

elni

REVIEW

Environmental penalties in Italy

Paola Brambilla

Enforcing EU environmental law outside Europe? The case of
ship dismantling

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Directive 2008/99/EC: A new start for criminal law in the
European Community?

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cals legislation – Analysis and regulative options

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Principle of public participation in environmental law of the
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A survey of the Vietnamese environmental legislation on water

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Editorial

The main topics of this issue are the *enforcement of EU law*, and *criminal law and the environment*. Enforcement of EU law is often prescribed by the national legal framework and therefore depends strongly on national definitions of the findings of the facts. When focusing on criminal environmental law one of the main hurdles to the effectiveness results from the different national implementation practices of European Directives. In this respect, the problems also differ between the different EU Member States. This issue of elni Review provides valuable insights into selected national law frameworks:

“Environmental penalties in Italy” by Paola Brambilla focuses on the history and actual issues of criminal environmental law in Italy.

“Enforcing EU environmental law outside Europe? The case of ship dismantling” by Thomas Ormond provides a special view on EU law enforcement from an international perspective.

Armelle Gouritin and Paul De Hert critically discuss the recent developments of European environmental criminal law in their article “Directive 2008/99/EC of 19 November 2008 on the protection of the environment through criminal law: A new start for criminal law in the European Community?”

Topics which focus on actual EU-law issues:

The viewpoint of environmental organisations towards the setting of standards of emissions is provided in “Development of harmonised European standards for measuring emissions from construction products in CEN from the perspective of environmental organisations – Part 1” by Michael Riess and Ralf Lottes.

The article “Regulation of nanomaterials under present and future Chemicals legislation - Analysis and regulative options” by Stefanie Merenyi, Martin Führ and Kathleen Ordnung critically reviews REACH under the perspectives of nanomaterials. It also contains information on recent developments on EU level.

Other topics focus on national laws of non-EU countries:

In his article Eugene A. Wystorobets focuses on the “Principle of public participation in environmental law of the Russian Federation” and provides general insights into Russian law.

“A survey of the Vietnamese environmental legislation on water” by Michael Zschesche and Duong Thanh An focuses on Vietnamese water law and the organisational background of administrative institutions in this context.

The next issue of the *elni review* will focus on the Industrial Emissions Directive (IED). Please send contributions on this topic as well as other interesting articles to the editors by the end of June 2009.

Nicolas Below/Gerhard Roller

March 2009

elni Forum 2009

on 14th May 2009

at FUSL, Facultés universitaires Saint-Louis in
Brussels, Belgium.

***“The Directive on Industrial Emissions
and its implementation in national law -
key issues and practical experiences”***

The elni Forum 2009 will offer the opportunity to discuss implementation issues of the upcoming European Directive on Industrial Emissions (IED). European and national environmental law experts will comment on this issue.

The **Annual Meeting of the elni Association 2009** will take place before the elni Forum.

More information is available at:
www.elni.org

Special Announcement

The representative for interested parties of the ECHA Management Board and co-founder of the *Environmental Law Network International* – Marc Pallemmaerts – is now member of the ECHA Board of Appeal.

The editors wish him all the best and every success in the future!

In his place Martin Führ, also co-founder of *elni* and editor of the *elni Review* was nominated at 18 December 2008 by the Commission as a new member of the Management Board of the ECHA (European Chemicals Agency) to represent interested parties.

Principle of public participation in environmental law of the Russian Federation

Eugene A. Wystorobets

Normative acts, decisions of the courts, practice and public relations in the field of public participation in environmental decision-making will be addressed in this article. The purpose of the present article is to develop measures for strengthening the principle itself in law application and improvement of environmental protection as a whole. Open and private data bases, content analysis methods, comparative law, formal, logic, and statistical methods were used during this work. This article offers a selection of main terms, a short description of domestic sources, a survey of several cases and practical problems. The review will enable a general overview to be gained of the past, present and future of this problem in the context of Russian environmental legislation.

