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elni REVIEW

CONTENTS

Editorial

Waste law was, in 1975, one of the first environmental issues to be regulated by the European Community. The Waste Framework Directive has served as an important harmonisation instrument for about 30 years without substantial change. Now, a new directive has been adopted and must be transposed into national law by the end of 2010. Moreover, a comprehensive jurisprudence of the Court of Justice has influenced national waste law in the last years. Around 60 waste-related EU legal acts have been adopted in the last decades to cope with an estimated 2.6 billion tonnes of waste generated in the European territory each year. Finally, the transboundary shipment of waste was given new legal ground in 2006. Reason enough for the current issue of *elni Review* to lay its main focus on waste law.

This issue of *elni Review* (1/2010) includes valuable insights into this matter, on the basis of the following contributions:

In an article entitled "Remarks on the Waste Framework Directive", *Ludwig Krämer* comments on the directive, in particular on those provisions where the legal situation has changed from previous legislation.

"Chinese e-waste legislation, current status and future development" is the subject of the article by *Martin Streicher-Porte, Katharina Kummer, Xinwen Chi, Stefan Denzler and Xuejung Wang*. This article provides detailed insights on several environmental laws and regulations concerning both waste of electrical and electronic equipment as well as the production of electrical and electronic equipment in China.

"The EU Waste Shipment Regulation and the need for better enforcement" by *Thomas Ormond* discusses the background of waste shipment law, traces the recent developments in waste trade and legislation and sets out current problems and issues.

Beside waste law this issue of *elni Review* also deals with two subjects which are both relevant to the current environmental debate: The article "Quality and Speed of Administrative Decision-Making Proceedings: Tension or Balance?" by *Chris Backes and Sander Jansen* reflects the prevailing tensions concerning administrative decision-making: the necessity of speedier procedures – resulting from the economic crisis – the quality of the proceedings and the rights of citizens.

Further *Gerhard Roller* addresses the legal role of NGOs in court proceedings in Germany in an article entitled "Locus standi for environmental NGOs in Germany".

Moreover, this edition of *elni Review* covers the recent developments concerning the debates about the EU Waste Implementation Agency, as well as the latest news about the Commission warning the UK about the unfair cost of challenging decisions.

The next issue of the *elni review* will focus on environmental law in developing and emerging countries. Contributions on this issue are very welcome. Please send contributions on this topic as well as other interesting articles to the editors by mid-July 2010.

Nicola Below/Gerhard Roller

April 2010

ELNI-VMR-VVOR congress

on Friday 17th September 2010
at ***Ghent University*, Belgium**

"Talking about the environmental effects of industrial installations: the European Directive on Industrial Emissions"

On the occasion of the upcoming recast of the European Directive on Industrial Emissions, the Environmental Law Network International, the Vereniging voor Milieurecht (VMR) and the Vlaamse Vereniging voor Omgevingsrecht (V.V.O.R.) are co-organising a congress on IPPC, IED, and all possible and impossible questions in this field..

At the end of the day, there will be an unforgettable ELNI birthday party!

Please confirm your participation at:
http://www.omgevingsrecht.be

More information on this event can be found in this issue of *elni Review* on page 39.

Remarks on the Waste Framework Directive

Ludwig Krämer

1 Introduction

Directive 2008/98/EC on waste[1] *was adopted on 19 November 2008. Member States are required to transpose it into their national legislation by 12 December 2010. This Directive replaces Directive 2006/12/EC which was itself a codification of Directive 75/442/EEC. The following contribution will only comment on some of the provisions of the new Directive, in particular those where the legal situation has changed with regard to the earlier legislation.*

While Directive 2006/12/EC had been constructed as a framework directive and had explicitly stated so, the new Directive 2008/98/EC makes no mention of its framework character. This means that for each specific directive it has to be examined whether the provisions of Directive 2008/98/EC – the definitions, the principles, etc – also apply to directives on specific waste streams. Art. 2(4) explicitly provides that specific rules on the management of particular categories of waste may be laid down by means of individual directives.

