elni
REVIEW

No 2/2008

ISSN 1618-2502

ENVIRONMENTAL
LAW NETWORK
INTERNATIONAL

RÉSEAU
INTERNATIONAL
DE DROIT DE
L´ENVIRONNEMENT

INTERNATIONALES
NETZWERK
UMWELTRECHT

elni REVIEW

CONTENTS

Enforcement of European environmental law - The European Parliament comments on the Commission's report

Sebastian Tusch

The European Commission publishes a yearly "Report on the Monitoring of the Application of Community Law in the Member States of the European Union". The 2005 edition[1] *was reviewed by a member of the Parliament, namely Monica Frassoni, from Italy (Greens/EFA-IT). Her report*[2] *has recently been adopted by a noteworthy resolution of the European Parliament.*[3] *The resolution points out both the structural problems of enforcing European Community law and the disputable approach of the Commission during the last few years.*

The European Parliament recognises that European Community law is not being applied consistently. The Members of the European Parliament (MEPs) refer to the annual report of the Commission in which the infringement proceedings initiated by the Commission are listed. This report illustrates that the number of detected infringements decreased from 2709 (in 2003) to 2653 (in 2005). This drop by 56 infringements seems at first sight not to be significant. But this reported decrease of procedures happened despite the fact that the European Union increased the number of Member States from 15 to 25 in 2004. Against this background, the lower level in 2005 is indeed questionable.

Basically, the enlargement of the European Union was expected to cause a significant increase of infringement procedures against the Member States. This applies in particular to new Member States whose legal systems had been – in terms of compliance with European law – divergent from those in the other Member States. From the facts presented it could be inferred that the accession of the ten new Member States had not occurred.

Since the accession of the ten new Member States had no significant impact on the total number of infringement procedures, the European Parliament in the resolution "calls on the Commission to give Parliament clear explanation and reassurance that this is not due to a ***lack of registration of complaints*** *or to a* ***lack of internal resources*** *dealing with infringements within the Commission or to a* ***political decision to be more indulgent*** *towards those Member States"*[4] *(****emphasis added****).*

1 The lack of application

The resolution gives reason to examine, whether and to what extent the above-mentioned allegations of the Members of the European Parliament are justified.

Although the report by MEP *Monica Frassoni* from the Green Party only refers to Community law in general, it is likely that she intended to call attention to environmental issues. The importance of the resolution in environmental matters is in particular reflected by the fact that over 20 per cent of all enforcement actions initiated by the European Commission deal with the implementation gap with respect to environmental law.[5] This is why the resolution can be seen as a contribution to the notorious ongoing discussion as to whether or not the Commission's approach regarding the enforcement of environmental law by means of commencing infringement procedures is sufficient.

Basically, the Parliament questions the extent to which the European Commission has both the will and the ability to perform the task stipulated in Art. 211 EC Treaty to "*ensure that the provisions of this Treaty and the measures taken by the institutions pursuant thereto are applied.*"[6]

2 Distribution of responsibility in the EC Treaty

In order to examine the allegations presented in the resolution one must first consider the obligations of the European Commission. The Commission is the responsible institution for protecting the integrity of the EC Treaty. This includes controlling the implementation of Community law in the Member States. According to Art. 211 EC Treaty, the Commission is obliged to ensure that the provisions of the Treaty and the measures taken under it are applied. By contrast, Art. 10 and 175(4) EC Treaty also place responsibility on the Member States to ensure the effective implementation of EC law. Consequently, the Commission and the Member States share responsibility for the establishment and functioning of European Community laws.[7]

However, the Commission is called the "*Guardian of the EC Treaty*"[8] or "*The Community watchdog*".[9]

1 European Commission 23rd Annual Report on Monitoring the Application of Community Law (2005), http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0416:FIN:EN:PDF.

2 Complete version of the report of 23 November 2007, http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A6-2007-0462&language=EN&mode=XML.

3 European Parliament, resolution of 21 February 2008 on the Commission's 23rd Annual report on monitoring the application of Community law (2005), http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0060&language=EN&ring=A6-2007-0462.

4 European Parliament, resolution on the Commission's 23rd Annual report on monitoring the application of Community law (2005), *supra* note 3.

