

Jan Darpö

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Emeritus professor of Environmental Law

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Jan Darpö is emeritus professor of environmental law at the Uppsala Universitet Faculty of Law. He graduated from the law school there in 1991, and served thereafter as law clerk and lecturer before beginning doctoral studies. After receiving his doctor degree, he served as an adjunct member of the Environmental Court of Appeal 2001-2004. Returning to Uppsala, his research has focused on remediation of contaminated land, environmental procedure, permit regimes, nature conservation and species protection. He has been visiting fellow at the Law School at the University of Minnesota (2008) and University of New South Wales in Sydney (2012). Between 2008 and 2021, he was the chair of the Task Force on Access to Justice under the Aarhus Convention. He has also worked as a lead consultant to the European Commission and the European Parliament, and has been evaluator for several international research institutes. Jan Darpö is a member of the Avosetta group of European environmental law professors, Advisory Board of the European Environmental Law Forum (EELF) and Editorial Board of Journal of European Environmental and Planning Law (JEEPL).

- LL.M 1991
- Law clerk at the District Court in Falun; 1993-94.
- Lecturer at the Faculty of Law/Uppsala Universitet; 1991/92 and 1995
- Doctoral student at the Faculty of Law/Uppsala Universitet: 1996-2001. LL.D 2001
- Adjunct judge in the Environmental Court of Appeal: 2001-2003
- Senior lecturer 2004, professor of environmental law 2011.

Internal assignments at the Faculty of Law, Uppsala Universitet

- Member of the Research Council, 2005-2008.
- Member of Evaluation Committee for PhD students at the Faculty of Law, 2012-
- Coordinator of the research-programme ENFORCE (Enforcing Environmental Law in Europe), funded by the Swedish Environmental Agency, 2004-2010.
- Coordinator of the research programme “Combining sustainable biodiversity and human activities in the Swedish archipelago”, funded by Swedish Research Council for Environment, Agricultural Sciences and Spatial Planning FORMAS), 2008-2015
- Coordinator of the research program “Laws and Claws: A Dialogue between Law and Ecology”, funded by the Swedish Environmental Protection Agency, 2014-2016
- Coordinator of research program “PROSPEC” (Protection of Species in Environmental Decision-making - An interdisciplinary research program on the integration of scientific evidence in administrative and judicial procedures), funded by the Swedish Environmental Protection Agency, 2017-2020

External assignment

- Expert in several Governmental Commissions: Implementation of the EU Directive on Environmental Liability (M 2004:4; 2005-2007), Environmental Procedure (M 2007:4; 2007-2009), Industrial emissions (M 2010:07; 2010-2011)

- International evaluator for the research-institute IWT/Flanders under the Flemish government (2006), d:o for the research-institute Netherlands Organization for Scientific Research (NWO) under the Dutch government (2012)
- Senior adviser in EU Conformity Study of measures of Member States to transpose Directives on Information and Public Participation in Environmental Matters (2008), Swedish rapporteur for Conformity Study on the EU Member States' Implementation of the Habitats Directive to the European Parliament (2009)
- Assigned by the European Commission to supervise and lead the Study on factual aspects of access to justice in relation to EU environmental law in the Member States of the EU and to write the synthesis report on the matter, 2012-2013. Reviewer of the Commission's proposal for a Notice on Access to Justice in Environmental Matters (2016)
- Country reporter for Sweden in study on access to justice in environmental decision-making for the Unabhängiges Institut für Umweltfragen e.V. (UfU) on behalf of the German Ministry of the Environment, 2015-
- Chairman of the UNECEs Task Force on Access to Justice under the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (<https://unece.org/env/pp/tfaj-mandate>), 2008-2021
- Assigned by the European Parliament to undertake a study on Rights of Nature in a European Context 2020-2021
- Member of the Avosetta group of European environmental law professors, 2015-
- Member of the Advisory Board of the European Environmental Law Forum (EELF), 2017-

