

Environmental Damage and Liability Problems in a Multilevel Context The Case of the Environmental Liability Directive

By Sandra Cassotta

There is a growing interest at different decision-making levels (EU, international and national) in using liability as an element in solving the legal problems of environmental harm. The interest is founded on the necessity to take into account of complex inter-dependencies and interrelationships between the environmental media at global, regional and national levels.

In an effort to implement the aims of sustainable development, new views of the traditional liability instrument have to be applied. The book focuses on the Environmental Liability Directive 2004/35/EC (the so-called "ELD") on the prevention and remedying of environmental damage, and evaluates as to whether the ELD has achieved its goals and maintained its ambitions in terms of environmental protection, and what the optimal level of harmonization in terms of environmental protection is.

In order to address the question of research of this book, an interdisciplinary framework of analysis and methodology combining political science and law are developed. Since environmental damage is a multidimensional and multidisciplinary problem, par excellence, a multidisciplinary approach is required. Consequently, the use of a multidisciplinary method, combining together in a systematic and rigorous fashion, law, political science, technical elements of economy, insurance law and natural science, is, in the research design of this study, necessary, in a view of tackling the topic in a scientific problem solving-oriented approach. The book draws the overall conclusions by suggesting proposals for amendments and recommendations to be utilized for possible redrafting of the ELD's provisions for the time when the ELD will be object of a procedure of revision.

This book will be of interests to practitioners in EU law and EU Environmental law, international environmental law, legal experts on the law of environmental liability, specialists within international organizations but also by political scientists, economists, insurance law specialists, and natural scientists.

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