



EELF

European Environmental
Law Forum

THIRD EELF CONFERENCE

THE EFFECTIVENESS OF ENVIRONMENTAL LAW

2-4 September 2015

Faculty of Law and Political Science
Aix-en-Provence

Programme



Wednesday 2 September

8.45-9.30: Registration and coffee

First Plenary session: Chaired by Michel Prieur, Emeritus Professor, University of Limoges

Location: Dumas lecture hall

9.30-9.35: **Welcome address by host institution**
Prof. Philippe Bonfils, Dean of the Faculty of Law

9.35-9.45: **Welcome address by EELF**
Dr. Moritz Reese, Chairman of the European Environmental Law Forum

9.45-10.15: **Introduction to the Conference's topic**
Dr. Sandrine Maljean-Dubois, Director of the CERIC, CNRS and Aix-Marseille University

10.15-10.45: ***Fresh water, environmental protection and the quest for effectiveness***
Professor Laurence Boisson de Chazournes, University of Geneva

10.45-11.15: ***Compliance and effectiveness***
Liam Cashman, Deputy Head of Unit, Compliance promotion, governance and legal issues, European Commission (to be confirmed)

11.15-11.45: ***The issue of effectiveness: Evaluating the current and emerging future European climate governance framework (from 2020 to 2030)***
Professor Sebastian Oberthür, Vrije University, Brussels

11.45-12.15: General discussion

12.15-12.30: Practical information on parallel sessions and short presentation of the second EELF book

12.30-13.35: Lunch

13.35-15.40: **Parallel session 1**

1.1. Flexible norms, role of standards and principles

Chair : Vanessa Richard (CERIC) (to be confirmed)

Location : Dumas lecture hall

- *The Effectiveness Dilemma of the Target & Program Approach in EU Environmental Law*, Dr. Moritz Reese, Helmholtz Centre for Environmental Research (Germany)
- *Towards an effective programmatic approach: an initial set of recommendations to improve legal certainty, enforceability and adaptability in EU environmental law* Dr. Lorenzo Squintani (University of Groningen) & Prof. Marlene Van Rijswijk, Utrecht University (Netherlands)

- *Changing Patterns of International Environmental Law-Making: Pragmatic Means of Addressing the Causes of Ineffective Implementation*, Owen McIntyre School of Law University College Cork National University of Ireland (Ireland)
- *Framework for Assessing Law for Sustainability: Evaluating the Implementation and Impact of Legal Principles*, Lydia Slobodian, Legal Officer Environmental Law Centre IUCN (Germany)

1.2. Legislative design facing environmental complexity

Chair : Liz Fisher, University of Oxford (to be confirmed)

Location : Room Fabre 5

- *Limits to the effectiveness of REACH using a life cycle approach*, Thomas de Römph, Policy Researcher KU Leuven and University Hasselt (Belgium)
- *Legal approaches to handle combination effects*, Lena Gipperth, Department Of Law, School of Business, Economics and Law University of Gothenburg (Sweden)
- *Evaluating Waste Management: How Effective are Regulatory and Policy Frameworks in Supporting Industrial Symbiosis?*, Katrien Steenmans Law, PhD Research Student University of Surrey (United Kingdom)
- *Ecological Connectivity Protection according to The European Union and Polish Law*, Kamila Sobieraj, PhD in Law, Dr Piotr Zacharczuk, Faculty of Law, The John Paul II Catholic University of Lublin (Poland)

1.3. Participatory approaches

Chair : Philippe Billet, University of Lyon III (to be confirmed)

Location : Salle des Actes

- *The role of public participation for the effectiveness of environmental law*, Dr Wolfgang Köck, Helmholtz Centre for Environmental Research, Leipzig University of Leipzig, Law Faculty (Germany)
- *Citizens engagement in renewable energy: Negotiating energy transitions*, Birgitte Egelund Olsen Professor, PhD, LL.M. Head of Section, International Research & External Funding Director of Study Master of Environmental and Energy Law, Aarhus University School of Business and Social Sciences Department of Law (Denmark)
- *Effectiveness of participation of the local community and local authorities in the decision making in Renewable Energy*, Tilak Ginige, Senior Lecturer in Environmental Law, Faculty of Science & Technology, Bournemouth University (United Kingdom)
- *The impact of the Aarhus Convention's participatory approach on the signatories' legal cultures*, Margherita Poto, Assistant Professor in Administrative Law at the University of Turin (Italy)

