

Environmental Law

Code: 106755
ECTS Credits: 6

2024/2025

Degree	Type	Year
2504604 Environmental Sciences	FB	1

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Teaching groups languages

You can view this information at the [end](#) of this document.

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

1. CM18 (Competence) Interpret and develop an administrative resource related to the environment.
2. CM20 (Competence) Identify inequalities based on sex/gender in the field of the environment from a legal perspective.
3. CM21 (Competence) Transmit basic legal information associated with an environmental problem to members of the general public appropriately.
4. KM28 (Knowledge) Identify the main legal principles involved in environmental processes.
5. KM29 (Knowledge) Identify the basic elements of administrative law and environmental law.
6. KM30 (Knowledge) Recognise administrative environmental organisation in different sectors and territorial levels.
7. SM25 (Skill) Describe the main techniques for administrative intervention in environmental issues.
8. SM26 (Skill) Extract relevant legal information from reports, plans, projects, programmes and articles on environmental law.
9. 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

The contents of this program may be adapted by the responsible teacher, taking into account the time limits and the need to deal in greater or lesser depth with some specific topics

Activities and Methodology

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

The teaching of the course may be carried out by a single professor, or it may be 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.

Assessment

Continuous 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
Second practical work	10%	0	0	CM18, CM20, CM21, KM28, KM29, KM30, SM25, SM26, SM27

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: with a value of the 40% of the final grade
- (ii) Second partial exam: with a value of the 40% of the final grade
- (iii) First practical activity: with a value of the 10% of the final grade
- (iv) Second practical activity: with a value of the 10% of the final grade

At the beginning of the course, the teacher responsible for each group will inform the students of the type of the partial exams (test, questions to develop, etc).

The type of the practical activities will be specified by the responsible teacher at the beginning of the course. They may consist in the elaboration of academic papers, or in the resolution of practical cases, among other possibilities. It is also possible to merge the two practical activities into one, with a value of the 20% of the final grade.

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.

Students who do not present any work or appear in any partial exam will obtain the qualification of "NOT ASSESSABLE"

The student who fails the subject (with a result below 5 out of 10) may take a re-evaluation exam, under the conditions expressed in the paragraph below.

Re-evaluation exam

To participate in the re-evaluation exam, the student:

- must have been evaluated in the partial exams, and
- must have obtained, on average, a final grade equal to or higher than 2.5 (out of 10).

The assessment of the revaluation will include the contents of both partial exams. The exercises, assignments and practices, equivalent to 20% of the final grade, will not be recoverable.

At the beginning of the course, the responsible teacher will specify the type and structure of the re-evaluation exam (test, development questions, mixture of both systems, etc).

This exam will be held on the date officially set by the Coordination of the Faculty.

3. Single evaluation:

Students who have opted for the single evaluation mode will take three exams:

- (i) A first exam that will assess the knowledge acquired as regards to the contents of the first partial exam (which is equivalent to 40% of the final grade);

(ii) A second exam that will assess the knowledge acquired as regards to the contents of the second partial exam (which is equivalent to 40% of the final grade);

(iii) A practical exam (which is equivalent to 20% of the final grade).

The responsible teacher will publish on the virtual campus, in adequate advance, the information related to the type of partial exams (test, questions to be developed, mixed system, etc.), as well as the information concerning the practical exam.

All exams will be taken the same day. The date of the exams will coincide with the date set by the coordination of the Faculty for the final exam/second partial of the continuous evaluation. This date cannot be modified.

Revaluation exam.

Those who fail the subject (i.e., with a result below 5 out of 10), may take a re-evaluation exam, according to the following conditions:

In order to participate in the re-evaluation exam, it is mandatory to have taken the single evaluation tests, and to have obtained at least 2.5 points out of 10.

The date, contents and type of the re-evaluation exam will be the same as those set for the re-evaluation of the continuous evaluation students.

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.

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https://www.academia.edu/37547219/Philippe_Sands_Principles_of_International_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 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>
European Environment Agency <http://www.eea.europa.eu>
PNUMA (United Nations Program for Environment <https://www.unep.org/>
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IEEP (Institut for European Environmental Policy) <https://ieep.eu/>
EEB (European Environmental Bureau) <https://eeb.org>

Software

The subject does not require specific software.

Language list

Name	Group	Language	Semester	Turn
(TE) Theory	1	Spanish	second semester	afternoon