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elni REVIEW

CONTENTS

Editorial

The negotiations of the Transatlantic Trade and Investment Partnership (TTIP) began in 2013 and have been the source of heated debate since then. In addition to various concerns regarding a feared reduction of statutory health and environmental standards, the main discussion has centered around the introduction of the so-called Investor-to-State Dispute Settlements (ISDS).

Against this background the current elni issue focuses on issues relevant to TTIP with the following contributions.

Andrea Carta addresses the question of whether the Investor-to-State Dispute Settlement (ISDS) fits in the EU legal system. His article describes the framework underlying the inclusion of ISDS in EU international investment agreements (IIAs) and discusses the concerns raised, particularly by NGOs, regarding the potential impact of ISDS on EU and Member States' regulatory powers.

The regulatory coherence in the TTIP Agreement in the context of chemicals is discussed by *Vito Buonsante*. He outlines the conflict between seeking regulatory coherence and at the same time maintaining the right to choose different levels of protection in regard to health, safety, consumer, labour and the environment.

In the recent developments section *Julian Schenten* reports on activities to strengthen REACH provisions concerning (imported) articles which also touch a sensitive point in the relationship between the EU und the USA.

A second series of contributions to this issue of the elni Review covers a variety of other topical legal issues.

In an article by *Viktoria Raczyńska* the main provisions of Ukrainian legislation regulating hazardous waste management are analysed in terms of its compliance with the Basel Convention and the Directive 2008/98/EC.

Furthermore, the contribution of *Gerhard Roller* deals with the ambiguous relationship between speed and quality in decision-making in Germany by analyzing the measures taken to expedite procedures.

Finally, the issue concludes with recent developments – described by *Nicola Below* -with regard to participatory rights in the environmental decision-making process and the implementation of the Aarhus Convention.

We hope you enjoy reading the journal.

Contributions for the next issue of elni Review are very welcome. Please send contributions to the editors by mid-March 2015.

Claudia Schreider (née Fricke) / Martin Führ
December 2014

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Regulatory coherence in the transatlantic trade and investment partnership agreement: the case of chemicals

Vito A. Buonsante

1 Introduction

The beginning of the negotiations for a trade and investment partnership agreement between the European Union and the United States of America was announced in February 2014 by the US president Barack Obama.[1] Preparatory activities for the trade agreement had been ongoing for several years, but not until it became more concrete did the agreement enter the radar of environmental experts and activists. The main concern of TTIP stems from the intention to eliminate regulatory barriers to trade, thus attempting to erase the differences in levels of protection for which each block has democratically decided. Unlike traditional trade agreements the TTIP aims to include a "regulatory cluster" in the form of a regulatory coherence annex that should include procedures to minimize differences in regulation. However the regulatory coherence chapter, according to the negotiators on both sides, will not impair each parties' right to regulate. Therefore, diverging regulations will be allowed in order to protect health, safety, consumer, workers and the environment. Finally, the negotiators also state that no changes will be made to existing regulations. It seems apparent that these two objectives – coherence and the right to regulate, – are in stark contrast with each other. On the one hand, there is the goal to avoid and eliminate trade barriers; on the other hand, the high level of protection of EU citizens should not be undermined; in addition, no change in basic regulations is foreseen. This article outlines some difficulties in seeking regulatory coherence chapter whilst at the same time maintaining the right to choose different levels of protections. After discussing the problem of lack of transparency in the negotiations, the article will focus on the implications of regulatory cooperation for health and environmental legislation. In particular this article will focus on the case of the chemicals regulation for which discussions have advanced more in the negotiations thus far and for which there are wide differences in terms of regulations.