1.4. What combination of public and private norms for an effective policy mix?

Chair : Mathilde Boutonnet (CERIC) (to be confirmed)

Location : Room Fabre 4

- *The balance between public and private regulation within PES: a key to effectiveness?* Adélie Pomade, post-doctorate (France)
- *EU Policy Mix for Forest Regulation: Interpreting Effectiveness*, Yelena M. Gordeeva, PhD Researcher, International Environmental Law, Hasselt University (Belgium)

- *Smart Mixes in relation to Transboundary Environmental Harm: Forest Governance as an Example*, Jing Liu, Postdoctoral Researcher in Erasmus University Rotterdam (Netherlands)
- *The regulation of “new” technologies in the European Union – is effectiveness at all possible?* Leonie Reins, KU Leuven (Belgium) (to be confirmed)

15.40-16.05: Coffee break

16.05-18:10: **Parallel session 2**

Locations: Dumas lecture hall – Salle des Actes – Room Fabre 4 – Room Fabre 5

2.1. Nature Conservation Policies

Chair : Eve Truilhé-Marengo (CERIC)

- *Adopting an ecosystem approach based paradigm in environmental law*, Elina Raitanen, Doctoral Student, LL.M. Law in a Changing World Doctoral Program Faculty of Law, University of Turku (Finland)
- *The rise of the ‘substitution principle’ in EU environmental law : a key to enhancing sustainable development effectiveness and justiciability ?*, Charles-Hubert Born, Professor at UCL (Belgium), lawyer
- *The effectiveness of compensatory measures: the case for habitat banking*, Valérie Dupont, PhD, UCL (Belgium)
- *Private property and markets in environmental goods: the case of the ‘conservation covenant’*, Bonnie Holligan, Lecturer in Property Law, University of Sussex (United Kingdom)

2.2. Climate Change : on the way to COP 21 and the post 2020

Chair : Matthieu Wemaëre, Lawyer & Aix-Marseille University (CERIC)

- *International Climate Change Law After the UNFCCC: Preparing for Failure*, Navraj Singh Ghaleigh, Senior Lecturer in Climate Law, University of Edinburgh
- *International Climate Finance: The Transparency Imperative* Patricia Jonason, Assistant Professor in the Public Law Department at Södertörn University, Stockholm, Sweden & Richard Calland (Sweden)
- *Climate change action seeking for effectiveness: Cities networking and its legal implication*, Julien Dellaux PhD Aix-Marseille University, CERIC (France)
- *Assessing Climate Preparedness: Indicators for Effective Adaptation to Climate Change in Dutch Vulnerable Sectors*, Herman Kasper Gilissen, Utrecht Centre for Water, Oceans and Sustainability Law, Faculteit Recht, Economie, Bestuur en Organisatie, Universiteit Utrecht (Netherlands)

2.3. Energy Law

Chair : Dr Wolfgang Köck, Helmholtz Centre for Environmental Research, Leipzig University of Leipzig, Law Faculty (Germany) (to be confirmed)

- *The Barriers to the Implementation of the Directive 2010/31/EU on the Energy Performance of Buildings in the European Union and the Energy Community*, Nicolas Pradel PhD Candidate, Aix-Marseille University, CERIC (France)

- *Shift from Road to Rail According to the Swiss Constitution – About the (In-)Effectiveness of ‘Overprotective’ Norms*, Markus Kern, Lecturer at the Institute for European Law at the University of Fribourg (Switzerland)
- *On the effectiveness of Germany’s Renewable Energy Sources Act*, Sebastian Strunz, Department of Economics, Erik Gawel, Klaas Korte, Paul Lehmann, Helmholtz Centre for Environmental Research, Leipzig (Germany)
- *On the effectiveness of France’s Renewable Energy regulation*, Marie Lamoureux, Energy Law Professeur, Aix-Marseille University (France)

2.4. Civil, administrative and criminal enforcement 1

Chair : Bernard Vanheusden, Associate Professor Faculty of Law, Hasselt University (Belgium)

