

Environmental Law

Code: 102227
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

Contact

Name: Isabel Pont Castejón
Email: Isabel.Pont@uab.cat

Use of Languages

Principal working language: english (eng)
Some groups entirely in English: Yes
Some groups entirely in Catalan: No
Some groups entirely in Spanish: No

Prerequisites

There are no prerequisites to take this subject. The student must have enough level of English to be able to read the materials provided and to follow the class in that language. The final exam could be taken in Catalan, Spanish, English, French, Italian or Portuguese.

Objectives and Contextualisation

The Environmental Law Course is willing to analyze the powers and main instruments of Environmental Law, at the international and domestic level but focusing specially on the law of the European Union, because European law is often the source of the law being applied at the Member State level. Environmental Law is nowadays an area of great importance. Over the years it has become a captivating branch of law, involving international institutions, European Union, lobbies, business, all the levels of domestic public administrations, NGOs, etc...

Students will have the opportunity to see how connected could be, in specific environmental cases, areas being apparently distant such as international law, European law, constitutional and administrative law, criminal and civil law.....

Besides analyzing which are the general principles of Environmental Law, we will examine all the most important areas of environmental policy (air, waste, water, nature and biodiversity, climate).

The purpose, overall, is to broaden your knowledge on such a fascinated area of the law by giving you the opportunity to use your legal skills and to realize how is nowadays the practice of the this area of great importance. Environmental Law involves today every institution, business and citizen...That is the reason why it is an interesting course for EU and non-EU students alike.

Competences

- Arguing and laying the foundation for the implementation of legal standards.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up and formalising works, reports, documents, rulings.
- Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.

- Identifying, assessing and putting into practice changes in jurisprudence.
- Managing bibliographic and documentary resources: databases, browsing, etc.
- Mastering the computing techniques when it comes to obtaining legal information (legislation databases, jurisprudence, bibliography...) and in data communication.
- Memorising and utilising legal terminology.
- Students must be capable of communicating their points of view in a compelling way.
- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning Outcomes

1. Analysing the jurisprudential evolution.
2. Applying the legal standards to concrete cases.
3. Critically reflecting on jurisprudential decisions.
4. Defining the legal administrative language.
5. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
6. Distinguishing the jurisprudential evolution in the field of administrative law.
7. Drawing up and formalising works, reports, documents, rulings.
8. Efficiently managing information, being capable of assimilating a considerable volume of data in a limited amount of time.
9. Explaining the administrative legal standards.
10. Managing bibliographic and documentary resources: databases, browsing, etc.
11. Reflecting on administrative standards.
12. Searching sentences, articles, etc. in legal databases.
13. Students must be capable of communicating their points of view in a compelling way.
14. Students must be capable of expressing themselves with legal-administrative terminology.
15. Using the computing legal sources of information.
16. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

Part I: General Section

The goal of protecting the environment and the law. Background. Main principles & features

International Environmental law. Actors. Principles. Main legal instruments. Globalization.

The importance of European environmental law; Powers, Governance, Decision-making; Enforcement and Implementation; the 7th Environmental Action Programme and the evaluation report 15.5.2019. Next steps to the 8th EU Environment Action Programme

Domestic law.- powers, instruments, and administrative -public Entities- Organization for sustainability and protection of environment.

Part II: Cross-cutting instruments

Access to environmental information, Public Participation in Decision-Making procedures and Access to Justice in Environmental Matters.

Environmental Liability; criminal law, torts and environment

Strategic Environmental Assessment of plans and programs -SEA- and Environmental Impact Assessment of projects -EIA-

Preventing and controlling industrial emissions through permits

Voluntary instruments and Incentives for environmental protection. Environmental certification: ecolabel, EMAS, ISO's; Social Corporate Responsibility.

Part III: Substantive Environmental Law; Integration.

Water protection

Coastal and marine environmental protection

Air quality and air pollution; the law of Climate Change; noise; light pollution ; odor control laws

Waste; Land Pollution; Circular Economy; harmful substances.

Biodiversity; environmentalprotected areas and species; landscape protection

Integration of environment policy into other sectorial policies: Agriculture; Transport; Energy....

Methodology

During the course we will read and comment several legal materials. Each week the teacher will tell what should be prepared for next week (documents, websites to be consulted....) The students should read these materials recommended before the class. During the sessions, and in addition to the teacher's explanations, some specific real cases will be studied through resolutions, judicial decisions and news from the media. Students will do several exercises in class, directed by the teacher, and other autonomous activities independently,individually or in a group. Students will participate during the classes. There will be a written test at the middle of the course and another at the end of the course. These tests will consist of different questions to develop.

Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
theoretical classes	33	1.32	1, 4, 6, 9, 3, 11
practical sessions	12	0.48	2, 12, 13, 5, 14, 8, 10, 7, 11, 16, 15
Type: Supervised			
tutorial	6	0.24	9, 14, 3, 11
Type: Autonomous			
Read articles, laws and judicial decisions	20	0.8	12, 8, 16, 15
Study	34	1.36	2, 12, 6, 11, 15
writing and presentation of different exercises	37	1.48	1, 2, 12, 13, 5, 8, 10, 7, 16, 15

Assessment

For the purpose of evaluation, students should know the final grade will be calculated the following way: 30% from a Midterm exam: 40% from another written exam to be taken at the end of the course; Finally, the last 30% of the assessment will derive from the assignments and participation of the student during the course.

Written exams could be taken in english, french, portuguese, italian, catalan or spanish language

In each teaching group, before the start of the teaching, the dates of the evaluation activities will be published on the Virtual Campus. Exceptionally and for reasons of force majeure, with sufficient notice and in advance, be modified.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Assignments and participation of the student	30%	6	0.24	2, 12, 13, 5, 9, 14, 8, 10, 7, 3, 16, 15
Midterm and final written exam	30% & 40%	2	0.08	1, 4, 5, 6, 9, 11, 15

Bibliography

The existing bibliography on environmental law is very rich. At the beginning of the course the professor will specify what is specially recommended.

A) Mandatory readings

As we have said, during the course we will read and comment several materials. Each week the teacher will tell which of them should be prepared for next session (documents, websites to be consulted....)

B) Recommended readings

The following list includes general books devoted to domestic environmental law (I) and also some very relevant international and European environmental law references (II).

I. Domestic environmental law

- ALONSO GARCÍA, Enrique. y LOZANO CUTANDA, Blanca. (Dir.), *Diccionario de Derecho Ambiental*, Iustel, Madrid, 2006.
- ALONSO GARCIA, Enrique, ORTEGA ALVAREZ Luis. *Tratado de derecho ambiental, Tirant lo Blanch, 2013*
- ARANA García, Estanislao; Torres López, María Asunción, *Derecho Ambiental*.3ed. Tecnos 2018
- AUDIVERT ARAU, Rafael.,*Régimen jurídico de la etiqueta ecológica, Cedecs, Barcelona, 1996*
- BETANCOR RODRÍGUEZ, Andres., *Derecho Ambiental, la Ley, 2014.*
- CAMPINS ERITJA, Mar. *et al (PONT CASTEJON, Isabel).*,*Environmental Law in Spain*, Kluwer Law, 2nd ed. 2014-
- CASADO CASADO, Lucía. i FUENTES i GASÓ, Josep Ramon., *Medi ambient i ens locals*, Cedecs, Barcelona, 2008-
- CASADO CASADO, Lucía. i PONT CASTEJÓN, Isabel., "La elasticidad de las competencias normativas en materia ambiental: querer es poder", a *El derecho administrativo en el umbral del siglo XXI:homenaje al profesor Dr. D. Ramón Martín Mateo*, Madrid, 2000.
- ESTEVE PARDO, José., *Derecho de Medio Ambiente*, Marcial Pons, 4a .Ed. 2017
- FERNANDEZ de GATTA, Dionisio, *Sistema jurídico Adiministrativo de protección del medio ambiente*, Editorial: Ratio Legis, 6ª ed 2017
- LAVILLA ROVIRA, Juan Jose., MENÉNDEZ ARIAS, Maria José., (coord.) (PONT CASTEJON), *Todo sobre el Medio Ambiente* , Praxis, Barcelona, 1996.
- LOPEZ RAMON, Fernando, (coord), Observatorio de Políticas Ambientales (edición anual).
- LOZANO CUTANDA, Blanca., *Derecho Ambiental Administrativo*, 11ª ed. LA LEY, Madrid, 2011.
- LOZANO CUTANDA, Blanca. (Directora), LAGO CANDEIRA, Alejandro. y LÓPEZ ÁLVAREZ, Luis Felipe., *Tratado de Derecho Ambiental*, Ediciones CEF, Madrid, 2014.