2 Transparency in TTIP

When the negotiations for the TTIP kicked off, the European Commission declared that for these negotiations it would achieve the highest level of transparency ever in trade talks. However, from the very start, even the negotiation mandate from the European Council was kept secret. According to a fact sheet from DG Trade the reasons for the secrecy "*is necessary to protect EU interests and to keep chances for a satisfactory outcome high. When entering into a game, no-one starts by revealing his entire strategy to his counterpart from the outset: this is also the case for the EU.*" However, as noted by the European Ombudsman in a letter to the European Council, the mandate does not go into great detail on any of the subjects that will be covered by the negotiations and some are dealt with at a very high level of generality. *"In these circumstances, it is not immediately apparent how its disclosure would undermine the protection of any of the public or private interests provided for in Article 4 of Regulation 1049/2001."*[2] Thus, following major pressure from institutions and civil society, the negotiating mandate for the TTIP was made public on 9th October 2014, 16 months after it had been approved by the European Council. Several measures have been put in place by the EU negotiators to give an image of increased transparency of the TTIP negotiations. These include public consultations, dedicated webpages and a twitter account, organising debriefing sessions, setting up a stakeholders' advisory committee and a reading room where the members of the committee could consult documents from the negotiations. However, all these activities did not do much in terms of increasing the transparency of the negotiations. Any useful information received by stakeholders has only been through leaked texts since the information received from the negotiators is always generic and practically useless in terms of meaningful input into the discussions with the negotiators. As stated by the negotiators this is not a trade deal like the others, it will be much less about eliminating tariffs and much

[1] Statement from United States President Barack Obama, European Council President Herman Van Rompuy and European Commission President José Manuel Barroso, Brussels/ Washington, 13 February 2013. Available at http://europa.eu/rapid/press-release_MEMO-13-94_en.htm.

[2] Letter to the Council of the EU requesting an opinion in the European Ombudsman's own-initiative inquiry OI/11/2014/MMN concerning transparency and public participation in relation to the Transatlantic Trade and Investment Partnership (TTIP) negotiations. Available at: http://www.ombudsman.europa.eu/showResource?resourceId=1406723821389_Opinion_Request_201401291_OI_11_2014_MMN_20140729_101630.pdf&type=pdf&download=true&lang=en.

more about making the first steps for the creation of what Trade Commissioner De Gucht has called "a transatlantic internal market".[3] This means that TTIP will create new ways to make legislation in the EU and in the US and that any regulation which has an impact on transatlantic trade will be seen as a trade "irritant." A negotiation with such an objective should be given a level of transparency at least as high as the decision making procedure of any law: As MEP Heidi Hautala wrote, "*the argument given by the Commission is that you cannot let your opponent see your cards. This might have been the case in horse-sale deals of 18th century mercantilism, but is it the right approach for an agreement to establish far-reaching political cooperation? Surely not.*"[4] On 25th November 2014, a communication on transparency in TTIP[5] stated the premises for the fresh start of the new Commission in relation to the negotiations' transparency.

The actions put forth by the Commission to enhance transparency in the TTIP negotiations were summarised thus:

- making public more EU negotiating texts that the Commission already shares with Member States and Parliament;
- providing access to TTIP texts to all Members of the European Parliament (MEPs), not just a select few, by extending the use of a 'reading room' to those MEPs who had no access to restricted documents so far;
- classifying less TTIP negotiating documents as "EU restricted", making them more easily accessible to MEPs outside the reading room; and
- publishing and updating on a regular basis a public list of TTIP documents shared with the European Parliament and the Council.

However, with the exception of two papers on chemicals, the content of which was leaked a few months before, no "declassified" document was made available at the time of the Communication on transparency. Thus it is not known what the implications of this fresh start will be.

