

Environmental Law

Academic Year: (2023 / 2024)

Review date: 01-02-2024

Department assigned to the subject: Public State Law Department

Coordinating teacher: HERNANDEZ SAN JUAN, ISABEL

Type: Electives ECTS Credits : 3.0

Year : Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Basics of Administrative Law

The organization and activity of public administration.

OBJECTIVES

1. To get familiar with the most important environmental problems, and with the legal instruments and techniques that try to solve them.
- 2.- To identify and to understand the sources and the structure of Spanish Environmental Law.
3. To find, to interpret and to apply the environmental principles and the most important pieces of environmental legislation at national and regional level.

DESCRIPTION OF CONTENTS: PROGRAMME

Unit 1.- Introduction to Spanish Environmental Law: concept, sources and principles..

Unit 2.- The structure of Spanish Environmental law. Evolution and constitutional foundations.
Allocation of powers. Administrative organisation. Legal instruments and techniques most frequent in Spanish Environmental Law.

Unit 3.- The "horizontal" instruments of environmental protection: environmental impact assessment; citizens rights in environmental matters; liability for environmental damage; IPPC.

Unit 4.- The protection of waters. Legal regime of waters as an ecological good. Planning and management of water resources. Environmental quality for waters and the fight against pollution: regulation and permits for discharges

Unit 5.- The protection of air. Atmospheric pollution; most important problems in the field. Regulatory framework and key legal rules.
The protection of the air: environmental quality standards and emissions standards.
Plans, permits and sanctions. Special focus on climate change

Unit 6.- The management of waste. The concept of waste. Legal regime. Allocation of powers in the matter. Planning and management of waste. Administrative sanctions.

Unit 7.- The protection of nature. European, national and regional legislation in the matter. Protection of species of flora and fauna. Protecting natural areas: most important tools and instruments..

LEARNING ACTIVITIES AND METHODOLOGY

The learning process is based on a practice-oriented education. Therefore, regular lectures will be supplemented with in-class analysis and discussion of cases and materials, which will facilitate the understanding and application of the legal concepts. Therefore, the teaching activities are divided into "lecture type" sessions (in large group) and case-oriented sessions (in small groups). The activities carried out in small groups is called continuous assessment (evaluación continua)

1. In the lecturing sessions, the professor will present the general concepts and ideas, the main tools and instruments for the protection of the environment.

2. Case-oriented sessions will provide a practical approach to the different topics, through the analysis and discussion of real cases or selected reading materials. In the small groups, the curricular activities might also include "multiple choice" tests or other types of exams, covering a part of the course program. Those activities will be duly announced by the professor in the "Aula Global" electronic website of the course.

ASSESSMENT SYSTEM

The final grade of the course will be the result of adding up two partial grades: on the one hand, the grade obtained in the activities carried out in the small groups ("continuing evaluation" system). This partial grade will represent 40% of the final grade. On the other hand, the grade obtained in the final exam, which will amount to 60% of the final, overall grade.

The professor may require to get a minimum score in the final exam in order to receive an overall grade in the course (this should be indicated on the ¿Aula Global¿ webpage at the beginning of the term). In this case, the final grade will be obtained according to the Law School Faculty Board Resolution of December 16th 2014, available on <http://e-archivo.uc3m.es/handle/10016/21141#preview>.

Missed activities or assignments will be graded with ¿0¿. The final grade of the course might be adjusted by the professor (in one point as a maximum), according to the attendance and participation of the student in the different course activities.

The students who do not complete the final examination, either in the regular or in the extraordinary call, will receive a ¿missed¿ or ¿absent¿ grade in their transcripts.

% end-of-term-examination:	60
% of continuous assessment (assignments, laboratory, practicals...):	40

BASIC BIBLIOGRAPHY

- Esteve Pardo, José Derecho del medio ambiente, Marcial Pons (5ª ed.), 2022
- L. PAREJO ALFONSO y A.M. MORENO MOLINA Lecciones de Derecho Administrativo: orden económico y sectores de referencia (cap 4), Tirant lo blanch, 2015
- MORENO MOLINA, Ángel Manuel Derecho comunitario del medio ambiente, Marcial Pons, 2006
- MORENO MOLINA, Ángel Manuel El Derecho del Cambio Climático: retos, instrumentos y litigios, Tirant lo Blanch, 2023

ADDITIONAL BIBLIOGRAPHY

- VVAA (varios autores) (Editores: Yann Aguila, Carlos de Miguel, Teresa Parejo y Víctor Tafur) Principios de derecho ambiental y agenda 2030, Tirant lo Blanch, 2019
- Ángel Manuel Moreno Molina Urbanismo y Medio Ambiente, Tirant lo Blanch, 2014

BASIC ELECTRONIC RESOURCES

- Gobierno de España. Punto de acceso general . Organigramas, estructuras y directorios: https://administracion.gob.es/pag_Home/contenidoEstaticoJava/BuscadorQuienEsQuien.html
- MINISTERIO PARA LA TRANSICIÓN ECOLÓGICA Y EL RETO DEMOGRÁFICO . MINISTERIO PARA LA TRANSICIÓN ECOLÓGICA Y EL RETO DEMOGRÁFICO: <https://www.miteco.gob.es/>
- Unión Europea . Medio ambiente. Unión Europea: https://european-union.europa.eu/priorities-and-actions/actions-topic/environment_es