Lecturing etc

- Opening speaker at the yearly "Environmental Law Meeting" in Sweden since 2005
- Lecturer at the National Courts Administration's education for judges and technicians in the environmental courts since 2001
- Key note speaker ("co-referent") at the seminar on Environmental Democracy at the 38th Nordic Lawyers Meeting in Copenhagen 21–23 August 2008
- Presentation at the conference for NEEL (Network for European Environmental Lawyers) that the Ministry of the Environment organized for civil servants from EU member states as part of the Swedish chairmanship, December 2009
- Address to the Parliamentary Standing Committee on Industry and Trade about the Governments considerations on the permissibility according to the Environmental Code, March 2010
- Address to the Ministry of the Environment on Environmental Procedure, March 2013
- Visiting scholar at the University of Minnesota Law School in Minneapolis (fall semester of 2008), at Faculty of Law, University of New South Wales, Sydney (September-November 2012), at Sun Yat-sen University, Guangzhou (March 2015), at Rīgas Juridiskā Augstskola (2016)
- Speaker at international conferences in Geneva 2006-2019, Belgrade 2011, Pristina 2012, Almaty 2012, Osaka 2013, 2015 and 2016, Wroclaw 2013, Vienna 2013, Guangzhou and Kunming 2012-2013, Brussels and Antwerp 2014, Maastricht 2014, Stockholm 2014, Tbilisi 2014, Torino 2015, London 2015, Paris 2016, Maastricht 2017, Brussels, Ghent, Beijing 2018, Toulouse, Wuhan and Hainan 2019, WCWL 2020, Beijing 2021...

Academic assignments

- Opponent: Christina Hörnberg Lindgren: “Miljökonsekvensbeskrivningar som rättsligt verktyg för hållbar utveckling” (Environmental Impact Assessment as a legal instrument for sustainable development). Doctoral thesis at Faculty of Law, Umeå University, 2005-05-20
- Opponent: Maria Pettersson: “Legal preconditions for wind power implementation in Sweden and Denmark”. Licentiate thesis at Luleå University of Technology, 2006-03-01
- Member of examination board: Helena du Rées: “Miljöbrott, myndighet och marknad” (Environmental crime, the authorities and the market). Doctoral thesis at the department of Criminology at Stockholm University, 2004-10-04
- Supervisor for Annika K Nilsson (doctoral thesis in administrative law 2012), Yaffa Epstein (doctoral thesis in environmental law 2017), Agnes Eklund (doctoral thesis in environmental procedure 2019) and Jason Czarnezki (doctoral thesis in in green public procurement 2019), co-supervisor for Melina Malafry (doctoral thesis in environmental law 2017)
- Pedagogical examiner for Minna Gräns in her application to become professor at the Faculty of Law, Uppsala universitet (2014)
- Member of examination board: Henrik Josefsson: “Good Ecological Status. Advancing the Ecology of Law”. Doctoral thesis at the Faculty of Law, Uppsala Universitet, 2015-05-13
- Member of the Research Council at the Faculty of Law/UU 2008-2010, member of the Evaluation Committee for doctoral applications (2012-)
- Opponent: Lars Bäckström: “Svensk gruvrätt: En rättsvetenskaplig studie rörande förutsättningarna för utvinning av mineral”. Doctoral thesis at Luleå University of Technology, 2016-01-28
- Member of examination board: Malin Brännström: “Skogsbruk och renskötsel på samma mark (Forestry and Reindeer Husbandry on the Same Land). Doctoral thesis at the Faculty of Law, Umeå Universitet, 2017-05-12
- Opponent on end seminar for Zaneta Mikosa for her doctoral thesis: “Implementation of Article 9(3) of the Aarhus Convention through an action popularis”, Copenhagen University 2017-06-08
- Member of examination board: Hendrik Schouken: “Ecological Restoration as a New Environmental paradigm”, doctoral thesis at Faculteit Rechtsgeleerdheid, Universiteit Gent, 2017-08-25 and 2017-09-13
- Member of examination board: Peter Rudberg: “Environmental policy implementation and learning in water governance”, doctoral thesis at Wageningen University, 2018-12-18
- First opponent on the examination board for Gunnhild Storbekrønning Solli: “Ute av syne, ute av sinn - om rettigheter til og forvaltning av grunnvann i norsk rett”, doctoral thesis at Faculty of Law, University of Oslo 2020-06-04

Research areas

Environmental procedure and access to justice, harmonization of environmental legislation, nature conservation and species protection, EIA and permit regimes, remediation of contaminated land, water law...

PUBLICATIONS (selection)

Doctoral thesis

Eftertanke och förutseende. (Reflection and Foresight. A Study in Environmental Law on Liabilities and Responsibilities Relating to Contaminated Land. Written in Swedish with Summary in English) 411 p. Universitetstryckeriet 2001.