3 The TTIP EU mandate

The negotiating mandate for the TTIP states that the objective is to "*increase trade and investment between the EU and the US by realising the untapped potential of a truly transatlantic market place, generating new economic opportunities for the creation of jobs and growth through increased market access and greater regulatory compatibility and setting the path for global standards.*"[6] The mandate further states the importance of sustainable development and environmental protection which also fall under the "objectives" heading: "*The Agreement should recognise that sustainable development is an overarching objective of the Parties and that they will aim at ensuring and facilitating respect of international environmental and labour agreements and standards while promoting high levels of protection for the environment, labour and consumers, consistent with the EU acquis and Member States' legislation. The Agreement should recognise that the Parties will not encourage trade or foreign direct investment by lowering domestic environmental, labour or occupational health and safety legislation and standards, or by relaxing core labour standards or policies and legislation aimed at protecting and promoting cultural diversity.*"[7] The most controversial and, at the same time, innovative part of TTIP is the intention to seek regulatory convergence between the US and the EU: a sort of transatlantic internal market. Indeed the mandate states that the TTIP "*will aim at removing unnecessary obstacles to trade and investment, including existing NTBs,*[8] *through effective and efficient mechanisms, by reaching an ambitious level of regulatory compatibility for goods and services, including through mutual recognition, harmonisation and through enhanced cooperation between regulators. Regulatory compatibility shall be without prejudice to the right to regulate in accordance with the level of health, safety, consumer, labour and environmental protection and cultural diversity that each side deems appropriate, or otherwise meeting legitimate regulatory objectives, and will be in accordance with the objectives set out in paragraph 8.*" It follows that the TTIP will seek at the same time to increase trade and seek sustainable development, to reduce differences in regulation but not prejudice the right to regulate in accordance with the chosen level of protection in each side of the Atlantic. It appears clear that these objectives stand in contradiction with each other. More trade will mean more shipments of products from one block to the other with significant increases of emissions. The Commissions' impact assessment foresees a worst case scenario of CO_2 emissions increase of only

3 Financial Times, 13 February 2013.

4 Lack of transparency in TTIP - a case for the ECJ?, 10 July 2014: http://ttip2014.eu/blog-detail/blog/TTIP%20ECJ%20Transparency.html.

5 http://ec.europa.eu/news/2014/docs/c_2014_9052_en.pdf.

6 Directives for the negotiation on the Transatlantic Trade and Investment Partnership between the European Union and the United States of America (ST 11103/13), paragraph 7.

7 Ibid. paragraph 8.

8 I.e. non-tariff barriers:

o.o7% compared to the baseline scenario.[9] However, the results of the sustainability impact assessment are still pending. Regulatory coherence would mean that uniformity in the level of protection should be sought and, in order to seek sustainable development as an overarching objective, the highest level of protection should be sought. However, due to differences in regulatory culture and history in the development of environmental legislation a harmonisation to the highest levels of protection seems unlikely.

4 The regulatory cooperation chapter

The mandate states that TTIP "*will include cross-cutting disciplines on regulatory coherence and transparency for the development and implementation of efficient, cost-effective, and more compatible regulations for goods and services, including early consultations on significant regulations, use of impact assessments, evaluations, periodic review of existing regulatory measures, and application of good regulatory practices*."[10] Regulatory coherence is not typically part of a trade agreement and it will affect the way in which legislation will be passed in the EU and in the US. A leaked draft regulatory coherence chapter states the fundamental points in which cooperation will be carried out.[11] The European Commission position paper on regulatory cooperation suggests the creation of a Trans-Atlantic Regulatory Cooperation Council (RCC) to oversee the development of regulatory processes on both sides of the Atlantic, with the goal of avoiding or minimizing regulatory differences.[12] The RCC will cover all measures of general application which have the potential to impact trade. Its scope of work would include all levels of decision-making, including delegated acts in the case of the EU. The scope would also extend to regulations by EU Member States or by individual US states.

The issue of a regulatory cooperation council raises profound questions of democracy. A fundamental principle in democratic governance is that all citizens should have the possibility to participate in taking decisions by expressing their opinions. For citizens on both sides of the Atlantic, the RCC undermines that tenet. It would remove important public policy choices from the public sphere – and from public processes – in each party, and subject them to scrutiny by regulators whose mandate, responsibility and loyalty lies with the citizens of another country. Any legislative initiative taken both in the EU and in the US, would be pre-filtered by a committee of non-elected representatives whose main purpose would be to avoid barriers to trade. This raises serious concerns regarding democratic decision-making regarding when and how to approve laws protect EU and US citizens, their health and the environment.

