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Jean Monnet Module
EU Environmental Policy:
Internal and External Dimensions

Week 2

Evolution of EU environmental policy

Reading:

1. Cristoph Knill and Duncan Liefferink, 'The establishment of EU Environmental Policy', in Andrew Jordan and Camilla Adelle (ed.), *Environmental Policy in the European Union*, 3rd edition (Routledge 2013), 13-31.
2. Emanuela Orlando, 'The Evolution of EU Policy and Law in the Environment Field: Achievements and Current Challenges', Transworld Working paper 21, available at http://www.transworld-fp7.eu/wp-content/uploads/2013/04/TW_WP_21.pdf
3. European Commission, 'Living well, within the limits of our planet: 7th EAP – The new general Union Environment Action Programme to 2020', Factsheet, available at <http://ec.europa.eu/environment/pubs/pdf/factsheets/7eap/en.pdf>

Questions:

1. When did an EC/EU environmental policy emerge?
2. How would you define "progress" of EU environmental policy?
3. What were the main reasons for the expansion of the environmental policy?
4. What is the relationship between trade policy and environmental policy?
5. Which of the European treaties was the most revolutionary for environmental policy?
6. Which of the treaties provides the most comprehensive basis?
7. What are the priorities of the current policy strategy (7th Environmental Action Plan)?
8. How do you compare today's priorities with the policy preoccupations in the 1970s?



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Week 3

Competence and objectives of the EU environmental policy

The lecture will be divided into 2 parts: the discussion of competences and objectives of the EU environmental policy (8-9.30, taught by Assist. Prof. Jerneja Penca) and an overview of the process of designing the EU internal policies more broadly (thus including the environmental policy) (9.45-11.15, taught by Assoc. Prof. Ana Bojinović Fenko).

Reading:

1a. Hans Vedder, 'The Treaty of Lisbon and European Environmental Law and Policy' (2010) 22(2) *Journal of Environmental Law* 285-99; or

1b. David Benson in Camilla Adelle, 'EU environmental policy after the Lisbon Treaty', v Andrew Jordan in Camilla Adelle (ur.) *Environmental Policy in the EU: Actors, Institutions and Policies* (Routledge, 2013, Third edition)

2. William Wallace and Hellen Wallace, 'Overview: The European Union, Politics, and Policy-Making', in Erik Jørgensen Knud, Mark Pollack and Ben Rosamond (eds.) *The SAGE Handbook of European Union Politics* (Sage 2007), 339-58.

Questions:

1. What is the background to the adoption of the Lisbon treaty?
2. What was its purpose?
3. When did it enter into force?
4. What are the objectives of environmental policy of the EU?
5. How are environmental objectives positioned among the objectives of the EU?
6. What are the primary tools for advancing the environmental objectives?
7. How are competences between the EU and its members states allocated in the environmental policy?



Week 4

Actors in the EU Environmental Policy

This lecture will consist of an overview of the major actors in the EU environmental policy-making and a discussion of a case study in how environmental policy is shaped. The story about regulation of genetically modified organisms provides excellent material for understanding the institutional and procedural complexity in ‘environmental’ policy-making. Whether this is a deviant or a classic case, is debatable. The selected piece is rich in highlighting a variety of actors and other issues worthy of discussion in the context of our course. Do make sure you read it in advance, after getting acquainted with (some of) the actors, by visiting their websites and spending some time understanding who they are, how they operate and what is their relevance to environmental policy. If you have the opportunity, please bring the article (in print or electronic version) with you to the class.

Reading:

1. Andrea Lenschow, ‘Environmental Policy’, Helen Wallace, William Wallace and Marc A. Pollack (eds.), *Policy-making in the European Union* (Oxford University Press, 5th edition, 2005), pp. 312-319 (**Section ‘Key players’**), you are encouraged to read the rest of the chapter to get an overview of the field.
2. European Commission, DG Environment: http://ec.europa.eu/dgs/environment/index_en.htm, DG Climate Action: https://ec.europa.eu/clima/index_en, DG Maritime Affairs and Fisheries: http://ec.europa.eu/dgs/maritimeaffairs_fisheries/index_en.htm
3. The Council of the EU: <http://www.consilium.europa.eu/en/council-eu/>
4. The European Parliament, The Committee on Environment, Health and Food Safety: <http://www.europarl.europa.eu/committees/en/envi/home.html>
5. Environmental NGOs, ‘Green 10’: <https://www.green10.org>
6. An example of the business sector, ‘Europabio’: <https://www.europabio.org/about-us/who-we-are>
7. G. Kristin Rosendal, ‘Governing GMOs in the EU: A Deviant Case of Environmental Policy-making?’ (2005) 5(1) *Global Environmental Politics* 83

