



Essential Readings in Environmental Law
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ENVIRONMENTAL LAW IN THE EUROPEAN UNION

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Overview of key scholarships

1. Jans, J. and H. Vedder (4ed.), *European Environmental Law* (Groningen: 2012)
2. Krämer, L., (7ed.), *EU Environmental Law* (London: 2011)
3. Lee, M., *EU Environmental Law*, (Oxford and Portland: 2005)
4. Davies, P. G.G., *EU Environmental Law* (Aldershot: 2004)
5. Macrory, R. (ed.), *Reflections on 30 years of EU Environmental law* (Groningen 2005)
6. Vig, N. J., and M. G. Faure, (eds.), *Green Giants?* (London and Cambridge (Ms.), 2004)
7. Krämer, L., (ed.), *European Environmental Law* (Aldershot: 2003)
8. Onida, M., (ed.), *Europe and the Environment* (Groningen: 2004)
9. Scott, J., (ed.), *Environmental Protection: European Law and Governance* (Oxford: Oxford University Press, 2009)
10. Hedemann-Robinson, M., *Enforcement of European Union Environmental Law* (London and New York: 2007)
11. Jans, J., R. Macrory, and A-M. M. Molina (eds), *National Courts and EU Environmental Law* (Groningen: 2013)
12. Jans, J., (ed.), *The European Convention and the Future of European Environmental Law* (Groningen: 2003)

Background

The European Union (EU) is not a State, but composed of 28 Member States which transferred part of their sovereignty to the EU. The responsibility to protect the environment is shared between the EU and the Member States. EU legislation and policy on the environment developed in an ad hoc, non-systematic way. The same is true for EU environmental law. For this reason, there are few systematic and comprehensive books on EU environmental law. Rather, often specific features of this law are assembled in a publication, stemming from one or - more frequently - several authors, and often a bit tainted by the national legal background of the writer. The following list only enumerates publications in English.

1. The book by **J. Jans** and **H. Vedder**, titled *European Environmental Law*, is a systematic presentation of EU environmental law. It deals in eight chapters (550 pages) with all aspects of this law. The different chapters address Development and principles, Legal basis, Harmonisation, Implementation, Legal protection, Free movements of goods, Environment and competition, and Substantive EU environmental law. The book is particularly well adapted for students.
2. **L. Krämer**, in his book titled *EU Environmental Law* provides, in 13 chapters, (450 pages), a systematic overview of the subject, based on his practical experience, as he worked for more than 30 years in the environmental department of the European Commission. The book is less academic than **J. Jans** and **H. Vedder's** book titled, *European Environmental Law*, and puts more emphasis on the practice and the political forces which influenced, shaped, and enforced EU environmental law.
3. **M. Lee**, in *EU environmental law, challenges, change and decision-making*, (270 pages) assembles in nine chapters essential aspects of EU environmental law, such as implementation, governance and participation, procedural provisions and, on substantive issues, waste and GMOs.
4. The book by **P. Davies** titled *EU Environmental Law* does not try to provide a comprehensive overview of EU environmental law. Rather, the author selects a number of topics - competence, objectives and principles, implementation, nature protection, environmental impact assessment, trade, waste management and climate change - which he considers of particular relevance and interest. The book is particularly suited for students.
5. In *Reflections on 30 years of EU environmental law*, **R. Macrory** assembles (in 600 pages) 28 contributions from European lawyers on different aspects of EU environmental policy and law. The book tries to draw a balance of achievements and failures of this policy, at the moment when the EU enlarged from 15 to 25 (now 28) Member States. The contributors come from 14 EU Member States and bring their individual perception to the different facets of EU environmental law.
6. The book by **N. Vig** and **M. Faure**, titled *Green Giants?*, has the following sub-title: "Environmental policies of the United States and the European Union". As most of the authors were lawyers, though, it appeared justified to include the book here, as it centers on legal policy issues. The book assembles 14 articles (400 pages) under five headings: 1) Comparing policy trends: divergence or convergence? 2) Regulatory trends: institutional and policy innovations, 3) Policy divergence on global issues, 4)

Transnational networks and dialogue, and 5) Conclusions. The authors come from both sides of the Atlantic.

