

## **ENVIRONMENTAL LIABILITY**

### **Definition**

Obligation based on the principle that a polluting party should pay for any and all damage caused to the environment by its activities. In some countries, this is a strict liability if the damage can be attributed to a specific party.

### **The laws of environmental liability and environmental harm**

Environmental liability is an instrument of environmental protection for the prevention of and compensation for environmental harm. It promotes the personal responsibility of the (economic) players. Properly constituted environmental liability law creates economic incentives to prevent the occurrence of harm, paving the way for the payment by the polluter of compensation for any harm that occurs.

The legislature can create environmental liability legislation under both public and civil law. In terms of civil law this is a matter of compensation for harm to life, limb, health or property of individuals who fall victim to such harm mediated by environmental media as a result of the conduct of other individuals. This kind of harm is covered in particular by the Environmental Liability Act (Umwelthaftungsgesetz) of 19.12.1990. This is accompanied by standards that oblige the polluter to repair the harm to environmental goods by itself, even if the latter are not the property of a person. These standards allow the authorities to proceed against the polluter, if necessary with coercion, and to order it to repair any harm. Such regulations are contained in the Environmental Damage Act (Umweltschadensgesetz), which entered into force on 14.11.2007.

The development of environmental liability law at EU level and a compact presentation of the conditions and legal consequences of the practical application of the Environmental Damage Act can be found in the presentation "Umweltschutz durch Umwelthaftung – Das Umweltschadensgesetz" ("Environmental protection through environmental liability - the Environmental Damage Act").

The German Environment Agency has for many years been engaged in the further development of environmental liability at national, European and international levels.

### **Environmental liability in international law**

Cross-border environmental harm is increasing internationally. For many areas - for instance, for the protection of the marine environment - there are instruments which govern liability for environmental harm in specific areas and which contain different conditions for establishing liability. This opens up the unwelcome possibility of regulatory differences in individual areas which cannot be objectively justified or, with even graver implications, of gaps in the regulations.

The study prepared on behalf of UBA entitled "Environmental Liability in International Law: Towards a Coherent Conception" and authored by Prof. Rüdiger Wolfrum, Prof. Christine Langenfeld and Dr. Petra Minnerop extensively describes and evaluates many such cases giving rise to liability which are found mainly in multilateral environmental agreements but also in

# Environmental Liability Handbook For Property Transfer And Financing

**Ed Bowker Staff, Staff Bowker, Ed**

## **Environmental Liability Handbook For Property Transfer And Financing:**

**The Environmental Handbook for Property Transfer and Financing** Mr. Michael Prescott, Douglas Brossman, 1990-07-15 The Environmental Handbook for Property Transfer and Financing provides an analysis of existing environmental legislation and trends that demonstrate the importance of the environmental site assessment in today's transactional market. Intended as a primer on the subject of environmental site assessments, this handbook will provide a wealth of information and guidance for laymen and experts. It covers the legal principles behind the need for environmental site assessments and explains the technical aspects of conducting these assessments. Environmental professionals, real estate and corporate attorneys, financial professionals, insurance experts, and real estate professionals will find *The Environmental Handbook for Property Transfer and Financing* a wonderful introduction to environmental site assessment and a valuable reference guide for related activities. Bowker's Law Books and Serials in Print, 1998 Financial responsibility for underground storage tanks a reference manual, 2000 **Subject Guide to Books in Print**, 1996 Practical Guide to Environmental Management Frank Friedman, 2003 Aimed at environmental and business professionals, this text explains how to create and maintain an effective corporate environmental management program. Corporate environmental lawyer Friedman begins with an overview of the history of environmental law. Other topics include, for example, reducing waste. A Practical Guide to Environmental Impact Assessment Paul A. Erickson, 1994 Impact assessment has become a crucial element of the interface between society and the environment. This practical guide to the assessment process will help ecologists, environmental scientists, and civil engineers to identify the conceptual foundation of the assessments they are preparing. The guide is also intended to help policy makers understand the scientific basis for these surveys, as well as the biotic and abiotic parameters. *A Practical Guide to Environmental Impact Assessment* will appeal to a broad cross-section of those pondering land use decisions. **Key Features:** A conceptual guide to technical and scientific issues relevant to impact assessment. Does not assume special training. Useful regardless of political or social context within which impact is being assessed. Provides both planners and impact assessors with background necessary for evaluating environmental impacts. Covers both physical and social parameters that influence impact assessment. Law Books in Print: Publishers Nicholas Triffin, 1994 Law Books in Print: Subject index Nicholas Triffin, 1994 Encyclopedia of Environmental Information Sources Sarojini Balachandran, 1993 Includes bibliographical references. p. 1509-1813. Law Books in Print: Title index Nicholas Triffin, 1994 Law Books Published, 1991 Books in Print 2004-2005 Ed. Bowker, Staff, Staff Bowker, Ed., 2004 Agrindex, 1993 **The Cumulative Book Index**, 1991 A world list of books in the English language. **Manuals of Engineering Practice**, 1996 **Bibliographic Guide to Law**, 1991 **2018 CFR e-Book Title 17 Commodity and Securities Exchanges Parts 240 to End** Office of The Federal Register, 2018-04-01 Title 17 Commodity and Securities Exchanges Parts 240 to End Abstracts of Public Administration, Development, and Environment, 1993 *Recent Publications on*

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