



The Scottish Parliament
Pàrlamaid na h-Alba

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Dear Roseanna,

Roundtable on Environment and Climate Change

At its meeting of [5 June](#) the Environment, Climate Change and Land Reform Committee took evidence from the Roundtable on Environment and Climate Change on their report on environmental governance in Scotland after EU withdrawal.

The Committee considers the report provides a helpful starting point to consider what environmental monitoring, reporting and enforcement measures will be necessary following the UK exit from the EU.

The Committee is of the view that work is now required to identify what short term measures are necessary to ensure a smooth transition, alongside further work to develop and establish the necessary long term measures. The Committee encourages the Scottish Government to continue to work with the Roundtable, to identify what specific actions are now required.

I also attach the recent SPICe report on international approaches to the incorporation of environmental principles in domestic legislation, which may be of interest to you and the Roundtable.

We would welcome your view on extending the work of the Roundtable and the Committee would welcome an opportunity to discuss the Scottish Government's response to the report and plans for further work following the summer recess.

Yours sincerely,

Graeme Dey MSP
Convener, Environment, Climate Change and Land Reform Committee

Incorporation of environmental principles in domestic legislation: Country case studies

Introduction

The UK government is currently consulting on its approach to [Environmental Principles and Governance after EU Exit](#) and Westminster's Environmental Audit Committee launched an [inquiry](#) into these proposals on 17 May.

The Scottish Government also plans to consult on principles and governance and the Committee most recently took evidence from the Cabinet Secretary for the Environment, Climate Change and Land Reform on [8 May](#). Scottish Ministers have received draft advice on the same issue from their Roundtable on Environment and Climate Change and this report is expected to be published shortly.

This SPICe paper was requested by the Committee on 24 April 2018. The paper sets out examples of arrangements in relation to environmental principles which have been adopted in other countries.

Global view

The vast majority of countries have some form of “environmental constitutionalism”, most commonly couched in terms of the human right to a healthy environment.

Boyd (2012)¹ states that:

“As of 2012, 177 of the world's 193 UN member nations recognize this right [to a healthy environment] through their constitution, environmental legislation, court decisions, or ratification of an international agreement”

O’Gorman (2017)² says:

“148 of the 196 national constitutions in effect today manifest some form of environmental constitutionalism”

The constitutions of [Colombia](#) and [Ecuador](#) were cited in evidence.

As well as explicit, though not necessarily directly effective, environment rights (e.g. the right to a healthy environment) the following are also common in constitutions, legislation or national policy statements:

- guiding principles,
- procedural rights (e.g. the right to information), and
- duties on the state, individuals or both.

Examples of how environmental principles fit into the framework of environmental protections in various countries are given below.

Country case studies

1. Wales
2. France
3. Trinidad and Tobago
4. Australia

¹ Boyd, DR 2012: *The Environmental Rights Revolution: a global study of constitutions, human rights and the environment*, UBC Press, Vancouver.

² O’Gorman, R. (2017). Environmental Constitutionalism: A Comparative Study. *Transnational Environmental Law*, 6(3), 435-462. doi:10.1017/S2047102517000231

5. Canada
6. New Zealand
7. Switzerland
8. International initiatives

Wales

Wales has passed a trio of recent primary legislation to create a range of duties in relation to a sustainable development principle, well-being and the use of natural resources.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 requires that “Each public body must carry out sustainable development” (section 3). The Act also inserted an analogous duty into the Government of Wales Act 2006 such that “Welsh Ministers must, in the exercise of their functions, make appropriate arrangements to promote sustainable development” (section 16). These duties apply to ministers when exercising all their functions and to public bodies generally, in other words, not just for the purposes of the Act.

The sustainable development principle

The Act describes what the duty to “carry out” sustainable development means for ministers and public bodies:

1. Sustainable development is defined in the Act as the “process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals” (section 2).
2. The sustainable development “principle” mentioned in section 2 is defined as acting “in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs” (section 5).
3. Finally, the principle is further defined as a duty for public bodies to take account of a range of considerations: balancing short and long term needs; taking an integrated approach to meeting objectives; involving people; collaboration, and deploying resources to avoid problems.

