

SUMMARY OF CONTENTS

<b>Table of Contents</b>	vii
<b>Preface</b>	xv
<i>Preface</i>	xvii
<i>Author's Note</i>	xviii
<i>Chronological Table of International and EC Documents</i>	xix
<i>Table of National Laws and Cases</i>	xviii
<i>List of Abbreviations</i>	xxxiv

PART I OVERVIEW

I INTRODUCTION	3
II FUNDAMENTAL CONCEPTS	35
III TECHNIQUES OF ENVIRONMENTAL LAW	49
IV INSTITUTIONS AND AGENCIES	101

PART II SECTORAL PROTECTION

V BIODIVERSITY AND THE PROTECTION OF NATURE	115
VI PROTECTION OF THE SOIL	181
VII FRESHWATERS	231
VIII PROTECTION OF THE MARINE ENVIRONMENT	277
IX ATMOSPHERIC POLLUTION	331

PART III TRANSSECTORAL ISSUES

X REGULATING SOURCES OF ENVIRONMENTAL HARM	395
XI INTEGRATED ENVIRONMENTAL PROTECTION	461
XII THE ROLE OF THE PUBLIC AND NON-GOVERNMENTAL ORGANIZATIONS	493
<i>List of Contributors</i>	513
<i>Index</i>	515



# TABLE OF CONTENTS

<i>Foreword</i>	<i>xv</i>
<i>Preface</i>	<i>xvii</i>
<i>Author's Note</i>	<i>xviii</i>
<i>Chronological Table of International and EC Documents</i>	<i>xix</i>
<i>Table of National Laws and Cases</i>	<i>xviii</i>
<i>List of Abbreviations</i>	<i>xxxiv</i>

## PART I OVERVIEW

<b>I INTRODUCTION</b>	<b>3</b>
<b>A. Terminology</b>	<b>3</b>
1. Environment	3
2. Pollution	4
3. Law	6
4. Europe	6
<b>B. Basic Characteristics</b>	<b>7</b>
<b>C. History of European Environmental Law</b>	<b>8</b>
<b>D. The Legal Framework</b>	<b>12</b>
1. Sources of National Laws	13
a. Constitutions	13
b. Legislation	14
c. Executive Decrees	15
d. Common Law	16
e. Administrative Agency Rule-making	16
f. Regional or Local Law	17
2. The European Community	18
a. Treaty Provisions	19
b. Regulations	20
c. Directives	20
d. Action Programmes	21
e. Implementation	22
3. International Law	23
a. Treaties	23



b. Custom	23
c. Other Sources	24
4. Relationships between the Systems of Law	24
E. Documents	26
1. The Stockholm Declaration on the Human Environment	26
2. The Rio Declaration on Environment and Development	28
3. The Single European Act, amended	31
Questions and Problems	33
Bibliography	34
<b>II FUNDAMENTAL CONCEPTS</b>	<b>35</b>
A. Aims	35
B. Principles	36
1. Conservation	36
2. Amelioration	37
3. Precaution and Prevention	37
4. Protection	39
5. Polluter Pays	39
6. Other Principles	40
C. The Right to Environment	42
D. Documents	44
1. The Environment Law of Turkey	44
2. Constitutional Provisions	45
Questions and Problems	46
Bibliography	46
<b>III TECHNIQUES OF ENVIRONMENTAL LAW</b>	<b>49</b>
A. Preventive Measures	50
1. Regulation	50
a. Standard-setting	50
b. Restrictions and Prohibitions	52
2. Licensing	54
a. Licensing Goals	55
b. Scope of Controls	56
c. Procedures	57
3. Environmental Impact Assessment (EIA)	58
B. Implementation Measures	61
C. Enforcement and Remedial Measures	65
1. The Nature of Responsibility or Liability	65
2. The Scope of Responsibility	66
3. Enforcement Actions	67
a. Civil Liability	68
b. Administrative Procedures	69



c. Penal Law	70
4. Remedies	72
5. Remedies for Transfrontier Environmental Harm	73
6. European Convention on Civil Liability	75
D. Economic and Market Devices for Environmental Protection	77
1. Taxation	77
2. Loans	79
3. Insurance	79
4. Grants and Subsidies	80
5. Negotiable Permits	81
6. Deposits	81
7. Labelling	82
E. Documents	83
1. Turkey, The Environment Law	83
2. United Kingdom, Environmental Protection Act 1990	84
3. Council Directive 85/337/EEC (EIA)	86
4. Convention on Environmental Impact Assessment	91
5. Council Regulation 880/92 (Labelling)	94
Questions and Problems	98
Bibliography	100
IV INSTITUTIONS AND AGENCIES	101
A. National Institutions	101
B. European Community	104
C. International Institutions	107