5 The chemicals annex

5.1 EU and US principles in the regulation of chemicals

According to economic estimates used by the European Commission, the chemicals sector would be the second biggest beneficiary of "full liberalization" through TTIP.[13] Since REACH[14] has entered into force, but also during its negotiation, the US government and the US chemical industry has claimed that EU chemicals legislation is a major barrier to US exports due, in part, to the steep divergence in levels of protection between the two trading blocs.[15] Indeed REACH shifted the burden of proof regarding the safety of using a chemical substance to industry. Through registration, the company placing the substance on the market submits a minimum set of data to document the possible hazards of a substance and the risk management measures that need to be applied in order to use the substance safely. Through authorisation chemicals are identified as candidates for substitution and then prioritised for the phase-out list. Regarding a restriction, a condition can be applied to the manufacturing, marketing and use of a substance, including a total ban. Finally, through evaluation public authorities could review the risk assessments submitted by industry in their registration files and request further information on the hazards and risks of the substance. In addition to the governance system of chemicals and the shift in the burden of proof from the authorities to the industry, REACH's provisions are underpinned by the precautionary principle. Thus, public authorities have a much lower burden of proof to honour before further information on the hazards and risks of a chemical is generated or the use of a chemical is restricted.

In the US, however, the placing on the market and use of chemicals is governed by the toxics substances control act (TSCA) that entered into force in 1976.

9 Commission Staff Working Document; Impact Assessment Report on the future of EU-US trade relations, SWD(2013) 68 final, page 50.

10 Paragraph 25, third indent.

11 The paper is accessible at: http://corporateeurope.org/sites/default/files/ttip-regulatory-coherence-2-12-2013.pdf.

12 Karel De Gucht, European Trade Commissioner European Commission, Speech-Trans-Atlantic Trade and Investment Partnership (TTIP) – Solving the Regulatory Puzzle, Karel De Gucht European Trade Commissioner European Commission - SPEECH/13/801 (October 10/10/2013).

13 Reducing Transatlantic Barriers to Trade and Investment: An Economic Assessment, Prepared under implementing Framework Contract TRADE10/A2/A16 at 16, 30–32 (Mar. 2013), available at pgs 16, 30-32 http://trade.ec.europa.eu/doclib/docs/2013/march/tradoc_150737.pdf.

14 Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), OJ L 396 30.12.2006.

15 USTR, 2013 Report on Technical Barriers to Trade, supra note 2.

The TSCA has been unable to regulate chemicals on the market because of the high burden placed on the administration: the government must already have information sufficient to document a potential risk or extensive exposure in order to require the development of information sufficient to determine whether an actual risk exists. The TSCA places an even higher burden on the environment protection agency (EPA) before it can act to regulate a chemical. It must be proved beyond all reasonable doubt that a chemical poses a risk in order to take any regulatory action to restrict its production or use. Thus, only 5 chemicals have been restricted under the TSCA since 1976.[16] Therefore, there are thousands of chemicals on the market in the US without even the most basic information about them.

5.2 The precautionary principle divide

An additional difference to highlight between EU and US regulations on chemicals is the so-called hazard approach that is at times applied to the regulation of chemicals in the EU. Substances with an harmonised classification as 1A or 1B carcinogenic, or mutagenic or toxic for reproduction and included in Part 3 of Annex VI to Regulation (EC) No 1272/2008 cannot be supplied to the general public as substances on their own, in mixtures or as constituents of other substances.[17] Another example, also in REACH, is the identification of substances of very high concern, which triggers communication obligations; it is purely based on the intrinsic properties of the substance. Another notable application of the hazard approach to chemicals management is the ban on the marketing of pesticides and biocides that are carcinogenic, mutagenic or toxic for reproduction or having endocrine disrupting properties. This approach recognises that there are benefits in avoiding or limiting exposure to certain substances even without having to prove in each specific case that there is an exposure and that there is an unreasonable risk. The hazard approach to chemicals management, although rather limited in scope, is a notable application of the precautionary principle. The precautionary approach in the decision making is not part of the TTIP debate. Such an approach is not shared with the US and it is this that more than anything else makes EU chemicals laws incompatible with US laws and regulatory cooperation difficult, if not impossible, to implement in this field.