5 European Commission, 7th Annual Survey on the implementation and enforcement of EU environmental law, p.5, http://ec.europa.eu/environment/law/pdf/7th_en.pdf.

6 Art. 211 EC Treaty.

7 Ludwig Krämer, EC Environmental Law (6th ed., Sweet & Maxwell, London 2007), 426.

8 Ludwig Krämer, *supra* note 7.

With respect to this supervisory role, the Commission's task is to ensure an effective implementation of EC law. The implementation process consists of three main stages:[10] The *transportation* of legislation into national law, the *conformity* of those new national statutes with the EC law from which they derived and the *application* of those new national laws in practice. The bottom line is that the Commission has to control three different implementation steps.

2.1 Measures taken by the Commission

The possible measures of the Commission to ensure the application of EC law differ depending on the respective area of policy. As regards to monitoring the application of Community environmental law, the Commission is not vested with any inspection bodies to examine whether and to what extent Community environmental law applies on a national level. The EC Treaty only provides for standard enforcement measures by means of Art. 226. This procedure does not include direct power of investigation or enforcement.[11] Accordingly, the work of the Commission strongly depends on the information policies of the Member States and their willingness to report their proceedings to the Commission. Another source of information about infringements arises out of complaints from environmental interest groups or individuals and of questions formally asked by the European Parliament.

Enforcement measures for environmental issues by means of Commission inspectors are traditionally seen as an intrusion on national sovereignty.[12] The credibility of these concerns is dubious, since there are Commission inspectors in the areas of competition, customs and regional policy.[13] In these areas, the Commission is empowered to examine, whether or not national authorities have applied Community law sufficiently by appointing so-called 'authorised agents'. These are special investigators whose competences include on-the-spot controls and inspections. In their reports, they notify the Commission of detected omissions of application.

Recognising the lack of control in environmental law the Environment, Public Health and Food Safety Committee within the European Parliament has recently published a "*Motion for a resolution*". The Committee calls on the Parliament to pass this further resolution in order to urge the Commission to consider establishing a "*Community environmental inspection force*".[14] Such inspection force could be vested with rights to demand the cooperation of Member States. The resolution rightly states that neglecting "*good and even enforcement of Community environmental law*" would "*undermine the reputation of the Community as an effective guardian of the environment.*"[15]

However, since effective control measures do not apply to environmental law yet, the Commission faces difficulties concerning gathering information about possible infringements. If there is a suspicion that one Member State does not meet the requirements of EC Law, the Commission cannot confirm the suspicion. This lack of control in matters of environmental law undermines the credibility of law.[16] As a result, EC environmental law has 'no teeth' and the Commission acts like a 'paper tiger'. There is no reason for the Member States to take the threats of the Commission seriously as long as they avoid disclosing information. Even the strictest law has no impact if its application cannot be controlled effectively.

2.2 Significance of the EP resolution

The European Parliament acts as a political supervisor regarding general EC policies. Beyond this role, the Parliament has no legal powers to influence the process of enforcing EC Law on a national level. Furthermore, it is not entitled to challenge the Commission's decisions with respect to enforcement measures against Member States. Aside from its role as a legislative institution, the Parliament is only granted political powers. Art. 200 EC Treaty outlines the duty of the Parliament to discuss the annual reports submitted by the Commission. Results are summarised in a report, as the recent resolution of 18 February 2008 shows. Criticising the Commission's approach constitutes a political statement. However, a resolution has no legal effects. This is why the EU Council stated in a press release commenting on the resolution of the Parliament, that neither the Parliament nor the Council but only the Member States and the Commission bear responsibility for the administrative application of Community legislation.[17] This illustrates that the recent resolution has more of a political than a legal value. It is based on the political responsibility and, thus, should be seen as a political statement. Nevertheless it also gives impetus to the growing concerns

9 Josephine Steiner/Lorna Woods, Textbook on EC Law (8th ed., Oxford University Press 2003) 31.

10 Elisabeth Hattan, The implementation of EU environmental law Journal of Environmental Law [2003] 273.

11 Jo Shaw/Jo Hunt/Chloë Wallace, Economic and Social Law of the European Union (Palgrave Macmillan, New York 2007), 440.

