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# PROTECTING THE EUROPEAN ENVIRONMENT:

ENFORCING EC  
ENVIRONMENTAL LAW



# Enforcing Ec Law

**Folkert Wilman**



## **Enforcing Ec Law:**

**The Enforcement of EC Environmental Law** Pål Wennerås, 2007-08-16 It is widely accepted that the future development of environmental law depends not on further legislation but on more effective enforcement Within the EC legal system the conventional view is that the enforcement deficit is due to the fact that the environment is distinct from other fields of Community law EC environmental law normally does not confer rights on individuals and may therefore not be judicially enforced in the same manner as rules concerning the internal market competition and gender discrimination The Enforcement of EC Environmental Law explores and challenges this assumption Drawing from constitutional aspects of EC law the author examines to what extent the general case law on procedures and remedies may be transposed to the field of environment whilst at the same time taking stock of the existing environmental case law and the distinctive features of environmental legislation In a critical exposition and assessment of 50 years of jurisprudence by the European Court of Justice as well as recent legislative developments the author explores the potential of enforcement of environmental law through law suits by individuals as well as the European Commission By demonstrating that the environment is not so different from other fields of law in terms of rights and remedies the book provides not only new insights to the enforcement of EC environmental law but also to the central characteristics of Community constitutional law     **Enforcement of**

**European Union Environmental Law** Martin Hedemann-Robinson, 2015-05-15 Offering a detailed account of the various legal arrangements at European Union level this book is an ideal reference tool for practitioners and legal scholars As well as examining the principal sources of EU environmental law enforcement it also contributes to the legal and political debates that surround the subject Spanning three parts the author examines the practical impact of the legal arrangements at Union level that are used to uphold EU environmental norms Offering a comprehensive account of the current state of EU environmental law enforcement and the developments affecting it Martin Hedemann Robinson explores the role of the European Commission the possibilities for private law enforcement and the responsibilities of member state national authorities Key legal developments that have occurred since the first edition have been incorporated including new statutory developments and case law Particular attention is paid to the impact of the 2007 Lisbon Treaty on foundational EU treaty provisions enabling the European Commission to take legal action against EU member states infringing Union environmental law the establishment of a new legal architecture at Union level on the topic of environmental criminal policy as well as increased EU legislative intervention in the area of environmental inspections The impact of the 1998 Aarhus Convention on EU environmental law enforcement is also addressed in detail including the influence of recommendations of the Aarhus Convention's Compliance Committee     Standing to Enforce European Union Law before National Courts Hilde K Ellingsen, 2021-03-25 Access to court has long been recognised as an essential element of a Union based on the rule of law This book asks how can Member States ensure that their rules on standing guarantee that right The book answers this

question by analysing the requirements of EU law from two angles first the effective protection of Union rights second the effectiveness of Union law per se With detailed case law examination the book formulates an autonomous Union law doctrine of standing based on the principle of effective judicial protection It then goes further setting out an effectiveness test of Member States enforcement mechanisms to ensure that EU law is rendered operative in practice This is a rigorous study on a question of immense importance *Research Handbook on the Enforcement of EU Law* Miroslava Scholten, 2023-09-06

This comprehensive Research Handbook investigates the success of EU law enforcement processes Going beyond traditional analyses of administrations and courts in isolation it focuses on the increased cooperation seen between national and EU authorities and on the widening variety of means used to enhance compliance with EU norms **The Enforcement of EU Law** Stine Andersen, 2012-11-29 A comprehensive analysis of the European Commission's general role in supervising member state compliance with EU law this book provides a detailed assessment of centralized EU enforcement It starts out by asking whether it is viable to establish stronger Commission powers of enforcement at this point in time Against this backdrop and as a means of exploring the role of the Commission the chapters examine a number of different aspects pertaining to enforcement of EU law Beginning with an appraisal of the Commission's function under the general EU infringement procedure stipulated in Articles 258 and 260 TFEU the volume argues that the EU lacks independent self sustained regime authority Moreover this is reflected in both substantive EU law and procedural law including the general EU infringement procedure Chapter two makes the case that Article 258 TFEU can usefully be explained in terms of managerialism Chapter three analyses Article 260 TFEU concerning repetitive infringements In particular it asserts EU member state sanctions sustain the managerial approach It then goes on to examine the Commission's unsuccessful attempts to gain sharper enforcement powers through secondary legislation and identifies the effective points of functional overlap between enforcement powers and certain types of implementing tools Finally it discusses the Commission's role under various non binding ad hoc arrangements The concluding chapter places the general EU infringement procedure in the broader context of a comprehensive negotiated policy process It argues that the enforcement stage shares many features with earlier steps in the legislative process including flexibility and deliberation *Understanding European Union Law 2/e* Karen Davies, 2003-10-06 European Union law is now a core subject for both the Bar Council and the Law Society and it is vital that all law students equip themselves with a sound understanding of the EU legal system This book looks at the main themes of EU law in a logical progressive manner giving the reader an understanding of EU law concentrating on how and especially why the law has developed as it has In addition a number of issues presently facing the EU are also considered such as enlargement and the prospect of a comprehensive written constitution *Understanding European Union Law* is both an introduction for students new to EU law and an essential addition to revision for the more accomplished including important tips on how to approach examination questions It is also essential reading for students on business studies courses The