- *Administrative and/or Criminal Enforcement*, Jan Darpö, Professor of Environmental Law, Faculty of Law, Uppsala Universitet (Sweden)
- *Civil, administrative and criminal sanctions in Cyprus*, Natalia Charalampidou, PhD candidate, Ruprecht-Karls University of Heidelberg, Lawyer, Thessaloniki (Germany and Greece)
- *Legislative Design for Effective Enforcement of Environmental Law – A UK Perspective*, Dr Eloise Scotford, The Dickson Poon School of Law, King’s College London, and Jonathan Robinson, Environment Agency (England) and Visiting Professor, University College London (United Kingdom)
- *On the active toleration of environmental infringements and criminal liability of Administrations and Law Enforcement Agencies*, Teresa Fajardo, Senior lecturer, University of Granada (Spain)

18.20-19.00: Refreshments

19.00-22.30: Conference dinner

Thursday 3 September

8.30-9.00: Coffee and croissants

9.00-11.05: **Parallel session 3**

Locations: Dumas lecture hall – Salle des Actes – Room Fabre 4 – Room Fabre 5

3.1. Mainstreaming and sustainable development in a multi level legal order

Chair : Estelle Brosset (CERIC)

- *The effectiveness of land-use planning options to integrate biodiversity and climate change aspects into land-use planning*, Bernard Vanheusden, Associate Professor, Faculty of Law, Hasselt University (Belgium)
- *From conflicting to supporting EU policies – a long battle to secure cross-compliance with EU nature legislation*, Sandra Jen, Senior advisor to WWF European Policy Office, independent consultant EU environmental policy & law

- *International Treaty Provisions in the EU Legal Order and the Effectiveness of Environmental Law – Of Having Your Cake and Eating It, Too*, Benedikt Pirker, post-doctoral researcher at the Institute for European Law of the University of Fribourg (Switzerland)
- *The Effectiveness of Environmental Constitutionalism: A Case Study*, Erin Daly, Interim Dean and Professor of Law at Widener University Delaware Law School & James R. May, Distinguished Professor of Law and Director of the Global Environmental and Natural Resources Law Institute at Widener University (to be confirmed) (United States)

3.2 Incentives and market-based instruments

Chair : Mark Poustie, Professor, University of Strathclyde Law School, Strathclyde Centre for Environmental Law & Governance (United Kingdom) (to be confirmed)

- *Investors and Law Enforcers: How Multilateral Funds Incentivize Sustainable Forest Carbon Projects in Developing Countries*, Yixin Xu, PhD Candidate Erasmus School of Law Erasmus University Rotterdam (Netherlands)
- *Double burden in environmental regulation: the simultaneous application of a carbon tax and an emissions trading scheme to the offshore petroleum sector in Norway*, Catherine Banet, Ph.D, Associate Professor Scandinavian Institute of Maritime Law, Petroleum and Energy Law Department, Oslo (Norway)
- *The effectiveness of taxes on petroleum and its derivatives from concrete legislative experiences (Argentina, Brazil and USA)*, Rodolfo Salassa Boix, Assistant Professor, National University of Cordoba (Argentina)
- *EU-ETS governance reform : What future for a European Carbon Market Agency?*, Alice Monicat, Sciences Po Paris (France)

3.3. Human rights to improve the protection of the environment

Chair : Hélène Tigroudja (CERIC) (to be confirmed)

- *Promoting Women's Participation: A Gender Approach for the Effectiveness of Environmental Law*, Isabelle Michallet, Maître de Conférences HDR Institut de Droit de l'Environnement, Université Jean Moulin Lyon 3 (France)
- *The environmental protection of indigenous traditional knowledges and the active participation of indigenous peoples in planning, management and decision-making processes as means of improving the effectiveness of Environmental Law*, Priscilla Cardoso Rodrigues, Professor of Indigenous Peoples Law Federal University of Roraima, Amazonia (Brazil)
- *Environmental Human Rights and the Case for Achieving Effectiveness through Ecological Restoration?*, Afshin Akhtarkhavari, PhD Copenhagen (Denmark)
- *Czech Public Defender of Rights and environmental impact assessment*, Jitka Večeřová, Ph.D., lawyer at the Office of Public Defender of Rights of the Czech Republic, assistant at the Faculty of Law, Masaryk University, Brno, and Michaela Konečná, Ph. D., lawyer at the Office of Public Defender of Rights of the Czech Republic, Ph. D. candidate at the Faculty of Law, Masaryk University, Brno (Czech Republic)