7. **L. Krämer's *European Environmental Law*** is a collection of nineteen legal articles which were published, in English reviews, between 1985 and 2000 on the upcoming EU environmental law. They relate the evolution of environmental law within the EU. The authors come from seven different countries. Contributions are grouped in three sections: 1) Europeanization of environmental law and policy, 2) Application and enforcement of European environmental law, and 3) Improving environmental standards in Europe.
8. The book by **M. Onida**, titled *Europe and the environment*, groups eleven contributions, divided into the sections of Enforcing environmental law, Horizontal measures, and Media-specific environmental policies. The specificity of the book lies in the fact that all contributors were officials who worked, at the time of writing, in the Environmental Department of the European Commission. They give thus an impression on the potentials and obstacles to EU standard-setting in the environmental field.
9. **J. Scott's** book, titled *Environmental protection: European law and governance*, is a collection of texts by six authors, the majority of them from the United Kingdom. They discuss the evolution of EU environmental governance, water protection law and policy, chemicals (REACH Regulation), an environmental justice perspective, external environmental relations and climate change issues.
10. **M. Hedemann-Robinson**, in *Enforcement of European Union environmental law*, examines (in 550 pages) the enforcement of EU environmental law by the EU institutions and at the level of EU Member States, through administrative, private and criminal law. He describes the Commission's procedures, access to justice provisions, environmental liability rules, always referring to the practice of law enforcement.
11. In the book by **J. Jans, R. Macrory** and **A. M. Molina**, titled *National courts and EU environmental law*, authors from 13 EU Member States report on the impact and application of EU environmental policy, law and principle on the court practice in their countries. These contributions are preceded by a section which develops horizontal issues of EU law, such as direct effect, consistent interpretation and State liability. The different articles illustrate in a very convincing manner the considerable influence of EU environmental law on national law and practice.
12. **J. Jans**, in *The European Convention and the future of European environmental law*, assembles contributions from seven legal authors on perspectives for EU environmental law. Though the book was written in a specific historical context, the description and

future evolution of EU environmental law very largely remains valid. The papers present an intelligent assessment of the future of EU environmental law and policy.

Further recommended readings

As EU environmental law very frequently preceded the adoption of national provisions, it is hardly possible to find a legal book or an article from a European author dealing with global, national or local issues which does not also discuss in detail EU environmental law provisions. The following selection will leave aside publications on national law, but will concentrate on more recent book publications on EU law, written in English. It must not be forgotten, though, that there are 23 official languages in the EU, and the publications in French, German, Dutch, Italian, Spanish, Polish and all the other languages make important contributions to the elaboration, implementation and evolution of EU environmental law.

1. Bergkamp, L. and –B. Goldsmith, (eds): *The EU environmental liability directive. A commentary* (Oxford: 2013)
2. Bogojevic, S., *Emissions trading schemes: Markets, States and the law* (Oxford and Portland: 2013)
3. Campins Eritja, M. *Sustainability labelling and certification* (Madrid-Barcelona: 2004)
4. Comte, F. and L. Krämer, (eds) *Environmental crime in Europe* (Groningen: 2004)
5. Dejeant-Pons, M. and M. Pallemarts, *Human rights and the environment* (Strasbourg: 2002)
6. De Sadeleer, N., *Environmental principles*. (Oxford: 2002)
7. Dhondt, N., *Integration of environmental protection into other EC policies* (Groningen: 2003)
8. Douma, W. and S. Van der Velde, (eds), *EU environmental norms and third countries: the EU as a global role model?* (The Hague: 2013)
9. Ebbesson, J., (ed.) *Access to justice in environmental matters in the EU* (The Hague-London-New York: 2002)
10. Kingston, S. (ed.) *European perspectives on environmental law and governance* (London - New York 2013)
11. Markus, T. *European Fisheries Law* (Groningen: 2009)
12. Morgera, E. (ed.) *The external environmental policy of the European Union* (Cambridge: 2012)
13. Pallemarts, M. , *Toxics and transnational law* (Oxford: 2003)
14. Pallemarts, M., (ed.) *EU and WTO law. How tight is the legal straitjacket for environmental product regulation?* (Brussels: 2006)
15. Pallemarts, M. (ed.), *The Aarhus Convention at ten. Interactions and tensions between conventional international law and EU environmental law* (Groningen: 2011)
16. Wenneraas, P., *The enforcement of EC environmental law* (Oxford: 2007)

Moreover, several legal journals publish very regularly articles on EU environmental law or are even specialised on EU environmental law aspects. The most relevant reviews in English language are:

1. Journal of European Environmental & Planning Law
2. Journal of Environmental Law
3. European Energy and Environmental Law Review
4. RECIEL Review of European Community and International
5. Environmental Law.