

Environmental Law

Code: 102835
ECTS Credits: 6

Degree	Type	Year	Semester
2501915 Environmental Sciences	FB	2	2

Contact

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

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

Prerequisites

It is recommended that students have a basic knowledge of Law. However, each year, a small introduction is given about : applicable law, hierarchy, powers belonging to the State, Autonomous Communities, local Entities, and also, which are, nowadays, the judicial levels.

Objectives and Contextualisation

The goal of the course is to learn how to interpret the basic legal regime applicable to the environment and sustainability. During the sessions Administrative Environmental law will be specially addressed, as far as Environmental law is a discipline with clear identifying features belonging to public law. Nevertheless we will also underline its relevance for the business world.

For this purpose, the course is structured in three large thematic blocks. The first will offer a general vision of what is currently understood by Environmental Law, what legal disciplines converge there and in which way. In this sense, it will be absolutely essential to verify the relevance of international environmental law as well as the environmental law enacted by the European Union. It will also be necessary to stress the importance of the right of the citizens to have a adequate environment for their development and, at the same time, the duty for them to preserve it. We will not forget the obligation of public powers to ensure the rational use of all natural resources. For this, the role of the Environmental Public Entities and that of the citizens in the rule-making procedure and enforcement of Environmental Law will be discussed.

In the second block, several cross-cutting mechanisms will be studied, whose common purpose is to guarantee the participation of citizens in environmental matters, prevent damage to the environment, favor voluntary environmental qualification or management systems, and establish the responsibility of those causing environmental damages. Specifically we will focus on access to environmental information, liability for damage to the environment, integrated pollution control, environmental impact assessments, eco-labeling and environmental auditing systems.

Finally, the third block will provide a general overview of the legal regime applicable to environmental sub-sectors usually having an independent regulatory treatment, both in terms of the existing powers belonging to the state, autonomic and local levels, but also regarding the administrative organization adopted, We Will address the regulations currently in force and its interpretation. We include here: the natural protected areas and the law concerning biodiversity; the protection, management and planning of the landscape; the coastal and the marine environment; the continental waters; the regulation of waste and soil contamination; and also the 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. Introduction to Law and the legal system. The sources of the law and its general principles. The interpretation of law. Relevant legal concepts (natural and legal person, public authorities, penalties....)

2. Branches or areas of legislation. Public law: a) Public international law; b) European law; c) Constitutional Law, d) Administrative Law, e) Criminal Law, f) Financial and Tax Law, g) Labor Law; Private law: a) Civil law, b) Commercial law; c) Private International Law.

3. The protection of the environment as a goal of the Law. Introduction to Environmental Law. The international framework for the legal protection of the environment. The relevance of the UN. The most relevant treaties, programs and conferences. The principles and rules governing the international law of the environment

4. The environmental law of the European Union. The Eu powers for the protection of the environment. The objectives and guiding principles of the European environmental action. The European administrative institutional structure for the environment. The financing of European environmental actions. The General Union Environment Action Programme. The Failure to comply with European environmental law.

5. Allocation of powers (constitutional and organizational framework). The constitutional and statutory treatment of the environment. The territorial allocation of powers. The public administrative organization for the environment. The collaborate entities of the administration. Environmental criminal law. The limitation of property rights and of the freedom of companies for the purpose of the protection of the environment

6. Information, citizen participation and access to justice for the protection of the environment. Liability for environmental damage

The right of citizens to participate in the protection of the environment. The Aarhus Convention of 1998. State Law 27/2006, of 18 July, and the laws regulating transparency and access to information. Access to environmental information: active and passive supply. Citizen and group participation in the elaboration and

enforcement of environmental law. Popular action (class action suit) on environmental issues. Environmental Litigation. Liability for environmental damage

7. The techniques being used for regulation, limitation and control . The environmental impact assessment of projects. The environmental assessment of plans and programs (strategic environmental assessment). The control of industries. Prevention and environmental control of potentially contaminating activities. The regime of environmental authorizations and licenses, and also the environmental communication. Public procurement; Corporate Social Responsibility.

8. The incentive or promotion techniques. The voluntary systems of qualification, and environmental management. Subsidies or environmental public aids. Voluntary systems for environmental qualification. Environmental labels and Ecolabel. The european environmental management and audit system (EMAS) and the ISO system.

9. The sectoral legal regime applicable to:

- The protection of natural spaces and biodiversity. The protection, management and planning of the landscape and species.

-Protection of the coast and the marine environment

-The protection of inland waters

- Waste and contaminated soils

- air quality and air pollution

- climate change.

- Noise pollution and light pollution.

10. Integration of environmental law in sectoral policies: Food (food waste); forestry sector; fishing sector, agricultural sector; housing; mining; transport; energy.

Methodology

The teaching of the subject is shared between two professors

Several materials will be provided to students, including he ones who are more imporant for the most significant aspects of this Environmental Law Course.

Annotation: Within the schedule set by the centre or degree programme, 15 minutes of one class will be reserved for students to evaluate their lecturers and their courses or modules through questionnaires.

