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Foreword

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Foreword

In February 2006, during my first class on European Environmental Law at the University of Amsterdam, I asked Professor Sevenster what Jan H. Jans meant in a passage in the second edition of *European Environmental Law*. In the section concerning the principles of subsidiarity and proportionality, Jans explains the problematic relationship between subsidiarity and environmental quality standards. At page 13 he states:

On the one hand it can be said that European standard setting tends to even out competitive differences and avoids 'a race to the bottom'. On the other hand it deprives Member States of the opportunity of maintaining 'healthy' policy competition. A reasonable balance could be attained here if European environmental rules were mainly cast in the mould of minimum harmonization. This would allow the provision of a minimum level of protection throughout the Community, without depriving the Member States of the power to adopt more stringent standards for their own territory. Policy competition would then only be made impossible below the European standards.

The reference to a 'healthy' policy competition maintained by means of minimum harmonization and the possibility of adopting more stringent standards struck a chord in me. On the one hand, probably due to my Italian origin, I was sceptical about the idea that Member States would adopt stricter standards. Do Member States adopt stricter standards? Why should they, given that stricter standards will negatively affect the competitiveness of their national industries? On the other hand, I wondered about the linkages between more stringent protective measures and 'healthy' policy competition. What is the role that stricter standards play in the development of Union environmental law? When two years later, Professor Jans hired me to conduct a Ph.D. research project to establish whether Member States do set stricter standards after minimum harmonization of environmental law, I thought that

I would finally get some answers to my own questions. I never asked Jan what he meant. I did not really need to. Writing my Ph.D. thesis has given me sufficient information to answer my questions myself. Yet, my Ph.D. was mainly aimed at gathering empirical data on the actual use of gold-plating. In this book, I expand upon such empirical data to discuss four theoretical aspects of this phenomenon. I would like to believe that, after reading this book, the reader will also be able to answer these questions.

Lorenzo Squintani
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