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, (France)

Location: Dumas lecture hall

9.30-9.35: **Welcome address by host institution**
Philippe Bonfils, Dean of the Faculty of Law, Aix-Marseille University (France)

9.35-9.45: **Welcome address by EELF**
Moritz Reese, Chairman of the European Environmental Law Forum, Helmholtz Centre for Environmental Research, Leipzig (Germany)

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

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

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)***
Sebastian Oberthür, Director of the Institute for European Studies, Vrije University, Brussels (Belgium)

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, CNRS and Aix-Marseille University (France)

Location: Dumas lecture hall

- *The Effectiveness Dilemma of the Target & Program Approach in EU Environmental Law*, Moritz Reese, Helmholtz Centre for Environmental Research, Leipzig (Germany)
- *Towards an effective programmatic approach: an initial set of recommendations to improve legal certainty, enforceability and adaptability in EU environmental law*, Lorenzo Squintani Groningen University & Marleen 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
- *Framework for Assessing Law for Sustainability: Evaluating the Implementation and Impact of Legal Principles*, Lydia Slobodian, Legal Officer Environmental Law Centre IUCN, Bonn (Germany)

1.2. Legislative design facing environmental complexity

Chair: Hans Woldendorp, Ministry for infrastructure and environment (Netherlands), University of Gent (Belgium), Institute for Infrastructure and Environment, Brussels (Belgium)

Location: Room Fabre 5

- *Limits to the effectiveness of REACH using a life cycle approach*, Thomas de Römph, University of Leuven, University Hasselt, and Policy Research Centre for Sustainable Materials Management (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, University of Surrey (United Kingdom)
- *Ecological Connectivity Protection according to The European Union and Polish Law*, Kamila Sobieraj, Piotr Zacharczuk, John Paul II Catholic University of Lublin (Poland)

1.3. Participatory approaches

Chair: Isabelle Michallet, University of Lyon 3 (France)

Location: Salle des Actes

- *The role of public participation for the effectiveness of environmental law*, Wolfgang Köck, Helmholtz Centre for Environmental Research, Leipzig (Germany)
- *Citizens engagement in renewable energy: Negotiating energy transitions*, Birgitte Egelund Olsen, 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, Bournemouth University (United Kingdom)
- *Public participation in environmental decision-making and Marine Spatial Planning and Coastal Management*, Ines Roncha, University of Coimbra (Portugal) (to be confirmed)

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

Chair: Mathilde Hautereau-Boutonnet, Aix Marseille University (France)

Location: Room 102

- *The balance between public and private regulation within PES: a key to effectiveness?* Adélie Pomade, University of Leuven (Belgium)
- *EU Policy Mix for Forest Regulation: Interpreting Effectiveness*, Yelena M. Gordeeva, Hasselt University (Belgium)
- *Smart Mixes in relation to Transboundary Environmental Harm: Forest Governance as an Example*, Jing Liu, Erasmus University Rotterdam (Netherlands)
- *The regulation of “new” technologies in the European Union – is effectiveness at all possible?* Leonie Reins, University of Leuven (Belgium)

15.40-16.05: Coffee break

16.05-18:10:

Parallel session 2

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

Chair: Matthieu Wemaëre, Paris and Brussels Bar Associations & Aix-Marseille University (France)

Location: Dumas lecture hall

- *International Climate Change Law After the UNFCCC: Preparing for Failure*, Navraj Singh Ghaleigh, University of Edinburgh (United Kingdom)
- *International Climate Finance and Non-State Actors: the Transparency Imperative*, Patricia Jonason, Södertörn University, Stockholm (Sweden), & Richard Calland, University of Cape Town (South Africa)
- *Climate change action seeking for effectiveness: Cities networking and its legal implication*, Julien Dellaux, Aix-Marseille University (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, Utrecht University (Netherlands)

2.2. Nature Conservation Policies

Chair: Eve Truillhé-Marengo, CNRS and Aix-Marseille University (France)

Location: Room 102

- *Adopting an ecosystem approach based paradigm in environmental law*, Elina Raitanen, 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, University of Leuven (Belgium)
- *The effectiveness of compensatory measures: the case for habitat banking*, Valérie Dupont, University of Leuven (Belgium)
- *Private property and markets in environmental goods: the case of the 'conservation covenant'*, Bonnie Holligan, University of Sussex (United Kingdom)