Enforcement of EU Law and Values András Jakab, Dimitry Kochenov, 2017-04-07 It is clear that the current crisis of the EU is not confined to the Eurozone and the EMU evidenced in its inability to ensure the compliance of Member States to follow the principles and values underlying the integration project in Europe including the protection of democracy the Rule of Law and human rights This defiance has affected the Union profoundly and in a multi faceted assessment of this phenomenon The Enforcement of EU Law and Values Ensuring Member States Compliance dissects the essence of this crisis examining its history and offering coping methods for the years to come Defiance is not a new concept and this volume explores the richness of EU level and national level examples of historical defiance the French Empty Chair policy the Luxembourg compromise and the FP crisis in Austria and draws on the experience of the US legal system and that of the integration projects on other continents Building on this legal political context the book focuses on the assessment of the adequacy of the enforcement mechanisms whilst learning from EU integration history Structured in four parts the volume studies 1 theoretical issues on defiance in the context of multi layered legal orders 2 EU mechanisms of acquis and values enforcement 3 comparative perspective on law enforcement in multi layered legal systems and 4 case studies of defiance in the EU

**New Directions in the Effective Enforcement of EU Law and Policy** Sara Drake, Melanie Smith, 2016-04-29 The EU is faced with the perpetual challenge of guaranteeing effective enforcement of its law and policies This book brings together leading EU scholars in law politics and regulation to explore the wealth of new legal and regulatory strategies practices and actors that are emerging to complement the classic avenues of central and decentralized enforcement The contributors evaluate the traditional dual vigilance framework of enforcement before examining network ed enforcement from theoretical empirical and legal perspectives They assess innovations in key EU policy fields such as the environment consumer protection competition freedom security and justice and economic governance This multi disciplinary book will be of use to students and academics in law political science regulation and public policy It will also interest policy makers in EU institutions national administrations and courts engaged in the implementation and enforcement of EU law and policy

Regulation, Enforcement and Governance of Environmental Law Richard Macrory, 2008 **EU Law Enforcement** Stefano Montaldo, Francesco Costamagna, Alberto Miglio, 2021-02-22 The existence of a structured enforcement system is an inherent feature of national legal orders and one of the core elements of State sovereignty The very limited power to issue sanctions has often been deemed a gap in the EC legal order Over the years the situation has progressively changed The Union s institutional setting is growing in complexity and a variety of agencies has been or is expected to be endowed with law enforcement responsibilities In addition the so called competence creep has led the EU to play an increasingly prominent role in several areas of EU law enforcement including the issuing of sanctions This book examines these developments focusing on both the general features of the EU legal order and the analysis of key substantive areas such as banking and monetary union environmental law and data protection The work thus presents a general framework for understanding EU

sanctioning based on structural features and general legal principles Part I develops an analytical framework tracking the most significant evolutive patterns of EU sanctioning powers Part II adopts a more practical approach focusing on specific issues and policy areas The book bridges a gap in existing literature and sheds new light on the relationship between the exercise of *jus puniendi* and the evolution of EU integration **Compliance and the Enforcement of EU Law** Marise Cremona, 2012-03-15 The EU has long faced difficulties in ensuring compliance with its legal provisions and as a result has developed sophisticated enforcement techniques that penetrate deep into the law and politics of member states This book gathers leading experts to assess the legal procedures and political mechanisms at work in the EU to promote compliance

