



The European Convention and the Future of European Environmental Law

Proceedings of the Avosetta Group of European Environmental Lawyers

Edited by Prof. Jan H. Jans



The European Convention And The Future Of European Environmental Law The Avosetta Series

Yi-Tong Ma



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The European Convention and the Future of European Environmental Law Avosetta Group of European Environmental Lawyers, 2003 The Avosetta Series published by Europa Law Publishing publishes texts that present innovative discourse on European Environmental Law This book first in the series contains the papers submitted at the Avosetta meeting on October 11 and 12 2002 held in Amsterdam called The European Convention and the Future of European Environmental Law Furthermore the book contains the resolution adopted at the Amsterdam meeting Papers have been submitted by prof Astrid Epiney University of Fribourg dr Florian Ermacora Sch nherr Rechtsanw lte OEG dr Massimiliano Montini University of Siena prof Gerd Winter University of Bremen dr Ludwig Kr mer European Commission prof Jan H Jans University of Amsterdam and prof dr Gyula B ndi P zm ny P ter Catholic University

Environmental Law Before the Courts Giovanni Antonelli, Michael Gerrard, Sara Colangelo, Giancarlo Montedoro, Maurizio Santise, Luc Lavrysen, Maria Vittoria Ferroni, 2023-10-30 This book sheds light on the latest trends in environmental law by analyzing some of the main sectors of law including administrative law constitutional law EU law US Law and human rights law It explores the evolution of these sectors before courts and tribunals from a US EU perspective and from the perspectives of some of the foremost academics and justices from the major jurisdictions Supranational and national courts both in Europe and in the US have delivered significant environmental judgements in recent years The corresponding case law reflects how in many jurisdictions environmental and climate litigation continues to expand exponentially as a tool to strengthen environmental protection whether by pushing national governments to be more ambitious or by enforcing existing statutes and regulations Courts particularly after the Paris Agreement are increasingly seeking their own role as an important player in multilevel environmental governance Courts in both the US and EU are at the forefront of this process and their role in shaping environmental rule of law will be fundamental in the near future

Competition Law and Environmental Protection in Europe Hans Vedder, 2003 Article 6 of the EC Treaty requires an integration of environmental protection requirements into the European Community s policies As a result environmental concerns must also be integrated into Community competition law and policy Taking Article 6 EC as a starting point this book begins with the construction of a model of integration This model requires that environmental concerns are awarded a role that will ultimately result in the internalisation of environmental concerns and therefore lead to a mutually reinforcing relation between competition and environmental protection After an examination of Articles 81 82 86 and 87 of the EC Treaty the useful effect doctrine Article 10 in connection with 81 EC and the Merger Regulation as well as the application of these competition rules in cases that involve environmental protection concerns some conclusions are drawn with regard to the integration of environmental protection requirements and EC competition law These conclusions are followed by a comparative legal research in which their validity is tested On the basis of these findings it is concluded that the model of integration is being applied in parts of EC

competition law In those areas competition policy towards environmental restrictions of competition actually increases the chances of a competition for the environment coming about This it is submitted is an important step in the direction of achieving sustainable development About the author Hans Vedder 1974 graduated from the University of Groningen in 1997 From 1998 to 2001 he worked as a researcher at the Centre for Environmental Law of the University of Amsterdam Since 2001 he is lecturer in European law at the University of Groningen He has published several articles and chapters in books on various aspects of competition and environmental law

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 Europe jurisdictions The study the first of its kind presents a dynamic picture of environmental case law across Europe

Managing Environmental Justice Dennis Pavlich, 2010 Environmental justice is the subtext of this collection of anxieties around the need for a sustainable future on Planet Earth Thinkers and scholars from a diversity of backgrounds reflect on what it means and how cultures must change to greet this future From Romania to Mexico Bosnia to Canada Sweden to California authors analyze and recount community experiences and expectations leading to justice for land sea air and wildlife The kind of ethical weltanschauung for a society in which this kind of justice is achievable is suggested The collection points to the myriad of single instance decisions that we must all make in living our daily lives whether in our homes workplaces or leisure time From good policies to sound management governments corporations and community based organizations will find prudent praxis from cover to cover

Good Governance and the European Union Deirdre Curtin, Ramses A. Wessel, 2005 This book approaches the notion of good governance from three different angles First it establishes whether it is a meaningful notion at all by taking a closer look at the parameters of good governance Secondly the authors look at the institutional translation of the criteria of good governance In a third dimension the concept may be analysed in relation to a number of substantive issues

