

The Quest for Environmental Regulatory Integration in the European Union

*Integrated Pollution Prevention and Control, Environmental
Impact Assessment and Major Accident Prevention*

by Eberhard Bohne

KEY PUBLICATION

It is a commonplace that pollution knows no borders, and that environmental law must allow for cross-border implementation. The European Union specifies this principle in EC directives on integrated pollution prevention and control (IPPC), on environmental impact assessment (EIA), and on the control of major accident hazards involving dangerous substances (Seveso II). This is the first book to investigate – from both empirical and normative perspectives – the effectiveness of these directives at the national level. It provides by far the most extensive comparative analysis and evaluation of the industrial permitting and inspections, EIA, and major accident prevention in the EU.

Offering an in-depth study of the transposition and implementation of EC environmental directives in eight EU member states (Denmark, France, Germany, Italy, the Netherlands, Spain, Sweden, and the United Kingdom), the author – who has played a significant role in the formulation of environmental legislation and regulation at both the national (German) and EU levels – provides a stable base for an assessment of the benefits and costs of the integrated approach to environmental protection. Among the factors considered are the following:

- key features of national constitutional, administrative, and judicial systems which provide the framework for environmental regulations and their implementation in the eight countries under study;
- procedures and substantive requirements transposing the IPPC, EIA and Seveso II directives into national laws; and
- evaluation of national deficiencies and the extent of “muddling through.”

The empirical part of Dr Bohne’s analysis draws on 138 expert interviews with public and private actors, a survey of 178 public authorities, and document analyses of selected industrial permits and environmental impact statements. His comparative analysis of procedural, organizational, and substantive integration makes it possible to identify and compare national accomplishments in regulatory integration, and offers new insights into the effectiveness and limits of EC law. The study concludes with a discussion of the implications of the findings for European governance and better regulation after the enlargement of the EU.

This thoroughly researched, rigorous, and insightful study will be of great interest and value to policymakers, regulators, business people, environmental NGOs, consultants, and lawyers, as well as to students of environmental policies and European governance.

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