**Private Enforcement of EU Law Before National Courts** Folkert Wilman, 2015-09-25 Private Enforcement of EU Law before National Courts successfully illustrates how legal actions brought by private parties can be instrumental in strengthening compliance with EU law Through a detailed examination of selected EU legislation across the fields of procurement intellectual property rights consumer protection and competition law Folkert Wilman compares various remedies and procedures in which private parties have been utilised in the redress of grievances under EU law An essential reference work for practicing lawyers acting before domestic courts in matters of EU Law this timely publication offers new insights into private enforcement as a supplementary enforcement instrument and offers clarity on how such a tool impacts on contractual remedies procedural issues and the role of judicial review **Effective Enforcement of EU Labour Law** Zane Rasnaca, Aristeia Koukiadaki, Niklas Bruun, Klaus Lörcher, 2022-08-11 This book by the ETUI Transnational Trade Union Rights Expert Network analyses enforcement as a key element making EU labour law effective or ineffective Enforcement is the key ingredient that makes rights effective and ensures compliance It can make or break a legal system Despite this enforcement of EU labour law has received little scholarly attention in recent decades and has rarely been examined in a comprehensive way This book aims to fill this gap Intended for academics and practitioners alike the book adopts a threefold approach to examine this issue First of all it explores the idea of effective enforcement and sets out the wider context in which EU labour law enforcement takes place Secondly it analyses how enforcement operates in particular areas including non discrimination health and safety information and consultation rights and the rights of migrating workers Thirdly it critically assesses the role of specific actors in particular collective actors like trade unions as well as whistle blowers and the European Labour Authority and settings public procurement economic and monetary policy regulated by EU law Drawing on the insights produced by these analyses the book concludes by proposing a comprehensive Draft for a Model Directive on Effective Enforcement of EU Labour Law as an inspiration for policy development and scholarly debate in this area

***Understanding European Union Law*** Karen Davies, Maarten van Munster, Isabel Düsterhöft, 2022-12-30 Providing short clear and accessible explanations of the main areas of EU law *Understanding European Union Law* is both an ideal introduction for students new to EU law and an essential addition to revision for the more accomplished This eighth edition

has been fully revised and updated with the latest legislative changes and includes an in depth discussion of Brexit and its implications for EU UK relations The book provides readers with a clear understanding of the structures and rationale behind EU law explaining how and why the law has developed as it has In addition to discussing the core areas of EU law such as its sources the role and powers of the EU s Institutions the enforcement of EU law and the law of the internal market this edition also includes a new chapter on three non economic areas of EU law fundamental human rights equality non discrimination and the environment This student friendly text is both broad in scope and highly accessible It will inspire students towards further study and show that understanding EU law can be an enjoyable and rewarding experience As well as being essential reading for Law students Understanding European Union Law is also suitable for students on other courses where basic knowledge of EU law is required or useful such as business studies political science international relations or European studies programmes

EU Law in the UK Sylvia de Mars,2020 How does EU law work in the real world What is the legal reality behind the Brexit debates How will law in the UK change now the country has left the EU EU Law in the UK Provides a Fresh Engaging and Relatable Account of EU Law It Covers All the Core Areas of EU Law Taught on Undergraduate Courses with a Post Brexit Perspective Interwoven Throughout Book jacket **Complete EU Law** Elspeth Berry,Matthew J. Homewood,Barbara Bogusz,2017 Titles in the Complete series offer students a carefully blended combination of the subject s concepts cases and commentary A combination which encourages critical thinking stimulates analysis and promotes a complete understanding **European Union Law** Margot Horspool,2000 This work seeks to clarify what is regarded as a complex and difficult area of law It explains from first principles what the law of trusts is about and provides an understanding of the academic controversies surrounding it EU Law Enforcement Stefano Montaldo,Francesco Costamagna,Alberto Miglio,2021-02-21 The existence of a structured enforcement system is an inherent feature of national legal orders and one of the core elements of State sovereignty The very limited power to issue sanctions has often been deemed a gap in the EC legal order Over the years the situation has progressively changed The Union s institutional setting is growing in complexity and a variety of agencies has been or is expected to be endowed with law enforcement responsibilities In addition the so called competence creep has led the EU to play an increasingly prominent role in several areas of EU law enforcement including the issuing of sanctions This book examines these developments focusing on both the general features of the EU legal order and the analysis of key substantive areas such as banking and monetary union environmental law and data protection The work thus presents a general framework for understanding EU sanctioning based on structural features and general legal principles Part I develops an analytical framework tracking the most significant evolutive patterns of EU sanctioning powers Part II adopts a more practical approach focusing on specific issues and policy areas The book bridges a gap in existing literature and sheds new light on the relationship between the exercise of jus puniendi and the evolution of EU integration **Enforcing EC Law** Josephine Steiner,1995 EC law now

extends over a wide range of human activity creating rights and obligations for individuals as well as for member states These rights may be invoked and obligations challenged by individuals before their national courts The purpose of this book is to outline the principles and problems governing the award of remedies for branches of Community law principally before domestic courts and tribunals It addresses both the academic and practical aspects concerning the protection of Community rights by domestic courts which now play a major role in the enforcement of EC law Josephine Steiner has also written Textbook on EC Law     The Administrative Law of the European Union ,2004



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