

Recent trends and developments in Dutch Environmental Law

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1. No 'paradigmatical' new developments can be mentioned. Instead: consolidation, modification, refinement.
2. New trends in Waste Law: since ages Dutch waste policy was based on *regional* (provincial) self-sufficiency. Now: provincial borders become irrelevant for waste policies. Provincial authorities are not longer allowed to restrict or to prohibit waste transportation to other provinces. N.B. for transportation outside the Netherlands, EC-Regulation 259/93 will be applied at central (national) level by the Minister for the Environment.
3. Point of discussion: Legal protection. Since long access to environmental licensing procedures is available to all (*actio popularis*). The legal basis for this lies in a Special Part of our General Administrative Law Act. This special part will disappear in the GALA, but the legislator can opt to put this Special Part in our Environmental Management Act. There is now in the Netherlands a discussion going on to what extent it still remains necessary to have a more 'liberal' regime on access in environmental law than in other part of public law (access for 'interested parties').
4. New trend? More attention (in law and policy) for enforcement. Some recent 'disasters' (fireworks-explosion at Enschede; New-Years fire at Volendam; partly caused by non-enforcement 'gedogen') triggered attention for better and more structural enforcement of existing laws and permits. Also more attention for relative new 'administrative sanctions' (i.e. outside the penal/criminal law framework): penalty payments, lump-sum payments etc.
5. New trend? To make the environmental legislation more 'normative', for instance to introduce more substantive principles in the legislation. Since long: Dutch environmental legislation was formal and procedural oriented.
6. Judicial review by the Council of State: trend towards a less intensive, but in stead a more distant review of environmental licenses. Less 'unreasonableness' and more review of the 'duty to give reasons' or the 'duty to take into account all relevant aspects'.