The Act created a new Future Generations Commissioner for Wales, appointed by ministers, to promote, monitor and assist with the implementation of the sustainable development principle (Part 3). The Commissioner can make recommendations to public bodies and the public body then has a duty to “take all reasonable steps to follow the course of action set out in a recommendation” or explain its reasons for taking another course of action (section 22).

Finally, there is a requirement for the Auditor General for Wales to assess the “extent to which a body has acted in accordance with the sustainable development principle” in each parliamentary session (section 15).

Well-being goals

The “well-being goals” referenced in the definition of sustainable development are defined in the Act (section 4) and the duty on public bodies to “carry out sustainable development” includes a requirement for public bodies to set (and work towards) their own objectives designed to meet these well-being goals. In addition, there are various requirements for statements, timescales, review, measuring and reporting in relation to the well-being objectives (sections 7-13).

Land use planning

Part 2 of the Planning (Wales) Act 2015 explicitly extended the duty under the Well-being of Future Generations (Wales) Act 2015 to “carry out sustainable development” to planning functions (both development planning and development management).

Environment (Wales) Act 2016

Natural Resources Wales (NRW) was established in 2013 to take over the functions of various older bodies. It has a diverse role as regulator, advisor and land manager ([ref](#)). The Environment (Wales) Act 2016 amended the general purpose of NRW to 1. “pursue” and 2. “apply the principles of” sustainable management of natural resources (section 5).

The sustainable management of natural resources that NRW is to pursue is defined as using resources “in a way and at a rate” that maintains and enhances ecosystems to meet the needs of present and future generations and to contribute to the well-being goals (section 3). The principles that NRW is to apply are broad and include: active management, collaboration, public participation, preventative action, and taking account of various approaches such as the intrinsic value of nature and an ecosystem approach (section 4).

France

France incorporated a Charter for the Environment into its constitution in 2005 and a set of environmental principles are written into its Environmental Code.

Environmental Charter as part of the constitution

The [Charte de l'environnement](#) has been described as the “third branch” of the French constitution:

“Promised by President Chirac during the 2002 campaign for the Presidential elections, the Environmental Charter has become the third branch of the French 1958 Constitution. It has been incorporated alongside the 1789 Declaration of the Rights of Man and of the Citizen and the Declaration of Economic and Social Rights in the Preamble of the 1946 Constitution.... The Charter provisions are protected, interpreted and enforced by the Constitutional Court as well as the administrative and ordinary courts. It applies to all persons, natural and legal, private and public, and can be used as an instrument for interpretation of all international environmental treaties and conventions signed by France.”³

The Charter includes principles such as:

- Everyone has the right to live in a balanced environment which shows due respect for health (Article 1).
- Everyone shall be required, in the conditions provided for by law, to contribute to the making good of any damage he or she may have caused to the environment (Article 4).
- When the occurrence of any damage, albeit unpredictable in the current state of scientific knowledge, may seriously and irreversibly harm the environment, public authorities shall, with due respect for the principle of precaution and the areas within their jurisdiction, ensure the implementation of procedures for risk assessment and the adoption of temporary measures commensurate with the risk involved in order to preclude the occurrence of such damage (Article 5).

³ Dadomo, C. (2017) The “constitutionalisation” of French environmental law under the 2004 Environmental Charter. In: Daly, E., Kotze, L., May, J. and Soyapi, C., eds. (2017) *New Frontiers in Environmental Constitutionalism*. UNEP, pp. 146-159. Available from: <http://eprints.uwe.ac.uk/31976>

- Public policies shall promote sustainable development. To this end they shall reconcile the protection and enhancement of the environment with economic development and social progress (Article 6).

There are ten Articles in total, however the direct effect of these provisions varies:

“According to the case-law of the Constitutional Court, a constitutional provision will have direct effect provided it satisfies three criteria: it is a legal norm; it is sufficiently precise and it is unconditional. This means that it does not require further legislative intervention... the only provision [with full direct effect] is Article 5, which clearly and precisely defines the conditions of application of the precautionary principle without the requirement for further legislation.”⁴

Environmental Code in statute

Much of French law is unified into ‘codes’ and environmental principles appear in the main body of French environmental legislation, called the Environmental Code.⁵

The Code begins with *General Principles* (Articles L110-1 to L110-3) and covers the:

- precautionary principle
- principle of preventive action and correction
- polluter pays principle
- principle that everyone has the right to access environmental information
- principle of participation
- principle of ecological solidarity
- principle of sustainable use
- principle of complementarity between the environment, agriculture, aquaculture and sustainable forest management
- principle of non-regression, and
- various other broad provisions.

