

exhibiting thermal expansion effects, and laminates exhibiting viscoelastic response.

EVALUATION CRITERIA FOR ENVIRONMENTAL POLICY INSTRUMENTS

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This chapter sets out the range of costs and benefits which may be relevant in evaluating environmental policy instruments.

A central issue in evaluating the effects of environmental market mechanisms is their environmental impact. Environmental effectiveness is a key issue in evaluating all environmental policy measures.

The administration and compliance costs of market-based and regulatory environmental policy instruments will be an important consideration in evaluating the relative merits of different policy approaches.

Some environmental market mechanisms, including user charges, environmental taxes, and certain types of tradable permits, may generate government revenue.

Wider economic effects is the range of economic costs and benefits associated with different environmental instruments apart from the direct abatement costs, administration and compliance costs, and the costs of charges in tax revenues.

Soft effects of economic instruments are various possible effects of such instruments working through changes in attitudes and awareness.

Economic instruments are likely to be more effective at stimulating innovation in pollution-abatement technologies than regulations which merely require a given level of compliance.

The limitations which are placed on the scope of evaluation studies by resources and the availability of information need to be borne in mind in interpreting the results. A decision has to be made in any evaluation study concerning the timescale over which the effects of different policies are to be assessed.

A frequent difficulty in assessing the effects of an economic instrument in environmental policy is that economic instruments are in practice rarely used in isolation, but are combined in a package of policy measures.

Environmental policy instruments do not operate in a national vacuum.

THE PRINCIPLES OF ENVIRONMENTAL LAW

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In recent years, much of the EU's environmental legislation has been stimulated by a process of accretion. In other words, basic framework or other measures have been adopted, and subsequent legislation has been motivated by efforts to complete or supplement those frameworks. In this sense, the EU's policy-making process may be said partly to proceed by virtue of its own momentum. The process by which the legislation is created is often intensely political, and sometimes owes more to compromise and political log rolling than to tidy applications of principle. Nonetheless, there are common policy strands that have influenced the EU's policy making.

(a) *The polluter pays.* Although now well-established, the principle remains an idea of formidable obscurity. In the complicated processes by which raw materials are first made into finished goods and thereafter distributed to consumers, it may, after all, be difficult to identify any culpable "polluter". Real offenders sometimes exist, but the term carries a connotation of special moral opprobrium which often seems unjustifiable. The basic problem is usually not him or her, or even you, but us.

(b) *Prevention.* This idea essentially provides that environmental damage should preferably be prevented rather than cured.

(c) *Precaution.* This latter principle essentially connotes a "moral" obligation to use good husbandry in the treatment of natural resources. It implies an approach to environmental rule making which is even more protective than that demanded by the preventive principle, particularly where the consequences of inactivity are thought to be irreversible.