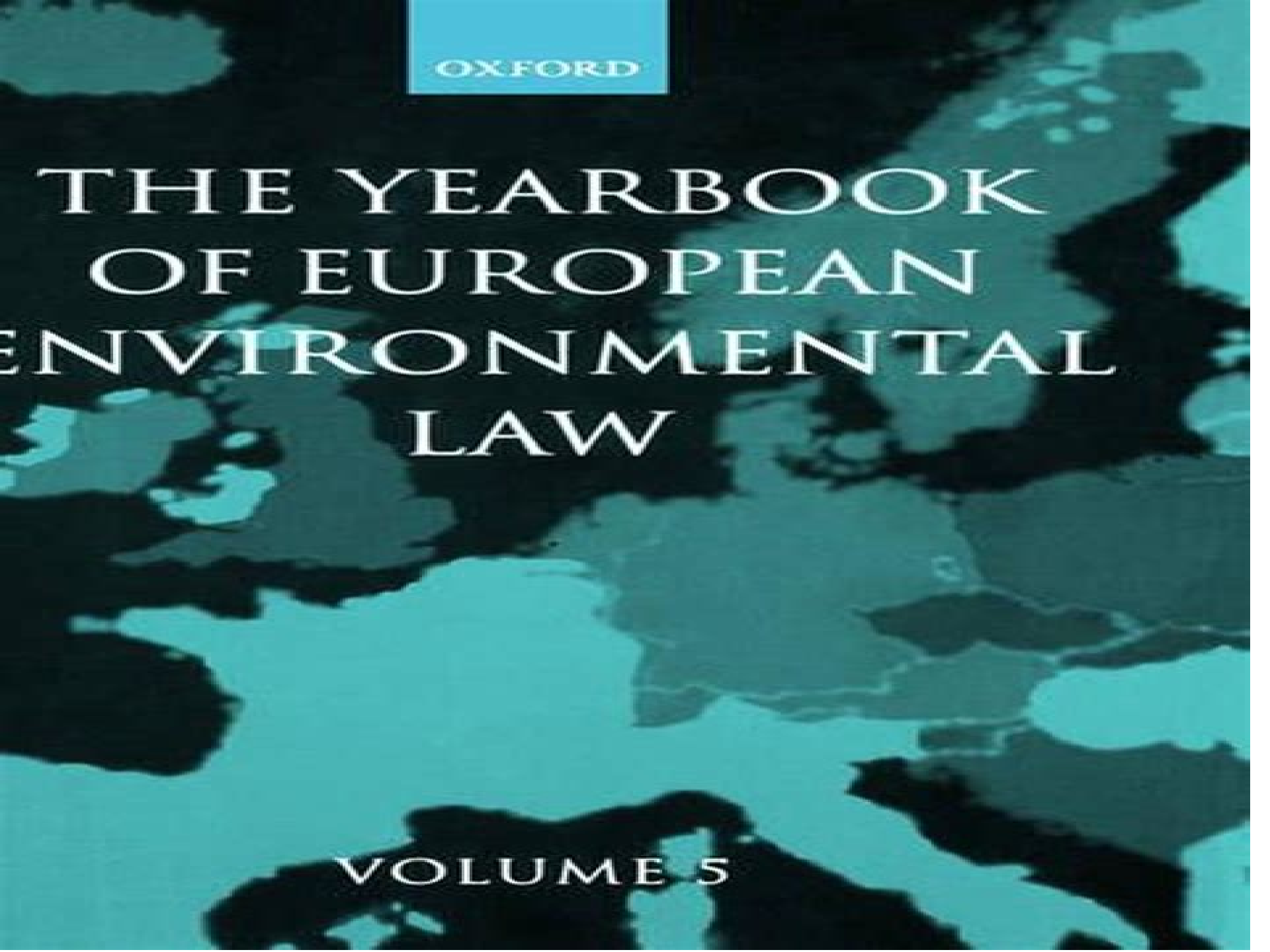




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VOLUME 5

Yearbook Of European Environmental Law Volume 5

Sandra Eckert



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Implementing the Precautionary Principle Nicolas de Sadeleer, 2012-05-04 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 The Habitats Directive in its EU Environmental Law Context Charles-Hubert Born, An Cliquet, Hendrik

