

# elni

## REVIEW

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### Articles with focus on environmental law networks

- The Importance of International Environmental Enforcement Networks: INECE as an example
- European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)
- NEEL: the Network of EU Environment Lawyers
- The Nordic Environmental Law Network (NELN)
- Networking in the Nordic Countries
- The Avosetta Group

### Articles with focus on other topics

- Towards an integrated approach for sustainability labelling and certification
- REACH: How far will the chemicals legislation reach to protect human health and the environment from hazardous chemicals?
- Rethinking the Role of Information in Chemicals Policy: Implications for TSCA and REACH

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## The Nordic Environmental Law Network (NELN)

Helle Tegner Anker<sup>9</sup>

The Nordic Environmental Law Network (NELN) was formally established in 2003 as a network funded by the former Nordic Research Academy – now the Nordic Research Board (NordForsk). However, Nordic co-operation within environmental law research and research training has existed for a number of years. Since 1992 a group of environmental lawyers have organized annual research training courses or seminars for the benefit of in particular Ph.d. students and young researchers within environmental law. These courses and seminars were also generously funded by the former Nordic Research Academy – now NordForsk.

Nordforsk is an independent institution operating under the Nordic Council of Ministers for Education and Research providing funding for co-operation within Nordic research and research training.<sup>10</sup> The NordForsk activities include e.g. research training courses, networks and scholarships. According to the NordForsk guidelines a network should strengthen contacts and communication between research groups in the Nordic countries with the aim of increasing the mobility of researchers and enhancing the quality of research and research training. A decisive criterion for the funding of a network is the active involvement of ph.d-students and young researchers. NordForsk encourages not only Nordic co-operation but also the inclusion of adjacent areas, e.g. the Baltic States and North-West Russia.

The primary purpose of NELN is to enhance and develop Nordic environmental law research and research training through a variety of network activities. Nordic environmental law researchers are – as in many other countries – often spread among several universities and institutions. The network activities thus serve the purpose of promoting contacts and exchange of experience among environmental law researchers and others dealing with environmental law issues. Previous network activities have led to co-operation in the form of research projects and book projects involving also researchers outside the Nordic countries.

A particular aim of the NELN is to provide a sound platform for a new generation of environmental law researchers. Thus the training and active involvement of Ph.d. students and young researchers is a very strong element in NELN. The NELN workshops are characterized by the interaction between presentations by guest lectures, senior researchers

and Ph.d. students and by the open and informal discussions on different environmental law topics. These workshops provide a forum for presentations of well-elaborated research results as well as a forum for presenting research projects in their early stages. Furthermore, presentations on more practical experiences regarding the implementation and application of environmental law and to some extent in-put from other disciplines than law are included. Thus, depending upon the topic more cross-cutting experiences are represented in the workshops.

As of December 2005 NELN had a total of 93 members – including 55 research students. The majority of members are based in the Nordic countries, 13 members are from the Baltic States and NW Russia, whereas 4 members are from other countries within the EU. NELN is open to members from all countries – however the funding from NordForsk is generally only available to Nordic and “near-Nordic” participants and to guest lecturers from other countries.

The NELN network activities have since 2003 been based on bi-annual workshops related to various environmental law topics and individual mobility grants. Through individual mobility grants covering travel and accommodation short research visits to the Nordic – or “near-Nordic” – universities may be supported. Workshop themes have been chosen on the basis of new legislative initiatives in the Nordic countries, in the EU or globally, or they reflect topics that cover the interest a larger group of researchers more broadly. The NELN workshops have included themes such as ‘The Implementation of the Kyoto Protocol; ‘Planning Law and Integrated Resource Management’; ‘Economic Instruments’; ‘The Marine and Coastal Environment’; ‘Biodiversity and Biotechnology’ and ‘Enforcement and Sanctions’. Further information on these workshops can be found at [www.neln.kvl.dk](http://www.neln.kvl.dk).

In 2006-2007 an increased workshop activity has been planned, including the co-funding of an international conference on environmental law and justice, to be held at Stockholm University in September 2006.<sup>11</sup> The planned workshop themes are: ‘From Fossil Fuels to Energy Conservation’; ‘The Role of Courts’; ‘The Development of Environmental Law through Soft Law Instruments’; ‘Comparative Environmental Law and Policy’ and ‘Integrated Product Policy’. However, the continued NELN activities depend upon the funding from NordForsk.

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<sup>10</sup> For further information see [www.nordforsk.org](http://www.nordforsk.org).

<sup>11</sup> For further information see the 2006 Stockholm Conference on Environmental Law and Justice website, at [www.juridicum.su.se/smc/eng/EnvJusticeConf.asp](http://www.juridicum.su.se/smc/eng/EnvJusticeConf.asp).

It is evident that the funding from NordForsk has been a strong element in Nordic research cooperation and in NELN. Thus, NELN has applied for extended funding for the period 2006-2007. The annual funding of approximately 35.000 euro cov-

ers the workshop expenses (travel and accommodation costs of primarily Ph.d. student and young researchers) and provides for individual mobility grants.

