

European Union Normative Approaches to Environmental Governance

Institution: Faculty of Law

Name: Li Qian

Supervisor: Paulo Canelas de Castro

Contents

European Union Normative Approaches to Environmental Governance.....	1
Chapter I. Introduction.....	11
1.1. Literature Review.....	12
1.2. Methodology.....	13
1.3. Research Questions.....	14
Chapter II. Basic Theories of Environmental Governance.....	16
2.1. Global Environmental Governance as Background.....	16
2.2. Governance Theory.....	21
2.2.1 What is governance?.....	21
2.2.2 Sub-fields of governance.....	23
2.2.3 European Governance.....	26
2.3. Basic Principles of Global Environmental Governance.....	27
2.3.1. The Principle of Sovereignty.....	27.
2.3.2. The Principle of Common but Differentiated Responsibility.....	28.
2.3.3. Precautionary Principle.....	30
2.3.4. International Cooperation Principle.....	31
2.4. What are Normative Approaches?.....	32
2.4.1. Guiding Directives.....	33
2.4.2. Action Plans.....	34
2.4.3. The Principle Declarations.....	34
2.4.4 Types of Normative Approaches.....	35
2.5. Current Situation and Its Problems of Global Environmental Governance System.....	38
2.5.1. Diversification of Actors in the Global Environmental Governance System.....	38
2.5.1.1. The First Class of Actors: International Environmental Organizations.....	39

2.5.1.2. The Second Class Actors: Relevant International Organizations	39
2.5.1.3. The Third Class Actors: Non-Governmental Organizations	40
2.5.1.4. The Fourth Class Actors: the Public	41
2.5.2. Characteristic of Global Environmental Governance System	42
2.5.2.1. Global Environmental Governance Covers All-dimensional Areas	42
2.5.2.2. Global Environmental Treaties are Systematic	43
2.5.2.3. Taking Environmental Elements into Consideration has been Systematic in Decision Making of Global Governance	44
2.5.3. The Existing Problems in Global Environmental Governance & the Improvement	45
2.5.3.1. To Enhance the Implementation of International Environmental Treaties	45
2.5.3.2. To Enhance Coordination among International Organizations	46
2.5.3.3. To Enhance Participation of Non-state Actors	47
2.5.3.4. To Enhance the Construction of Dispute-settlement Mechanism of Global Environmental Problems	48
Chapter III. Deep Reasons of Global Environmental Problems	50
Chapter IV. European Union Normative Approaches to Environmental Governance	56
4.1. Concept of the European Union Environmental Law	58
4.1.1. The European Union Environmental Law and International Environmental Law	59
4.1.2. The European Union Environmental Law and the Member States' Environmental Law	62
4.2. Sources of the European Union Environmental Law	63
4.2.1. Founding Treaties and the Annexed Protocols	64

4.2.2. International Treaties Concluded or Participated by the European Union.....	66
4.2.3. European Union Environmental Provisions.....	67
4.2.4. Other Provisional Documents.....	71
4.2.5. Other Relevant Legal Sources.....	74
4.3. Tasks of the European Union Environmental Law.....	75
4.4. Development of the European Union Environmental Law.....	79
4.5. Principles of the European Union Environmental Law.....	85
4.5.1. The Polluters Pay Principle.....	87
4.5.2. The Principle of Prevention.....	87
4.5.3. The Precautionary Principle.....	89
4.5.4. The Source Principle.....	90
4.5.5. The High Level of Protection Principle.....	92
4.6. Effect of the European Environmental Law.....	92
4.6.1. Binding Force of the European Environmental Law to the Citizens	93
4.6.2. Binding Force of the European Environmental Law to the Member States.....	94
4.7. Implementation of the European Environmental Law.....	102
4.7.1. Implementation Institution of the European Environmental Law...103	
4.7.1.1. Lobbying Institution of the European Environmental Law.....	103
4.7.1.2. Constituting and Implementing Institutions of the European Environmental Law.....	106
4.7.1.3. Consultation Institutions of the European Environmental Law	111
4.7.2. Implementing Measure of the European Environmental Law.....	113
4.7.2.1. Implementing Measures of the European Community.....	113
4.7.2.2. Implementing Measures of the Member States.....	120
4.7.2.3. Implementation Measure in the Industrial Field.....	121
4.7.3 Remedies of Non-compliance.....	127

4.8. Specific Theories of the European Environmental Law.....	129
4.8.1. Law on Wastes.....	129
4.8.2. Water Law.....	133
4.8.3. Air Law.....	137
4.8.4. Noise law.....	139
4.8.5. Law on chemical substances.....	140
4.8.6. Law on protection of the nature.....	142
4.8.7. Public protection and environmental accidents.....	144
4.9. The European Union Environmental Action Plans.....	146
4.9.1. Four environmental action plans from 1973 to 1992.....	147
4.9.2. Gradual improvement from 1993 to the present.....	150
Chapter V. An Evaluation of the European Environmental Law.....	153
Chapter VI. Conclusion.....	156
Bibliography.....	159