Schoukens, Delphine Misonne, Geert Van Hoorick, 2014-11-27 This book analyses the Habitats Directive one of the most prominent piece of EU environmental legislation of the past decades Seen by some as the cornerstone of Europe's nature conservation policy among other measures the Directive established the so called Natura 2000 ecological network which covers more than 18% of the surface of the EU However despite the fact the Directive was adopted over twenty years ago only 17% of the protected habitats and species in Europe are being adequately protected while 10 60 % of animal species remain under threat In light of the limited success and the contested nature of the Habitats Directive so far this book examines the successes and failures of the Habitats Directive from a legal and political angle The book brings together international experts to consider the application implementation and future of the Habitats Directive in order to assess whether the Habitats Directive is resilient enough to tackle biodiversity loss in the twenty first century Particular emphasis is put on the legal regime attached to the Natura 2000 network and its possible impact on land development and the relationship between the Habitats Directive and other topics including liability for ecological damage and transboundary nature conservation *Strategic Environmental Assessment in International and European Law* Simon Marsden, 2012-05-16 Strategic environmental assessment SEA is a regulatory requirement for development across Europe North America Australasia and elsewhere yet understanding the legal aspects is challenging This comprehensive guide provides that understanding in a clear and straightforward way The introduction considers SEA and the law explaining what SEA is why it is needed how it works and why it is required as well as examining the role of the law Part One provides an overview of international law environmental impact assessment EIA and international law including treaties customary international law and soft law relevant to SEA It analyses the Kiev SEA Protocol and related UNECE conventions the Espoo Convention on EIA in a Transboundary Context and the Aarhus Convention on Access to Information Public Participation and Access to Justice in Environmental Matters It also analyses the role of SEA in conservation conventions Part Two considers how the European legal system works including an overview of the current status of European law It examines the EIA Directive and SEA Directive together with other relevant directives and regulations such as the Habitats and Wild Birds Directives the Water Framework Directive the Public Participation for Plans and Programmes Directive and the Structural Funds Regulations Finally the volume draws conclusions about the relationship and comparisons between international and European law generally and in regulating SEA E-Cycling: Linking Trade and Environmental Law in the EC and the U.S. Harri Kalimo, 2006-06-20 Provides insight into recycling legislation and its relationship with trade law explaining numerous environmental policy tools such as producer responsibility Examines the relationship between international trade and environmental protection Uses a case study of electronic recycling and a comparative law approach to clarify the evolving law of the European Community and the United States **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

Transparency in Global Environmental Governance Aarti Gupta,2014-07-11 Transparency is increasingly seen as part of the solution to a complex array of economic political and ethical problems in an interconnected world It is often assumed to result in more accountable and effective governance The transparency turn in global environmental governance in particular is evident in a wide range of international agreements voluntary disclosure initiatives and public private partnerships This is the first book to scrutinise this transparency turn critically and to investigate whether it is a broadly transformative force or plays a more limited instrumental role

The Transition to Sustainability Timothy O'Riordan,2013-11-05 The Transition to Sustainability details how all nations are repositioning their economies their societies and their collective purpose to maintain all life on Earth peacefully healthily equitably and with sufficient wealth to ensure that all are content in their survival From the Preface The governments of Europe are committed in principle to the implementation of sustainable development policies What will this mean in practice Most importantly how compatible is such implementation with other commitments to economic growth and competitive markets Can it be achieved and what are the implications for all other policy areas This book looks at the implications for government business taxation planning measures of change and local communities within the European Union Country case studies include Germany Norway Greece Portugal and the UK The Editors conclude by giving an overview of progress so far and offer pointers for the future Policy makers researchers and students across the range of social sciences will find this a valuable and groundbreaking book

Environmental Policy in the EU Camilla Adelle,2013 This text brings together work on EU environmental policy Incorporating a range of case studies it explores the links between levels of governance and the environment in a number of policy areas