## Networking in the Nordic Countries

Nicolas de Sadeleer

With respect to the 6th Action Programme on Research at the EC level, the EC Commission has set up several Marie Curie chairs with a view to enhancing the quality of university research in Europe.

One of the chairs in social sciences was dealing with risk and precaution. Professor Nicolas de Sadeleer, a lawyer working for different Belgian universities, was appointed to hold that chair at the University of Oslo in Norway.

In particular, the research project was dealing with the compatibility of the implementation of a precautionary principle in order to manage technological risks in accordance with basic legal requirements within International (WTO) law, European Community law and national law (mainly compliance with proportionality principle, free movement of goods principle, non-discrimination principle, principle of coherence, cost-benefit analysis).

Moreover, the Chair holder has been exploring how Nordic countries (Norway, Sweden, Denmark, Finland) were able to flesh out the precautionary principle within different policies –waste management, biosafety, chemicals, food safety, fisheries.

Furthermore, the project involved the training of several Ph. d. students in the Nordic region. The chair holder took part in several meetings organised during that period by the Nordic Environmental Law Network. He was able to share his knowledge with younger lawyers.

Last, the chair holder is editing a book on implementing precaution in the Nordic countries (Earthscan, 2006), where 20 experts from the region are assessing the advantages and drawbacks of the precautionary principle from a legal point of view.

The extent to which lawyers from the Nordic countries were able to cooperate through these networks was impressive. Close cultural traditions, the ability to communicate in English, common legal principles, financial support from the Nordic Council were indeed favorable to foster communication between the different universities in the region. In addition, the contacts between younger researchers and professors were much easier than in the Latin world.

## The Avosetta Group

Gerd Winter

The Avosetta Group is a small informal group of lawyers whose main purpose is to further the development of environmental law in the European Union and Member States. "Avosetta" is the Latin name of a rare bird which caused the European Court of Justice to establish far reaching principles of European Nature Protection Law in the German Dike-Case. The group was inaugurated in January 2001, on the initiative of Professors Jan Jans, Ludwig Krämer, Richard Macrory, Peter Pagh, and Gerd Winter who since then have served as trustees of it.

Those participating in Avosetta are invited out of recognition of their outstanding distinction in European environmental law, and take part in a personal and independent capacity. Nevertheless, Avosetta discussions aim to reflect a comprehensive cross-section of legal cultures within Europe, and will generally include up to two participants from each Member and accession State.

The group meets about once a year in order to discuss a topic of significance for EU-environmental law. The meeting will normally result in policy recommendations which shall be submitted to the EU-institutions and also published for wider use in the Member States.

The proceedings of the meetings and accompanying discussion documents are accessible through the web-site [www.avosetta.org](http://www.avosetta.org). The group has set up The Avosetta Series with Europa Law Publishing where the outcomes of the meetings and other studies on European Environmental Law are published (see [www.europalawpublishing.com](http://www.europalawpublishing.com)).

The secretariat of the group is held by Forschungsstelle fuer Europaeisches Umweltrecht, Universitaetsallee GW I, D - 28359 Bremen, [Email: feu@uni-bremen.de](mailto:feu@uni-bremen.de).

The Öko-Institut (Institut für angewandte Ökologie - Institute for Applied Ecology, a registered non-profit-association) was founded in 1977. Its founding was closely connected to the conflict over the building of the nuclear power plant in Wyhl (on the Rhine near the city of Freiburg, the seat of the Institute). The objective of the Institute was and is environmental research independent of government and industry, for the benefit of society. The results of our research are made available of the public.

The institute's mission is to analyse and evaluate current and future environmental problems, to point out risks, and to develop and implement problem-solving strategies and measures. In doing so, the Öko-Institut follows the guiding principle of sustainable development.

The institute's activities are organized in Divisions - Chemistry, Energy & Climate Protection, Genetic Engineering, Sustainable Products & Material Flows, Nuclear Engineering & Plant Safety, and Environmental Law.

#### **The Environmental Law Division of the Öko-Institut:**

The Environmental Law Division covers a broad spectrum of environmental law elaborating scientific studies for public and private clients, consulting governments and public authorities, participating in law drafting processes and mediating stakeholder dialogues. Lawyers of the Division work on international, EU and national environmental law, concentrating on waste management, emission control, energy and climate protection, nuclear, aviation and planning law.

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The University of Applied Sciences in Bingen was founded in 1897. It is a practiceorientated academic institution and runs courses in electrical engineering, computer science for engineering, mechanical engineering, business management for engineering, process engineering, biotechnology, agriculture, international agricultural trade and in environmental engineering.

The *Institute for Environmental Studies and Applied Research* (I.E.S.A.R.) was founded in 2003 as an integrated institution of the University of Applied Sciences of Bingen. I.E.S.A.R. carries out applied research projects and advisory services mainly in the areas of environmental law and economy, environmental management and international cooperation for development at the University of Applied Sciences and presents itself as an interdisciplinary institution.