5.3 Implications from regulatory cooperation on chemicals

On 21st November 2014 the European Commission published two documents outlining how regulatory cooperation in the field of chemicals could work in practice. It follows an initial position paper published in May 2014.[18] The initial position paper identified four areas which the EU identified as possible areas for cooperation with the EU in this field:[19]

1. Prioritising chemicals for assessment and assessment methodologies;
2. Promoting alignment in classification and labelling of chemicals;
3. New and emerging issues (e.g. endocrine disruptors, nanomaterials)
4. Enhanced sharing of information among regulators while protecting Confidential Business Information (CBI).

In addition to these issues, the November paper includes the proposal to share regulatory plans about upcoming activities both at EU and member state level (Federal and State lever for the US).[20] Further, it proposes a commitment of the parties *"to alert each other to allow for consultation on regulatory processes affecting individual substances and on new draft regulations upon request, commitment to consider comments expressed by the other Party and to respond to them. Where considered appropriate, Parties to offer each other the possibility to participate as observers in expert meetings reviewing data in view of proposed regulatory action."* These latter two proposals, which implement what are understood as the general principles that will be outlined in the horizontal regulatory coherence chapter, raise further concerns. The EU is therefore suggesting that whenever a chemical will undergo a regulatory process, the US government is to be alerted and given the possibility to comment on the regulatory plans as well as to participate with experts in meetings reviewing data in view of the proposed regulatory action. It could be easily understood how such system would create a chilling effect on any regulatory activity that, particularly on the US side, it is not welcome. Let's take the example of the criteria for categorizing chemicals as endocrine disruptors under

16 For more critics and reflections about the shortcomings of TSCA see, e.g. R. Denison, "Ten essential Elements in TSCA Reform." Environmental Law Reporter: News & Analysis 39, 1 (January 2009): 10020-10028.

17 REACH Regulation, Annex XVII, entries 28 to 30.

18 http://trade.ec.europa.eu/doclib/docs/2014/may/tradoc_152468.pdf.

19 For a critique of the EU proposal see "Toward a Toxic Partnership", ClientEarth and the Center for International Environmental law (CIEL). Available at http://www.clientearth.org/reports/10714-response-to-eu-position-paper.pdf.

20 See "Outline for provisions on chemicals", European Commission, 26.09.2014. Available at: http://trade.ec.europa.eu/doclib/docs/2014/november/tradoc_152912.pdf.

the pesticide and biocide regulations. In this case the US was asked to comment on the initial proposal from DG Environment. The US approach to this class of chemicals reflects its regulatory approach of seeking full evidence rather than applying precaution and contrary to cut-off criteria based on hazard.[21] The outcome of the process was that the proposal from DG Environment was blocked by the Commission's Secretary General's office which decided that an impact assessment would be carried out on which scientific criteria to apply. A scientific decision will be taken on the basis of its cost to industry. Further, DG Environment was taken away the responsibility for drawing up the criteria which was passed to DG Sanco.[22] If the US will be able systematically to interfere in the regulation on chemicals in the EU, the endocrine disruptors episode may be repeated several times. Indeed, *[c]oncerns regarding REACH have been raised at every WTO TBT Committee meeting since 2003 by the United States.*[23]Among the issues that the US has complained about in relation to REACH is the lack of transparency and science-based analysis associated with the Community Rolling Action Plan (CoRAP)[24] and the lack of notice and comment[25] for the risk management options (RMO) analysis.[26] It is indeed with regard to the prioritization of chemicals for assessment that the EU suggests further cooperation with the US. The chemicals for assessment are included in the CoRAP which is updated every year and includes the chemical that will be assessed over a 3 year period the latest final CoRAP for 2014-2016 includes 120 substances, 51 of these to be evaluated in 2014,[27] 47 were evaluated in 2013. On the US side, a TSCA work plan which started in 2012 now includes 90 chemicals; 4 assessments were completed.[28] On the one hand, the scope of the assessment carried out by the EPA is much more detailed that the one done under REACH; on the other hand the EPA assesses only a few chemicals every year. It follows that regulatory cooperation in the prioritisation of chemicals for evaluation seems to be very difficult as the two blocs work at a very different pace and the underlying regulations under which they operate are two separate planets.