- LOZANO CUTANDA, Blanca., y ALLI TURRILLAS, Juan Cruz., *Administración y Legislación Ambiental*, Dykinson, Madrid, 9ª ed. 2016
- Martín Mateo, Ramón., *Tratado de Derecho Ambiental*, Trivium, Madrid, 4 Vols; MARTÍN MATEO, Ramón., *Manual de Derecho Ambiental*, Aranzadi, Navarra, 3a. Ed. 2005
- NIETO MORENO, Juan Emilio., *Elementos estructurales de la evaluación ambiental de planes y programas*, Aranzadi, 2011..
- ORTEGA ÁLVAREZ, Luis., ALONSO GARCÍA, Consuelo y VICENTE MARTÍNEZ, Rosario de., *Tratado de Derecho Ambiental*, Tirant lo blanch, Valencia, 2013
- PONS CÀNOVAS, Ferran., "*Intervención pública en la actividad privada para la protección ambiental. Limitaciones a los derechos de propiedad y de libertad de empresa*", a *Diccionario de Derecho Ambiental*, Enrique Alonso García y Blanca Lozano Cutanda (Directors), Iustel, Madrid, 2006. pp. 778 a 789.
- PONS CÀNOVAS, Ferran., "Puertos, urbanismo y medio ambiente", a *Obras públicas, urbanismo y medio ambiente*, Fernando López Ramón y Víctor Escartín Escudé (Coords.), Marcial Pons, 2013.
- PONT CASTEJÓN, Isabel., "El procedimiento administrativo de autorización de vertidos a aguas continentales ante el reto de una Administración hidráulica eficaz", a *Revista Aranzadi de derecho ambiental*, núm. 5, 2004, pp. 15 a 36.
- PONT CASTEJÓN, Isabel. "Un nuevo reto en materia competencial: Estado y Comunidades Autónomas ante las exigencias del Protocolo de Kyoto", a *Los retos de la aplicación del protocolo de Kyoto en España y Canadá*, Mar Campins Eritja (Coord.), 2005.
- PONT CASTEJÓN, I., "Medio Ambiente" a *Derecho Administrativo Práctico*, Tirant lo Blanch, Valencia, 1997, pp. 303-331.
- PONT CASTEJÓN, Isabel. i CAMPINS ERITJA, Mar., (Coord.), *Perspectives de Dret Comunitari Ambiental*, Servei de Publicacions de la Universitat Autònoma de Barcelona, Bellaterra, 1997.
- TORRES LÓPEZ, María Asunción. y ARANA GARCÍA, Estanislao. (Directors), *Derecho Ambiental*, Tecnos, Madrid, 3a.ed 2018

II) International and European Environmental Law

- BELL, Stuart; McGillivray, Donald; Ole Pedersen; Emma Lees ; Elen Stokes ; *Environmental Law OUP*, Oxford; 9th Edition (2017)
- BIRNIE, Patricia; W.-BOYLE, Alan, REDGWELL, Catherine; *International Law and Environment*, 3a ed. Oxford University Press, 2009.
- BORRÀS PENTINAT, Susana., *Los regímenes internacionales de protección del medio ambiente*, Tirant lo Blanch, 2011.
- BROWN WEISS, Edith. (Edited), *Environmental Challenge and International Law*, The United Nations University Press, 1992.; *International Environmental Law, Second Edition (Casebook) 2nd Edition*, 2006
- CAMPINS, Mar; CASADO, Lucía; NIETO, Juan Emilio; PIGRAU, Antoni; PONT, Isabel; *Environmental Law in Spain*, Wolter Kluwers-kluwer Law International, The Netherlands, 2014
- CLEMENT, Marc *Droit européen de l'environnement. Jurisprudence commentée*, ed, Larcie, 2016
- Council of Europe. *Manual on human rights and the environment*"; Council of Europe Publishing 2012, http://www.echr.coe.int/LibraryDocs/DH_DEV_Manual_Environment_Eng.pdf
- DE SADELEER Nicolas. *EU environmental law and the internal market*. Oxford: Oxford University Press, 2014

- FAJARDO, Teresa. La política exterior de la Unión Europea en materia ambiental, Tecnos, 2005
- HAIGH, Nigel, EU Environmental Policy: Its journey to Centre Stage. 2016.
- IEEP, Manual of European Environmental Policy (2012),
<https://ieep.eu/understanding-the-eu/manual-of-european-environmental-policy>
- Health and Social Benefits of Nature (
<https://ieep.eu/news/health-and-social-benefits-of-nature-workshop-outcomes>)
- JANS, Jan ; Hans H.B. Vedder; European Environmental Law, Europa law Publishing (Fourth Edition) 2012
- JUSTE RUIZ, J., CASTILLO DAUDÍ, M., la protección del medio ambiente en el ámbito internacional y en la Unión europea, Tirant lo Blanc, Valencia, 2014.
- Kingston, Suzanne; Heyvaert Veerle; Čavoški , Aleksandra - European Environmental Law, Cambridge University Press 2017
- KISS, Alexandre., SHELTON, Dinah., A Guide to International Environmental Law, Martinus Nijhoff Publishers, 2007
- KRAMER, Ludwig. EU Environmental Law, Sweet and Maxwell, 8th ed. 2016
- LEE, Maria; EU Environmental Law, Governance and Decision-Making, 2nd Ed. 2014
- MACRORY, Richard, Regulation, Enforcement and Governance of Environmental Law, 2nd edition Hart Publishing, Oxford (2014),
- SANDS, Philippe., Principles of International Environmental Law, Cambridge University Press, 3d Ed., Manchester/N.Y., 2017
- THORNTON, James; GOODMAN, Martin, CLIENT EARTH 2017. Scribe Publications (May 11, 2017)
- VAN CARLSTER, Geert, EU Environmental Law, Elgar European Law series, 2017