2 Exclusions from the scope

Directive 2008/98/EC excludes a number of materials from its scope of application. Gaseous emissions emitted into the atmosphere had already been excluded in the previous EU directive. This is probably the least unreasonable way of dealing also with the small particulates of lead, cadmium, or other heavy metals, of sulphur or other contaminants in the air. There is, though, no general obligation for emitters to minimise such emissions[2], and as such materials enter the environment, a general provision with an obligation to keep such emissions as low as possible would have been useful.

Land (in situ), unexcavated contaminated soil and buildings which are permanently connected with land are also excluded. Here, the Directive reacted to an EU Court of Justice judgment which had declared that unexcavated contaminated soil and buildings constituted waste[3]. Member States were afraid of the impact which this judgment might have on all the aspects of contaminated soil management and that they would be obliged to positively take action by cleaning up such contaminated sites.

The exclusion of uncontaminated soil which is excavated in the course of construction activities which will later be used on the site from which it was excavated (Art. 2(1)(c)) is understandable; in practice, however, soil which is excavated in the course of construction activities is not normally examined to establish whether it is contaminated or not. Clearly, any contaminated excavated soil constitutes waste and may not be used for construction work, be it for airports, roads, port projects etc. It is known, however, that in the Member States such contaminated soil is quite frequently used in construction or infrastructure projects.

Radioactive waste is excluded from the field of application of the Directive. Until now, there is only EU legislation on the shipment of radioactive waste. The Commission has announced that it would present, before the end of 2010, a proposal for an EU legislation on radioactive waste. At present, the disposal of radioactive waste – also from hospitals and medical installations – is a sort of taboo within the EU, and there are some good reasons to believe that some of such radioactive waste ends up on ordinary landfills.

The Directive excludes "*faecal matter,.. straw and other natural non-hazardous agricultural material used in farming, forestry or for the production of energy…*". The motivation for this agricultural clause is not clear. Why faecal matter should not be covered by waste legislation, is not comprehensible. If human or animal faecal matter do not come under waste legislation, where should they be classified? As products? There was an unfortunate judgment from the Court of Justice which had declared that pigs' slurry used in agriculture was not waste[4], but this does not justify the total exclusion of *all* faecal matter[5]. It can only be hoped that Member States, exercising their right under Art. 193 TFEU, will classify faecal matters where they belong, as waste.

The exemption of the other agricultural and forestry material can only be explained by successful lobbying from the agricultural side – in the same way as the exemption of decommissioned explosives: What else are these materials than waste? Had there been a need for specific treatment of such waste, a specific provi-

1 Directive 2008/98/EC on waste and repealing certain Directives, OJ 2008, L 312 p. 3.

2 Directive 2008/1/EC on integrated pollution prevention and control, OJ 2008, L 24, p.8, provides for the application of best available techniques; this is not quite the same as the obligation to minimise emissions. Furthermore, Directive 2008/1/EC only applies to large installations which fall into the categories of installations that are listed in Annex I; in the EU, it is estimated that about 80 of all installations are small- and medium-sized installations.

3 Court of Justice, case C-1/03 Van de Walle, ECR 2004, p. I-7613.

4 Court of Justice, case C-416/02 Commission v. Spain, ECJ 2005 p.I-7487; comment L.Krämer, Environmental Liability 2006, p. 67,

5 The recitals of Directive 2008/98 do not give any explanation. The Commission proposal for the Directive, COM(2005) 667, only wanted to exclude faecal matter used in agriculture or for the production of biomass.

sion might have been inserted into the Directive; a general exemption is simply not understandable.