Questions:

1. How diversified is the field of environmental decision-making? What actors constitute the EU environmental policy arena? What actors are you missing from the above reading list?
2. What are the main features of each listed institutions?
3. What is the function of each listed institution in environmental policy?
4. How would you assess the significance of each individual institution for advancement of environmental standards?
5. What is the message of the article on the Regulation of GMOs?
6. What are the actors and interests influencing that particular policy?



Week 5

Public participation and science

During 1990s policy-makers have accepted that the general public should be involved in policy discussions over environmental issues. In this session, we will look at the reasons behind this trend, the key legal instrument safeguarding the citizen's rights for involvement in environmental decision-making and access to justice – the Aarhus Convention – and the limitations to public participation, including in enforcement of the EU environmental law. The extent of public involvement is importantly determined by the scientific construction of environmental issues. Attention will be paid to the role of expertise and to how science and public opinion can be at odds (but also to how scientific opinion can be at odds with itself).

Reading:

1. Maria Lee and Carloyn Abbot, “The Usual Suspects? Public Participation Under the Aarhus Convention,” (2003) 66(1) *The Modern Law Review* 80, pp.80-88 (the 8 pages are compulsory but feel free to read the rest of this excellent article)
2. European Parliament / Jonas Ebbesson, *The EU and the Aarhus Convention: Access to information, public participation in decision-making and access to justice in environmental matters* (2016),
[http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/571357/IPOL_BRI\(2016\)571357_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/571357/IPOL_BRI(2016)571357_EN.pdf)
3. European Environmental Bureau, *Resolution on Turkey and the Aarhus Convention* (2013), <http://www.eeb.org/?LinkServID=0221C9E1-5056-B741-DB4DA9F842D25CF4&showMeta=0&aa>
4. Science, *Why Europe may ban the most popular weed killer in the world* (17 June 2016),
<http://www.sciencemag.org/news/2016/06/why-europe-may-ban-most-popular-weed-killer-world>
5. European Commission, *FAQs: Glyphosate* (29 June 2016),
http://europa.eu/rapid/press-release_MEMO-16-2012_en.htm
6. Euractiv, *EFSA: Glyphosate ban debate ‘legitimate’ but not about science* (16 January 2017), http://www.euractiv.com/section/science-policy/news/efsa-glyphosate-ban-debate-legitimate-but-not-about-science/?nl_ref=29001923

Leading questions:

1. What are the benefits of public participation in environmental policy?
2. What is Aarhus Convention about and what are its key features?
3. What is the legal and political nature of the EEB's resolution (no.3) and what would be the effect of Turkey's accession to the Aarhus Convention in the case in point?
4. What is the context, in which the debate about the herbicide glyphosate took place in the EU?



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Week 6

Enforcement of EU environmental law

A major task once in the context of effective environmental governance is that of monitoring the (correct) implementation of environmental legislation and enforcing it. We will devote one session to the responsibilities of the Commission and the European Court of Justice in this area, to the procedures and their outcomes. We will host Prof. Dr. Rajko Knez from the University of Maribor. The reading for this week is not compulsory (as it was not designated by him) but I highly recommend reading the piece in order to facilitate the understanding of predominantly legal issues.

Reading:

1. Ludwig Kraemer, 'The European Court of Justice', in Andrew Jordan and Camilla Adelle (eds.) *Environmental Policy in the EU: Actors, Institutions and Policies* (Routledge, 2013, Third edition)

Leading questions:

... will follow depending on the lecture. Check the outline again after the lecture has taken place for key questions. Also additional literature will be added for study purposes.



Week 7

External Dimension of the EU Environmental Policy

The lecture will consist of two parts. First, Ana Bojinović Fenko will discuss external dimensions of the EU policies in more general terms, and second, Jerneja Penca will introduce competences in external environmental action.