6 Conclusions

Regulatory coherence among two blocs with such different regulatory cultures such as the EU and the US raises many concerns. First of all, there is a democratic concern: if it the regulatory cooperation council can be responsible for scrutinizing the choice of instrument and opportunity to protect citizens. It could be assumed that both the EU and the US in many fields are equally concerned of the wellbeing of their citizens. However, the tools for protecting them are often different. As outlined above, the difference in regulation in the case of chemicals is enormous. Although TSCA has never proved to be an effective and efficient tool to regulate chemicals of concern, the US has not been able to improve its regulation. Thus, much of the progress made in the regulation of chemicals has come from the US states, particularly California. The substantial lack of action on the part of the US regarding the regulation of chemicals could only have a chilling effect on any regulatory initiative taken in the EU and there is some evidence that this is already happening with some difficult files, such as the criteria for identification of endocrine disruptors. The EU proposal to the US clarified that "*it is understood that comparable steps would need to be envisaged in the US framework to enable a fully reciprocal level of consultation and interaction in the US chemicals regulatory process.*"[29] Even if the US granted the reciprocity that the EU requires to implement its proposals, the situation would not be different. Regulatory activities in the US are, in many cases, close to zero. The US may grant access to its decision-making process on, for example, restrictions, but under the TSCA no restriction has been approved in over 20 years. Further, no authorisation procedure exists and there is no procedure for harmonised classification and labelling of hazardous substances. Opening up the door of EU decision-making on chemicals would mean allowing a foreign government to lobby against a change in regulatory culture: evidence versus precaution, hazard versus risk, burden of proof on the public rather than on those who profit from a substance. The EU has already undergone this process and this shift in paradigm; before effectively cooperating with the US, they need to do something for their outdated laws on chemicals.

21 For an account of the US position in relation to the categorization of substances as Endocrine disruptors, see "2014 Report of technical barriers to trade", USTR, April 2014, at pp. 70-71.

22 "DG Sanco to assume responsibility for EDC criteria", ChemicalWatch, September 18, 2014.

23 "2014 Report of technical barriers to trade", USTR, April 2014, at p. 72.

24 Ibid.

25 Notice-and-comment rulemaking is a common rulemaking procedure under which a proposed rule is published in the Federal Register and is open to comment by the general public.

26 The RMO analysis is a non-regulatory process established under REACH to decide what the best risk management option is for a substance of concern. For a detailed description of the process, see "SVHC Roadmap to 2020 Implementation Plan", ECHA-13-R-11-EN, December 2013, pp.13-14.

27 See Community rolling action plan (CoRAP) update covering years 2014, 2015 and 2016, ECHA, 26 March 2014. Available at http://echa.europa.eu/documents/10162/13628/corap_list_2014-2016_en.pdf.

28 See "TSCA Work Plan for Chemical Assessments: 2014 Update", US Environmental Protection Agency, October 2014.

29 See Discussion non-paper "How to put ideas for cooperation under TTIP into practice – a few examples", European Commission, 24 September 2014. Available at: http://trade.ec.europa.eu/doclib/docs/2014/november/tradoc_152913.pdf.

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

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.
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I·E·S·A·R
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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:
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sofia

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.

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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 cooperation worldwide. 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

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. elni encourages its members to submit articles to the elni Review in order to support and further the exchange and sharing of experiences with other members.

The first issue of the elni Review was published in 2001. It replaced the elni Newsletter, which was released in 1995 for the first time.

The elni Review 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).

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

elni publishes a series of books entitled "Publications of the Environmental Law Network International". Each volume contains papers by various authors on a particular theme in environmental law and in some cases is based on the proceedings of the annual conference.

elni Website: elni.org

The elni website www.elni.org contains news about the network. The members have the opportunity to submit information on interesting events and recent studies on environmental law issues. An index of articles provides an overview of the elni Review publications. Past issues are downloadable online free of charge.

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