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. Students will be given, directly in class or through the virtual campus - several documents to prepare all the items of the course (e.g. schemes, legislation, significant judicial decisions, news, reports....).

2. Periodically the students will have to complete exercises on the subjects studied. Doing and sending to the professors such exercises is not optional, is mandatory. The exercises and oral comments in class account for 20% of the final mark (2 points). Students who do not submit some or all of the exercises, could only obtain the final grade resulting from the written exam and the exercises evaluated positively.

3. Students will have to pass two partial (midterm) exams. The weight of these exams will account 80% of the final grade (8 points): 40 %-40 %. Students who fail any of these two written exams, may re-take them on the official date set for the re-evaluation. The students who decide not taking a midterm exam will have to take the 2 parts of the course the day set re-evaluation.

4. To participate in the re-evaluation or re-take exam, the students must have been previously evaluated in the midterm exams. And they must have obtained, on average, a grade equal to or greater than 2.5 (out of 10).

5. Exercises, work and practices, count 20% of the final grade. They WILL NOT BE RECOVERABLE.

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.

In the event of a student committing any irregularity that may lead to a variation in the grade awarded to an assessment activity (f.e. copy, plagiarism), the student will be given a zero for this activity, regardless of any disciplinary process that may take place.

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

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 professor will tell the students 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) and useful websites (III)

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, 9ª ed 2020
- LAVILLA ROVIRA, Juan Jose., MENÉNDEZ ARIAS, Maria José., (coord.) (PONT CASTEJON), Todo sobre el Medio Ambiente , Praxis, Barcelona, 1996.
- LOPEZ RAMON, Fernando coord (et al. Post 2021) (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, 11 ed. 2020
- 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.
- CAMPINS, M; CASADO, L; NIETO, J.E; PIGRAU, A; PONT, I; Environmental Law in Spain, WolterKluwers-kluwer Law International, The Netherlands, 2014
- TORRES LÓPEZ, Maria Asunción. y ARANA GARCÍA, Estanislao. (Directors), Derecho Ambiental, Tecnos, Madrid, 3a.ed 2018

II) International and European Environmental Law

- BIRNIE, P.W.-BOYLE, A.E., REDGWELL, C., International Law and Environment, 3a ed. Oxford University Press, 2009. (updated -Fourth Edition- in 2021)
- BROWN WEISS, E. (Edited), Environmental Challenge and International Law, The United Nations University Press, 1992.; International Environmental Law, Second Edition (Casebook) 2nd Edition, 2006
- CLÉMENT, Marc. Droit européen de l'environnement. Jurisprudence commentée, ed, Larcié, 4ème édition 2021
- 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
- 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
- HAIGH, Nigel, EU Environmental Policy: Its journey to Centre Stage. 2016.
- 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
- KRAMER, Ludwig Environmental Justice and European Union Law, Croatian Yearbook of European Law and Policy 16, , December 2020,
https://www.researchgate.net/publication/348484000_Environmental_Justice_and_European_Union_Law
- LEE, Maria; EU Environmental Law, Governance and Decision-Making, 2nd Ed. 2014

MACRORY (2014), Regulation, Enforcement and Governance of Environmental Law, 2nd edition
Hart Publishing, Oxford

MACRORY et al. (2004), Principles of European Environmental Law. Europa Law Publishing.

-SANDS, Philippe. PEEL Jacqueline, Principles of International Environmental Law, Cambridge University Press, 4d Ed., Manchester/N.Y., 2018

2nd Edition: https://www.academia.edu/37547219/Philippe_Sands_Principles_of_Int_Environmental_Law

THORNTON, James; GOODMAN, Martin, CLIENT EARTH 2017. Scribe Publications (May 11, 2017)

-VAN CARLSTER, Geert, EU Environmental Law, Elgar European Law series, 2017

III) General Websites

Departament d'Acció Climàtica, Alimentació i Agenda Rural <http://agricultura.gencat.cat/ca/inici/>

Ministerio para la Transición Ecológica y Reto Demográfico <https://www.miteco.gob.es/es/>

Official website European Union http://europa.eu/index_en.htm

Training Package on Principles of EU Environmental Law

<http://ec.europa.eu/environment/legal/law/principles.htm>

Summaries of the European environmental and climate change legislation

<https://eur-lex.europa.eu/summary/chapter/20.html>

European Commission (Environment) : https://ec.europa.eu/environment/index_en.htm

EU Environmental Law Training Package. https://ec.europa.eu/environment/legal/law/training_package.htm

<https://ieep.eu/understanding-the-eu/manual-of-european-environmental-policy>

European Environment Agency <http://www.eea.europa.eu>

PNUMA (United Nations Program for Environment <https://www.unep.org/>

European Court of Human rights <http://hudoc.echr.coe.int>

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

IEEP (Institut for European Environmental Policy) <https://ieep.eu/>

EEB (European Environmental Bureau) <https://eeb.org>

Software

The course does not require any specific software.