

# *Contents*

<i>Preface</i> .....	v
<i>Table of Cases</i> .....	xi
<i>Table of Legislation</i> .....	xvii
<b>1. The Treaties and the Environment.....</b>	<b>1</b>
Introduction.....	1
The Environment Title .....	2
Article 191: Environmental Objectives and Considerations .....	3
Article 191(2): The Environmental Principles .....	4
Article 192: Decision-Making on the Environment .....	16
Article 193: National Autonomy on the Environment.....	17
The Context for EU Action on the Environment .....	19
The EU Charter on Fundamental Rights .....	22
Conclusions.....	27
<b>2. EU Environmental Decision-Making: Experts, Politics and Institutions .....</b>	<b>28</b>
Introduction.....	28
Risk Assessment and Cost Benefit Analysis .....	29
Expertise and Politics in EU Risk Regulation .....	38
The Institutions of Expertise and Politics in EU Administration .....	44
Agencies .....	44
Comitology .....	47
Good Reasons in EU Environmental Law .....	52
Conclusions.....	56
<b>3. Sustainable Development .....</b>	<b>57</b>
Introduction.....	57
The International Evolution of Sustainable Development .....	58
Sustainable Development in EU Law and Policy.....	63
Environmental Integration .....	67
The Green Economy .....	69
Implementation and Governance of Sustainable Development.....	72
Conclusions.....	79
<b>4. Instruments and Governance I: Setting the Scene .....</b>	<b>81</b>
Introduction.....	81
Direct Regulation.....	82

Themes of New Governance .....	85
Flexibility .....	86
Collaborative Governance .....	89
Information and Learning .....	90
Perennial Concerns .....	92
Instruments of Regulation .....	96
Economic Instruments .....	97
Voluntary Instruments and Corporate Social Responsibility .....	101
Information as a Tool of Regulation .....	104
Conclusions.....	106
<b>5. Instruments and Governance II: The Direct Regulation of Industrial Pollution .....</b>	<b>108</b>
Introduction .....	108
Introducing the IED .....	109
Collaborative Governance in Seville .....	113
Harmonisation: The Role of BREFs .....	119
Institutional Learning .....	124
Implementation and Enforcement .....	126
Conclusions .....	131
<b>6. Instruments and Governance III: Climate Change.....</b>	<b>132</b>
Introduction .....	132
International Context .....	134
Emissions Trading .....	137
The Cap .....	138
Allocation of Allowances .....	140
Mitigation beyond the EU .....	142
Flexibility in the ETS .....	144
Concluding Comments .....	145
The Renewable Energy Directive .....	147
Energy Efficiency .....	154
Conclusions .....	157
<b>7. Participation in Environmental Decision-Making in the Member States: Environmental Assessment.....</b>	<b>159</b>
Introduction .....	159
The Aarhus Convention .....	160
Environmental Assessment .....	164
Environmental Impact Assessment .....	166
Strategic Environmental Assessment .....	171
The Success of Environmental Assessment? .....	174
Explaining Participation .....	176
Conclusions .....	180

<b>8. Participation in Environmental Decision-Making at the EU Level .....</b>	<b>182</b>
Introduction.....	182
Public Participation in the Treaties .....	183
The Citizens' Initiative.....	187
The Aarhus Regulation .....	190
Who Participates? .....	192
Access to Environmental Information at the EU Level .....	197
Conclusions .....	201
<b>9. Authorising Products in the Internal Market: The Regulation of Chemicals in the EU .....</b>	<b>203</b>
Introduction .....	203
The Regulatory Regime .....	204
Information.....	207
Privatisation of Information .....	207
Information as a Regulatory Tool .....	209
Limitations on Information in REACH .....	210
Information: Concluding Comments .....	213
Centralisation and the Role of the Member States .....	213
Public Participation in Decision-Making .....	216
Authorisation: Beyond Risk? .....	219
Conclusions .....	222
<b>10. After Authorisation in the Internal Market: GMOs and National Autonomy .....</b>	<b>224</b>
Introduction .....	224
Authorisation .....	225
Art 114 TFEU: The 'Environmental Guarantee' .....	227
Safeguard Clauses .....	231
The 'New Approach' to GMO Cultivation .....	234
Co-Existence .....	244
Conclusions .....	246
<b>Conclusions.....</b>	<b>248</b>
<b>Index .....</b>	<b>252</b>