Environmental Law in Development N. Niessen,2006-01-01 an important addition to the small but growing published literature on the development of environmental law in developing countries It will be of interest to academics and those involved in law development in Indonesia and the other developing countries Jennifer Mohamed Katerere Journal of Environmental Law This book asks whether environmental law and policy in developed countries can be successfully transferred to developing countries It questions whether developing countries are indeed ready and able to implement new ideas from the developed

world such as the integration of environmental law and use of market oriented instruments The authors draw insights from the case of Indonesia where they have experience of drafting environmental legislation and which is itself in the early stages of development Through these insights they seek to understand why environmental law that has been well developed in theory can in practice be difficult to monitor and adequately enforce Indeed a further question central to the book is why developing environmental law does not necessarily result in an efficient environmental policy Taking a comparative perspective and using a multi faceted methodology that draws on constitutional and administrative law human rights law criminal and liability law and international law as well as law and economics the authors conclude with an outline of some of the lessons that can be learnt by other jurisdictions seeking to develop environmental law Lawyers environmental engineers and social scientists involved in environmental law and policy in developing countries will find much to interest them in this book as will those concerned with development studies or with a particular interest in the case of Indonesia

Cultural Landscapes and Land Use Martin Dieterich, Jan van der Straaten, 2006-07-06 Cultural landscapes are created by people and used by people but still decidedly rich in biodiversity and in harmony with nature The landscapes of fairy tales without dragons Socio economic complexity on top of biological diversity is the challenge nature conservation faces in the context of cultural landscape This book is an attempt to approach this complexity and provide a theoretical background as well as guidelines and examples for hands on solutions It draws on inputs from scientists administrators independent consultants and politicians from Europe and the United States With a particular emphasis on agriculture it attempts to merge disciplines such as philosophy law planning economics and conservation biology toward a common goal nature conservation and the preservation of biological diversity in landscapes under the pressure of human usage

The Great Disruption Zaki Ladi, 2007-09-04 The dynamic that currently underlies global social change is the product of forces that are not of a single type or origin As a consequence that change is experienced as a process that uproots individuals but gives no guidance for the future that destroys but does not reconstruct that prescribes action but provides no reassurance The radical uncertainty it engenders is an understandable source of anxiety the rich countries are increasingly worried about competition from low wage economies while the wretched of the earth suspect their precarious existences will come under even greater pressure Within each nation the constantly growing gap between winners and losers exacerbates these fears The Great Disruption is at its height This book is an examination and interpretation of the enormous complex of social changes which for want of a better word we term globalization

Acceso a la Informacion, Participacion Publica Y Acceso a la Justicia en Materia de Medio Ambiente: Diez Años Del Convenio de Aarhus. Antoni Pigrau Solé, 2009-01-20

The Oxford Handbook of International Environmental Law Lavanya Rajamani, Jacqueline Peel, 2021-08-06 The second edition of this leading reference work provides a comprehensive discussion of the dynamic and important field of international law concerned with environmental protection It is edited by globally recognised international environmental law scholars Professor Lavanya