Reports and monographs (available at www.jandarpo.se)

- (3). *Vem har ansvaret*. SNV Rapport 143. Naturvårdsverket 1994.
- (9). *Om miljöskulder i mark och vatten – Om ansvar och skyldigheter enligt miljöbalken för förorenade områden*. NV Rapport 5242, Naturvårdsverket 2003.
- (10). *Rätt tillstånd för miljön – Om miljörättsliga tillstånd och deras rättsliga effekter*. Rapport inom forskningsprogrammet Enforcing European Environmental Law (Enforce), 2010-07-12.
- (13). *National report from Sweden* in Study on the Implementation of Article 9.3 and 9.4 of the Aarhus Convention in the Member States of the European Union. European Commission 2012-10-01. <http://ec.europa.eu/environment/aarhus/studies.htm>
- (15). *Effective Justice? Synthesis report of the study on the Implementation of Articles 9.3 and 9.4 of the Aarhus Convention in the Member States of the European Union*. European Commission 2013-10-11. European Commission 2013-10-11/Scandinavian Studies of Law Volume 59: Environmental Law, p. 351. http://ec.europa.eu/environment/aarhus/access_studies.htm
- (16). *Access to Justice in Environmental Decision-making in Sweden. Standing for the public concerned, the scope of review on appeal and costs*. www.jandarpo.se /In English
- (49). *Access to Justice in Environmental Decision-making in Sweden. Standing for the public concerned, the scope of review on appeal and costs*. Study 2015 for the German research institute Ufu on behalf of the Ministry of the Environment. In *The legal debate on access to justice for environmental NGOs*. Umweltbundesamt 99/2017, Chapter 6 (pp. 125-150), also published on www.jandarpo.se /In English.
- (51). *Så nära, och ändå så långt bort! En svensk betraktelse av norsk vattenrätt och frågan om tillståndets rättskraft*. Rapport inom forskningsprogrammet SPEQS, Faculty of Law/Uppsala Universitet, Working Paper 2016:1
- (62). *Ömsesidig glädje och nytta? Sverige och EU på miljörettens område*. Europapolitisk analys. SIEPS juni 2019:9epa
- (65) *Access to justice in information cases in twelve countries parties to the Aarhus Convention*. Forthcoming in Faculty of Law/Uppsala Universitet, Working Paper Series (spring of 2020)
- (68) *Hur många fick lov? Och varför fick de andra nobben? - statistik och betraktelser över tillstånd till vindkraft på land och till havs*. Rapport inom forskningsprogrammet PROSPEC. Faculty of Law/Uppsala Universitet, Working Paper Series 2020:1 (2020-04-27)
- (69) *Access to justice in information cases in twelve countries parties to the Aarhus Convention*. UNECE 2020-01-29; <http://www.unece.org/index.php?id=50570>
- (81) *Can nature get it right? A study on the Rights of Nature in the European context*. European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the JURI Committee, Brussels 2021-03-01; https://www.europarl.europa.eu/thinktank/sv/document.html?reference=IPOL_STU%282021%29689328
- (85) *Artskydd och beslutsprocesser*. (med Jonas Sandström) Slutrapport från PROSPEC – Ett interdisciplinärt forskningsprogram om integreringen av naturvetenskaplig kunskap och

riskvärdering i förvaltning och domstolsprövning. Naturvårdsverket rapport 7007/oktober 2021

Articles (available at www.jandarpo.se)