1 Overall background

The “over-super-extra-branch”¹ of law has to be distinguished from environmental legislation. Though, structurally, the Russian environmental law is easier explained through its legislation. The principle of public participation in environmental law of Russia can be specified by looking at the interaction between authorities, commercially interested persons and public: it is reflected in the mutual assistance of a public and bodies of state power in the development of civil society with the purpose of environmental protection, especially in terms of the rational use of natural resources and provision for environmental safety.

Public relations influence law. Therefore, it is necessary to mention the general circumstances of the development of the principle of public participation. When looking closely at its reflection in law and its practical realisation, it is impossible to consider the principle of public participation independently of environmental rights, which cover adjective (“*processualinyje*”), procedural (“*prodsedurnyje*”), and remedial aspects of their defence. It is generally the opinion of lawyers and environmentalists that “*public environmental control*” is the common term for expressing all citizen activity with regard to environmental protection. Comparing domestic legislation in correspondence to the Aarhus Convention, the authors come to the conclusion that “*formally the rules of public participation in EIA and SEE [state environmental expertise] in Russia conform [to] the requirements of Aarhus Convention*”, and, for instance, the Russian requirements regarding EIA even slightly exceed German UVPG, § 6 – due to the compulsory inclusion of the monitoring programme in the papers.²

It should be noted that international sources are frequently used by non-commercial organisations on environmental protection and nature conservation (ecoNPOs) as the basis of environmental rights. Their positions are often mentioned in court proceedings. Russia has concluded bilateral environmental agreements with more than 50 countries. Recently, public participation which had an international element in terms of subjects, costs and geography was quite high.³

2 History

A highly efficient system of nature conservation, a system of specially protected nature territories (PAs) was created during Soviet times and environmental law was developed. See Art. 16: “*Participation of public organisations in nature [environmental] protection*”.⁴

Since 2004 the situation has become worrying. The basis of the use of joint forms of decision-making has slackened. An intervention of other branches of law on environmental law is still going on today. Its fragmentation is increasing and the priority of the complex environmental act over the special acts on the issues, which are not settled by them, is sometimes put in doubt. Norms concerning budget, financial, agrarian, and spatial-planning legislation are being introduced into the body of environmental laws. The institute of state (and public) environmental expertise and EIA are practically rendered redundant. Their substitution by state spatial-planning expertise is completed; environmental criteria have been lost along the way. The branch subsystems of the institute of state environmental control, and at the same time public control are cancelled out.

3 Modern regulation

The legal institute of public participation is reflected in Russian laws at many points; just quoting their titles would go beyond the length of the present article. The following will concentrate on the main laws.

The Constitution of the Russian Federation does not concede on the volume of environmental provisions, to the constitutions of other countries of the world. Art. 42 of the Constitution of the Russian Federation provides that “*everyone shall have the right to a favourable environment, reliable infor-*

³ E.A. Wystorobets, Atlas of International Environmental Co-operation, M., The Hague: Silver’s day, 2001.

⁴ Art. 16 Law of the Russian Soviet Federal Socialist Republic, 27 October 1960 (without N) “On protection of nature in the RSFSR”, Bulletin of the Supreme Soviet of the RSFSR 1960, N 40, Art. 586, download under: <http://ntc.duma.gov.ru/bpa/vdoc.html?bpaid=1&code=110942>; Law of the RSFSR, 19 December 1991, N 2060-1 “On protection of natural environment”, Bulletin of the Council of People’s Deputies and the Supreme Soviet of the Russian Federation, 5 March 1992, N 10, Art. 457 also contained appropriate positions.

¹ Named by Prof. Olga L. Dubovik, Institute of State and Law, Russian Academy of Sciences, Moscow.

² EIA and Russian public: 1979-2002 Comp. and resp. Ed. A.V. Drozdov. M.: KMK, 2006. p. 357, 360.

mation on the state of the environment and compensation for damage caused to his (her) health and property by violations of environmental laws." The guarantees of participation of citizens in state management are numerous.