## PART II SECTORAL PROTECTION

V BIODIVERSITY AND THE PROTECTION OF NATURE	115
A. Overview	115
1. Protection of Specimens and Species of Flora and Fauna	117
a. Hunting and Fishing Regulations	117
b. Prohibitions on the Taking of Native Species	119
c. Endangered Species	120
d. Protection of Migratory Species	122
e. Limitations on the Introduction of Exotic Species	123
f. Measures Directed Toward the Preservation of One or Several Species	123
g. Measures Relating to the Transportation of Animals	125
h. Gene Banks	125
2. Protection of Habitats and Ecosystems	126
a. Protected Areas	127



b. Types of Protected Areas	131
3. Comprehensive and Integrated Protection	134
4. Implementation	136
5. Biotechnology	137
B. Case Studies	141
1. Jean Gottesmann, Nature Conservation Legislation in Switzerland: Protected Species and Areas	141
2. A. N. van der Zande and A. R. Wolters, Nature Conservation in the Netherlands	148
3. Antti Haapanen, Nature Protection in Finland	158
C. Documents	160
1. Convention on the Conservation of European Wildlife and Natural Habitats	160
2. Council Directive 92/43 on the Conservation of Natural Habitats and of Wild Fauna and Flora	163
3. United Kingdom, Environmental Protection Act 1990	171
Questions and Problems	177
Bibliography	179
VI PROTECTION OF THE SOIL	181
A. Overview	181
B. Case Studies	185
1. Michel Prieur, Legal Protection for Soil	185
2. H. Hacourt, Council of Europe Activities Relating to Soil Protection	191
3. Alberto Lucarelli, Soil Protection in Italy	195
4. M. Forster, Liability for Contaminated Land in the United Kingdom	
5. F. A. M. de Haan and S. E. A. T. M. van der Zee, Soil Protection: The Dutch Case	213
C. Documents	224
1. Bulgaria, Ownership and Use of Farm Land Act	224
2. Council of Europe, European Soil Charter	224
Questions and Problems	226
Bibliography	227
VII FRESHWATERS	231
A. Overview	231
1. The Protection of Freshwaters in International Law: Transfrontier Pollution	233
2. Means and Methods to Protect Water Against Pollution	234
a. Regulating Discharges Into Water	235
b. Determining Water Quality Standards	237



c. Special Measures to Protect Groundwaters	238
3. Special Protection for Watercourses or Sites	239
4. Protection and Integrated Planning	239
B. Case Studies	241
1. Stefano Burchi, Recent Trends in the Law and Administration of Freshwater Resources in Western Europe	241
2. Ludwig Krämer, Freshwaters and Community Law	247
3. Harald Rossmann, The Austrian Legal Framework to Reduce Pollution of the Danube	252
4. Meinhard Schröder, The Rhine	254
C. Documents	259
1. Convention on the Protection and Use of Transboundary Watercourses and International Lakes	259
2. Agreement on Cooperation on Management of the Water Resources in the Danube Basin	267
3. Council Directive 76/464 (Aquatic Milieu)	271
Questions and Problems	274
Bibliography	275
<b>VIII PROTECTION OF THE MARINE ENVIRONMENT</b>	277
A. Overview	277
1. General Legal Regime	279
2. Standards Protecting the Marine Environment	280
a. International Law	280
b. Community Standards	281
c. National Legislation	282
3. Particular Rules Concerning Specific Problems	283
a. Vessel Source Pollution	283
b. Atmospheric Pollution	284
c. Dumping of Wastes	284
d. Pollution From Exploration and Exploitation of the Seabed	285
e. Land-based Pollution	286
f. Accidental Pollution	288
g. Responsibility and Reparations for Harm Caused by Marine Environmental Pollution	289
B. Case Studies	290
1. Tullio Scovazzi, International Law and the Protection of the Marine Environment	290
2. Saïd Mahmoudi, The Baltic and the North Sea	297
3. Maria Teresa Mosquete Pol, The Protection of the Sea in Spain	306
C. Documents	312
1. Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft	312
2. OSCOM Decision 89/1	313



