The European Community and Environmental Protection

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INTRODUCTION

1. Given the importance environmental law has come to assume in the jurisprudence of the Court of Justice, it is remarkable to recall that protection of the environment was not listed amongst the aims of the Treaty of Rome. Subsequent Treaty amendments have ensured that there is a specific section on the environment (Article 174 – 176) and that Article 2 of the EC Treaty (incorporated into the TEU) states as one of the objectives of Community activity the protection of the environment. Despite this unpromising start, the development and expansion of environmental protection has been phenomenal. Much of this is attributable to the ambitious legislative programme engaged in by the Commission. However the role of the Court of Justice in this field cannot be underestimated. It has adopted an interventionist stance, in both substantive and procedural areas to advance environmental protection. To analyse its contribution, it is helpful to look at various areas in which the Court has made its mark.

2. First, there is the area of the interpretation and enforcement of existing Community legislation in the field of the environment. The Court has consistently taken a robust approach to the enforcement of environmental law, laying down important principles in areas such the implementation of environmental directives by the Member States and the use of daily fines for Member States who consistently fail to comply with their obligations. Insofar as the interpretation of Community directives is concerned, it is fair to say