

**Environmental Law**

Code: 102835  
ECTS Credits: 6

| Degree                         | Type | Year | Semester |
|--------------------------------|------|------|----------|
| 2501915 Environmental Sciences | FB   | 2    | 2        |

**Contact**

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**Use of Languages**

Principal working language: catalan (cat)  
Some groups entirely in English: No  
Some groups entirely in Catalan: Yes  
Some groups entirely in Spanish: No

**Teachers**

Rafael Audivert Arau

**Prerequisites**

It is recommended that students have some basic knowledge in Law. However, every beginning of the course is a small introduction about the rules that apply, its hierarchy, the competent system, and the various judicial levels.

**Objectives and Contextualisation**

The objective of the subject is that the student knows how to interpret the basic legal regime applicable to the environment. The Administrative Environmental Law, which is a discipline with clear identifying features of public law, will be addressed, but which also has a significant impact on the business world. With that purpose, the subject is divided into three main thematic blocks. In the first one it is to offer a general vision of what is currently understood by Environmental Law, what legal disciplines come together and in what way; It is absolutely essential to see the relevance of international environmental law as well as the environmental law of the European Union. It will also have to affect the right of citizens to have an adequate environment for the development of the person and in the duty to preserve it and in the obligation of the public authorities to ensure the rational use of all natural resources. That is why the role of the environmental Administration and of the citizens in the elaboration and execution of the Environmental Law must be revealed.

In the second block, some transversal mechanisms will be studied, which have the purpose of guaranteeing the participation of citizens in environmental affairs, preventing environmental damage, favoring voluntary qualification systems or environmental management, or establishing the responsibility of the causers of damage environmental, such as access to environmental information, responsibility for damage to the environment, integrated pollution control, environmental impact assessments, environmental labeling and environmental audits.

Finally, the third block will provide a general overview of the legal regime applicable to environmental sub-sectors that are usually granted independent regulatory treatment, both in terms of the existing competency distribution and degree of development at the state, autonomic and local, as well as the administrative organization adopted, to the regulations currently in force, to its interpretation and to the level of application that is observed: the protection of natural spaces and biodiversity, and protection, management and

planning of the landscape; the coast, the coast and the marine environment; continental waters; waste and contaminated soils and atmospheric, acoustic and light pollution.

## Competences

- Adequately convey information verbally, written and graphic, including the use of new communication and information technologies.
- Analyze and use information critically.
- Demonstrate adequate knowledge and use the tools and concepts of the most relevant social science environment.
- Demonstrate concern for quality and praxis.
- Demonstrate initiative and adapt to new situations and problems.
- Teaming developing personal values regarding social skills and teamwork.
- Work autonomously

## Learning Outcomes

1. Adequately convey information verbally, written and graphic, including the use of new communication and information technologies.
2. Analyze and use information critically.
3. Apply the principle of environmental liability.
4. Define the basic legal principles of environmental law.
5. Demonstrate concern for quality and praxis.
6. Demonstrate initiative and adapt to new situations and problems.
7. Distinguish environmental administrative organization in different sectors.
8. Interpret key environmental laws of Catalonia, Spain and the EU.
9. Teaming developing personal values regarding social skills and teamwork.
10. Work autonomously

## Content

### 1. The protection of the environment as an object of the Law

Introduction to environmental Law. The international framework for legal protection of the environment. The relevance of the UN. The most relevant treaties, programs and conferences. The principles and rules that inform the policy and the law of the environment forged in the international field.

### 2. The environmental law of the European Union

Evolution of the Community powers for the protection of the environment. The jurisdictional delimitation. The objectives and guiding principles of community environmental action. The European administrative structure for the environment. The financing of environmental actions. Community programs. Failure to comply with Community environmental regulations.

### 3. Constitutional, competential and organizational framework

The constitutional and statutory conception of the environment. The territorial distribution of competences. The environmental management organization. The entities that collaborate with the administration. Environmental criminal law. Economy and environment. The limitation of the rights of property and of freedom of company for the protection of the environment

### 4. Information, citizen participation and access to justice in the protection of the environment. Responsibility for environmental damage

The right of citizens to participate in the protection of the environment. The Aarhus Convention of 1998. Law 27/2006 of July 18 and the laws on the regulation of transparency and access to information. Access to environmental information: active and passive supply or at the request of citizens. Citizen participation and

groups in the elaboration and execution of environmental Law. The popular action in environmental matters. The environmental contention. Responsibility for environmental damage

#### 5. The techniques of regulation, limitation and control for the protection of the environment

The environmental impact assessment of works projects, facilities and activities. The environmental assessment of plans and programs or strategic environmental assessment. The industrial police. Prevention and environmental control of potentially contaminating activities. The regime of environmental authorizations and licenses and environmental communication.