The principle of public participation was, as should be, laid down in detail by the law-makers in Art. 12 of the Federal law of the Russian Federation "On environmental protection".⁵ The present Federal law of the Russian Federation established basic principles of environmental protection.

The Federal law of the Russian Federation "On environmental expertise"⁶ (EIA) still has fundamental significance for public participation, despite it is being weakened by the Spatial planning code ("*Gradostroitelinyi codex*").⁷ There are about 30 environmental laws of the highest level in Russia; each of them contains details of the public participation principle. Vladimir B Isakov, upon completion of regional legislation development tendencies research, notes the steady growth of legislation of the constituent entities of the Russian Federation and bodies of local authority, specifying that federal legislation at present makes up no more than 10 % of all the normative acts. At the same time, according to his data "*the legislation on protection of nature and use of natural resources (on environmental protection, on land, on entrails [subsoil], on protection of woods, on protection of water, on animal world [fauna] makes up 6.7 % of legislation of the constituent entities of the Russian Federation*".⁸

The legislation on NPOs is even more extensive. There are up to 30 federal laws on special issues. In April 2006, Russian regional legislation regulating the forms of the dialogue of a public and governmental authorities (public chambers, state support of NPOs, social demand, applications of the citizens, public hearings and public expertise, charity) consisted of 1,363 normative acts approved at a level of the constituent entities of the Federation (88 of all federal districts).

By October 2007, the amount of the normative acts regulating the same fields of mutual relations of the state authorities and civil society increased to 2,351 (85 constituent entities of all federal districts).⁹ By September 2008, the

amount of such normative acts has already reached a total of 3,042.

The order of Goscomecologii "On approval of the Statute on assessment of an impact of proposed economic and other activity on an environment in the Russian Federation" is considered to be one of the main by-laws, regulating public participation.¹⁰

The methodical recommendations of the Committee on Natural Resources and Environmental Protection of Leningrad oblast¹¹ "On involvement of the population to discussion and solution of the problems of environmental safety"¹² function as a special act in relation to the above mentioned acts on NPOs, but is already considered as a piece of environmental law.

The recommendations go further than several international agreements with regard to the degree of determination public documents' composition. The construction of a preamble of this by-law testifies that there is a custom and practice regarding the legislative fixing of the right for public participation. The reverse order of the normative acts listing points out to a degree of their political support, instead of legal weight. The use of the archaic term "*natural environment*" had been refused by a law-maker for the reason of legal technique. Notwithstanding that, the term is used here. This demonstrates the sustainability of legal consciousness in relation to unsystematic modifications "*of the upper layer of laws*" (several federal environmental laws). The example of law replacement testifies to the high dynamics of regulation in relations between authorities and society in the ecological field.¹³ The adoption of laws on individual issues is very welcome.

Doctrinal specification of the principle of public participation is carried out in domestic literature from the following positions:

- division of law on substantive (=material) and adjective (≈procedural);

⁵ See the English translation of Art. 12 Federal law of the Russian Federation, 2 January 2002, N 7-FZ, "On environmental protection": "The rights and duties of public and other non-commercial associations pursuing their activities in the field of environmental protection" download under: http://www.russec.ru/homepage/databases/law/7-fz_eng.htm.

⁶ Federal law of the Russian Federation, 23 November 1995, N 174-FZ, "On environmental expertise".

⁷ Rev., 30 December 2008, SZ RF [Collection of Legislation of the Russian Federation], 27 November 1995, N 48, Art. 4556.

⁸ V.B. Isakov, The legislation of the constituent entities of the Russian Federation: volume, structure, tendencies of development /a Year-book of Russian Law, M.: Norm Publishers, 2000, pp. 288-304, quoted by: E.S. Navasardova. Theoretical problems of environmental management regulation on regional level, Thesis for Dr. of Law degree, M.: 2002.