Art. 2(2) of the Directive excludes materials which are covered by other EU legislation. This also refers to a Court judgment which had declared for a provision under Directive 75/442/EEC that had referred to 'other legislation', that also national legislation could make the EU waste Directive inapplicable[6]. The approach taken by Directive 2008/98 is to be welcomed, as the exclusion of EU law by national law would destroy the system of EU law altogether and create considerable legal uncertainty[7].

The different exemptions will not be commented upon in detail. Attention shall be drawn, though, on the large exemptions for agricultural waste. If there were provisions for agricultural waste at EU level, this would be no problem. However, there is no specific legislation on agricultural waste, except Regulation (EC) No 1774/2002 which tried to deal with the follow-up of the thousands of animals who died in the context of the 'mad cow disease'.

Directive 2009/31/EC on the geological storage of carbon dioxide[8] declared waste legislation inapplicable to such stored carbon dioxide. This is an obvious attempt – as with nuclear waste – to exempt certain waste materials from the waste legislation because the technology shall be promoted and not unduly hampered. In my opinion, at least carbon dioxide leaking from an underground storage is to be considered as waste and thus subject to Directive 2008/98/EC.

3 The definition of waste, by-products and "end of waste"

Directive 2008/98/EC did not change the definition of waste. It is well known that economic operators had long fought for such an amendment. Their objective was mainly to have materials which have an economic value exempted from waste legislation. As any waste material has some economic value for somebody, such a change was not possible. Also, the EU waste definition corresponds to definitions used in the Basel Convention on the transboundary movement of hazardous waste and in the law of the OECD and could not be amended without creating problems at international level.

The EU found another way of satisfying economic operators - by creating the notion of 'by-products' (Art. 5) and deciding on the 'end-of-waste' status (Art. 6). A material "*resulting from a production process, the primary aim of which is not the production of that item*" may be considered a product and not a waste material if

- the further use of the item is certain;
- the item can be used directly without any further processing "*other than normal industrial practice*";
- the item is produced as an integral part of a production process; and
- further use is lawful, "*i.e. the substance or object fulfils all relevant product, environmental and health protection requirements for the specific use and will not lead to overall adverse environmental or human health impacts*".

This provision is a derivative of the Court jurisprudence mentioned above[9]. However, while the Court had applied its – arguable – reasoning on agricultural (slurry in case 416/02) and primary products (leftover rock and sand in case C-114/01), Art. 5 now applies to all industrial processes. It is likely that sooner or later all residues from industrial production which consist of heavy metal, precious metals, glass, cardboard, and so on will no longer be classified as waste but as by-products – and thus come under product legislation; indeed, all these residues have an economic value and there exists a market for them.

The wording of Art. 5 seems to express that this Article is not directly applicable, but that there need to be specific EU comitology decisions to classify a specific material as a by-product (Art. 5(2). However, whether Member States are not entitled in the absence of any such decision to regulate themselves the classification of by-products has not be clearly decided.

Art. 6 provides for EU comitology decisions to define when a waste which "*has undergone a recovery, including recycling operation*" ceases to be waste. Any such decision shall fix criteria for such end-of-waste which shall be based on the following conditions:

- the material is used for specific purposes;
- there is a market or demand for the material;
- the material fulfils the technical requirements for the specific purposes and meets the existing legislation and standards applicable to products; and
- the use of the substance will not lead to "*overall adverse environmental or human health impacts*".

An example might illustrate the issue. According to a CEN standard, used paper and cardboard is classified in some 50 different sub-categories, according to the kind of paper, the contamination, its humidity and other aspects. When used paper is sorted according to these categories, is the sorted used paper then 'waste'

6 The Court limited this interpretation to such national legislation which resulted in a level of protection of the environment that was equivalent to that of Directive 2006/12, Court of Justice, case C-114/01 AvestaPolarit, ECR 2003, p.I-8725; comment L.Krämer, Environmental Liability 2004, p. 231.

7 The Court (*supra* note 6, above) had even accepted that national legislation adopted after the introduction of the corresponding EU legislation could make this legislation inapplicable. This would have questioned the supremacy of EU law and the principle of EU standard setting itself.