#### 6. The incentive or promotion techniques. The voluntary systems of qualification and environmental management

Subsidies or environmental public aid. Voluntary systems of environmental qualification. The environmental badge and the ecological label. The community environmental management and audit system (EMAS) and the ISO system.

#### 7. Protection of natural spaces and biodiversity, and protection, management and planning of the landscape

The networks of protection of natural spaces. Natural areas of special protection. The PEIN. The Natura 2000 network. The conservation of biodiversity. The list of wild species subject to special protection and the catalogs of threatened species. The treatment of invasive alien species. The causes of mortality of the fauna. Landscape protection, management and planning instruments.

#### 8. The protection of the coast and the marine environment

The problems that have affected and affect the protection of the coast. Objectives and ways of action of the Coast Law and the Law on the protection and sustainable use of the coast. The demarcation and protection of goods of public domain maritime-terrestrial. The servitudes that record the private spaces. The protection of the marine environment.

#### 9. The protection of continental waters

General considerations Areas of management. The masses of water. Basic regulations applicable. The objectives of the Water Framework Directive. The objectives of the protection of waters. The state of the masses of water. The uses of water. Sourcing Direct and indirect discharge into waters. The sanitation system

#### 10. The legal regime for waste and contaminated soils

Applicable regulation. Classes of waste. Definitions The priority or hierarchy of principles that govern the waste management policy. The waste management and the polluter pays principle. Contaminated soils.

#### 11. Atmospheric pollution

The adverse effects of air pollution on human health and the environment. Applicable regulation. The guiding principles of Law 34/2007. Air quality standards for different pollutants. The evaluation of the quality of the air. Zoning Air quality control network. The plans to improve air quality and short-term action plans.

#### 12. The acoustic pollution and light pollution

Applicable regulation. Zoning. Acoustic capacity maps and strategic noise maps.

## **Methodology**

The teaching of the subject is shared between the professors Dr. Ferran Pons Cànovas and Rafael Audivert Arau

All subjects will be provided with varied documentation on the most significant aspects of the subject that have affected the creation of a Law of the Environment, invocable and protective by the public agents.

## Activities

| Title                         | Hours | ECTS | Learning Outcomes    |
|-------------------------------|-------|------|----------------------|
| Type: Directed                |       |      |                      |
| Environmental law             | 50    | 2    | 2, 3, 4, 7, 8, 1, 10 |
| Type: Supervised              |       |      |                      |
| Outside practice              | 10    | 0.4  |                      |
| Resolution of practical cases | 25    | 1    |                      |
| Type: Autonomous              |       |      |                      |
| Elaboration of works          | 30    | 1.2  |                      |
| Study of matter               | 30    | 1.2  |                      |

## Assessment

1. In all the subjects, students will be provided - directly in class or through the virtual campus - diverse documentation (eg schemes, norms, significant judicial resolutions, journalistic information, reports, etc.).

2. Periodically, the students will carry out exercises, works and practices on the subjects studied. Your delivery is mandatory. The exercises, work and practices delivered and their oral comment in class equals 20% of the final mark (2 points). Students who do not submit some or all of the exercises can only obtain the final grade resulting from the exam and the works and exercises evaluated positively.

3. Students will have to pass two partial exams, which will be composed of test questions. The student who suspends a partial exam will have to examine the corresponding part on the day of the recovery. The student who does not appear in a partial will have to examine the totality of the final exam. The mark of the examinations equals 80% of the final mark (8 points).

4. Exercises, work and practices, equivalent to 20% of the final grade, WILL NOT BE RECOVERABLE. There will be no possibility that, to extend the final mark of the exams, the students perform some work or exercise.

5. To participate in the recovery exam, the students must have been previously evaluated in the partial exams. And it must have obtained, on average, a grade equal to or greater than 2.5 (out of 10).

To ask for a reevaluation the student must have been received a mark in activities that represent at least 2/3 of the global mark during the course.