Trinidad and Tobago

Trinidad and Tobago’s [Environmental Management Act 2000](#) is the legislative basis for its national Environmental Management Authority (EMA).

The Act’s preamble covers environmental principles on shared responsibility, coordinated approach, polluter pays and sustainable development. Section 18 then creates a duty on the EMA to “prepare and submit to the Minister... recommendation for a comprehensive National Environmental Policy”.

Section 31 requires that the “Authority and all other governmental entities shall conduct their operations and programmes in accordance with the National Environmental Policy established under section 18.”

The current National Environmental Policy (NEP) was adopted in 2006.⁶ ClientEarth report that:

“The NEP states that as part of the polluter pays principle, charges should be levied in the form of an application fee for discharge permits entitling the holder to generate pollutants, and that money collected should be used to correct environmental damage. The Privy Council held that setting a flat, fixed fee for a discharge permit which only

⁴ Ibid

⁵ [Code de l’environnement](#) (viewed on 16/5/18)

⁶ We have been unable to obtain a copy of this 2006 policy document

recovered administration costs was a breach of the NEP, and thus a breach of the statutory duty, because it constrained the ability to charge a fee for the correction of environmental damage, as required by the NEP.”

A new 2018 version of the NEP is currently going through its process of adoption. The [draft text](#) submitted by the EMA’s Board to Ministers for their approval includes an explicit list of ‘Environmental Governance Principles of Trinidad and Tobago’.

These principles are detailed in the draft and are:

- Sustainable Development, Integration and Interdependence
- Inter-Generational and Intra-Generational Equity
- Precautionary Principle
- Responsibility to Avoid Transboundary Harm
- Prevention
- Polluter Pays Principle
- Transparency, Public Participation and Access to Information and Remedies
- Co-operation and Common but Differentiated Responsibilities
- Rights of Indigenous Peoples and Local Communities
- Common Heritage and Common Concern of Humankind
- Good Governance

Australia

The Australian government describes the Environment Protection and Biodiversity Conservation Act 1999 ([EPBC Act](#)) as its key piece of environmental legislation.⁷ The Act sets an objective to “promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources”. Section 3A then defines the principles of ecologically sustainable development.

Other sections require:

- Ministers to take the principles into account when making licencing decisions under the Act (sections 136 and 146F)
- Public bodies to report on how their activities and administration of legislation accorded with the principles (Section 516A).

The principles are defined as:

- decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- the principle of inter-generational equity—that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;
- improved valuation, pricing and incentive mechanisms should be promoted.

⁷ <http://www.environment.gov.au/epbc/about>

These, or similar, principles are replicated in other legislation:

[*Fisheries Management Act 1991*](#) – this Act sets objectives which must be pursued by ministers in the administration of the Act and by the Australian Fisheries Management Authority in the performance of its functions. These objectives include ensuring that the exploitation of fisheries resources are conducted in a manner consistent with the principles of ecologically sustainable development. The principles are then defined exactly as they are in the EPBC Act.

[*Protection of the Environment Administration Act 1991*](#) – this Act creates a New South Wales' environmental regulator, the Environment Protection Authority. The Act sets objectives for the Authority including having “regard to the need to maintain ecologically sustainable development” and then defines principles through which this can be achieved (section 6). These principles are very similar to those defined in the EPBC Act.

Canada

The Canadian government describes the Canadian Environmental Protection Act 1999 ([*CEPA 1999*](#)) as:

“[An] important part of Canada's federal environmental legislation aimed at preventing pollution and protecting the environment and human health... CEPA 1999 sets out several guiding principles in the preamble and embodies them in the administrative duties of the government”.⁸

The duties are placed on the government when administering the Act. They are set out in Section 2 and summarised below:

- the precautionary principle
- preventive and remedial measures to protect, enhance and restore the environment
- taking the environment into account in making social and economic decisions
- an ecosystem approach
- cooperation with governments
- public participation
- facilitating the protection of the environment by citizens
- nationally consistent standards
- providing coordinated information
- applying knowledge, including traditional aboriginal knowledge, science and technology, to identify and resolve environmental problems
- protecting against the risk of toxic substances, including assessing whether existing or new substances are toxic or capable of becoming toxic
- ensuring the safe and effective use of biotechnology
- endeavouring to act with regard to the intent of intergovernmental agreements
- coordination with federal regulation, and
- applying and enforcing in a fair, predictable and consistent manner.

