



FACULDADE DE DIREITO  
Universidade de Lisboa

## University of Lisbon School of Law

### *Environmental Law* Course Schedule

Academic year 2018/2019

Responsible Professor: Prof. Vasco Pereira da Silva  
Classes in English: Prof. Rui Lanceiro

<b>Topic</b> [ <i>specific legal source</i> ]	<b>Reading reference</b>
Introduction	
Environmental legal protection Evolution of the legal framework: international, European and national law.	A) 3-16, 22-50, 888-898 B) 4-10, 18-42, 169-173, 176-200
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
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
General environmental principles: Preventive action, precautionary principle	A) 200-203, 217-228 B) 68-76
Environmental information <i>[Aarhus Convention 1998; Directive 2003/4/EC on public access to environmental information]</i>	A) 624-657 B) 314-334
Public participation and access to courts in environmental matters <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
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



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Integrated pollution prevention and control regime <i>[Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control)]</i>	B) 498 – 529
Natura 2000 Network and the protection of biological diversity <i>[Birds Directive 2009/147/EC and Habitats Directive 92/43/EEC]</i>	A) 384-454 B) 717-769
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
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

### Bibliography:

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

(B) Bell, McGillivray and Pedersen, Environmental law, 8<sup>th</sup> edition, Oxford.

### Evaluation:

Evaluation will be the result of voluntary participation in classes (answering questions and participating in debates), an oral presentation in class and a paper.

The class presentation should be on a particular judicial decision on European or International Environmental law. The presentation should consist on a brief explanation of the case and of the decision (with special focus on the environmental law elements) and a brief comment of the case.

The paper should be on a specific subject within the topics covered in the program, written in Garamond 12, 1,5 pt, max 8 pages - min 6 pages of written text.

## Constitution of the Portuguese Republic (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



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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.