

University of Lisbon School of Law

Environmental Law

Course Schedule

Academic year 2017/2018

Date	Topic [<i>specific legal source</i>]	Reading reference
7 March	Introduction	
14 March	Environmental legal protection Evolution of the legal framework	A) 3-16, 22-50, 888-898 B) 4-10, 18-42, 169-173, 176-200
21 March	The right to environment <i>[Portuguese Constitution articles 9, 52 and 66; Charter of Fundamental Rights of the European Union, article 37]</i>	A) 775-789 B) 13-15
4 April	General environmental principles Sustainable development principle; polluter pays principle; <i>[Treaty on the functioning of the European Union articles 11, 191]</i>	A) 187-200, 206-217, 228-238 B) 56-67, 231
11 April	Environmental principles: preventive action, precautionary principle	A) 200-203, 217-228 B) 68-76
18 April	Environmental information <i>[Aarhus Convention 1998; Directive 2003/4/EC on public access to environmental information]</i>	A) 624-657 B) 314-334
2 May	Public Participation <i>[Aarhus Convention 1998; Directive 2003/35/EC providing for public participation; Portuguese Constitution articles 52 and 66]</i>	A) 648-657 B) 334-354
9 May	Environmental impact assessment <i>[Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment]</i>	A) 601-624 B) 452-495
16 May	Integrated pollution prevention and control <i>[Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control)]</i>	B) 498 – 529
23 May	Emissions trading schemes <i>[Kyoto Protocol 1998; Paris Convention 2015; Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading]</i>	A) 283-291 B) 543-558
30 May	Environmental Liability <i>[Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage]</i>	A) 700-771 B) 388-393
1 June	Moot court simulation	

(A) Sands and Peel, Principles of International Environmental Law, 3rd edition, Cambridge

(B) Bell, McGillivray and Pedersen, Environmental law, 8th edition, Oxford

Portuguese Constitution 1976

Article 9

(Fundamental tasks of the state)

The fundamental tasks of the state are:

...

d) To promote the people's well-being and quality of life and real equality between the Portuguese, as well as the effective implementation of economic, social, cultural and environmental rights by means of the transformation and modernisation of economic and social structures;

Article 52

(Right to petition and right of actio popularis)

....

3. Everyone is granted the right of actio popularis, including the right to apply for the applicable compensation for an aggrieved party or parties, in the cases and under the terms provided for by law, either personally or via associations that purport to defend the interests in question. The said right may particularly be exercised in order to:

a) Promote the prevention, cessation or judicial prosecution of offences against public health, consumer rights, the quality of life or the preservation of the environment and the cultural heritage;

b) ...

Article 66

(Environment and quality of life)

1. Everyone has the right to a healthy and ecologically balanced human living environment and the duty to defend it.

2. In order to ensure the right to the environment within an overall framework of sustainable development, the state, acting via appropriate bodies and with the involvement and participation of citizens, is charged with:

a) Preventing and controlling pollution and its effects and the harmful forms of erosion;

b) Conducting and promoting town and country planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape;

c) Creating and developing natural and recreational reserves and parks and classifying and protecting landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets that are of historic or artistic interest;

d) Promoting the rational use of natural resources, while safeguarding their ability to renew themselves and ecological stability, with respect for the principle of inter-generational solidarity;

e) In cooperation with local authorities, promoting the environmental quality of rural settlements and urban life, particularly on the architectural level and as regards the protection of historic zones;

f) Promoting the integration of environmental objectives into the various policies with a sectoral scope;

g) Promoting environmental education and respect for environmental values and assets;

h) Ensuring that the fiscal policy renders development compatible with the protection of the environment and the quality of life.