New Zealand

⁸ Guide to understanding the Canadian Environmental Protection Act
<https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/publications/guide-to-understanding.html>

The Resource Management Act 1971 sets its purpose as the sustainable management of natural and physical resources. The Act defines sustainable management further and sets out a list of “matters of national importance” such as the protection of indigenous vegetation.

Section 7 places a general duty on all persons exercising functions and powers under the Act to “have particular regard to” a set of considerations some of which are akin to principles. These are:

- Kaitiakitanga (the Māori concept of environmental guardianship)
- the ethic of stewardship:
- the efficient use and development of natural and physical resources:
- the efficiency of the end use of energy:
- the maintenance and enhancement of amenity values:
- intrinsic values of ecosystems:
- maintenance and enhancement of the quality of the environment:
- any finite characteristics of natural and physical resources:
- the protection of the habitat of trout and salmon:
- the effects of climate change:
- the benefits to be derived from the use and development of renewable energy.

Switzerland

The Federal Environmental Protection Act of 1983 (EPA) is one of the main laws in Switzerland to protect natural resources.⁹ Environmental principles including prevention, polluter pays and the precautionary principles are incorporated throughout the Act.

- [Article 1\(2\)](#) states “Early preventive measures must be taken in order to limit effects which could become harmful or a nuisance.”
- [Article 2](#) states “Any person who causes measures to be taken under this Act must bear the costs.”
- [Article 11\(1\)](#) states “Air pollution, noise, vibrations and radiation are limited by measures taken at their source (limitation of emissions).”
- [Article 11\(2\)](#) states “Irrespective of the existing environmental pollution, as a precautionary measure emissions are limited as much as technology and operating conditions allow, provided that this is economically acceptable.”
- [Article 29a\(1\)](#) states “Organisms must be handled in such a way that they, their metabolic products or wastes cannot endanger the environment or people; do not harm biological diversity or its sustainable use.”
- [Article 32](#) states “The holder of the waste bears the cost of its disposal, except for waste for which the Federal Council regulates the bearing of the cost in some other way.”

International initiatives

An international initiative called the Global Pact for the Environment was [launched](#) in 2017. One of its [three main objectives](#) is to:

“Unify the guiding principles of international environmental law in one internally coherent legal document, thereby clarifying points of tension in international environmental law that have arisen given the existing sectoral approach to governance”

⁹ <https://ca.practicallaw.thomsonreuters.com/9-596-3045>

The [draft Pact](#) has 26 articles. The principles that appear include: intergenerational equity, prevention, precaution, remediation of damages and polluter pays (articles 4-8).

Susan Biniatz, the former US State Department lawyer, Columbia Law School lecturer and a “key drafter and architect of the Paris Agreement” has [questioned](#) the wisdom of attempting to unify a diverse body of law across different countries.

Iain Thom
SPICe research

Table of examples cited in written evidence

The table below provides a list of examples of where environmental principles are embedded in domestic legislation, policy or in the constitution of other countries or devolved regions.

This information is based on examples highlighted in evidence submitted to the Committee for its call for evidence on EU Environmental and Animal Welfare Principles. As such, the list is not comprehensive but provides some examples to different approaches.

It is worth noting that in written evidence submissions, some stakeholders highlighted that care must be taken in considering the wider legislative, regulatory and governance context of domestic law elsewhere.

