



## Jean Monnet Centre of Excellence – Tensions at the Fringes of the EU – regaining the Union's purpose

### Innovative Approaches to Ecological Sustainability in the European Union: Challenges and Opportunities in a Global Economic Crisis

Queen's University Belfast, School of Law  
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This seminar was organized by the Jean Monnet Centre of Excellence (JMCE) at the School of Law, Queen's University Belfast, as part of Stream 1 of the TREUP project (Economic Tensions and the EU's Purpose). Focusing on the concept of ecological sustainability, the main objective of the event was to explore both the barriers that European Union policy makers face in seeking to achieve this core goal and the opportunities these create to develop innovative solutions.

Introduced by Dr. Brian Jack, of Queen's University Belfast, the seminar was structured around three thematic panel sessions.

The **first panel** explored the principle of ecological sustainability and its role within European Union law and policy. It comprised two keynote addresses, delivered by **Elisa Morgera** (University of Strathclyde) and **Chris Willmore** (University of Bristol).

**Prof. Morgera's** address focused on international standards on ecological sustainability arising from the Convention on Biological Diversity, analysing the extent to which such standards are reflected in EU law and external relations. In addition to this, Prof. Morgera's keynote shared new insights on this interface from the Scottish debate on Brexit.

**Prof. Willmore's** address highlighted three problems with the EU ecosystem agenda: the paralysis of complexity, fragmentation and a lack of vision. She argued that a shared vision, expressed in a simple language and focused on the outcomes of our planet needs rather than on temporal legal silos is badly needed. This future vision should drive a fundamental



review of both the structures and outcomes of EU sustainability law. She went on to suggest that the SDGs offer a vehicle for such review.



The **second panel** analysed the challenges that must be addressed if ecological sustainability is to be integrated effectively within other European Union policies, identifying potential solutions in particular policy areas. Chaired by **Viviane Gravey**, this panel included three presentations. The first of these, given by **Sanne Akerboom** (Utrecht University) assessed the European legal frameworks on the

promotion of renewable energy and the protection of biodiversity. Taking as a case study a Dutch wind farm with identified negative impact on the fauna, she research identified a number of problems arising within the decision-making process at the national level and analysed possible solutions to mitigate the losses stemming from the EU law-making level.

The second presentation was given by **Celia Le Lievre** (University College Cork). Using the offshore renewable energy sector as a specific case study, the paper challenged EU legislation governing environmental impact assessments (EIA) with regards to EU objectives for decarbonisation. The problem, in her view, is that developers still face significant regulatory challenges to meet the requirements attached to the EIAs. She recommended to move away from the current risk-averse approach towards risk-management strategies, following examples of current practice adopted by environmental agencies in both the USA and Canada.

**Ludivine Petetin** (Cardiff University) gave the third presentation of this panel with a paper that scrutinized the role and impact of environmental measures under EU law under the Common Agricultural Policy (CAP) to achieve sustainable agriculture. She assessed, firstly, the role played by the variety of existing instruments and approaches employed by the EU in providing adequate conditions for delivering sustainable agriculture and, secondly the effectiveness and efficiency of those measures in expanding environmentally-friendly farming practices by looking at their implementation in England and Wales.



The **third panel** examined the role that economic and community-based actors can play in ensuring that the European Union's goals concerning ecological sustainability are being achieved at national and regional levels within individual Member States. Four presentations were included in this panel. The first one, provided by **Maria Dolores Sanchez Galera** (Carlos III University Madrid) focussed on the normative dimension of the 'commons' discourse and the grassroots movements behind it. She explained how 'commons' thinking takes a

community and ecosystem perspective, placing issues of care, solidarity, ecology, social equity and long-term stability at the forefront of policy. She defended the 'commons' paradigm for enabling us to move beyond a purely individual rights and market-oriented vision to enlarge legal instruments.

The second presentation of this panel, given by **Simona Davidescu** (University of York), explored the emerging discourse on green economy in Romania, which is directly linked to the sustainable development agenda, but where a recent attempt to consolidate this under a unifying Green Economy White Paper has failed. Her presentation showed how business in the renewable energy sector have tried to pressure the government to comply with EU rules but, while succeeding temporarily, have lost ground in recent years as the RES support scheme has been dismantled. She argued that the cases of climate change and renewable energy policy in Romania reveal the inconsistencies in the emerging green economy discourse and the importance of veto players in implementation.



**Alison Hough** (Athlone Institute of Technology) presented the third paper of this panel, which explored the potential contribution that human rights law can make to environmental regulatory law. She reminded us that concepts of sustainable development and ecological sustainability originate from a human rights-based perspective but that such an emphasis on rights was lost as

environmental law became increasingly complex and specialised. The paper discussed the question of whether a reintroduction of this rights-based analysis can provide a framework for improving our understanding of public participation in environmental impact assessment and (potentially) other regimes.

The panel closed with a presentation by **Peter Doran** (Queen's University Belfast) which reviewed the role of a high-level roundtable on measuring wellbeing on the introduction of wellbeing as an organising principle of the Northern Ireland 2016 Programme for Government. The roundtable was convened by the QUB School of Law together with the Carnegie UK Trust, with membership drawing from the two main political parties, senior civil servants and others, and involving the authors Peter Doran and Susan Hodgett. The presentation also assessed the future prospects for the approach taken in this case.