

Contents

Acknowledgements xi

Introduction Ludwig Krämer xv

PART I STRATEGIES, PHILOSOPHY, GENERAL QUESTIONS

1. Cheryl E. Wasserman (1990), 'An Overview of Compliance and Enforcement in the United States: Philosophy, Strategies and Management Tools', *International Enforcement Workshop, May 8–10, 1990: Proceedings*, Chapter I, Volume I, Utrecht, the Netherlands: Ministry of Housing, Physical Planning and Environment and Washington, DC, USA: United States Environmental Protection Agency, 7–45 3
2. Gertrude Lübbe-Wolff (2001), 'Efficient Environmental Legislation —On Different Philosophies of Pollution Control in Europe', *Journal of Environmental Law*, **13** (1), 79–87 42
3. Richard Macrory (2013), 'Sanctions and Safeguards: The Brave New World of Regulatory Enforcement', *Current Legal Problems*, **66** (1), 233–66 51
4. Marcia E. Mulkey (2004), 'Judges and Other Lawmakers: Critical Contributions to Environmental Law Enforcement', *Sustainable Development Law and Policy*, **IV** (1), Spring, 2–16 85
5. Lesley K. McAllister, Benjamin van Rooij and Robert A. Kagan (2010), 'Reorienting Regulation: Pollution Enforcement in Industrializing Countries', *Law and Policy*, **32** (1), January, 1–13 100

PART II ENFORCEMENT AND PUBLIC AUTHORITIES

6. David M. Konisky (2007), 'Regulatory Competition and Environmental Enforcement: Is There a Race to the Bottom?', *American Journal of Political Science*, **51** (4), October, 853–72 115
7. Reiner-Jörg Hüper (2004), 'Application of Criminal Environmental Law in Germany', in Françoise Comte and Ludwig Krämer (eds), *Environmental Crime in Europe: Rules of Sanctions*, Chapter 14, Groningen, the Netherlands: Europa Law Publishing, 151–8 135
8. K.J. De Graaf and J.H. Jans (2007), 'Colloquium Article: Liability of Public Authorities in Cases of Non-Enforcement of Environmental Standards', *Pace Environmental Law Review*, **24** (2), Summer, 377–98 143

9. United States Environmental Protection Agency (2011), 'EPA Must Improve Oversight of State Enforcement', *Report No. 12-P-0113*, December 9, Chapter 2, Washington, DC, USA: United States Environmental Protection Agency, 6–24 165
10. Eugene Mazur (2011), 'Environmental Enforcement in Decentralised Governance Systems: Toward a Nationwide Level Playing Field', *Organisation for Economic Co-operation and Development Environment Working Papers No.34*, Paris, France: Organisation for Economic Co-operation and Development Publishing, i, 9–40 184

PART III ENFORCEMENT OF INTERNATIONAL AGREEMENTS

11. Jutta Brunnée (2005), 'Enforcement Mechanisms in International Law and International Environmental Law', *Environmental Law Network International Review*, 1, 1–12 219
12. Michael Bothe (1996), 'The Evaluation of Enforcement Mechanisms in International Environmental Law: An Overview', in Rüdiger Wolfrum (ed.), *Enforcing Environmental Standards: Economic Mechanisms as Viable Means?*, Berlin and Heidelberg, Germany: Springer, 13–38 231
13. Winfried Lang (1996), 'Trade Restrictions as a Means of Enforcing Compliance with International Environmental Law: Montreal Protocol on Substances that Deplete the Ozone Layer', in Rüdiger Wolfrum (ed.), *Enforcing Environmental Standards: Economic Mechanisms as Viable Means?*, Berlin and Heidelberg, Germany: Springer, 265–83 257
14. Alexandra González-Calatayud and Gabrielle Marceau (2002), 'The Relationship between the Dispute-Settlement Mechanisms of MEAs and those of the WTO', *Review of European Community and International Environmental Law*, 11 (3), November, 275–86 276
15. Gebhard Kirchgässner and Ernst Mohr (1996), 'Trade Restrictions as Viable Means of Enforcing Compliance with International Environmental Law: An Economic Assessment', in Rüdiger Wolfrum (ed.), *Enforcing Environmental Standards: Economic Mechanisms as Viable Means?*, Berlin and Heidelberg, Germany: Springer, 199–226 288
16. Veit Koester (2007), 'The Compliance Committee of the Aarhus Convention: An Overview of Procedures and Jurisprudence', *Environmental Policy and Law*, 37 (2–3), 83–96 316
17. Jonas Ebbesson (2007), 'Implementing and Enforcing the Baltic Sea Convention Through European Community Law', in Martin Führ, Rainer Wahl and Peter von Wilmowsky (eds), *Umweltrecht und Umweltwissenschaft: Festschrift für Eckard Rehbinder*, Berlin, Germany: Erich Schmidt Verlag, 693–704 330

18. Peter H. Sand (2013), 'Enforcing CITES: The Rise and Fall of Trade Sanctions', *Review of European Community and International Environmental Law*, **22** (3), November, 251–63 342