Reading:

1. Michael Smith, 'Does the flag follow trade?: 'politicisation' and the emergence of a European foreign policy' in John Peterson and Helene Sjursen (eds.), *A common foreign policy for Europe? Competing visions of the CFSP* (Routledge, 2005), pp 80–96.
2. John Vogler 'The External Environmental Policy of the European Union', in Olav Schram Stokke and Øystein B. Thommessen (eds.), *Yearbook of International Cooperation on Environment and Development* (Earthscan Publications, 2003/2004), pp 65–71.
3. Tom Delreux, 'The EU as an actor in global environmental politics', in in Andrew Jordan and Camilla Adelle (eds.) *Environmental Policy in the EU: Actors, Institutions and Policies* (Routledge, 2013, Third edition).
4. Kati Kulovesi and Marise Cremona, 'The evolution of EU competences in the field of external relations and its impact on environmental governance policies', (2013) *Transworld Working Paper 17*, available at http://www.transworld-fp7.eu/wp-content/uploads/2013/04/TW_WP_17.pdf

*Recommended: Hans H. B. Vedder, 'The formalities and substance of EU external environmental competence: stuck between climate change and competitiveness', in Elisa Morgera (ed.), *The External Environmental Policy of the European Union* (Cambridge University Press, 2012), pp. 11-32 (The book has still not arrived to the library, will notify you in class when we finally receive the book).

Leading questions:

1. How is the EU's prolific environmental law-making activity demonstrated in its external relations?
2. When did the EU develop an external dimension of its environmental policy?
3. What roles has the EU played and can play in international environmental negotiations and policies?
4. Is the EU a global environmental leader? Why? Or why not?
5. Who represents the EU in environmental negotiations?



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Week 8

Principles of the EU Environmental Policy

Reading:

1. European Parliament, *Environment policy: general principles and basic framework*, accessible at http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuld=FTU_5.4.1.html
2. Luis Paradell-Trius, 'Principles of International Environmental Law: An Overview,' (2000) 9(2) *Review of European Community & International Environmental Law* 93, accessible at <http://dl4a.org/uploads/pdf/Gen%20Principles%20of%20IEL.pdf>
3. *Rio Declaration*, accessible at <http://www.unep.org/documents.multilingual/default.asp?documentid=78&articleid=1163>
4. *Stockholm Declaration*, accessible at <http://www.unep.org/documents.multilingual/default.asp?documentid=97&articleid=1503>
5. Arts 3, 5, 11 of TEU and Arts 11, 191 TFEU

Leading questions:

1. Which of the general principles of the EU (law) impact the environmental policy?
2. What are the principles guiding the EU's environmental policy?
3. What is the meaning of each of the key environmental principles?
4. Why are principles particularly important in environmental policy?



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Week 9 Sustainable development

Reading:

1. Maria Lee, *EU Environmental Law, Governance and Decision-Making* (2nd edition, Hart 2014), pp 57-80
2. European Commission, *Environment, Sustainable Development*,
http://ec.europa.eu/environment/sustainable-development/index_en.htm;
http://ec.europa.eu/environment/sustainable-development/SDGs/index_en.htm;
3. European Commission, *International Cooperation and Development, The 2030 Agenda for Sustainable Development*,
http://ec.europa.eu/europeaid/policies/european-development-policy/2030-agenda-sustainable-development_en
4. United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*,
<https://sustainabledevelopment.un.org/post2015/transformingourworld>

Leading questions:

1. How is 'sustainable development' most commonly defined? What is the meaning of 'sustainable development'? What are the key elements of the term 'sustainable development'?
2. How are poverty eradication and environmental protection interrelated?
3. What are MDGs and SDGs?
4. Why is the relationship between sustainable development and environmental protection uneasy – what are the concerns?
5. To what extent do the 'integration principle', 'green economy' and 'beyond GDP' indicators contribute to strengthening the position of sustainable development in the EU?



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Week 10

Instruments in the EU environmental policy

Reading:

1. Maria Lee, *EU Environmental Law, Governance and Decision-Making* (2nd edition, Hart 2014), pp 81-107 (Chapter 4: 'Instruments and Governance I: Setting the Scene')
2. European Commission, *Better regulation*, http://ec.europa.eu/smart-regulation/guidelines/tool_15_en.htm
3. *Seventh Environment Action Programme* (7th EAP), <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013D1386>

Leading questions:

1. What are (some of the) possible ways of classifying instruments for environmental protection?
2. Could you think of a practical application for each of the policy instruments?
3. Why is the spectrum of policies to protect the environment as broad and how has it evolved?
4. What factors influence the choice of instruments?
5. What are the instruments, listed in the 7th Environmental Action Programme?