Country	Document	Description
Trinidad and Tobago	Trinidad and Tobago National Environmental Policy (NEP) (policy document) (link broken at 24/5/18) Note: A new 2018 version of the NEP is currently going through its process of adoption.	Environmental principles have been enshrined via the policy statement approach in the Trinidad and Tobago National Environmental Policy (NEP). All governmental entities are required to 'conduct their operations and programmes in accordance with' the NEP. ¹⁰ This policy statement was recently the subject of a Privy Council decision. ¹¹ ClientEarth report that “The NEP states that as part of the polluter pays principle, charges should be levied in the form of an application fee for discharge permits entitling the holder to generate pollutants, and that money collected should be used to correct environmental damage. The Privy Council held that setting a flat, fixed fee for a discharge permit which only recovered administration costs was a breach of the NEP, and thus a breach of the statutory duty, because it constrained the ability to charge a fee for the correction of environmental damage, as required by the NEP.”
France	Charte de l'environnement (constitution)	The Charte de l'environnement includes: <ul style="list-style-type: none"> • Everyone has the right to live in a balanced environment which shows

¹⁰ Environmental Management Act 2000 (Trinidad and Tobago), s 31.

¹¹ Fishermen and Friends of the Sea (Appellant) v The Minister of Planning, Housing and the Environment (Respondent) (Trinidad and Tobago) [2017] UKPC 37.

Country	Document	Description
	Code de L'Environnement (legislation)	<p>due respect for health (Article 1).</p> <ul style="list-style-type: none"> • Everyone shall be required, in the conditions provided for by law, to contribute to the making good of any damage he or she may have caused to the environment (Article 4). • Public policies shall promote sustainable development. To this end they shall reconcile the protection and enhancement of the environment with economic development and social progress (Article 6). <p>The Code de L'Environnement includes</p> <ul style="list-style-type: none"> • the precautionary principle, • non-regression, • polluter pays, • principle of prevention, • sustainable development, • commitment to the fight against climate change.
Australia	Environment Protection and Biodiversity Conservation Act 1999 (legislation)	<p>The principles Ministers must into account when making licencing decisions under the Act are defined as:</p> <ul style="list-style-type: none"> • decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations; • if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation; • the principle of inter-generational equity—that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations; • the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;

Country	Document	Description
		<ul style="list-style-type: none"> • improved valuation, pricing and incentive mechanisms should be promoted. <p>These, or similar, principles are replicated in other legislation, for example:</p> <ul style="list-style-type: none"> • <u>Fisheries Management Act 1991</u> • <u>Protection of the Environment Administration Act 1991</u>
Columbia	<u>Columbian Constitution 1991</u> (constitution)	<p>Chapter 3 on Collective Rights and the Environment, Articles 78-82 includes:</p> <ul style="list-style-type: none"> • individual right to enjoy a healthy environment • duty of the State to protect the diversity and integrity of the environment, to conserve the areas of special ecological importance, and to foster education for the achievement of these ends. • The State will plan the handling and use of natural resources in order to guarantee their sustainable development, conservation, restoration, or replacement. • the State will have to caution and control the factors of environmental deterioration, impose legal sanctions, and demand the repair of any damage caused. • the State will cooperate with other nations in the protection of the ecosystems located in the border areas. • Prohibition of the manufacture, importation, possession, and use of chemical, biological, or nuclear weapons are prohibited as is the introduction into the national territory of nuclear and toxic wastes. • the State will regulate the entry into the country and the exit from it of genetic resources and their use, in accordance with the national interest. • the duty of the State to watch over the protection of the integrity of public space and for its assignment to common use, which has priority

Country	Document	Description
		<p>over the individual interest.</p> <ul style="list-style-type: none"> Public entities will participate in the profits generated by their urban planning activities and will regulate the use of the soil and the urban air space in order to protect the common interest.
Ecuador	Constitution of the Republic of Ecuador (constitution)	<p>Section 2 on a 'Healthy Environment' Articles 14 and 15 include:</p> <ul style="list-style-type: none"> The right of the population to live in a healthy and ecologically balanced environment that guarantees sustainability and the good way of living (sumak kawsay), is recognized. Environmental conservation, the protection of ecosystems, biodiversity and the integrity of the country's genetic assets, the prevention of environmental damage, and the recovery of degraded natural spaces are declared matters of public interest. The State shall promote, in the public and private sectors, the use of environmentally clean technologies and non-polluting and low-impact alternative sources of energy. Energy sovereignty shall not be achieved to the detriment of food sovereignty nor shall it affect the right to water. Prohibition of the development, production, ownership, marketing, import, transport, storage and use of chemical, biological and nuclear weapons, highly toxic persistent organic pollutants, internationally prohibited agrochemicals, and experimental biological technologies and agents and genetically modified organisms that are harmful to human health or that jeopardize food sovereignty or ecosystems, as well as the introduction of nuclear residues and toxic waste into the country's territory
Wales	Well-being of Future Generations (Wales) Act 2015 and	Part 2 of the Well-being Act places a duty on Ministers and public bodies to carry out activities "in accordance with the