2.3. Energy Law

Chair: Wolfgang Köck, University of Leipzig (Germany)

Location: Salle des Actes

- *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, Aix-Marseille University (France)
- *Shift from Road to Rail According to the Swiss Constitution – About the (In-)Effectiveness of 'Overprotective' Norms*, Markus Kern, University of Fribourg (Switzerland)
- *On the effectiveness of Germany's Renewable Energy Sources Act*, Sebastian Strunz, Erik Gawel, Helmholtz Centre for Environmental Research, Leipzig (Germany)
- *Promoting electricity from renewable energy sources in France: is French law appropriate to reach the target?*, Marie Lamoureux, Aix-Marseille University (France)

2.4. Civil, administrative and criminal enforcement 1

Chair: Bernard Vanheusden, Hasselt University (Belgium)

Location: Room Fabre 5

- *Administrative and/or Criminal Enforcement*, Jan Darpö, Uppsala University (Sweden)
- *Civil, administrative and criminal sanctions in Cyprus*, Natalia Charalampidou, Ruprecht-Karls University of Heidelberg & Thessaloniki (Germany and Greece)
- *Legislative Design for Effective Enforcement of Environmental Law – A UK Perspective*, Eloise Scotford, King's College London, Jonathan Robinson, Environment Agency and University College London (United Kingdom)

Kingdom)

- *On the active toleration of environmental infringements and criminal liability of Administrations and Law Enforcement Agencies*, Teresa Fajardo, 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**

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

Chair : Estelle Brosset, Aix-Marseille University (France)

Location : Salle des Actes

- *The effectiveness of land-use planning options to integrate biodiversity and climate change aspects into land-use planning*, Bernard Vanheusden, Hasselt University (Belgium)
- *From conflicting to supporting EU policies – a long battle to secure cross-compliance with EU nature legislation*, Sandra Jen, WWF European Policy Office, Brussels (Belgium)
- *The European Court of Justice and the Effectiveness of International (Environmental) Treaty Provisions in the EU Legal Order*, Benedikt Pirker, University of Fribourg (Switzerland)
- *The Effectiveness of Environmental Constitutionalism: A Case Study*, Erin Daly & James R. May, Widener University, Delaware (United States)

3.2 Incentives and marked-based instruments

Chair: Helle Tegner Anker, University of Copenhagen (Denmark)

Location: Room Fabre 4

- *Investors and Law Enforcers: How Multilateral Funds Incentivize Sustainable Forest Carbon Projects in Developing Countries*, Yixin Xu, 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, 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, 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, Aix-Marseille University (France)

Location: Room Fabre 5

- *Promoting Women's Participation: A Gender Approach for the Effectiveness of Environmental Law*, Isabelle Michallet, Jean Moulin University, Lyon (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, University of Roraima, Amazonia (Brazil), University of Coimbra (Portugal)

- *Environmental Human Rights and the Case for Achieving Effectiveness through Ecological Restoration?*, Afshin Akhtarkhvari, University of Copenhagen (Denmark)
- *Czech Public Defender of Rights and environmental impact assessment*, Jitka Večeřová and Michaela Konečná, Masaryk University, Brno (Czech Republic)

3.4. Dispute resolution: judicial and non-judicial mechanisms

Chair: Luc Lavrysen, Ghent University (Belgium)

Location: Dumas Lecture Hall

- *Monitoring the implementation of environmental law - Non-judicial and non-adversarial mechanisms (alternative dispute resolution)*, Alexandros Tsadiras, European University Cyprus (Cyprus)
- *Green Judges - Role of Judiciary in Environmental Enforcement in China: Challenges and Prospects*, Wen Xiang, University of Copenhagen (Denmark)
- *Reassessing the Role of International Courts and Compliance Mechanisms in Ensuring Effectiveness of International Environmental Law*, Antonio Cardesa-Salzmänn, Rovira i Virgili University, 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*, Domenico Amirante, Napoli University (Italy) (to be confirmed)

11.05-11.30: Coffee break

11.30-12.30: **Parallel session 4**

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

Chair: Charles-Hubert Born, University of Leuven (Belgium)

Location: Dumas lecture hall

- *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, Trento (Italy)
- *Better regulation of environment protection at EU level, really?*, Matthieu Wemaëre, Paris and Brussels Bar Associations & Aix-Marseille University (France)