12 Krämer, *supra* note 7, 427.

13 Krämer, *supra* note 7, 427; Martin Heidemann-Robinson, Enforement of European Union Environmental Law (Routledge Cavendish, London 2007) 163.

14 European Parliament, Committee on the Environment, Public Health and Food Safety Motion for a resolution (16.07.2008), http://www.europarl.europa.eu/meetdocs/2004_2009/documents/re/735/735173/735173en.pdf.

15 European Parliament, Committee on the Environment, *supra* note 14.

16 Hattan, *supra* note 10, 274.

17 Press release of State Secretary for European Affairs Janez Lenarčič on behalf of the EU Council, http://www.eu2008.si/en/News_and_Documents/Speeches_Interviews/February/0220SVEZ_Lenarcic_EP21.html.

about the Commission's approach to environmental law.

3 Assessment of the allegations

Based on the allegations on the one hand and the tasks and competences of the European Commission on the other hand, the extent to which the Commission meets the requirements of Art. 211 EC Treaty should be scrutinised.

3.1 A lack of registration of complaints

The main source of information on possible omissions in the application of Community Law comes from outside the administrative bodies, in particular from citizens.[18] As already mentioned, the work of the Commission depends mainly on this source of information, since there are no investigators or decentralised administrations. Regarding all areas of policy, complaints have led to 38% of infringements detected in 2004.[19] About 40% of the complaints submitted to the Commission are related to environmental issues.[20]

The Commission defines a complaint as any written statement that invokes a breach of Community law and asks the Commission to intervene to repair this breach.[21] The formal requirements are very low, since – regardless of where this information stems from – the Commission is always entitled to initiate its own infringement procedures. After having received a complaint, the Commission seeks to obtain further information from the affected Member State. Due to its restricted competences, the Commission can do nothing else but work with the information provided by the Member State. Hearings or witnesses' testimonies never could take place in environmental cases.

The enormous quantity of infringement casework makes it impossible for the Commission to offer a complete implementation control service. Consequently, the European Court of Justice in 1989 already stated in *Star Fruit Co. v. Commission*,[22] that the Commission has discretion in choosing how to deal with a suspected infringement of Community law. This excludes the right of individuals to challenge the Commission's handling of suspected breaches of EC law.[23] As a result, the Commission has in any event the right but not the enforceable obligation to commence infringement procedures.[24] In *Commission v. Germany*[25] the Court stated that only the Commission is competent to decide whether or not it is appropriate to bring proceedings.

However, this discretion cannot be granted without limitations. The Commission cannot relieve itself of legal duties. By virtue of its limited capacity the Commission shows a tendency to focus on particular cases. In this regard there have always been concerns that the granted discretion in connection with the enormous workload could tempt the Commission to neglect its duties.[26] The recent resolution of the parliament takes up these concerns and questions the extent to which the Commission ignores particular complaints for political reasons. Whether or not these concerns are based on facts is of course hard to assess from an external position.

Nevertheless, the main problem arising out of focusing on particular cases is how to follow a reasonable order of priority. One should not forget that until 1996 the Commission did not even have a clear approach regarding how to deal with its limited capacity.[27] However, the Parliament had started to increase its political pressure on the Commission to produce a coherent strategy.[28] Eventually, the Commission published in 1996 a "*Communication*":[29] Consecutively, the Commission began to concentrate on non-transportation and non-conformity cases in order to simplify matters.[30] These areas contain the most straightforward infringement cases to deal with since they do not require on-site but rather a purely document-based investigation. The question of whether national law complies with the requirements of EC law can be answered more easily than the question of whether existing national law is applied in accordance with EC environmental law in individual cases. Furthermore, the Commission argued that many non-application cases stem from poor transportation and conformity.[31]

However, following these priorities implies neglecting the Commission's duty to investigate non-application cases. This is exactly the problem the resolution of the parliament addresses.