3. Convention for the Prevention of Marine Pollution from Land-Based Sources	314
4. Convention on the Protection of the Marine Environment of the Baltic Sea Area	316
5. Sweden, Act on Prohibition of Dumping of Wastes in Water	
6. Sweden, Act on Measures against Vessel Source Pollution	319
7. Greece, Law 743/1977 on Protection of the Marine Environment	320
8. Bulgaria, Act Governing the Ocean Space	326
Questions and Problems	328
Bibliography	329
<b>IX ATMOSPHERIC POLLUTION</b>	331
A. Overview	331
1. National and Community Regulation	332
a. Legislation Concerning the Protection of the Environment in General, Applicable to Air Pollution	333
b. Special Measures Concerning Air Pollution	333
c. Special Regulations Aimed at Particular Activities or Installations	334
d. Provisions Relating to the Emission of Specific Pollutants	336
e. Establishment of Air Quality Standards	337
f. Zoning	337
2. The International Dimensions of Air Pollution	338
B. Case Studies	340
1. Jose Juste, Protection of the Atmospheric Environment by International Law	340
2. Ludwig Krämer, The European Community and Atmospheric Pollution	351
3. Owen Lomas, Air Pollution Control in the United Kingdom	355
C. Documents	361
1. Declaration of Principles of Air Pollution Control	361
2. Convention on Long-Range Transboundary Air Pollution	362
3. Vienna Convention for the Protection of the Ozone Layer	367
4. United Nations Framework Convention on Climate Change	371
5. Council Directive 84/360 (Industrial Plants)	379
6. United Kingdom, Environmental Protection Act 1990	383
7. Netherlands, Regulations on Air Pollution	385
Questions and Problems	388
Bibliography	391



## PART III TRANSSECTORAL ISSUES

<b>X</b>	<b>REGULATING SOURCES OF ENVIRONMENTAL HARM</b>	<b>395</b>
A.	Overview	395
1.	Hazardous Substances	395
a.	Production Controls	396
b.	Marketing and Use	399
c.	Transport and Import/Export Controls	402
2.	Nuclear Radiation	403
3.	Hazardous Processes and Activities	405
a.	Regulation	406
b.	Liability	408
4.	Wastes	408
a.	Management Rules	410
b.	Methods of Waste Discharge	412
c.	Reducing the Volume of Wastes	415
d.	Transfrontier Movement of Wastes	416
5.	Noise	416
a.	Industrial Noise	417
b.	Transportation Noise	418
c.	Neighbourhood Sounds	419
B.	Case Studies	420
1.	Mary Sancy, Industrial and Radioactive Wastes	420
2.	Zdenek Madar, Laws and Regulations on Industrial and Radioactive Waste in Former Czechoslovakia	427
3.	C. P. Naish, The Policy of Waste Disposal in the Chemical Industry	435
C.	Documents	438
1.	Council Directive 91/156	438
2.	Council Directive 88/610 and 82/501	442
3.	OECD, Decision C (77) 97	447
4.	OECD, Noise Prevention and Abatement	449
5.	Danish Bottle Case	450
6.	United Kingdom, Environmental Protection Regulations	452
7.	Turkey, The Environment Law	454
8.	Sweden, Environment Protection Act	454
	Questions and Problems	459
	Bibliography	460
<b>XI</b>	<b>INTEGRATED ENVIRONMENTAL PROTECTION</b>	<b>461</b>
A.	Overview	461
1.	Urban and Rural Planning	461
a.	The Urban Environment	462
b.	Rural Planning	464



c. Integrated Planning	465
2. Environment and Development	466
B. Case Studies	467
1. M.E. Williams, The Environment in Europe's Cities – Whose Responsibility?	467
2. Marianne Sillen, Toward Integrated Environmental Protection in Sweden	474
3. Tamás Prajczar, An Introduction to Landscape Protection	480
C. Documents	483
1. Council Directive 90/660 (Transitional Measures)	483
2. Turkey, Environment Law	484
3. EEC/ACP Agreement	484
Questions and Problems	491
Bibliography	492
XII THE ROLE OF THE PUBLIC AND NON-GOVERNMENTAL ORGANIZATIONS	493
A. Overview	493
1. The Role of the Public	493
a. The Right to Information	493
b. Public Participation	499
2. The Role of Non-Governmental Organizations	500
a. Delegating Management Functions to NGOs	500
b. Using NGO Expertise	500
c. Complaining of Violations	501
d. Participation in Licensing and Permit Procedures	501
e. Funding Environmental Projects	501
B. Case Study	502
Cyril de Klemm, The Work of the World Conservation Union	502
C. Documents	507
1. Rio Declaration on Environment and Development	507
2. Council Directive on Freedom of Information	507
3. Bulgaria, Environmental Protection Act	509
4. Castle John v. NV Mabecco	510
Questions and Problems	511
Bibliography	512
<i>List of Contributors</i>	513
<i>Index</i>	515