8 Directive 2009/31/EC, OJ 2009, L 140, p. 114.

9 See *supra* notes 4 and 6, above.

or 'product'? Until now, it was classified as waste[10]. According to the new Art. 6, such sorted used paper may now be classified as 'product'.

The problem is not altogether theoretical: Is a shipment of sorted used paper a shipment of waste, to which Regulation (EC) No 1013/2006 applies, or of products, for which the rules on free circulation of goods apply? What about the export of such material into the third world? If the material is a (dangerous)[11] product, the export is free, if the material is a (hazardous) waste, there are restrictions, etc.

One will have to see how EU and national law evolves in this regard. When there are no relevant EU decisions, Member States are explicitly authorised to take decisions at national level, Art. 6(4).

4 The new waste hierarchy, producer responsibility and eco-design

The wording of the waste hierarchy[12] in Article 4 has changed with regard to Directive 2006/12/EC. However, it is still the case that the waste hierarchy is not legally binding in the sense that Member States must give first priority to waste prevention before taking into consideration aspects of recycling or recovery. This follows from a simple reflection: if the hierarchy were binding the United Kingdom or Greece – who dispose of most of their waste by way of landfilling – would be in breach of EU law as they do not provide for prevention, recycling or recovery. This result is obviously absurd and nobody has ever argued the case for such an interpretation. Thus, the hierarchy remains a sort of policy guideline for administrations and lawmakers[13].

Another new provision with a limited substantive content is Art. 8 which deals with extended producer responsibility. The provision just enables Member States to impose responsibilities on the producer or distributor of products. It mentions take-back obligations and financial responsibilities for waste management operations. Member State had these possibilities already under Directive 2006/12/EC and had made use of them, in particular with regard to tack back obligations.

Art. 9 to 12 further develop the notions of prevention, recovery, re-use, recycling and disposal. With regard to waste prevention, the Commission is asked to develop, by end of 2011, "*the formulation of a product eco-design policy*" and to develop a European action plan for waste prevention "*seeking, in particular, to change current consumption patterns*". This is more than ambitious as the change of consumption patterns is a far-reaching undertaking. Also an eco-design policy with regard to the product-waste problem is not likely to be developed. Indeed, under the directive on the eco-design of products, the EU just decided to concentrate on energy-related aspects and the emission of greenhouse gases[14]. A new directive in this regard is not very likely to be accepted by the EU institutions and the Member States.

5 Collection and recycling quotas

As regards re-use and recycling, the directive contains a remarkable innovation. It requires Member States to provide, by 2015, for the separate collection of – at least – paper, metal plastic and glass. Until now, Member States are only obliged to provide for separate collection of packaging waste with regard to municipal waste,[15]. And under the above-mentioned principle of (enlarged) producer responsibility, most Member States had asked the packaging producers and distributors to finance the separate collection schemes. In the past, this system created a number of problems because households, and also economic operators, were not really convinced of having to separately collect packaging paper and cardboard, but not other paper and cardboard, and of having to collect packaging plastic, but not other plastic, etc.

The new system seems to orient itself to the model of having one separate collection system for plastic, glass, paper and metal, the separate collection taking place either in households or in containers which are placed on public places. This is acceptable. The big problem, though, is who should finance the system: the packaging producers and distributors are an identifiable group which can be charged by paying – to green point systems or via taxes[16] – for the collection systems. However, the new system would also have to make newspaper producers, producers of plastic or metal toys, glass, metal or plastic products and so on pay for the cost of the collection scheme – which will inevitably raise a lot of controversy and borderline problems. Packaging producers are unlikely to be ready to finance the whole new system, and many operators will object to being charged for the system.

10 Austria has legislation which classified sorted paper under certain conditions as "product". The specificities of that legislation cannot be discussed within the scope of this article.

