

Curricular Unit Sheet

Degree in Law – 2024/2025

Course

Environmental Law (1st semester)

Responsible Academic staff

Carla Amado Gomes – Lecture class, in Portuguese (2h/week)
Heloísa Oliveira – Erasmus Class 1, in English (2h/week)
Hong Cheng Leong – Erasmus Classes 2 & 3, in English (2h/week per class)

Teaching objectives (knowledge, skills and competences to be developed by students)

- Developing knowledge on the object, fundamental principles, and specificity of environmental law as a legal field
- Understanding the structure of environmental law and the set of legal instruments at hand
- Performing a critical analysis of the key implementation problems and areas of uncertainty and normative conflict
- Critical reasoning, oral and written expression, collaborative skills

Content

1. Introduction: the necessity of environmental protection
2. Environmental law as an autonomous branch of legal science:
 - 2.1. Object, characteristics, and structure
 - 2.2. Distinction and interactions with other branches of law
 - 2.3. Principles
 - 2.4. Concepts of environmental rights
3. International public law perspectives
 - 3.1. Actors
 - 3.2. Sources
 - 3.3. Challenges
 - 3.4. Overview of some treaties:
 - a) United Nations Framework Convention on Climate Change
 - b) Convention on Biological Diversity
 - c) Biodiversity Beyond National Jurisdiction Treaty
 - d) Basel Convention on the Control of Transboundary Movements of Hazardous Wastes
 - e) Stockholm Convention on Persistent Organic Pollutants
 - f) Aarhus Convention

3.5. Human rights law and environmental protection

4. Constitucional law perspectives
 - 4.1. Environmental constitutionalism
 - 4.2. State's responsibility in environmental protection: the roles of the legislative, administrative and judicial powers in environmental protection
5. Administrative law perspectives: an overview
 - 5.1. Europeanization
 - 5.2. Administrative procedures and environmental administrative acts
6. Environmental regulation
 - 6.1. Problems of command and control
 - 6.2. Alternatives
7. Ecological damage reparation
 - 7.1. Evolution
 - 7.2. Regimes
 - 7.3. Challenges
8. Climate change litigation: a few legal problems

Demonstration of the coherence of the syllabus contents with the objectives of the course

The definition of these contents, within the vast topics encompassed in international, EU and domestic environmental law, aims to provide students with an introductory overview and general knowledge on environmental law, its basic rules and structure.

Teaching methodologies/Evaluation

Classes will include critical analysis of texts, case-law, and resolution of problems.

Student participation is encouraged. For that purpose, specific readings will be indicated for each class. Discussion and critical analysis of problems will be promoted in small groups of students and then discussed with the entire class. Throughout the semester, students will have the opportunity to give presentations in class.

Evaluation comprises the following features:

- Participation in class;
- Oral presentation (in groups) during the semester;
- Submission (at the end of the semester) of a portfolio of works developed throughout the semester,

Students who obtain a grade equal to or higher than 10 points are approved. Students who do not obtain such grade are admitted to a written exam.

Demonstration of the coherence of the methods with the learning goals of the course

The teaching method enables students to acquire and consolidate theoretical and practical knowledge about structuring aspects of environmental law.

Collaborative work and oral presentation contribute to the development of relevant skills in problem solving.

Main bibliography

- CARLA AMADO GOMES, *Introdução ao Direito do Ambiente*, 5.^a ed., Lisboa: AAFDL, 2022.
- CARLA AMADO GOMES/ HELOÍSA OLIVEIRA (Eds.), *Tratado de Direito do Ambiente*, vol. I – *Parte geral*, Lisboa: CIDP/ICJP, 2021.
- E. ORTZ., “A reflexive model of environmental regulation”, in *Business Ethics Quarterly*, 1995, V (4), Cambridge, pp. 779-794.
- HELOÍSA OLIVEIRA,
 - “Circular economy: from economic concept to legal means for sustainable development”, *e-Pública*, 2(7), 2020, pp. 73-93.
 - “International representation of environmental interests”, *Ordem Jurídica Global do século XXI - sujeitos e atores no palco internacional*, Lisboa: AAFDL, 2020, pp. 391-419;
 - “Right to Access to Environmental Information”, in *Max Planck Encyclopedia of Comparative Constitutional Law*, Oxford University Press, 2020.
 - “Human rights law and environmental protection”, Lisbon Public Law Working Paper Series No 2022-01, available at SSRN.
- L. KRÄMER/E. ORLANDO, *Principles of environmental law*, VI, Edward Elgar Publishing, 2018.
- M. FITZMAURICE, *Contemporary issues in international environmental law*, Chentelham: Edward Elgar Publishing, 2009.
- M. PEETERS and M. ELIANTONIO, eds. *Research Handbook on EU Environmental Law*, Cheltenham/ Norhampton: Edward Elgar Publishing, 2020.
- N. GUNNINGHAM, “Environmental law, regulation and governance: shifting architectures”, in *Journal of Environmental Law*, 2009, XXI (2), Oxford, pp. 179-212.
- P. SANDS, et al. *Principles of International Environmental law*, 4.^a ed., Cambridge: Cambridge University Press, 2019.