In this regard, informal visits to the affected places are another opportunity to gather information. In the past, the Commission has organised those so-called "*fact-finding missions*", but not more frequently than once a

18 Krämer, *supra* note 7, 429.

19 Commission's 22nd Report on monitoring the application of Community Law 2004, COM(2005)570, p.4.

20 Heidemann-Robinson, *supra* note 13, 166.

21 Krämer, *supra* note 7, 430.

22 Court of Justice of the European Union [1989] ECR 291 Star Fruit Co. v. Commission (Case 247/87).

23 Stephen Weatherill, Cases & Materials on EU Law (6th ed., Oxford University Press, New York 2003) 121.

24 Court of Justice of the European Union, *supra* note 22.

25 Court of Justice of the European Union [1995] ECR I-1097 Commission v. Germany (Case 422/92).

26 Shaw/ Hunt/ Wallace, *supra* note 11, 440.

27 Hattan, *supra* note 10, 279.

28 Hattan, *supra* note 10, 279.

29 Communication from the Commission on Implementing Community Environmental Law, COM(1996)0500 final, [1996] C4-0591/96.

30 Heidemann-Robinson, *supra* note 20, 186.

31 Hattan, *supra* note 10, 279.

year.[32] These on-site visits afford a considerable opportunity to control the application in practice. Many cases do not need formal investigation but rather can be explored sufficiently by ordinary inspection. In this way, the Commission's approach is all the more so called into question. A document-based investigation as regards non-transportation and non-conformity cases is necessary. But it becomes worthless without controlling the application of transformed law in practice. Justification for environmental legislation can only arise out of the positive impact on the environment which secures "*a high level of protection*" and stipulates an "*improvement of the quality of the environment*" (Art. 2 EC Treaty). Otherwise European environmental law is more a guideline for Member States' handling of environmental affairs rather than enforceable supranational law. This, however, would be in breach of the EC Treaty provisions. Apart from the above-mentioned general provisions under which the Commission has to ensure the application, Art. 6 EC Treaty stipulates that "*environmental protection requirements must be integrated into the definition* ***and implementation*** *of the Community policies*" (emphasis added). Since the implementation is carried out by the Member States, Art. 6 EC Treaty also addresses the Member States and constitutes an obligation to ensure the application in practice. Moreover, Art. 6 EC Treaty requires the Commission to consider the implementation of environmental law in respect of all Community policies.

Against this background, the Commission is indeed legally obliged to pay appropriate attention to non-application cases. According to its obligations under the EC Treaty, the Commission is supposed to control the application of environmental law more efficiently. A lack of human resources is not a sufficient justification. It is a question of priorities. The European Parliament has shown alternatives and pointed out that fact-finding missions are a "*pragmatic way of solving problems directly with Member States in the interests of the citizen.*"[33] Additionally, the above-mentioned recent "*Motion for a resolution*" by the Environment Committee once again demonstrates that the Commission has options to take further action. The bottom line is that to be "*more proactive in monitoring national events which may disclose a breach of Community law*"[34] is not only a political claim but also a legal necessity.

Insofar as the Commission fails to focus on non-application cases, the concerns of MEPs are justified. A gap of application in an individual case is what almost every complaint of citizens is about. Neglecting these cases does not value appropriately the important contribution citizens make in order to ensure the application of EC Law.

The Commission should reconsider its approach to focussing mainly on matters of transportation and conformity. It is at least necessary to clarify which individual non-application cases will be pursued. It is important to notify the public about the priorities in order to increase the transparency and accountability of the system. [35]

3.2 A lack of internal resources dealing with infringements within the Commission

It was predictable that the enlargement of the European Union in 2004 would entail a lot of additional work for the Commission. An immediate compliance with the regulations of Community Law was not a realistic expectation.[36] Most of the new Member States embody a young democracy. In particular when it comes to environmental law, the existing authorities in the new Member States were obviously not on a level to ensure thorough application of European law. The Commission should have known that there would be a significant increase in workload. Despite this, there is no evidence that the Commission had taken preparations in order to fulfil its role of "*the Community watchdog*". However, since the Commission's ability to perform its tasks mainly depends on its available resources, it would be unjust to hold the Commission solely responsible for the lack of application. The Legal Unit dealing with infringements within the Commission's DG Environment only employs 16 fulltime desk officers.[37] This is particularly surprising because the environmental sector has to deal with the largest proportion of infringement cases.[38] In 2004, the environmental sector accounted for about 27 per cent of pending "bad application" cases. Despite this, the Commission lacks sufficient capacity to deal with this workload. In this respect, the allegation expressed in the MEP's resolution is undeniable. There is a lack of capacity with respect to ensuring the sufficient application of EC Law in Member States. As this is by no means a new, but rather a well known problem, the value of the recent resolution is limited to raising the public's awareness of the Commission's workload.