11 Art. 6(1) indicates that limit values for pollutants shall be fixed, where necessary. The fact that a material is hazardous does thus not exclude it from the end-of-waste status.

12 The hierarchy in Art. 4 provides for "*prevention, preparing for re-use, recycling, other recovery, e.g. energy recovery; and disposal*".

13 See also, in the same sense, Recital 31: "*The waste hierarchy generally lays down a priority order of what constitutes the best overall environmental option in waste legislation and policy, while departing from such hierarchy may be necessary for specific waste streams when justified for reasons of, inter alia, technical feasibility, economic viability and environmental protection*".

14 Directive 2009/125/EC, OJ 2009, L 285/10, on establishing a framework for the setting of ecodesign requirements for energy-related products.

15 See Directive 94/62/EC on packaging and packaging waste, OJ 1994, L 365 p. 11.

16 A tax system exists in the Netherlands where producers and importers of packaging pay a tax for the placing of packaging or packaging products on the market.

The Commission had not made this proposal; it was inserted on the initiative of Member States, and it is not a secret that Germany had been pushing for the idea of asking the households to put all the four materials into one container ('Wertstofftonne'). It remains to be seen how the problem of financing the system and the eventual separation of the four materials will be solved. The financing will be a crucial part of the success of any separate collection scheme and Member States which are less wealthy than others might have problems of letting households shoulder the financial burden of such schemes.

The Directive even fixes binding objectives: by 2020, the recycling of these four materials from households and possibly from other origins, shall reach at least "*a minimum of overall 50 % by weight*"; another target - 70 % by weight – is set for construction and demolition waste. It is not stated which material constitutes the 100 %: all the paper, plastic, metal and glass which are used in households? Also, it is not clear,

- how this percentage will be measured in the individual household, in municipalities, regions or nation-wide?
- what will be done if a Member State only reaches 30 %? An infringement procedure would not change this fact;
- what happens if industrial waste reaches these targets, but household waste does not?

The Commission is charged with adopting implementation provisions (Art. 11(3)), and one may expect concrete proposals on this issue with great curiosity.

6 Changes for disposal and waste oil

With regard to disposal operations, it is remarkable that the unauthorised dumping of waste on land or at sea is no longer prohibited. The corresponding provision of Art. 4(2) of Directive 2006/12/EC was deleted, without any explanation.

During the negotiations of the Directive, the Czech Republic had complained that waste from Germany was going to Czech waste incinerators (recovery installations), obliging Czech waste to be landfilled or treated in a way which was not in compliance with the national waste management plan. The Directive now explicitly allows Member States to reject such waste imports; Regulation (EC) No 1013/2006 was amended insofar (Art. 16(1)).

The Directive repealed Directive 91/689/EEC on hazardous waste. Some provisions on the control, the prohibition to mix and the labeling of hazardous waste were upheld (Art. 17 to 19), with the result that overall the repeal of Directive 91/689/EEC appears to have more cosmetic than substantive reasons. Also Directive 75/439/EEC on waste oils was repealed, though the obligation to separately collect waste oils was upheld, with the proviso that this should be done "*where technically feasible*".

The repeal is a rather sad story. Indeed, Directive 75/439/EEC had required the recycling of waste oils. Member States were reluctant to comply with this requirement and it needed a number of Court judgments to compel them to doing that[17]. Nevertheless, the great majority of the EU-15 Member States even granted tax relief for the incineration of waste oils in cement kilns, power plants and other installations where used oil was considered a cheap substitute of fossil energies. Based on one single study which had reached arguable conclusions, the Commission was of the opinion that the cost-benefit analysis did not justify any longer to give priority to the recycling over incineration and suggested the repeal, and Member States were happy to align[18].