The Institute fulfils its assignments particularly by:

- Undertaking projects in developing countries
- Realization of seminars in the areas of environment and development
- Research for European Institutions
- Advisory service for companies and know-how-transfer

Main areas of research:

- **European environmental policy**
  - Research on implementation of European law
  - Effectiveness of legal and economic instruments
  - European governance
- **Environmental advice in developing countries**
  - Advice for legislation and institution development
  - Know-how-transfer
- **Companies and environment**
  - Environmental management
  - Risk management

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The Society for Institutional Analysis was established in 1998. It is located at the University of Applied Sciences in Darmstadt and the University of Göttingen, both Germany.

The sofia research group aims to support regulatory choice at every level of public legislative bodies (EC, national or regional). It also analyses and improves the strategy of public and private organizations.

The sofia team is multidisciplinary: Lawyers and economists are collaborating with engineers as well as social and natural scientists. The theoretical basis is the interdisciplinary behaviour model of *homo oeconomicus institutionalis*, considering the formal (e.g. laws and contracts) and informal (e.g. rules of fairness) institutional context of individual behaviour.

The areas of research cover

- Product policy/REACH
- Land use strategies
- Role of standardization bodies
- Biodiversity and nature conservation
- Water and energy management
- Electronic public participation
- Economic opportunities deriving from environmental legislation
- Self responsibility

sofia is working on behalf of the

- VolkswagenStiftung
- German Federal Ministry of Education and Research
- Hessian Ministry of Economics
- German Institute for Standardization (DIN)
- German Federal Environmental Agency (UBA)
- German Federal Agency for Nature Conservation (BfN)
- Federal Ministry of Consumer Protection, Food and Agriculture

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## elni

*In many countries lawyers are working on aspects of environmental law often with environmental initiatives and organisations or as legislators, but have limited contact with other lawyers abroad, although such contact and communication is vital for the successful and effective implementation of environmental law.*

*In 1990 a group of lawyers from various countries therefore decided to initiate the Environmental Law Network International (elni) to promote international communication and cooperation worldwide. Since then elni has grown to a network of about 350 individuals and organisations from throughout the world.*

*Since 2005 elni is a registered non-profit association under German Law.*

*elni coordinates a number of different activities:*

### **Coordinating Bureau**

The Coordinating Bureau was originally set up at and financed by the Öko-Institut in Darmstadt, Germany, a non-governmental, non-profit making research institute. The Bureau is currently hosted by the University of Applied Sciences in Bingen. The Bureau acts as an information centre where members can obtain information about others working in certain areas thus promoting the development of international projects and cooperation.

### **elni Review**

The elni Coordinating Bureau produces and sends to each member the elni Review twice a year containing members' reports on projects, legal cases and developments in environmental law. elni therefore encourages its members to submit such articles to be published in the Review in order to allow the exchange and sharing of experiences with other members.

### **elni Conferences and Fora**

elni conferences and Fora are a core element of the network. They provide scientific input and the possibility for discussion on a relevant subject of environmental law and policy for international experts. The aim is to bring together scientists, policy makers and young researchers, giving the opportunity to exchange views and information as well as developing new perspectives.

### **Publication Series**

The elni publications series contains 12 volumes on different topics of environmental law.

- Environmental Law and Policy at the Turn to the 21st Century, Liber amicorum, Betty Gebers, Ormond/Führ/Barth (eds.) Lexxion 2006.
- Access to Justice in Environmental Matters and the Role of NGOs, de

Sadeleer/Roller/Dross, Europa Law Publishing 2005.

- Environmental Law Principles in Practice, Sheridan/Lavrysen (eds.), Bruylant 2002.
- Voluntary Agreements - The Role of Environmental Agreements, elni (ed.), Cameron May Ltd., London 1998.
- Environmental Impact Assessment - European and Comparative; Law and Practical Experience, elni (ed.), Cameron May Ltd. London 1997.
- Environmental Rights: Law, Litigation and Access to Justice, Deimann / Dyssli (eds.), Cameron May Ltd. London 1995.
- Environmental Control of Products and Substances: Legal Concepts in Europe and the United States, Gebers/Jendroska (eds.), Peter Lang, 1994.
- Dynamic International Regimes: Institutions of International Environmental Governance, Thomas Gehring; Peter Lang, 1994.
- Environmentally Sound Waste Management? Current Legal Situation and Practical Experience in Europe, Sander/ Küppers (eds.), P. Lang, 1993
- Licensing Procedures for Industrial Plants and the Influence of EC Directives, Gebers/Robensin (eds.), P. Lang, 1993.
- Civil Liability for Waste, v. Wil-mowsky/Roller, P. Lang 1992.
- Participation and Litigation Rights of Environmental Associations in Europe, Führ/ Roller (eds.), P. Lang, 1991.

### **elni Website: elni.org**

The elni website at <http://www.elni.org> contains news about the network and an index of elni articles, gives an overview of elni activities, and informs about elni publications. Internships for young lawyers/law students at the Öko-Instituts environmental law division are also offered on the web.