- (7). *Key-issues in regulating contaminated land in Europe*. Prevention and remedying of environmental damage. Bruylant/Bryssel 2005.
- (12). *Miljövårdskraven i tiden I-II*. Förvaltningsrättslig tidskrift, FT 2001 sid. 3 och sid. 85.
- (13). *Miljöbrott och åtalsrätt*. From Vänbok till Staffan Westerlund. Iustus 2002, sid. 215.
- (14). *Rätten till en god miljö*. From Fastighetsrättsliga studier till minnet av Sten Hillert. Iustus förlag 2002, sid. 101.
- (15). *Miljörätt och Europakonventionen*. From Miljöantologi. Rättsfonden 2003, sid. 79.
- (24). *Natura 2000 i Sverige (I-II)*. Juridisk tidskrift 2007/08 s. 3 resp. s. 295.
- (28). *On the Comparison of Environmental Law*. (with Annika Nilsson). From Miljøretlige emner. Festskrift till Ellen Margrethe Basse. JØF, 2008, s. 261.
- (29). *Environmental Justice through the Courts*. From Environmental Law and Justice in Context. Cambridge University Press 2009, s. 176.
- (32). *The Public Interest and Biological Diversity*. Ur De Lege 2009, Iustus 2009, s. 201.
- (33). *Miljöprövningen i vågskålen – landskampen mellan Finland och Sverige*. (with Kari Kuusieniemi & Pekka Vihervuori). JFT 5/209 s. 615 och FT 2009 s. 323.
- (34). *Behövlig bakläxa i EU-domstolen*. Europarättslig tidskrift 2010 s. 129.
- (35). *Brussels Advocates Swedish Grey Wolves*. On the encounter between species protection according to Union law and the Swedish wolf policy. SIEPS Policy Analysis 2011:8.
- (36). *EU-rätten och den processuella autonomin på miljöområdet*. Om svenska tillåtlighetsförklaringar och mötet med europarätten. Nordisk Miljörättslig Tidskrift 2012:2, s. 3.
- (37). *Rätten att klaga på miljöbeslut i EU-rättslig belysning. Del 1: Svensk rättspraxis om talerätten enligt miljöbalken i ljuset av nya avgöranden av EU-domstolen*. Europarättslig Tidskrift 2013 s. 217.
- (38). *A comparative study on legal standing (locus standi) before the EU and Member States' courts/Sweden*. From Standing up for your rights in Europe. Intersentia/Metro 2013, p. 533
- (39). *The Wild Has No Words*. (with Yaffa Epstein). Journal of European Environmental and Planning Law (JEEPL) 2013 p. 25
- (40). *Allmänna och enskilda intressen*. Om prövningens omfattning vid överklagande av detaljplaner. InfoTorg Juridik-Rättsbanken 2013-10-09
- (41). *Rätten att klaga på miljöbeslut i EU-rättslig belysning. Del 2: Klagorätten utanför miljöbalken*. Europarättslig Tidskrift 2013 s. 481.
- (42). *Direkt effekt och processuell autonomi. Omigen om Bunge-domen och EU-rättens genomslag*. Svensk Juristtidning 2014 s. 735
- (42). *Ärna flygplats – försvar med charter?* Om miljörättsliga tillståndsbeslut av regeringen. InfoTorg Juridik-Rättsbanken 2014-02-03.
- (43). *Med lagstiftaren på åskådarplats*. Om implementeringen av Århuskonventionen genom rättspraxis. InfoTorg Juridik-Rättsbanken 2014-03-05
- (44). *Tradition och förnyelse på vattenrättens område. Om mötet mellan gamla tillståndsregimer och moderna miljökrav*. Nordisk Miljörättslig Tidskrift 2014:2, s. 101
- (45). *Article 9.2 of the Aarhus Convention and EU law. Some remarks on CJEU's case law on access to justice in environmental decision-making*. JEEPL 2014 p. 367
- (46). *Vargen och domstolscirkusen 1-3. Om den svenska rovdjurspolitiken och mötet med EU-rätten*. InfoTorg Juridik-Rättsbanken 2014-12-01, 2014-12-22 och 2014-12-30.
- (47). *Under fire from all directions. Swedish wolf management hunting scrutinized by Brussels and home*. (with Yaffa Epstein). In The Habitats Directive in its EU Environmental Law