In Decision No 1600/2002/EC on the Sixth Environmental Action Programme, the Council and the European Parliament had requested the Commission to submit a proposal for biodegradable waste[19]. Until now, the Commission has ignored this – legally binding – request from 2002. Directive 2008/98/EC now asks the Commission to assess the situation and to submit "*a proposal, if appropriate*" (Art. 22). One may wonder what EU legally binding provisions mean in practice and why an EU institution should be entitled to bluntly ignore a request for legislation.

7 Planning for waste management and waste prevention

The Directive maintained the earlier requirement that Member States should set up waste management plans (Art. 28) and inform the Commission of the plans. It is not stated that the plans should be sent to the Commission; the experience from the past is that the Commission never systematically examined the content of these plans, compared them, suggested amendments and corrections or otherwise took detailed notice of the plans and, what is more important, of the practical implementation. The European effect of these national plans is thus almost irrelevant.

What is new is the provision in the Directive that Member States shall set up waste prevention programmes (Art. 29), the aim of which is "*to break the link between economic growth and the environmental impacts associated with the generation of waste*" (Art. 29(2)). Annex IV gives an indicative list of pos-

17 Court of Justice, case C-102/97 Commission v. Germany, ECR 1999, p. I-5051; case C-201/03 Commission v. Sweden, ECR 2004, p. I-3197; case C-424/02 Commission v. United Kingdom, ECR 2004, p. I-7249; case C-531/03 Commission v. Austria, ECR 2005, p.I-837; case C-92/03 Commission v. Portugal, ECR 2005, p. I-867.

18 Italy, where waste oil recycling is well developed, managed to get a derogation clause which allowed it to maintain the priority of recycling (regeneration), see Art. 21(3).

19 Decision No 1600/2002/EC, OJ 2002, L 242 p. 1, Art. 8.

sible measures that could be part of such national programmes which are extremely vague[20].

What the Directive does not make explicit is the fact that any waste prevention policy is product policy, because a waste material, before it becomes waste, was a product. However, the Commission does not want to implement a product policy with binding measures[21] but favours voluntary measures. However, it then makes little sense to require Member States to set up waste prevention programmes. Time will show whether these relatively low expectations regarding waste prevention programmes are justified or not.

8 Conclusion

Overall, it can be stated that the new Directive did little to promote a better environmental management of waste or better protection measures. It facilitates life for economic operators by inventing the notion of by-products, introducing provisions on end-of-waste and repealing the priority for waste oil recycling. Composting or biodegradable waste are not really addressed. The majority of provisions repeat the provisions of Directive 2006/12/EC in slightly different wording. It is therefore not to be expected that the present waste management policy of the EU will significantly change for the better.

20 See, for example, "*The promotion of credible environmental management systems*" (no. 10); "*the promotion of creditable eco-labels*" (no. 13); "*the use of awareness campaigns and information provision directed at the general public or a specific set of consumers*" (no. 12); "*the use of planning measures or other economic instruments promoting the efficient use of resources*" (no. 1).

21 See the Commission communications on integrated product policy, COM(2001) 68 and COM(2003) 302.

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The Society for Institutional Analysis was established in 1998. It is located at the University of Applied Sciences in Darmstadt and the University of Göttingen, both Germany.
The sofia research group aims to support regulatory choice at every level of public legislative bodies (EC, national or regional). It also analyses and improves the strategy of public and private organizations.
The sofia team is multidisciplinary: Lawyers and economists are collaborating with engineers as well as social and natural scientists. The theoretical basis is the interdisciplinary behaviour model of homo oeconomicus institutionalis, considering the formal (e.g. laws and contracts) and informal (e.g. rules of fairness) institutional context of individual behaviour.

