



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



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Terry C. Jones



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

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 Rechtsanwalt 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 *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 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

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 **The British National Bibliography** Arthur James Wells,2004

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