

Environmental Law

Code: 106755
ECTS Credits: 6

Degree	Type	Year	Semester
2504604 Environmental Sciences	FB	1	2

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Teaching groups languages

You can check it through this [link](#). To consult the language you will need to enter the CODE of the subject. Please note that this information is provisional until 30 November 2023.

Teachers

Marià de Visa Cases

Prerequisites

It is recommended that students have a basic knowledge of Law. Even so, each year a small introduction is made on the rules that are applicable, their hierarchy, the competence regime, and the various judicial levels.

Objectives and Contextualisation

The aim of the subject is for the student to know and be able to interpret the basic legal regime applicable to the environment and sustainability. Administrative environmental law will be discussed in particular, which is a discipline with clear identifying features of public law, but which also has a relevant impact in the world of business.

For that purpose, the subject is structured in three large thematic blocks. In the first, it is about offering an overview of what is currently understood by Environmental Law, which legal disciplines converge and in what way; Here 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 be necessary to influence the right of citizens to have an environment suitable for the development of the person and the duty to preserve it and the obligation of the public powers to ensure the rational use of all natural resources. That is why the role of the Environmental Administration and that of the citizens in the preparation and execution of Environmental Law will have to be discussed.

In the second block, several transversal mechanisms will be studied, which aim to guarantee the participation of citizens in environmental affairs, prevent damage to the environment, favor voluntary environmental rating or management systems, or establish the responsibility of those who cause damage environmental issues, such as access to environmental information, liability for environmental damage, integrated pollution control, environmental impact assessments, eco-labelling and environmental audits.

Finally, the third block will offer an overview of what is the legal regime applicable to environmental subsectors that are usually given independent regulatory treatment, both in terms of the existing distribution of competences and degree of development at state, regional and local, as in the administrative organization adopted, the rules currently in force, their interpretation and the level of application 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 soil and atmospheric, acoustic and light pollution. Depending on the time available, they will work more or less thoroughly.

Learning Outcomes

- CM18 (Competence) Interpret and develop an administrative resource related to the environment.
- CM20 (Competence) Identify inequalities based on sex/gender in the field of the environment from a legal perspective.
- CM21 (Competence) Transmit basic legal information associated with an environmental problem to members of the general public appropriately.
- KM28 (Knowledge) Identify the main legal principles involved in environmental processes.
- KM29 (Knowledge) Identify the basic elements of administrative law and environmental law.
- KM30 (Knowledge) Recognise administrative environmental organisation in different sectors and territorial levels.
- SM25 (Skill) Describe the main techniques for administrative intervention in environmental issues.
- SM26 (Skill) Extract relevant legal information from reports, plans, projects, programmes and articles on environmental law.
- SM27 (Skill) Express yourself clearly, explicitly and briefly using appropriate legal language in relation to specific environmental problems.

Content

Topic 1. Introduction to Law. The legal system. The sources of law. The general principles of law. The interpretation of law. Relevant legal concepts (natural person, legal person, public authorities, public administration, sanction; legal business...)

Topic 2. Branches of the legal system. 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.

Topic 3. The protection of the environment as an object of Law Introduction to Environmental Law. The international framework of the legal protection of the environment. The relevance of the UN. The most relevant treaties, programs and conferences. The principles and rules that inform environmental policy and law forged in the international arena.

Topic 4. Environmental Law of the European Union. The competence of the European Union for the protection of the environment. The objectives and guiding principles of community environmental action. The European environmental institutional structure. The financing of environmental actions. Environmental action programs. Breach of European environmental law.

Topic 5. Constitutional, competence and organizational framework. The constitutional and statutory conception of the environment. The territorial distribution of competences. The administrative organization of the environment. The collaborating entities of the administration. Environmental criminal law. Environmental responsibility. The limitation of property rights and freedom of enterprise for the protection of the environment.

Topic 6. Information, citizen participation and access to justice in environmental protection. The responsibility 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 July 18 and the laws regulating transparency and access to

information. Access to environmental information: active and passive supply or at the request of citizens. The participation environmental information: active and passive supply or at the request of citizens. The participation of citizens and groups in the preparation and execution of environmental law. Popular action in environmental matters. Environmental litigation. Liability for environmental damage.