⁹ The research fulfilled by Non-commercial partnership "Lawyers for civil society" and accessible on site www.lawcs.ru – quoted by Report on the State of Civil Society in the Russian Federation. M.: Public Chamber of the Russian Federation, 2008, p. 40, download under: <http://www.oprf.ru/files/Doklad-OPRF-2008.pdf>.

¹⁰ Order of Goscomecologii, 16 May 2000, N 372 "On approval of the Statute on assessment of an impact of proposed economic and other activity on an environment in the Russian Federation". Registered by Ministry of Justice of Russia, 4 July 2000, N 2302, RG ["Ros-siyskaya Gezeta"] N 170, 1 September 2000 download under: <http://www.rei-eco.ru/2ovos1.htm>; electronic ecological library. Website of the N. A. Dobroleubov Arkhangelsk regional scientific library, download under: <http://www.ecology.aonb.ru/index.php?num=167>.

¹¹ Beside "oblast", there are five more types of the constituent entities, see Art. 65 download under: <http://www.kremlin.ru/eng/articles/ConstEng3.shtml>.

¹² Methodical recommendations of the Committee on Natural Resources and Environmental Protection of Leningrad oblast, 14 December 2004, N 73, "On involvement of the population to discussion and solution of the problems of environmental safety".

¹³ Law of St.-Petersburg, 20 July 2006, N 400-61, "On the order of organisation and realisation of public hearings and information provision to the population during realisation of spatial-planning activity in St.-Petersburg", Registered in Federal register N RU78000200600205, Bulletin of StPb Legislatiue, N 12, 15 August 2006, download under: <http://www.gov.spb.ru/law?d&nd=9100256&prevDoc=8434288> – it replaced the Law of St.-Petersburg, 25 March 2004, N 114-20 "On the order of participation of the citizens and their associations in discussion and decision-making in the field of spatial-planning activity on territory of St.-Petersburg", download under: http://map.lawcs.ru/nw/peterburg_7zakon114.doc.

- division of the rights on private and public;¹⁴
- distinction of the possibilities of a self-defence and defence of the principle by the state bodies;
- combination of private law and public law means of defence;¹⁵ and
- difference between objective and subjective rights, and others.¹⁶

Some authors recognize that the principle of public participation is a rather isolated environmental right.

4 Cases and practice

I used sources available for everyone on the internet to prepare the empirical section, in particular, materials of 'Rodnik' (water spring) Legal centre and Public organisation: "*Environmental Guards on Northern Caucasus*". The work of the organisations which have made the information accessible should be greeted with sincere respect. 27 of the 38 messages, which were understood to be information on court proceedings, turned out to be trials (1999-2005); the rest tended to concern pre-trial information. The analysed materials are classified in Table 1.

Topics	Number of hits
State environmental expertise	6
Creation and defence of the PAs	4
Public participation	4
Indemnification of damage	4
Indemnification of moral harm	3
Public hearings	2
Cases against the activists	2
Reimbursement of harm to health	1
Environmental information	1

Table 1: Information on court proceedings (1999-2005)

The remaining information concerns pre-trial forms of public participation (local referendums, protest actions, realisation of public environmental expertise, development of draft laws, and preparation of proposals on amendments to legislation). The messages on pre-trial forms of public participation were distributed by topic, according to Table 2.

Topics	Number of hits
Public environmental expertise	3
Public hearings	2
Referendums	2
Complex companies	1
Interaction	1
Protest actions	1
Influence	1

Table 2: Pre-trial forms of public participation (1999-2005)

It follows from the titles of 105 enactments of district federal arbitration courts (FAS) from 1997 to 2008, containing the words: "environment", "nature", "ecology", "rights of the citizens", that the highest amount of claims on environmental cases in Russia were filed in 2000 and 2006. The cases are clearly distributed in four groups by frequency and subjects.¹⁷