Country	Document	Description
	Environment (Wales) Act 2016 (legislation)	<p>sustainable development principle” defined as meaning “that the body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.”</p> <p>This is then defined further as a duty for public bodies to take account of a range of considerations: balancing short and long term needs; taking an integrated approach to meeting objectives; involving people; collaboration, and deploying resources to avoid problems.</p> <p>A similar approach is taken by the Environment Act Section 4 in relation to the Natural Resources Wales public body though “principles of sustainable management of natural resources”.</p>
Canada	Canadian Environmental Protection Act 1999	<p>CEPA 1999 sets out several guiding principles in its preamble and embodies them in the administrative duties of the government.</p> <p>The duties are placed on the government when administering the Act. They are set out in Section 2 and summarised below:</p> <ul style="list-style-type: none"> • the precautionary principle • preventive and remedial measures to protect, enhance and restore the environment • taking the environment into account in making social and economic decisions • an ecosystem approach • cooperation with governments • public participation • facilitating the protection of the environment by citizens • nationally consistent standards • providing coordinated information • applying knowledge, including traditional aboriginal knowledge, science and technology, to identify and resolve environmental problems • protecting against the risk of toxic substances, including assessing whether existing or new substances are toxic or capable of becoming

Country	Document	Description
		<p>toxic</p> <ul style="list-style-type: none"> • ensuring the safe and effective use of biotechnology • endeavouring to act with regard to the intent of intergovernmental agreements • coordination with federal regulation, and • applying and enforcing in a fair, predictable and consistent manner.
New Zealand	<p>Resource Management Act 1971 (legislation)</p>	<p>Part 2, Section 5(2) sets out the principle of sustainable management defined as: “managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—</p> <p>(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and</p> <p>(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and</p> <p>(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”</p> <p>Section 7 places a general duty on all persons exercising functions and powers under the Act to “have particular regard to” a set of considerations some of which are akin to principles. These are:</p> <ul style="list-style-type: none"> • Kaitiakitanga (the Māori concept of environmental guardianship) • the ethic of stewardship: • the efficient use and development of natural and physical resources: • the efficiency of the end use of energy: • the maintenance and enhancement of amenity values: • intrinsic values of ecosystems: • maintenance and enhancement of the quality of the environment: • any finite characteristics of natural and physical resources: • the protection of the habitat of trout and salmon:

Country	Document	Description
		<ul style="list-style-type: none"> • the effects of climate change: • the benefits to be derived from the use and development of renewable energy.
New Zealand	Fisheries Act 1996 (legislation)	<p>Section 9 lists the following environmental principles:</p> <ul style="list-style-type: none"> • associated or dependent species should be maintained above a level that ensures their long-term viability: • biological diversity of the aquatic environment should be maintained: • habitat of particular significance for fisheries management should be protected.
Switzerland	Environmental Protection Act, 1983	<p>Environmental principles including prevention, polluter pays and the precautionary principles are incorporated throughout the Act.</p> <p>Article 1(2) states “Early preventive measures must be taken in order to limit effects which could become harmful or a nuisance.”</p> <p>Article 2 states “Any person who causes measures to be taken under this Act must bear the costs.”</p> <p>Article 11(1) states “Air pollution, noise, vibrations and radiation are limited by measures taken at their source (limitation of emissions).”</p> <p>Article 11(2) states “Irrespective of the existing environmental pollution, as a precautionary measure emissions are limited as much as technology and operating conditions allow, provided that this is economically acceptable.”</p> <p>Article 29a(1) states “Organisms must be handled in such a way that they, their metabolic products or wastes:</p> <ol style="list-style-type: none"> a. cannot endanger the environment or people; b. do not harm biological diversity or its sustainable use.” <p>Article 32 states “The holder of the waste bears the cost of its disposal, except for waste for which the Federal Council regulates the bearing of the cost in some other way.”</p>