PART IV ENFORCING EU ENVIRONMENTAL LAW

19. Koen Lenaerts and José A. Gutiérrez-Fons (2011), 'The General System of EU Environmental Law Enforcement', *Yearbook of European Law*, **30** (1), 3–41 357
20. Ken Collins and David Earnshaw (1992), 'The Implementation and Enforcement of European Community Environment Legislation', *Environmental Politics, Special Issue: A Green Dimension for the European Community: Political Issues and Processes*, **1** (4), 213–49 396
21. Liam Cashman (2006), 'Commission Compliance Promotion and Enforcement in the Field of the Environment', *Journal for European Environmental and Planning Law*, **3** (5), 385–94 433
22. Brian Jack (2011), 'Enforcing Member State Compliance with EU Environmental Law: A Critical Evaluation of the Use of Financial Penalties', *Journal of Environmental Law*, **23** (1), March, 73–95 443
23. Martin Hedemann-Robinson (2012), 'EU Enforcement of International Environmental Agreements: The Role of the European Commission', *European Energy and Environmental Law Review*, **21** (1), February, 2–30 466
24. Suzanne Kingston (2013), 'Mind the Gap: Difficulties in Enforcement and the Continuing Unfulfilled Promise of EU Environmental Law', in *European Perspectives on Environmental Law and Governance*, Chapter 7, Abingdon, UK and New York, NY, USA: Routledge, 147–76 495

PART V ENFORCEMENT BY CIVIL SOCIETY

25. Jan Darpö (2013), 'Effective Justice? Synthesis Report of the Study on the Implementation of Articles 9(3) and 9(4) of the Aarhus Convention in Seventeen of the Member States of the European Union', in Jan H. Jans, Richard Macrory and Angel-Manuel Moreno Molina (eds), *National Courts and EU Environmental Law*, Chapter 8, Groningen, the Netherlands: Europa Law Publishing, 169–212 527
26. Jan H. Jans and Albert T. Marseille (2010), 'The Role of NGOs in Environmental Litigation against Public Authorities: Some Observations on Judicial Review and Access to Court in the Netherlands', *Journal of Environmental Law*, **22** (3), 373–90 571

27. Jennifer Cassel (2007), 'Enforcing Environmental Human Rights: Selected Strategies of US NGOs', *Northwestern Journal of International Human Rights*, **6** (1), Fall, 104–27 589
28. Ludwig Krämer (2014), 'EU Enforcement of Environmental Laws: From Great Principles to Daily Practice – Improving Citizen Involvement', *Environmental Policy and Law*, **44** (1–2), 247–56 613
29. Christian Schall (2008), 'Public Interest Litigation Concerning Environmental Matters before Human Rights Courts: A Promising Future Concept?', *Journal of Environmental Law*, **20** (3), 417–53 623

PART VI SPECIFIC COUNTRIES

30. Joel A. Mintz (2013), 'Assessing National Environmental Enforcement: Some Lessons from the United States' Experience', *Georgetown International Environmental Law Review*, **26** (1), 1–12 663
31. Christopher N. Behre (2003), 'Mexican Environmental Law: Enforcement and Public Participation since the Signing of NAFTA's Environmental Cooperation Agreement', *Journal of Transnational Law and Policy*, **12** (2), Spring, 327–43 675
32. Carlos Wing-Hung Lo, Gerald E. Fryxell, Benjamin van Rooij, Wei Wang and Pansy Honying Li (2012), 'Explaining the Enforcement Gap in China: Local Government Support and Internal Agency Obstacles as Predictors of Enforcement Actions in Guangzhou', *Journal of Environmental Management*, **111**, November, 227–35 692
33. Benjamin van Rooij and Carlos Wing-Hung Lo (2010), 'Fragile Convergence: Understanding Variation in the Enforcement of China's Industrial Pollution Law', *Law and Policy*, **32** (1), January, 14–37 701
34. Liam Cashman (2013), 'Commission Enforcement of EU Environmental Legislation in Ireland: A 20-Year Retrospective', in Suzanne Kingston (ed.), *European Perspectives on Environmental Law and Governance*, Chapter 8, Abingdon, UK and New York, NY, USA: Routledge, 177–96 725
35. Michael G. Faure and Katarina Svatikova (2010), 'Enforcement of Environmental Law in the Flemish Region', *European Energy and Environmental Law Review*, **19** (2), April, 60–79 745

PART VII SPECIFIC INSTRUMENTS

36. Victor B. Flatt and Paul M. Collins Jr. (2011), 'Environmental Enforcement in Dire Straits: There Is No Protection for Nothing and No Data for Free', *Environmental Law Reporter*, **41** (8), 10679–85 767

37. Michael Bothe (2006), 'Ensuring Compliance with Multilateral Environmental Agreements – Systems of Inspection and External Monitoring', in Ulrich Beyerlin, Peter-Tobias Stoll and Rüdiger Wolfrum (eds), *Ensuring Compliance with Multilateral Environmental Agreements: A Dialogue between Practitioners and Academia*, Leiden, the Netherlands and Boston, MA, USA: Koninklijke Brill NV, 247–58 774
38. Wayne B. Gray and Jay P. Shimshack (2011), 'The Effectiveness of Environmental Monitoring and Enforcement: A Review of the Empirical Evidence', *Review of Environmental Economics and Policy*, 5 (1), Winter, 3–24 786
39. Marjan Peeters (2006), 'Enforcement of the EU Greenhouse Gas Emissions Trading Scheme', in Marjan Peeters and Kurt Deketelaere (eds), *EU Climate Change Policy: The Challenge of New Regulatory Initiatives*, Chapter 9, Cheltenham, UK and Northampton, MA, USA: Edward Elgar Publishing, 169–87 808
40. Michael Watson (2006), 'The Use of Criminal and Civil Penalties to Protect the Environment: A Comparative Study', *European Environmental Law Review*, 15 (4), April, 108–13 827