- Group 1: From 10 up to 17 cases were relating to the issues: procedural; reimbursement for harm; protection of the "water biological resources"; dwelling place, buildings (in the order from the greater to the smaller).
- Group 2: From 6 up to 7 cases were relating to the issues: payment for contamination; environmental expertise; a no-purpose expenditure; sale, transfer of land; contamination of water.
- Group 3: From 3 up to 4 cases were relating to the issues: indebtedness; disposal of waste; termination of activity.
- Group 4: From 1 up to 2 cases were relating to the issues: protection of trees; environmental control; protection of the "hunting species"; environmental information; administrative fine; taking of the goods; extraction of mineral resources; the payment for entrance to PA without cash machine.

It can be assumed that a number of positive influences directly or indirectly impacted on environmental protection and thereby indirectly influenced the realisation of the public participation principle. However, the amount is presumably no more than 35-40 % of the decisions on the above-mentioned cases.

The problems of a judicial defence are numerous: there are just a few environmental lawyers who are capable and qualified to defend environmental rights. Further influencing factors are related to the legal personality, the cause and effect connection, the methodology of indemnification, the compliance of procedural terms, and the execution of decisions, etc. Some citizens who have not found a decision in Russia have to use their right of application to the European Court. According to the protocol¹⁸ of the Council of Europe to the Convention for the Protection of Human Rights and

¹⁴ I.S. Nazarova, Environmental rights of a person: constitutional and legal refraction /Constitutional and Municipal Law, 2007, N 9.

¹⁵ S.A. Bogoleubov, A correlation of public-law and private-legal means in the provision of environmental rights of the citizens /The Journal of Russian Law, 2005, N 7, pp. 24-32.

¹⁶ V.I. Evtushenko, E.A. Kravtsova, Environmental law in a system of natural rights of a human /History of State and Law, 2008, N 15, pp. 2-3; How to organize public environmental monitoring: a manual for public organisations /Ed. M.V. Khotuleva. - M.: SoES, 1997; O.A. Yakovleva, How to protect the right of a citizen for information, download under: <http://ethics.iph.ras.ru/works/GU/9.html>; V. Gushin, Environmental extremist units /Econews electronic bulletin, N 12 (v. 7, N 211), 2001, Humanitarian ecological journal, V. 4, Ed. 1, 2002, pp. 67-73, download under: <http://ecoforum2.narod.ru/hem41/sociol2.htm>.

¹⁷ The enactments of district federal arbitration courts are accessible online in the legal reference system "ConsultantPlus": <http://www.consultant.ru/sys/english/>

¹⁸ Protocol of the Council of Europe to the Convention for the Protection of Human Rights and Fundamental Freedoms, (11 May 1994) N 11.

Fundamental Freedoms any person, non-governmental organisation or group of individuals have the right to file petitions directly to the Court.¹⁹ The positive role of the public chambers can be demonstrated by the following example of the Republic of Tatarstan: an enactment of the Cabinet of Ministers of the Republic of Tatarstan “on the order of organisation of the public opinion taking into account during adoption and realization by organs of executive power of the Republic of Tatarstan and bodies of local authority of normative legal acts of the Republic of Tatarstan and municipal legal acts” was prepared jointly with the Ministry of Economy of the Republic of Tatarstan, the Centre of Economic and Social Research at the Cabinet of Ministers of the Republic of Tatarstan considering experience of the first year of work of the Chamber.²⁰

The public prosecutor is a major ally of ecoNPOs, acting as a counterbalance to the bodies of management. This position is also shared by Prof. *Aleksander Yu Vinokurov*, who noted that “realization of the right of citizens to environmental information may be protected by state bodies, including, primarily, the attributed courts and Prosecutor’s office”.²¹