3.4. Dispute resolution : judicial and non-judicial mechanisms

Chair : Luc Lavrysen, Ghent University (to be confirmed)

- *Monitoring the implementation of environmental law - Non-judicial and non-adversarial*

mechanisms (alternative dispute resolution), Alexandros Tsadiras, Associate Professor in EU Law Vice-chair, Law Department, European University Cyprus (Cyprus)

- *Green Judges - Role of Judiciary in Environmental Enforcement in China: Challenges and Prospects* Wen Xiang, post doc research fellow at Faculty of Law, University of Copenhagen (Denmark)

- *Reassessing the Role of International Courts and Compliance Mechanisms in Ensuring Effectiveness of International Environmental Law*, Antonio Cardesa-Salzmänn Researcher at the Department of Public Law of the Universitat Rovira i Virgili in Tarragona (Spain)

- *Green judges: specialized environmental jurisdictions and the effectiveness of environmental law. The case of the National Green Tribunal of India in comparative perspective*, Prof. Domenico Amirante, Napoli (Italy) (to be confirmed)

11.05-11.30: Coffee break

11.30-12.30: **Parallel session 4**

Locations: Dumas lecture hall – Salle des Actes – Room Fabre 4 – Room Fabre 5

4.1. Simplification, better legislation, better regulation... decreasing environmental protection ?

Chair : Charles-Hubert Born, Professor at UCL (Belgium), lawyer (to be confirmed)

- *Reducing administrative burdens, decreasing environmental protection? The regime of exemptions from permit requirements for waste disposal and recovery operations: challenges and prospects in Italy*, Giada Dalla Gasperina PHD Trente, Lawyer (Italy)

- *Better regulation of environment protection at EU level, really ?* Matthieu Wemaëre, Lawyer, Brussels and Paris

4.2. Global issues

Chair : Prof. Marlene Van Rijswick, Utrecht University (Netherlands) (to be confirmed)

- *Towards effective conservation mechanisms in areas beyond national jurisdiction*, Beatriz de Sousa Fernandes is a Ph.D. student at the School of Law of University of Edinburgh (to be confirmed) (United Kingdom)

- *Assessment of the Effectiveness of Basel Convention on Transboundary Movement of Hazardous Waste*, Wanying Huang, PHD China & University of Strathclyde (United Kingdom) (to be confirmed)

4.3. Does soft law matter?

Chair : Rostane Mehdi, Aix-Marseille University (to be confirmed)

- *Soft law in environmental matters: the role of the ECJ*, Mariolina Eliantonio, Assistant Professor Department of Public Law, Maastricht University (Netherlands)

- *The normative power, from hard to soft law : reflections from the climate change international regime*, Marion Lemoine, Lecturer, Aix-Marseille University (CERIC) (France)

4.4. Access to justice (Member States)

Chair : Tilak Ginige, Bournemouth University (UK) (to be confirmed)

- *Procedural rights and effective justice – Danish wind energy experiences*, Helle Tegner Anker, Professor of Law, University of Copenhagen (Denmark)
- *The Possibilities for ENGOs to Claim Damages on Behalf of the Environment*, Dr Elena Fasoli Research and Teaching Fellow, Queen Mary University of London Member of the Aarhus Convention Compliance Committee ? (United Kingdom)

12.30-13.45: Lunch

13.45-15.50: **Parallel session 5**

Locations: Dumas lecture hall – Salle des Actes – Room Fabre 4 – Room Fabre 5

5.1. Access to justice (EU)

Chair : Lorenzo Squintani, University of Groningen

- *Revisiting access to justice in environmental matters in the European Union: effectiveness or arrhythmia?*, Dr Vlachou Charikleia, Lecturer at the Université du Maine, Lawyer, Athens (France and Greece)
- *Monitoring the Implementation of Environmental Law: The Importance and Challenges of Individual Standing in the EU Legal Context*, Sanja Bogojević Associate Professor in European Environmental Law, Lund University (Sweden)
- *Broader Standing for Private Parties to Increase the Effectiveness of EU Environmental Law*, Prof. Lucas Bergkamp, Partner, Hunton & Williams, Brussels (Belgium)
- *Effectiveness of Environmental Law in the Case Law on Aarhus Convention*, Petra Humlickova, Law Faculty Charles University (Czech Republic)