Rajamani and Professor Jacqueline Peel and features 67 chapters authored by 76 renowned experts in their fields The Handbook discusses the key principles underpinning international environmental law its relevant actors and tools and rules applying in its substantive sub fields such as climate law oceans law wildlife and biodiversity law and hazardous substances regulation It also explores the intersection of international environmental law with other areas of international law such as those concerned with trade investment disaster migration armed conflict intellectual property energy and human rights The Handbook sets its discussion of international environmental law in the broader interdisciplinary context of developments in science ethics politics and economics which inform the way in which environmental rules are made implemented and enforced It provides an introduction to the foundations of international environmental law while also engaging with questions at the frontiers of research teaching and practice in the field including the role of Global South perspectives the contribution made by Earth jurisprudence and the growing role of a diverse range of actors from indigenous peoples to business and industry Like the first edition this second edition of the Handbook is an essential reference text for all engaged with environmental issues at the international level and the applicable governance and regulatory structures Corporate Power and Regulation Sandra Eckert, 2019-05-24 A novel insightful and provocative foray into the abilities capacities and limits of corporate power on the one hand and public power and capacities on the other hand Eckert offers new and refine insights on core issues in the theories of public and private interest regulation David Levi Faur Hebrew University of Jerusalem Israel This impressive book breaks important ground in the regulatory governance literature by bringing in a fresh corporate perspective Based on a set of fascinating case studies of European regulation Eckert compellingly unpacks key facets of corporate power A must read for regulation scholars who often neglect the targets of regulation Burkard Eberlein York University Canada This book offers systematic and empirically fascinating insights into the regulatory power of corporations which unfolds outside the traditional political arenas Its policy effects have important implications for the target groups of regulation the general public and the democratic political process as such The conceptualization and use of rich empirical sources make for a compelling read Adrienne H ritier European University Institute Italy This book takes a fresh look at corporate power in the regulatory process It examines how corporations seek to prevent shape make or revoke regulation The central argument is that in doing so corporations utilise distinct power resources as experts innovators and operators By re emphasising the proactive role of business the book complements our acquired knowledge of policymakers capacity to put pressure on or delegate power to private actors Empirically the book covers European consumer and environmental policies and conducts case studies on the chemical paper home appliance ICT and electricity industries A separate chapter is dedicated to the assumption that Brexit will lead to an unprecedented result of EU regulation being lifted and how this could put corporate power in regulation at risk This book provides a new perspective on the policy implications of corporate power to scholars students and practitioners alike **The Politics of Nuclear Energy in the European Union** Pamela Mary

Barnes, Ian Barnes, 2018-04-23 For the foreseeable future the overall use of nuclear electricity in the European Union is unlikely to change significantly despite the controversies surrounding its use amongst the EU's nation states The author questions the role that nuclear electricity plays in meeting the challenges of providing secure competitive and sustainable energy to support the development of the low carbon economy in the EU Analysis presented focuses on the evolution of the discourse on nuclear energy amongst policy makers at European and national levels as well as amongst the public *The Tolerability of Risk* Frederic Boudier, David Slavin, 2013-09-05 There is an increasing dissatisfaction about how risk is regulated leading to vivid debates about the use of risk assessment and precaution As a result academics government officials and industry leaders are calling for new approaches and fresh ideas This book provides a historical and topical perspective on the alternative concept of Tolerability of Risk and its concrete regulatory applications In the UK Tolerability of Risk has been developed into a sophisticated framework particularly within the health and safety sectors It is expected to guide decision makers when applying their legal obligation of keeping risks as low as practically reasonable Could Tolerability of Risk become a wider source of inspiration across the full scope of risk analysis and management Written by leading academics and risk practitioners from industry and government The Tolerability of Risk presents a summary of theoretical perspectives on risk approaches providing a detailed elicitation of the methods and approaches used to build the Tolerability of Risk framework and examining the prospect of universal application of that framework From nuclear power to environmental pollution climate change and drug testing the Tolerability of Risk framework may offer a workable pragmatic solution for balancing risks against the costs involved in controlling them as well as developing the institutional capacity to make effective decisions in all jurisdictions worldwide **Law and Practice on Public Participation in Environmental Matters** Uzuazo Etemire, 2015-07-20 Public participation has become a recurring theme and a topical issue in the field of international environmental law with many multilateral environmental instruments calling on states to guarantee effectively the concept in their laws and practices This book focuses on public participation in environmental governance in terms of public access to environmental information and public participation in environmental decision making processes Drawing on the body of international best practice principles in environmental law and taking a comparative stance Uzuazo Etemire takes Nigeria as a key case evaluating its procedural laws and practices in relation to public access to information and participation in decision making in environmental matters In working to clarify and deepen understanding of the current status of environmental public participation rights in Nigeria the book addresses key issues in environmental governance for developing and transitional countries and the potential for public participation to improve the state of the environment and public wellbeing This book will be of great interest to undergraduate students as further reading and post graduate students academics researchers relevant government agencies and departments policy makers and NGOs in the fields of international environmental law environmental justice environmental natural resource management development studies and international

finance **Research Handbook on EU Energy Law and Policy** Rafael Leal-Arcas, 2024-09-06 This thoroughly revised second edition presents a comprehensive overview of the most important contemporary research in EU energy law and policy. The Research Handbook brings together a diverse array of experts highlighting the multifaceted nature of this continually developing field.

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