
CONTENTS

Acknowledgements.....	vii
Acronyms.....	xiii
Introduction.....	1
I. Legal Mobilisation as a Theoretical Framework.....	1
II. My Research.....	7
III. Methodology.....	11
A. Case Selection	11
i. Actions for Annulment	12
ii. Actions for Annulment Brought under the Aarhus Regulation.....	12
B. Direct Observation and Semi-Structured Interviews.....	13
i. In-House Lawyers/Members of ENGOs.....	15
ii. Other Sources	16
IV. Structure.....	17
1. The <i>Plaumann</i> Test.....	22
I. Introduction.....	22
II. The <i>Plaumann</i> Test.....	23
III. Stein's and Vining's Contribution.....	24
IV. Rasmussen's Contribution.....	25
V. van Wolferen's Contribution.....	27
VI. The <i>Greenpeace</i> Case.....	29
VII. Mobilising against <i>Plaumann</i> in the pre-Aarhus Period.....	31
A. Treating the Environment Differently.....	31
i. Treating ENGOs Differently.....	33
B. Effective Judicial Protection	34
C. EU Law Consistency	35
i. Consistency with EU Secondary Law	36
ii. Consistency with the Case Law of the CJEU.....	37
VIII. AG Jacobs and <i>Plaumann</i>	40
IX. Conclusions.....	41
2. Circumventing <i>Plaumann</i> via National Courts	44
I. Introduction.....	44
II. 'Complete', Yet not Perfect.....	45

III.	Using AG Jacobs' Opinion	47
IV.	Opening Legal Opportunities at National Level	52
V.	Training National Judges and Practitioners.....	55
VI.	ENGOS and the PRP on Validity.....	60
	A. The <i>Associazione Italia Nostra</i> Case	62
	B. The <i>Xylella</i> Case	63
	C. The <i>Blaise</i> Case.....	65
	D. The <i>Vereniging Hoekschewaards Landschap</i> Case.....	68
	E. Preliminary Conclusions on ENGOS and the PRP on Validity	69
VII.	Conclusions.....	73
3.	Shaping the Aarhus Convention	77
	I. Introduction.....	77
	II. The Aarhus Convention	77
	III. ENGOS and the Aarhus Negotiation	81
	IV. The Introduction of the 'Justice' Pillar.....	84
	V. The EU Adhesion to the Aarhus Convention.....	86
	A. The Aarhus Regulation.....	87
	VI. Mobilising against <i>Plaumann</i> in the 'Post-Aarhus (I)' Period	89
	VII. The Arguments of the Applicants in <i>Stichting Natuur</i>	90
	A. An Act of 'Individual Scope'	90
	B. Compliance with International Environmental Law	92
	VIII. Conclusions.....	94
4.	Using the Aarhus Convention against <i>Plaumann</i>	97
	I. Introduction.....	97
	II. The Role of the ACCC	98
	A. Composition and Functions.....	98
	B. The Scrutiny of the Compliance Committee	99
	III. ClientEarth as a 'Legal ENGO'	101
	IV. ACCC/C/2008/32.....	102
	V. Mobilising against <i>Plaumann</i> in the 'Post-Aarhus (II)' Period.....	105
	A. The Non-Binding Character of the ACCC's Findings	107
	B. The Impact of the ACCC Findings.....	109
	VI. The Impact of the ACCC's Findings on EU Decision-Making	110
	A. The Commission's Study and Report	113
	VII. The <i>ClientEarth v EIB</i> Case.....	117
	A. Comment on the <i>ClientEarth v EIB</i> Case	120
	VIII. Conclusions.....	121

VIII. The Aftermath of <i>Sabo</i>	214
IX. Conclusions.....	215
Conclusions.....	220
I. Who?.....	220
II. Why?.....	223
III. How?.....	225
A. Turning Defeats into Opportunities.....	225
B. Combining Legal and Non-Legal Mobilisation Strategies.....	227
IV. What?.....	229
V. Grounds for Future Research.....	233
<i>Bibliography</i>	235
<i>Index</i>	251