5.2. Evolutive, adaptive, reflexive norms

Chair : Maria Lee, UCL Faculty of Law (to be confirmed)

- *Adaptive Law. An Approach to Design Effective Environmental Law*, Jukka Similä Research Professor in Natural Resources Law Arctic Centre, University of Lapland (Finland)
- *Unmasking and tackling the challenges of ineffective environmental laws in the nuclear sector – a call for inclusive and reflexive regulation*, Heldt Tobias, Ph.D. candidate SCK•CEN and Maastricht University and part-time Legal Advisor (Belgium)
- *Evaluation of environmental legislation in the Netherlands*, Hans Woldendorp, Ministry for infrastructure and environment (Netherlands), University of Gent (Belgium), Institute for Infrastructure and Environment Brussels (Belgium)
- *Science and law in the environmental governance of the Mediterranean basin*, Clio Bouillard and Guillaume Futhazar, PhD candidates, Aix-Marseille University (CERIC) (France)

5.3. Inspections

Chair : Owen McIntyre (to be confirmed)

- *Making Chinese Environmental Protection Law Effective – Inspections*, Yuhong Zhao, Associate Professor Faculty of Law, The Chinese University of Hong Kong (Hong Kong)

- *Environmental inspections and the EU: securing an effective role for a supranational Union legal framework*, Martin Hedemann-Robinson Senior Lecturer in European Law at the University of Kent's Law School in Canterbury (United Kingdom)
- *Environmental Inspectors and prosecutors: is sharing information always useful?*, Carole M. Billiet, Univ. Gent, Environmental Enforcement court of the Flemish Region, Sandra Rousseau KULeuven, CEDON (Belgium)
- *Nuclear inspections*, Emma Durand-Poudred and Claire Portier, PhD candidates, Aix-Marseille University (CERIC) (France) (to be confirmed)

5.4. Civil, administrative and criminal enforcement 2

Chair : Moritz Reese (to be confirmed)

- *The effectiveness of the EU's legislative framework on environmental crime – insights from an ongoing research project*, Christiane Gerstetter, Senior Fellow, Coordinator Development Ecologic Institute (Germany)
- *Towards Effective Implementation of the EU Environmental Crime Directive? The case of the waste trafficking and disposal offences*, Dr. Ricardo Pereira, Senior Lecturer in Law, Westminster Business School, University of Westminster (United Kingdom)
- *Assessing the Effectiveness of Sanctions in Environmental Law*, Mark Poustie, Professor, University of Strathclyde Law School, Strathclyde Centre for Environmental Law & Governance (United Kingdom)
- *The ineffectiveness of civil responsibility for environmental damages caused by oil exploitation on the Brazilian continental shelf: the complementary use of the Conduct Adjustment Agreement*, Carina Oliveira, University of Brasilia (Brazil)

15.50-16.20 Side events

Legal approaches to effective protection of our soils - why we need an international soil regime

Dr. Harald Ginsky, German Environmental Agency

Make it Work - Guidance on Drafting Provisions on Compliance Assurance in EU Environmental Law

Dutch Ministry of the Environment

16.20-16.45: Coffee break

Second Plenary session: Chaired by Agnès Michelot, University La Rochelle, President of the French Society for Environmental Law

Room Dumas

16.45-16.50: Introduction

16.50-17.15: *Rethinking environmental sanctions: Towards an integrated system*
Professor Richard Macrory, University College London

- 17.15-17.40: *Overcoming the challenges in implementing EU environmental law: The role of IMPEL*
Dr. John Seager, Chair, European Network for the Implementation and Enforcement of Environmental Law (Chair of the IMPEL Board)
- 17.40-17.55: Discussion
- 17.55-18.05: Conclusion
- 18.05-18.15: Announcement of the next EELF Conference

End of the day

- 18.15-19.15: EELF Managing Board and Advisory Board meeting
Chaired by Dr. Moritz Reese

Friday 4 September 2014

Social programme: Naturalist walking and picnic in Montagne Sainte-Victoire (9h00-15h30)