Yearbook of European Environmental Law, 2005

The Environmental Rights Revolution David R. Boyd, 2011-11-29 The right to a healthy environment is the subject of extensive philosophical debates that revolve around a key question Should rights to clean air water and soil be entrenched in law This pioneering book answers this by moving beyond theoretical debate to measure the practical effects of enshrining the right in constitutions David Boyd analyzes 193 constitutions and the laws and court decisions of more than 100 nations in Europe Latin America Asia and Africa He reveals that nations with constitutional

protections have stronger environmental laws enhanced enforcement greater government accountability and better access to justice information and public participation in decision making than nations without such provisions As a result they demonstrate superior environmental performance and have smaller ecological footprints Boyd not only demonstrates that constitutionalizing environmental protection has the power to make sustainability a priority he tells inspiring stories about the difference the right to a healthy environment is making in people s lives *Current Publications in Legal and Related Fields*, 2003 **Evolving Practice In EU Enlargement With Case Studies In Agri-Food And Environment Law** Kirstyn Inglis, 2010-04-16

Following some ten years as a practicing lawyer and consultant Kirstyn Inglis has been researching the evolving legal practice of EU enlargement for over ten years This book succinctly introduces this evolving practice covering transitional arrangements in accession treaties the Treaty of Lisbon recent European Court case law the specific governance challenge of incorporating Bulgaria and Romania and the strategy for future enlargements to bring in the Western Balkans and Turkey In part two the examples of the environment and the agri food acquis are explored including the analysis of the transitional arrangements in practice Overall the diversity and complexity of the pre accession and post accession challenge of enlargement becomes apparent as do key challenges for the evolution of the acquis communautaire in an enlarging Union at a time when Croatia is waiting to sign its own accession treaty *An Inconvenient Deliberation* Miriam Haritz, 2011-01-01 This vitally important book asks Can the precautionary principle make uncertainty judiciable in the context of liability for the consequences of climate change and if so to what extent Drawing on the full range of pertinent existing literature and case law the author examines the precautionary principle both in terms of its content and application and in the context of liability law She analyses the indirect means offered by existing legislation being used by environmental groups and affected individuals before the courts to challenge both companies and regulators as responsible agents of climate change damage Page 4 of cover **The British National Bibliography** Arthur James Wells, 2004 **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 Nordic Journal of International Law ,2003 *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 Bibliografía jurídica de la integración europea ,2003 A Sustentabilidade e o Direito André Alfar Rodrigues,Eduardo Castro Marques,2025-01-23 Neste livro O Direito e a Sustentabilidade advogados e advogados estagiários da Dower Law Firm unem-se para explorar o papel crucial do direito na promoção de práticas sustentáveis Com uma abordagem abrangente e multidisciplinar o livro oferece uma visão aprofundada sobre como o direito pode ser uma ferramenta poderosa na construção de um futuro mais justo e equilibrado abordando os desafios e as oportunidades que se apresentam às sociedades contemporâneas A contribuição especial dos advogados estagiários destaca-se revelando a energia e a inovação das novas gerações na defesa de uma causa que cada vez mais urgente Trata-se de uma leitura essencial para todos os profissionais do direito acadêmicos estudantes e cidadãos interessados em compreender como a sustentabilidade se entrelaça com o mundo jurídico e como podemos juntos trabalhar para um futuro melhor **Bibliografía jurídica de la integración europea** Court of Justice of the European Communities. Library Division,2003 **Current Law Index** ,2007

Environmental Integration in Competition and Free-Movement Laws Julian Nowag,2016-11-10 Environmental Integration in Competition and Free Movement Laws engages in a comprehensive analysis of the obligation of Article 11 TFEU integration of environmental protection requirements in the three core areas of EU internal market law competition state aid and free movement It develops a theoretical framework for integrating environmental and other policies and compares how environmental integration takes place within competition state aid and free movement law In turn it paves a

way for a more transparent and consistent integration of environment protection in these three core areas of law Structured in three parts this volume I offers a detailed analysis of the historical development of environmental integration including discussions of the various intergovernmental conferences which led to a number of Treaty changes shaping the obligation itself II It investigates which provisions and concepts within competition law state aid law and the market freedoms can be interpreted in order to provide a clear demarcation of environmental protection and these areas of law III It analyses how competition state aid and free movement law allow for a balancing of the environment against restrictions in cases of conflict

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