

BOOK REVIEWS

THE YEARBOOK OF EUROPEAN ENVIRONMENTAL LAW

T F M ETTY AND H SOMSEN (EDS), OXFORD:
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Unlike a law journal, the primary purpose of any 'yearbook' of environmental law is to capture and organize for its readers the significant events that occurred during a particular period and present these events in context through informed discourse within a reasonably defined structure and manageable scope established for such a publication.

To a remarkable degree, the Yearbook of European Environmental Law has successfully met these criteria not only in the current 2005 edition but also in the context of the previous four volumes in the series. The structure of the Yearbook is relatively straightforward. Each volume begins with a number of selected full-length articles, followed by three sections entitled 'Current Survey', 'Reviews of Books', and 'Documents' respectively. In addition to a table of contents and list of contributors, there are comprehensive tables of cases and legislation as well as an easy to navigate index.

Whilst maintaining the familiar structure outlined above, the Editors have decided to streamline the 'Current Survey' section commencing with Volume 5 and will no longer feature surveys of environmental law in each of the Member States, a not surprising but in some ways regrettable decision, given the European Union's (EU) expansion from 15 to 25 States. Two additional States, Romania and Bulgaria are scheduled to join the EU in 2007 and accession talks have recently begun with Turkey.

As is evident from the title, the Yearbook is confined to EU environmental law and policy and provides the reader with an authoritative overview of the year in review. What sets it apart from other publications of this kind is the breadth of its coverage and the acknowledged academic and practical expertise and experience of its Editors and Editorial Committee. The latter not only ensures that the quality of the contributions for inclusion will be kept to a high standard but that the necessary culling of such a large amount of European environmental law material will be done in a manner that results in a book of manageable proportions without sacrificing a commitment to highlight and include all important events of the current year.

Three of the articles in the 2005 edition deal with elements of the Aarhus Convention. The first, by Stephen Sec, updates developments in pursuit of the specific Aarhus components of 'environmental democracy', with 23 former Eastern Bloc countries of 29 European countries in total now parties to the Convention. The Schram article outlines the progress made with respect to public access to EU environmental documents since the application in December 2001 of Regulation (EC) No 1049/2001 regarding Public Access to European Parliament, Council and Commission Documents (Access to EU Documents Regulation). Dr Jona Razzaque of the Foundation of International Environmental Law and Development (FIELD) completes the trilogy with an update on access to justice in environmental matters in the UK. This article is followed by an analysis by Professor John McEldowney of the 2004 UK decision in *Maric v Thames Water Utilities Ltd.* wherein the House of Lords adopted a restrictive approach to expanding human rights in litigation affecting the environment and its probable impact on the European Convention on Human Rights and its UK domestic counterpart, the *Human Rights Act 1998*.

The remaining three articles appearing in Volume 5 deal with

- (i) the complex and arguably controversial EU emissions trading scheme pursuant to the Emissions Trading Directive (Directive 2003/87/EC establishing a Scheme for Greenhouse Gas Emission Allowance Trading within the Community) which came into force on 1 January 2005;
- (ii) the scope and pre-emptive effect of environmental directives on the Restriction and Use of Certain Hazardous Substances in Electrical and Electronic Equipment (the RoHS Directive) using the latter as a case study; and
- (iii) Professor Nicolas de Sadeleer's article on the effectiveness of the 1979 EC Directive on the Conservation of Wild Birds (Birds Directive) and the 1992 EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive). In particular, de Sadeleer examines the classification and declassification of 'special conservation areas' (SCAs) and 'special protection areas' (SPAs).

Although each of the articles address issues of global importance and concern they also provide the reader with an in-depth insight into the issues discussed from a European perspective. Michael Mehling's article on the Emission's Trading Directive referred to in the preceding paragraph is particularly illuminating in acquainting the reader with the hidden dangers faced by member nations in arriving at national allocation.

The revamped 'Current Survey' section of the Yearbook focusing on substantive European Community Environmental Law has been divided into a number of thematic subsections. These include Atmospheric Pollution, Energy, Biotechnology, Chemicals, Nature Conservation Waste, Water, Horizontal Instruments, Miscellaneous Instruments and Case Law of the European Court of Justice. The new format features a single article on each of the listed topics that purports to

discuss recent developments throughout the EU with respect to the particular thematic area under discussion including relevant case law, where applicable.

The Review of Books section typically contains reviews of a broad range of books and other publications released in the previous year. The 2005 Yearbook contained 12 informative reviews whilst the 2004 edition contained 13 such reviews.

Of particular benefit to all of those involved with European environmental law is the 'Document' reference section which brings together in one place under the editorship of Documents Editor, Honorary Professor Ludwig Kramer, concise summaries of EU Communications, Green Papers and White Papers. Unfortunately, the survey of documents is not always current and care must be taken when reviewing these to bear in mind the precise period that is covered. The survey contained in the 2005 edition of the Yearbook covers documents published between 1 July 2003 and 30 June 2004.

Overall this series provides a comprehensive and informative overview of recent and current developments covering a broad spectrum of environmental issues affecting EU Member States. It is however of interest to a much wider audience and offers its readers in other parts of the world, a rich cache of well-written articles and other reference material that will easily serve as the basis for a comparative analysis with other environmental legal and policy regimes.

The 2005 edition of the Yearbook maintains the high standards set by the previous four volumes and is somewhat less voluminous than the 2004 edition with 200 fewer pages. As the body of substantive law within the EU continues to grow exponentially with the rapid expansion in the number of Member States, the Editors will face an enormous challenge to confine the Yearbook to a single manageable volume. Developments within individual Member States in coming years, particularly those of Eastern Europe may necessitate a further reorganization of the Yearbook's structure to ensure adequate coverage of events occurring over such a broad geographical and geopolitical terrain.

I commend this series to all environmental scholars, practitioners and students interested in European Environmental Law.

Michael Jeffery, QC
Professor of Law
Macquarie University,