmental law from a legitimacy perspective It examines mechanisms that can bolster its legitimacy focusing on the legal orders of the EU and the World Trade Organization which are key legal fora for controlling the EU's global regulatory power

**The Oxford Handbook of Law, Regulation and Technology** Roger Brownsword, Eloise Scotford, Karen Yeung, 2017 The variety pace and power of technological innovations that have emerged in the 21st Century have been breathtaking These technological developments which include advances in networked information and communications biotechnology neurotechnology nanotechnology robotics and environmental engineering technology have raised a number of vital and complex questions Although these technologies have the potential to generate positive transformation and help address grand societal challenges the novelty associated with technological innovation has also been accompanied by anxieties about their risks and destabilizing effects Is there a potential harm to human health or the environment What are the ethical implications Do these innovations erode or antagonize values such as human dignity privacy democracy or other norms underpinning existing bodies of law and regulation These technological developments have therefore spawned a nascent but growing body of law and technology scholarship broadly concerned with exploring the legal social and ethical dimensions of technological innovation This handbook collates the many and varied strands of this scholarship focusing broadly across a range of new and emerging technology and a vast array of social and policy sectors through which leading scholars in the field interrogate the interfaces between law emerging technology and regulation Structured in five parts the handbook I establishes the collection of essays within existing scholarship concerned with law and technology as well as regulatory governance II explores the relationship between technology development by focusing on core concepts and values which technological developments implicate III studies the challenges for law in responding to the emergence of new technologies examining how legal norms doctrine and institutions have been shaped challenged and destabilized by technology and even how technologies have been shaped by legal regimes IV provides a critical exploration of the implications of technological innovation examining the ways in which technological innovation has generated challenges for regulators in the governance of technological development and the implications of employing new technologies as an instrument of regulatory governance V explores various interfaces between law regulatory governance and new technologies across a range of key social domains

*Biotechnology Regulation and GMOs* Naveen Thayyil, 2014-03-28 This thoughtful book explores how EU law treats serious disagreements about the development and use of a radically new technology like genetic modification Relevant EU laws are examined to analyse the room available or possible for public participat

*Environmental Groups and Legal Expertise* Carolyn Abbot ,Maria Lee ,2021-03-04 Environmental Groups and Legal Expertise explores the use and understanding of law and legal expertise by environmental groups Rather than the usual focus on the court room it scrutinises environmental NGO advocacy during the extraordinarily dramatic Brexit process from the referendum on leaving the EU in June 2016 to the debate around the new Environment Bill in the first half of 2020 There is generally a weak understanding of both the complexity and the potential of legal expertise in the environmental NGO community Legal expertise can be more than a tool for campaigners and more than litigation it provides distinctive ways of both seeing the world and changing the world The available legal resource in the sector is not just a practical limit on what can be done but spills into the very understanding of what should be done and what resource is needed Mutually reinforcing links between capacity understanding culture and investment affect legal expertise across the board There are however pockets of sophisticated legal expertise in the community and legal expertise was heavily and often effectively used in the anomalously law heavy Brexit environment debate The ability to call on thinly spread legal expertise in a crisis was in part due to effective NGO collaboration around Brexit environment

*Effective Environmental Regulation in China* Federico Pasini,2021-06-16 Though recently improved Chinese legislation on environmental permits is still weak and urgent measures are needed to help the country in moving towards an effective permitting system This book examines this legislation gap and presents a contribution to solving China s pollution problems By analysing the deficiencies of current Chinese provisions on permitting in light of EU legislation and its Italian application the book determines which permitting legislative structure and approach China should embrace in practice in order to build more comprehensive legislation on emission permitting It is argued that a set of ad hoc legislative measures should be implemented so as to strengthen China s environmental protection and efficiently tackle pollution The book will be a valuable resource for researchers academics and policy makers working in the areas of international environmental law and comparative law

*Regulating Risks in the European Union* Maria Weimer,Anniek de Ruijter,2017-10-05 A growing body of EU law and regulation is preoccupied with the protection of EU citizens from health and environmental risks Which chemicals are safe and should be allowed on the market How should the EU respond to public health emergencies such as Ebola and other infectious diseases Regulatory responses to these questions confront deep uncertainty limited knowledge and societal contestation In a time where the use of scientific expertise in EU policy making is particularly contested this book offers a timely contribution to both the academic and policy debate on the role of specialised expertise in EU public decision making on risk and technology as well as on its intertwinement with executive power It draws on insights from law governance political sciences and science and technology studies bringing together leading scholars in this field Contributions are drawn together by a shared theoretical perspective namely by their use of co production as an analytical lens to study the intricate interplay between techno scientific expertise and EU executive power By so doing this collection produces highly original insights into the development of the EU



administrative state as well as into the role of regulatory science in its construction This book will be useful to scholars practitioners and policy makers working on risk regulation and the role of expertise in public decision making

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