## Assessment Activities

| Title                   | Weighting | Hours | ECTS | Learning Outcomes             |
|-------------------------|-----------|-------|------|-------------------------------|
| Exercises and practices | 20%       | 0     | 0    | 10, 9                         |
| Final exam              | 40 %      | 2.5   | 0.1  | 2, 3, 4, 6, 5, 7, 8, 1, 10, 9 |
| Partial exam            | 40 %      | 2.5   | 0.1  | 2, 3, 4, 6, 5, 7, 8, 1, 10, 9 |

## Bibliography

Notwithstanding the bibliography that may be recommended on time for the various themes of the program or that appear in the program, the main general bibliography of the subject is the following:

- ALLENDE LANDA, J., *Medio ambiente, ordenación del territorio y sostenibilidad*, Bilbao, 2000.
- ALONSO GARCÍA, E. y LOZANO CUTANDA, B. (Dir.), *Diccionario de Derecho Ambiental*, Iustel, Madrid, 2006.
- BETANCOR RODRÍGUEZ, A., *Instituciones de Derecho Ambiental*, Madrid, 2001.
- CAMPINS ERITJA, M. *et al.*, *Environmental Law in Spain*, Kluwer Law, 2011.
- CANOSA USERA, R., *Constitución y medio ambiente*, Madrid, 2000.
- CASADO CASADO, L., *et al.* *La externalización de las funciones de control e inspección en materia de protección del medio ambiente*, Atelier, Barcelona, 2010.
- CASADO CASADO, L. i FUENTES i GASÓ, J.R., *Medi ambient i ens locals*, Cedecs, Barcelona, 2008.
- DE GATTA SÁNCHEZ, D., *Sistema jurídico-administrativo de protección del medio ambiente*, Ratio Legis, 2012.
- DE MIGUEL PERALES, C., *Derecho Español del Medio Ambiente*, Civitas, Madrid, 2000.
- DURÁN, J.M. i DE GISPERT, C., *La fiscalidad ambiental de la energía*, Fundación Gas Natural, 2005.
- ESTEVE PARDO, J., *Derecho de Medio Ambiente*, Marcial Pons, 2008.
- FERNÁNDEZ RODRÍGUEZ, T.R., *Estudios de Derecho Ambiental y Urbanismo*, Pamplona, 2001.
- HUERTA HUERTA, R. y HUERTA IZAR DE LA FUENTE, C., *Tratado de Derecho ambiental*, 2 Tomos, 2001.
- LASAGABASTER HERRATE, I., *Derechoambiental. Parte especial*, IVAP, Oñati, 2004.
- LAVILLA ROVIRA, J.J., MENÉNDEZ ARIAS, M.J., (coord.), *Todo sobre el Medio Ambiente*, Praxis, Barcelona, 1996.
- > LOZANO CUTANDA, B. (Dir.), ***Tratado de Derecho Ambiental***, CEF, Madrid, 2014.
- > LOZANO CUTANDA, B., y ALLI TURRILLAS, J-C., ***Administración y Legislación Ambiental***, Dykinson, Madrid, 2016.
- MARTÍN MATEO, R., *Tratado de Derecho Ambiental*, Trivium, Madrid, 4 Vols.
- MARTÍN MATEO, R., *Manual de Derecho Ambiental*, Aranzadi, Navarra, 2003.
- ORTEGA ÁLVAREZ, L. (Dir.), *Lecciones de Derecho del Medio Ambiente*, Lex Nova, Valladolid, 1998.
- ORTEGA ÁLVAREZ, L., ALONSO GARCÍA, C. y VICENTE MARTÍNEZ, R.D., *Tratado de Derecho Ambiental*, Tirant lo blanch, Valencia, 2013.
- REYES LÓPEZ, M.J. (Coord.), *Derecho ambiental español*, Valencia, 2001.
- RUIZ-RICO RUIZ, G., *El Derecho constitucional al medio ambiente*, Valencia, 2001.
- RUIZ-RICO RUIZ, G. *et al.* *Derecho Ambiental*, 2008.
- SORIANO GARCÍA, J.E. y BRUFAO CURIEL, P., *Claves de Derecho Ambiental*, Iustel, Madrid, 2010.

- TORRES LÓPEZ, M.A. y ARANA GARCÍA, E. (Directors), *Derecho Ambiental*, Tecnos, Madrid, 2012.