European Environmental Law

*European 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, *European Environmental Law* 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, *European Environmental Law* takes an interdisciplinary approach to help readers better to understand the implementation and enforcement of environmental law and policy across Europe. It offers an accessible overview and links theory with practical application 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.

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SK – To Andrew, Saoirse, Róisín, and Cillian
VH – To Jonathan, Jacob, Lia Rose, and the 48%
AC – To my parents, Conor, Niamh and Luka
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Preface and Acknowledgements

This book was conceived of some five years ago, with the aim of providing a user-friendly, comprehensive and contextual account of an area of law which could not be more critically important, but which is often discounted as technical and dense. Our objective, therefore, was to communicate this vital area of law in a way that was comprehensible, without losing too many of its nuances or ignoring fundamental complexities.

One of the challenges of this field is, of course, its fast-moving nature. Since we first started this book, a great many events have intervened which are of tremendous significance to this area. Some of these have been specifically environmental developments, such as the conclusion of the Paris Agreement at the COP 21 United Nations Climate Change Conference in 2015 (see Chapter 8), the conclusion of the EU’s Seventh Environmental Action Programme in 2013 (see Chapter 2), the continued rise in prominence of the Aarhus Convention on Access to Environmental Information, Public Participation and Access to Justice in Environmental Matters, including in the case law of the Court of Justice of the European Union (see Chapters 5 and 7). Other developments have not been environment-specific, but have nevertheless had momentous effects on European environmental law and policy, including the entry into office of the Juncker Commission in 2014, bringing with it different political priorities (see Chapter 2); the ongoing Regulatory Fitness and Performance programme (REFIT) of the European Commission, which has included review of the Habitats and Birds Directives (see Chapters 4 and 12); and, of course, the EU’s response to the global financial crisis of 2007–2008 and the subsequent European sovereign debt crisis, which has seen an overwhelming pressure to prioritise economic goals (jobs and growth) and economic governance (see Chapters 1, 3 and 6). The most recent such momentous development has been the June 2016 vote of almost 52 per cent of the British people to ‘Brexit’, the implications of which – including for the effective protection of the environment in the UK and EU – will certainly be profound, but are as yet unclear.

The title of the book reflects the fact that it aims to cover not only EU environmental law, but also the increasing body of European environmental law that does not originate in the EU, including the law of the ECHR and the Aarhus Convention.

Of the chapters herein, Suzanne Kingston was primarily responsible for Chapters 1 (aside from the sections on the broader context), 3–7 and 11. Veerle Heyvaert was primarily responsible for the sections on Environment, Risk and Science and Environment and Governance in Chapter 1 and
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We have endeavoured to state the law as at 1 July 2016.