

Don't kill the bee!

Legal insights to combat the biodiversity crisis

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PANEL 2. Legal challenges to achieve a regulatory body that embraces an ecocentric and biocentric approach

A dark spot in EU law: the invisible regulation of light pollution

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Light pollution - excessive artificial lighting at night (ALAN) - is a widespread environmental issue. ALAN is growing faster than most scientists expected, whilst 99 % of EU citizens live under heavily light-polluted skies. In the meantime, the (ecological) science on the harms associated with light pollution has become increasingly clear: ALAN negatively impacts biodiversity, astronomy, human health, climate change and is costly in terms of energy usage.

In this regard, there appears to be momentum for union-wide regulatory intervention on light pollution, due to various commitments made by the EU within the sphere of public international law and subsequent EU environmental policies. Yet, the ball is still in the court of the legislator. In other words, EU law has not specifically addressed the issue within its various instruments related to i.e., nature conservation or industrial pollution.

However, despite the current lack of specific EU provisions on the matter, contemporary EU law holds relevance for light pollution. For example, in order to maintain a favourable conservation status in the context of art. 2 (2) of the Habitats Directive, the mitigation of light pollution may be required. Another example: light pollution is not explicitly mentioned in EU-wide standards on streetlighting, yet (minimum) standards may have a significant impact on the growth of light pollution on the continent. This can be seen as the 'invisible regulation' of ALAN – and understanding this phenomenon can highlight the exacerbating role of EU law in maintaining this environmental problem, as well as exposing the existing opportunities within the law to mitigate it.

The presentation, as such, will review said 'invisible' regulation, and touch upon the question of how the EU ought to regulate the issue in a 'more than human' and ecocentric world, whereby a balance of night and day is essential.