3.3 Approach towards new Member States

Recently, attention has also been paid to some political forces that might exert influence on the Commission's decisions. The infringement procedure by means of Art. 226-228 EC Treaty often has been subject to familiar concerns that proceedings may lack a

32 Krämer, *supra* note 7, 430.

33 European Parliament, resolution of 21 February 2008, *supra* note 3.

34 European Parliament, resolution of 21 February 2008, *supra* note 3.

35 Hattan, *supra* note 10, 287.

36 See the assessment in 2003 in: Josephine Steiner/Lorna Woods *supra* note 9, 592.

37 Heidemann-Robinson, *supra* note 20, 165.

38 Heidemann-Robinson, *supra* note 20, 165.

strategic and coherent focus.[39] Due to the fact that there is no formal division between the Commission's political and enforcement duties, there is at least the potential of political influence at each stage of an investigation or infringement procedure.[40] In particular concerning non-application cases, which usually have to deal with controversial infrastructure projects, it is most likely that political influence is exerted by the affected Member States.

However, the allegation of the European Parliament that the Commission is more indulgent towards new Member States for political reasons lacks reliable facts. There is no evidence suggesting a systematic approach from the Commission in applying double standards to old and new Member States. The resolution of the European Parliament does not deliver information about cases in which the Commission is more indulgent towards new Member States. Since the resolution only refers to the drop of infringement procedures within the years in which the enlargement took place, the conclusion of an indulgent approach is superficial. There are many other conceivable explanations that might have avoided an increased number of detected infringements. Particularly the limited capacity of the Commission invites the conclusion that an increase of infringement cases could not have been expected. There is no evidence that the detected cases were not evenly spread amongst Member States.

3.4 Further aspects to be considered

Although evidence could be found to verify the above-mentioned allegations of the European Parliament, it would be an easy way out of the problem to place the sole blame on the Commission. The problem is in fact much more complex and caused by many factors. Other explanations which deserve to be mentioned include the complexity of EC environmental law, the reliance on decentralisation within the state in environmental legislation, internal institutional and administrative structures of Member States, difficulties with particular transposition techniques or a lack of coordination within the Member States.[41]

Regarding the increasing complexity of environmental legislation, it is beyond all question that the Commission bears most of the responsibility. Over the past decades the Commission has obviously focussed less on the enforcement of existing law, but more on the creation of new law. The different fields of environmental law lack a coherent structure.[42] In the last years substantial efforts have been taken to codify different legislative acts in one piece of legislation; e.g. in the field of water protection (Water Framework Directive), waste (Waste Framework Directive),[43] chemical law (REACH)[44] as well as emissions from industrial installations.[45]

4 Conclusion

EC legislation faces a problem of credibility. In this respect, the recent resolution of the European Parliament calls attention to a well-known problem. Regarding a lack of registration of complaints, the resolution points out that the Commission is obliged to keep in mind its duty in respect of non-application cases. Despite necessary prioritisation, it is crucial to take every complaint of a citizen seriously. The credibility of EC Law depends on effective supervision and enforcement. Citizens lose their confidence in existing law, once they realise the authorities lack effective control mechanisms.

To some extent, however, the concerns expressed by the MEPs are not justified. To blame the Commission for being more indulgent towards new Member States is entirely unfounded: This allegation is not based on facts. It is more a political statement than a reliable conclusion.

A lack of internal resources is undoubtedly an existing problem which the Commission has to deal with. Nevertheless, the resolution does not highlight new aspects concerning this well-known issue. As the MEPs know, the Commission cannot vest itself with additional human or financial resources.

39 Jo Shaw/Jo Hunt/Chloë Wallace, *supra* note 11, 440.

40 Hattan, *supra* note 10, 275.

41 See the enumeration of possible reasons in: Jo Shaw/Jo Hunt/Chloë Wallace, *supra* note 11, 438.

42 Krämer, *supra* note 7, 453.

43 See Carlos da Silva Campos, Waste, Product and By-product in EU Waste Law, elni Review 2/2007, 28; Thomas Ormond, Nuovo Regolmato ce relativo alle Spedizioni di Rifuti, Rivista Giuridica dell´Ambiente 3-4/2007, 419.