The areas of research cover
- Product policy/REACh
- Land use strategies
- Role of standardization bodies
- Biodiversity and nature conversation
- Water and energy management
- Electronic public participation
- Economic opportunities deriving from environmental legislation
- Self responsibility

sofia is working on behalf of the
- VolkswagenStiftung
- German Federal Ministry of Education and Research
- Hessian Ministry of Economics
- German Institute for Standardization (DIN)
- German Federal Environmental Agency (UBA)
- German Federal Agency for Na-ture Conservation (BfN)
- Federal Ministry of Consumer Protection, Food and Agriculture

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sofia

elni

In many countries lawyers are working on aspects of environmental law, often as part of environmental initiatives and organisations or as legislators. However, they generally have limited contact with other lawyers abroad, in spite of the fact that such contact and communication is vital for the successful and effective implementation of environmental law.

Therefore, a group of lawyers from various countries decided to initiate the Environmental Law Network International (elni) in 1990 to promote international communication and cooperation worldwide. Since then, elni has grown to a network of about 350 individuals and organisations from all over the world.

Since 2005 elni is a registered non-profit association under German Law.

elni coordinates a number of different activities in order to facilitate the communication and connections of those interested in environmental law around the world.

Coordinating Bureau

The Coordinating Bureau was originally set up at and financed by Öko-Institut in Darmstadt, Germany, a non-governmental, non-profit research institute.

Three organisations currently share the organisational work of the network: Öko-Institut, IESAR at the University of Applied Sciences in Bingen and sofia, the Society for Institutional Analysis, located at the University of Darmstadt. The person of contact is Prof. Dr. Roller at IESAR, Bingen.

elni Review

The elni Review is a bi-annual, English language law review. It publishes articles on environmental law, focussing on European and international environmental law as well as recent developments in the EU Member States. It is published by Öko-Institut (the Institute for Applied Ecology), IESAR (the Institute for Environmental Studies and Applied Research, hosted by the University of Applied Sciences in Bingen) and sofia (the Society for Institutional Analysis, located at the University of Darmstadt). The Coordinating Bureau is currently hosted by the University of Bingen. elni encourages its members to submit articles to the Review in order to support and further the exchange and sharing of experiences with other members.

elni Conferences and Fora

elni conferences and fora are a core element of the network. They provide scientific input and the possibility for discussion on a relevant subject of environmental law and policy for international experts. The aim is to gather together scientists, policy makers and young researches, providing them with the opportunity to exchange views and information as well as to develop new perspectives.

The aim of the elni fora initiative is to bring together, on a convivial basis and in a seminar-sized group, environmental lawyers living or working in the Brussels area, who are interested in sharing and discussing views on specific topics related to environmental law and policies.

Publications series

- Access to justice in Environmental Matters and the Role of NGOs, de Sadeleer/Roller/Dross, Europa Law Publishing, 2005.
- Environmental Law Principles in Practice, Sheridan/Lavrysen (eds.), Bruylant, 2002.
- Voluntary Agreements – The Role of Environmental Agreements, elni (ed.), Cameron May Ltd., London, 1998.
- Environmental Impact Assessment – European and Comparative; Law and Practical Experience, elni (ed.), Cameron May Ltd., London, 1997.
- Environmental Rights: Law, Litigation and Access to Justice, Deimann/Dyssli (eds.), Cameron May Ltd., London, 1995.
- Environmental Control of Products and Substances: Legal Concepts in Europe and the United States, Gebers/Jendroska (eds.), Peter Lang, 1994.
- Dynamic International Regimes: Institutions of International Environmental Governance, Thomas Gehring; Peter Lang, 1994.
- Environmentally Sound Waste Management? Current Legal Situation and Practical Experience in Europe, Sander/Küppers (eds.), P. Lang, 1993
- Licensing Procedures for Industria Plants and the Influence of EC Directives, Gebers/Robensin (eds.), P. Lang, 1993.
- Civil Liability for Waste, v. Wilmowsky/Roller, P. Lang, 1992.
- Participation and Litigation Rights of Environmental Associations in Europe, Führ/Roller (eds.), P. Lang, 1991.

Elni Website: elni.org

On the elni website www.elni.org one finds news of the network and an index of articles. It also indicates elni activities and informs about new publications. Internship possibilities are also published online.

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