5 Conclusions for the future

The problem does not lie in the imperfection of domestic legislation but in the existence of a possible false treatment, in neglecting joint or interdepartmental forms of decision-making. Presumably, it may also be the ignorance of hierarchical position of certain norms in the law system and their incorrect application. Ironically, such a situation is outlined by the phrase: “...and if the law contradicts to the instruction, we use the instruction”. The problem is also the absence of modern applied literature on environmental law, which would show an approved choice and application of the “convenient” norms, while minimising the tendency that lawfully applicable rules are being ignored. An indicator for low quality of law application can be seen in the equally low quantity of environmental and legal literature. The forms of participation are used insufficiently. The economic basis of public relations determines the application of law to a great degree. In the meantime contractual forms of public participation in decision-making concerning environmental protection will be developed. Growing ecological productions (environmental industry) will require the support of the public by the refusal of lesser standards in ecological goods

and services, and also by the influence on the competitors, who are not offering environmentally friendly products and services. The legal grounding of private means as a solution to the current problems will be required.

We suggest the following special measures:

- development of the normative texts of public-legal agreements concerning public participation in environmental decision-making and publication of them together with practical commentaries to them including “control schedules”;
- creation of complete databases on pre-trial and judicial events of environmental protection, including cases with public participation available to all on the internet;
- preparation and publication of official and informal thematic consolidations of normative materials on urgent object issues (creation of categories of PAs, protection against kinds of contamination, kinds of nature use) and forms (referendum, public environmental control, public environmental expertise) and methods (pre-trial, administrative, civil, and criminal law) of public participation;
- refusal to continue development of popular forms of practical manuals and rendering of preferences to methodical recommendations developed in a strict form, which meets the requirements of logic and clearness, established by GOST (state standard) and corresponding to ISO/IEC Directives, Part 3 from 1989: “Rules for the structure and drafting of International Standards” regarding requirements to the construction, presentation, and format of standards;²²
- legislative fixing of compulsory participation in law-making process of environmental lawyers, representatives of other branches of science and practice, and various sectors of the society and the branches of economy (laws of the process); and
- optimisation of environmentally conscious upbringing, education, learning, enlightenment, propaganda and cultural standards.²³

The intensive development of environmental law will be continued. In the future, the Russian Federation will inevitably come to solving adjective and procedural issues of public participation.

The author would like to thank Dr. Vera L. Mischenko (“Ecojuris” Institute), Dr. Nicolay V. Kichigin (IZiSP), Dr. Ekatherine N. Khmeleova (WWF of Russia), Marina A. Ermolina (StPbSU) for their assistance.

¹⁹ *Fadeyeva v. Russia* (application No. 55723/00 “a violation of Art. 8: right to respect for private and family life”) ECHR Chamber Judgment *Fadeyeva v. Russia*. Press release issued by the Registrar, 9 June 2005, No. 313, download under:

http://www.echr.coe.int/Eng/Press/2005/June/ChamberjudgmentFadeyevavRussia090605.htm#_ftn1; O.V. Trudova, E. Yu. Yakovlev, The problems of judicial defence of environmental rights of the citizens of Russia on international level/ *Moscow journal of the international law*, 2008, N 3, pp. 21- 42.

²⁰ Report on the work of the Public Chamber of the Republic of Tatarstan for 2007. p. 27, download under:

www.tatar.ru/?DNSID=0c70ecaf0115e50d2371e711d109a0d7&node_id=3510.

²¹ A. Yu. Vinokurov, Sound issues of prosecutor’s supervision and provision of legitimacy in the field of environment: selected works. M. MosHumU, 2008. p. 203.

²² GOST R 1.5-92 General requirements to construction, presentation and contents of the standards, download under: http://gsnti-norms.ru/norms/common/doc.asp?0&norms/stands/1_5.htm.

²³ For more details, see E.A. Wylstorobets, *Environmental Law - Motivations in International Co-operation*. M.: Science, 2006. pp. 196-198.

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**
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 - 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 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 co-operation 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, focusing 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 researchers, 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, Gebbers/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, Gebbers/Robensin (eds.), P. Lang, 1993.
- Civil Liability for Waste, v. Wilimowsky/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.