

# Workshop Environmental Law

## Ius Commune Conference 2011

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**Thursday, 24 November (14.00 – 18.00)**

**Location: Achter Sint Pieter 200**

**Room: 1<sup>st</sup> floor**

### **Participants**

Environmental law becomes more and more complex. The amount of environmental legislation has expanded enormously over the past decades, and still new regulation comes into force. This is, amongst others, caused by new environmental problems and risks like climate change, new substances and the need to deal with environmental damages. The complexity of the current environmental law system may lead to ineffective environmental protection, the frustration and impracticability of economic developments and to aversion of environmental law as a whole. A legal system that becomes incomprehensible loses its legitimacy. Member States and local and regional authorities therefore ask for more flexibility when applying environmental law, because it enables them to take local circumstances into account. Several solutions have been developed in the past years and also existing instruments may help reducing complexity and may provide for more flexibility.

During the environmental law workshop of this 2011 Ius Commune conference the possibilities to reduce complexity and improve flexibility will be discussed, taking diverse points of departure to look at the problem at stake.

A general departure is taken in the first block, discussing the development in EU law towards more framework directives as one of the solutions to integrate environmental directives and to provide for a more coherent legal system.

Another solution may be to improve the relationship between spatial planning and environmental law, to explore the complexity and flexibility in standard setting and last but not least the role of the national courts in dealing with complexity and flexibility.

The second block discusses flexibility and complexity in the field of Climate law, with regard to both mitigation and adaptation. Three possible instruments to deal with the theme of today's conference will be discussed: the role of principles in the UNFCCC, the role of the Emission trading scheme and the possible role of liability.

The third and last block focuses on compensation for environmental damage. Compensation may be used in a preventive way, to allow a certain exceeding of environmental quality standards or to enable infrastructural works which may cause environmental damage. Compensation regimes may also be necessary to restore environmental damage after it occurred.

<b>Theme</b>	<b>Complexity and Flexibility in Environmental Law</b>
<b>Chair</b>	<b>Marleen van Rijswick (UU)</b>
14.00 – 14.05	<b>Marleen van Rijswick (UU)</b> <i>Welcome</i>
14.05 – 14.20	<b>Liselotte Smorenburg-van Middelkoop (UvA)</b> <i>Flexibility through national courts: Procedural Autonomy</i>
14.20 – 14.35	<b>Mireille Bogaart (UvA)</b> <i>Flexibility in Frame-work directives</i>
14.35 – 14.50	<b>Daan Korsse (UU)</b> <i>Implementing European environmental law using Dutch spatial planning law</i>
14.50 – 15.10	<b>Robin Hoenkamp (UvA)</b> <i>Flexibility en complexity in standards</i>
15.10 – 15.30	Discussion
15.30 – 16.00	Break
<b>Chair</b>	<b>Marjan Peeters (UM)</b>
16.00 – 16.15	<b>Josephine van Zeben (UvA)</b> <i>Complexity &amp; Flexibility versus transparency and certainty in the EU ETS</i>
16.15 – 16.30	<b>Herman Kasper Gilissen (UU)</b> <i>The influence of threatening liability on adaptation to climate change in Dutch water management</i>
16.30 – 16.45	<b>Theresa Thorp (UU)</b> <i>Principles in the climate regime as a tool for dealing with complexity and flexibility</i>
16.45 – 17.05	Discussion
<b>Chair</b>	<b>Rosa Uylenburg (UvA)</b>
17.05 – 17.20	<b>Jing Liu (UM)</b> <i>Compensation of ecological damage in China and Japan</i>
17.20 – 17.45	<b>Marlon Boeve &amp; Berthy van den Broek (UvA/UU)</b> <i>Environmental quality standards: The integrated approach and compensation</i>
17.45 – 18.00	Discussion