44 See Uwe Lahl, REACH - Assessment of the political agreement, elni Review 1/2007, 34.

45 See the article of Marga Robesin in this issue.

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.

Contact
Freiburg Head Office:
P.O. Box 50 02 40
D-79028 Freiburg
Phone +49 (0)761-4 52 95-0
Fax +49 (0)761-4 52 95 88

Darmstadt Office:
Rheinstrasse 95
D-64295 Darmstadt
Phone +49 (0)6151-81 91-0
Fax +49 (0)6151-81 91 33

Berlin Office:
Novalisstrasse 10
D-10115 Berlin
Phone +49(0)30-280 486 80
Fax +49(0)30-280 486 88
www.oeko.de

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

Contact
Prof. Dr. jur. Gerhard Roller
University of Applied Sciences
Berlinstrasse 109
D-55411 Bingen/Germany
Phone +49(0)6721-409-363
Fax +49(0)6721-409-110
roller@fh-bingen.de
www.fh-bingen.de

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 conversation
- 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

Contact
Darmstadt Office
Prof. Dr. Martin Führ – sofia
University of Applied Sciences
Haardtring 100
D-64295 Darmstadt/Germany
Phone +49(0)6151-16-8734/35/31
Fax +49(0)6151-16-8925
fuehr@sofia-darmstadt.de
www.h-da.de

Göttingen Office
Prof. Dr. Kilian Bizer – sofia
University of Göttingen
Platz der Göttinger Sieben 3
D-37073 Göttingen/Germany
Phone +49(0)551-39-4602
Fax +49(0)551-39-19558
bizer@sofia-darmstadt.de
www.sofia-research.com

Öko-Institut e.V.
Institut für angewandte Ökologie
Institute for Applied Ecology

I·E·S·A·R
Institute for Environmental Studies and Applied Research
FH Bingen

sofia

elni

In many countries lawyers are working on aspects of environmental law, often as part of environmental initiatives and organisations or as legislators. However, they generally have limited contact with other lawyers abroad, in spite of the fact that such contact and communication is vital for the successful and effective implementation of environmental law.

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

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

elni coordinates a number of different activities in order to facilitate the communication and connections of those interested in environmental law around the world.

Coordinating Bureau

The Coordinating Bureau was originally set up at and financed by Öko-Institut in Darmstadt, Germany, a non-governmental, non-profit research institute.

Three organisations currently share the organisational work of the network: Öko-Institut, IESAR at the University of Applied Sciences in Bingen and sofia, the Society for Institutional Analysis, located at the University of Darmstadt. The person of contact is Prof. Dr. Roller at IESAR, Bingen.

elni Review

The elni Review is a bi-annual, English language law review. It publishes articles on environmental law, focussing on European and international environmental law as well as recent developments in the EU Member States. It is published by Öko-Institut (the Institute for Applied Ecology), IESAR (the Institute for Environmental Studies and Applied Research, hosted by the University of Applied Sciences in Bingen) and sofia (the Society for Institutional Analysis, located at the University of Darmstadt). The Coordinating Bureau is currently hosted by the University of Bingen. elni encourages its members to submit articles to the Review in order to support and further 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 gather together scientists, policy makers and young researches, providing them with the opportunity to exchange views and information as well as to develop new perspectives.

The aim of the elni fora initiative is to bring together, on a convivial basis and in a seminar-sized group, environmental lawyers living or working in the Brussels area, who are interested in sharing and discussing views on specific topics related to environmental law and policies.

Publications series

- 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 Industria Plants and the Influence of EC Directives, Gebers/Robensin (eds.), P. Lang, 1993.
- Civil Liability for Waste, v. Wilmowsky/Roller, P. Lang, 1992.
- Participation and Litigation Rights of Environmental Associations in Europe, Führ/ Roller (eds.), P. Lang, 1991.

Elni Website: elni.org

On the elni website www.elni.org one finds news of the network and an index of articles. It also indicates elni activities and informs about new publications. Internship possibilities are also published online.

elni, c/o Institute for Environmental Studies and Applied Research
FH Bingen, Berliner Straße 109, 55411 Bingen/Germany

www.elni.org