Topic 7. Regulation, limitation and control techniques for the protection of the environment. Transversal mechanisms: - The assessment of the environmental impact of construction projects, installations and activities. -The environmental assessment of plans and programs or strategic environmental assessment. - The industrial police. Prevention and environmental control of potentially polluting activities. The regime of environmental authorizations and licenses and environmental communication; - Ecological Public Procurement; Corporate social responsibility.

Topic 8. Incentive or promotion techniques. Public environmental subsidies or aid. The voluntary systems of qualification and environmental management. The environmental quality guarantee badge and the European ecological label (Ecolabel). The Community Environmental Management and Audit System (EMAS) and the ISO system

Topic 9. The sectoral legal regime applicable to: - The protection of natural spaces and biodiversity, and protection, management and management of the landscape and species. - The protection of the coast and the marine environment - The protection of continental waters - Waste and contaminated soil - air quality and atmospheric pollution - climate change. - Noise pollution and light pollution.

Topic 10. Integration of environmental law in sectoral policies and actions. Food (food waste); forestry sector; fishing sector, agricultural sector; housing; mining; transportation; energy

Methodology

The teaching of the subject is shared between two professors.

In all subjects, varied documentation will be provided on the most significant aspects in the matter that have had an impact on the formation of an Environmental Law, which can be invoked and protected by public agents.

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			
Master classes	50	2	CM18, CM20, CM21, KM28, KM29, KM30, SM25, SM26, SM27, CM18
Type: Supervised			
Tutorial	5	0.2	CM18, CM20, KM28, KM29, KM30, SM26, CM18
Type: Autonomous			
Reading documents	25	1	CM18, CM20, KM28, KM29, KM30, CM18
Study work	66	2.64	CM18, CM20, KM28, KM29, KM30, SM26, CM18

Assessment

1. In all subjects, supplementary documentation will be provided to students - directly in class or through the virtual campus - to expand knowledge (e.g. rules, significant judicial rulings, journalistic information, reports, etc.).

2. The continuous evaluation will be structured as follows:

(i) First partial exam: 40%. It will consist of a test part and short questions to develop.

(ii) Second partial exam: 40%. It will consist of a test part and short questions to develop.

(iii) First practical work: 10%

(iv) Second practical work: 10%

Students who do not hand in some or all of the exercises will only be able to obtain as a final grade the result of the exam and the assignments and exercises effectively evaluated.

The student who fails the arithmetic average of the subject (with a result below 5 out of 10) will have to re-examine on the day of recovery of the two partial exams. The exercises, assignments and practices, equivalent to 20% of the final grade, will not be recoverable.

Continuous assessment recovery exam (80%): It will consist of a test part and short questions to be developed.

To participate in the make-up exam, the student must have previously been evaluated in the partial exams. And you must have obtained, on average (taking into account partial exams and practical work), a final grade equal to or higher than 2.5 (out of 10).

3. Single evaluation:

Students who have accepted the single assessment modality will have to take a final test which will consist of an exam consisting of (i) a test part, and (ii) two topics to be developed in an extensive and reasoned manner.

If the final grade does not reach 5, the student has another opportunity to pass the subject through the remedial exam that will be held on the date set by the degree coordinator.

Single evaluation recovery exam: it will consist of an exam made up of (i) a test part, and (ii) two topics to be developed in an extensive and reasoned manner.

4. There will be no possibility that, in order to increase the final mark of the exams, the students will carry out any work or exercise.

5. In the event that the student commits any irregularity that may lead to a change in the grade of an evaluation act (e.g. copying, plagiarism), this evaluation act will be graded with 0, regardless of the disciplinary process that can be instructed.

Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
1st partial exam	40%	2	0.08	CM18, CM20, CM21, KM28, KM29, KM30, SM25, SM26, SM27
2nd partial exam	40%	2	0.08	CM18, CM20, CM21, KM28, KM29, KM30, SM25, SM26, SM27
First practical work	10%	0	0	CM18, CM20, CM21, KM28, KM29, KM30, SM25, SM26, SM27

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III) General webpages:

- 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>
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Software

The subject does not require specific software.