

## Précis

### **The arbitration between economic and environmental issues – a French-German study in comparative law using the example of National parks and Regional parks in France.**

To achieve an optimal balance between economic and environmental issues, the concept of sustainable development, deduced from international and European law, plays an important role in France and in Germany. From a legal perspective, the main parties making arbitrary decisions in this matter are the administrations and the administrative courts. They interpret and apply the respective rules by using their specific national power of discretion, arbitrating between the public interest to protect the environment and the issues of the key players of the “green” tourism industry. Especially in this context, the concerns of nature and environmental protection as well as either the rights and interests of the tourism sector and of the tourists looking for recreation or adventure must be recognised. Decision-making in this area demonstrates that the applied methods of discretion are significantly disparate in Germany and France.

The National parks and the Regional parks have been chosen to refine the study because these two constitute an example pointing out the methods of arbitrary decision making between economic exploitation and the protection of the environment. With regard to the National park, the law assigns priority to the protection of the environment whereas the Regional park is dedicated to sustainable development as the method to accomplish the arbitration between economic and environmental issues. The tourism industry is playing a central role in the functional organisation of the Regional parks and is characterized by being an economic activity dependant on an environment at least in part untouched and still pristine. This study of the perspective in France shall permit to create new insights for the German legal doctrine, especially concerning the methodic decision taking of the administration as well as their scope of action and the value of the environmental protection the guaranteed by constitutional law.