- Context. European Nature's Best Hope? Ed. Charles-Hubert Born, C-H & Cliquet, A & Schoukens, H & Misonne, D & Van Hoorick, G. Routledge 2015, s. 348
- (48). *Thrown to the Wolves – Sweden Once Again Flouts EU Standards on Species Protection and Access to Justice. (with Yaffa Epstein)*. Nordic Environmental Law Journal 2015:1, p. 7
- (50). *Vindkraft, fåglar och brister i höjden. Om artskyddet vid prövningen av vindkraftverk*. Nättidningen JPMiljönet 2015-10-15
- (51). *Karin och Susannes glädje, Lars-Anders sorg..? Om uppdelade tillståndsprövningar på miljöområdet och respekten för samernas renskötselrätt*. Nordisk Miljörättslig Tidskrift 2016:2, s. 71
- (52). *Book review: de Sadeleer: EU Environmental Law and the Internal Market*. European Journal of Risk Regulation (EJRR), 2016 (3), p. 644
- (53). *The Commission: a sheep in wolf's clothing? On infringement proceedings as a legal device for the enforcement of EU law on the environment, using Swedish wolf management as an example*. Journal of European Environmental and Planning Law (JEEPL) 2016 p. 270
- (54). *Klaga inte på vargen..! Om överklagandeförbudet i jaktförordningen och EU-rätten - Rättsfallskommentar till HFD 2015 ref. 79*. Europarättslig tidskrift 2017 s. 111
- (55). 第10原則と司法アクセス (“Dai 10 Gensoku to Shihou Akusesu”). Review of Administrative Law (Gyoseiho-kenkyu, Osaka University) No. 18 (May 2017) pp. 45-72
- (56). *Hitta vilse i skogen. Reflektioner kring höstens underrättsavgöranden om det EU-rättsliga artskyddet vid skogsbruk*. Nättidningen JPMiljönet 2017-11-21 (Del1) och 2017-11-23 (Del 2).
- (57). *On the Bright Side (of the EU's Janus Face). The EU Commission's Notice on access to justice in environmental matters*. Journal for European Environmental and Planning Law (JEEPL) 2017 p. 373
- (58). *Principle 10 and Access to Justice*. In Elgar Encyclopedia of Environmental Law – Principles of Environmental Law. Ed. Ludwig Krämer & Emanuela Orlando. Edward Elgar Publishing 2018, pp. 379-402
- (59). *Pulling the trigger. ENGO standing rights and the enforcement of environmental obligations in EU law*. In Environmental Rights in Europe and Beyond. Ed. Sanja Bogojević and Rosemary Rayfuse. Hart Publishing 2018, pp. 253-281
- (60). *Bara en liten skalbagge i en polsk skog? Om C-441/17 Białowieża och EU-domstolens nyfunna möjlighet att beivra domstolstrots*. Europarättslig tidskrift 2018 s. 687-694
- (61) *Gabriel och vargen. Om genomförandet av internationella och EU-rättsliga förpliktelser om artskydd i Sverige och om rättsvetarens roll*. Ur Miljörätten och den förhandlingsovilliga naturen. Vänbok till Gabriel Michanek. Iustus 2019, s. 157
- (63). *Understanding the Nuts and Bolts – Scientific and Technical Knowledge in Environmental Litigation: National solutions, EU requirements and current challenges*. In Managing facts and feelings in environmental governance. Ed. Squintani & Darpö & Lavrysen & Stoll. Edward Elgar Publishing 2019, p. 82-102
(https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3304579)
- (64). *Anything goes, but... Comment on the opinion by Advocate General Saugmandsgaard Øe in the Tapiola case (C-674/17)*. Journal for European Environmental and Planning Law (JEEPL) 2019 p. 305-318
- (66) *The Last Say? Comment on CJEU's Judgement in the Tapiola Case (C-674/17)*. Journal for European Environmental and Planning Law (JEEPL) 2020 p. 117-130
- (67) *Sista ordet om vargen? – Om EU-domstolens avgörande i Tapiola-målet (C-674/17)*. InfoTorg Juridik-Rättsbanken, 2020-01-23
- (70) *Hur många fick lov? Statistik och betraktelser över tillstånd till vindkraft på land och till havs*. Nättidningen JPMiljönet 2020-05-13

(71) *Should locals have a say when it's blowing? The influence of municipalities in permit procedures for windpower installations in Sweden and Norway.* Nordic Environmental Law Journal 2020:1, pp. 59-79

(80) *Om allmänhetens stöd och icke-beslut i skogen.* Nättidningen JPMiljönet 2020-11-23

(82) *Konsumenten och knäroten. Om Skogsstyrelsens handläggning av artskyddsärenden.*

Förvaltningsrättslig Tidskrift 1/2021, sid. 101-137. Manus tillgängligt på

<https://jur.uu.se/research/fields-of-research/environmental-law/prospec/>

(83) *Soppa eller soppar i skogen? Om EU-rätten och artskyddet i skogen.* InfoTorg Juridik-Rättsbanken, 2021-04-07 (del 1) och 2021-04-13 (del 2), även Europarättslig tidskrift 2021 s. 472-496

(84) *Vem kan man lita på? Om den kontroversiella vindkraftstatistiken.* Nättidningen JPMiljönet 2021-06-23