4.2. Global issues

Chair: XX (to be confirmed)

Location: Salle des Actes

- *Towards effective conservation mechanisms in areas beyond national jurisdiction*, Beatriz de Sousa Fernandes, University of Edinburgh (United Kingdom) (to be confirmed)
- *Assessment of the Effectiveness of Basel Convention on Transboundary Movement of Hazardous Waste*, Wanying Huang, University of Strathclyde (United Kingdom)

4.3. Does soft law matter?

Chair: Rostane Mehdi, Aix-Marseille University (France)

Location: Room Fabre 4

- *Soft law in environmental matters: the role of the ECJ*, Mariolina Elia Antonio, Maastricht University (Netherlands)
- *The normative power, from hard to soft law: reflections from the climate change international regime*, Marion Lemoine, Aix-Marseille University (France)

4.4. Access to justice (Member States)

Chair: Tilak Ginige, Bournemouth University (United Kingdom)

Location: Room Fabre 5

- *Procedural rights and effective justice – Danish wind energy experiences*, Helle Tegner Anker, University of Copenhagen (Denmark)
- *Study on the Possibilities for ENGOs to Claim Damages on Behalf of the Environment*, Elena Fasoli, 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**

5.1. Access to justice (EU)

Chair: Lorenzo Squintani, University of Groningen (Netherlands)

Location: Room Fabre 4

- *Revisiting access to justice in environmental matters in the European Union: effectiveness or arrhythmia?*, Vlachou Charikleia, University of Maine (USA), Athens Bar Association (Greece)
- *Monitoring the Implementation of Environmental Law: The Importance and Challenges of Individual Standing in the EU Legal Context*, Sanja Bogoević, Lund University (Sweden)
- *Broader Standing for Private Parties to Increase the Effectiveness of EU Environmental Law*, Lucas Bergkamp, Partner, Hunton & Williams, Brussels (Belgium)
- *Effectiveness of Environmental Law in the Case Law on Aarhus Convention*, Petra Humlickova, Charles University (Czech Republic)

5.2. Evolutive, adaptive, reflexive norms

Chair: XX (to be confirmed)

Location: Dumas Lecture Hall

- *Adaptive Law. An Approach to Design Effective Environmental Law*, Jukka Similä, 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, Maastricht University (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, Aix-Marseille University (France)

5.3. Inspections

Chair: Owen McIntyre, University College Cork National University of Ireland

Location: Salle des Actes

- *Making Chinese Environmental Protection Law Effective – Inspections*, Yuhong Zhao, 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, University of Kent's Law School, Canterbury (United Kingdom)
- *Environmental Inspectors and prosecutors: is sharing information always useful?*, Carole M. Billiet, University of Gent, and Sandra Rousseau, University of Leuven, (Belgium)
- *Nuclear inspections*, Emma Durand-Poudret and Claire Portier, Aix-Marseille University (France)

5.4. Civil, administrative and criminal enforcement 2

Chair: Moritz Reese, Helmholtz Centre for Environmental Research, Leipzig (Germany)

Location: Room Fabre 5

- *The effectiveness of the EU's legislative framework on environmental crime – insights from an ongoing research project*, Christiane Gerstetter, Development Ecologic Institute (Germany)
- *Towards Effective Implementation of the EU Environmental Crime Directive? The case of the waste trafficking and disposal offences*, Ricardo Pereira, University of Westminster (United Kingdom)
- *Assessing the Effectiveness of Sanctions in Environmental Law*, Mark Poustie, 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*
Harald Ginsky, German Environmental Agency (Germany)
- *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 of La Rochelle, French Society for Environmental Law (France)

Room Dumas

16.45-16.50: Introduction

16.50-17.15: *Overcoming the challenges in implementing EU environmental law: The role of IMPEL*, John Seager, Chair, European Network for the Implementation and Enforcement of Environmental Law (Chair of the IMPEL Board)

17.15-17.40: *Rethinking environmental sanctions: Towards an integrated system*
Richard Macrory, University College London (United Kingdom)

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 Moritz Reese, Chairman of the European Environmental Law Forum,
Helmholtz Centre for Environmental Research, Leipzig (Germany)

Friday 4 September 2015

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

To get more details and register, please click [here](#).