

SUBJECT DETAILS

| Data on the subject | |
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| Name | EU Environmental Law (in the Business Context) |
| Degree | Master in International and European Business Law |
| Year | 2018-19 |
| Nature | Spring |
| ECTS Credits | 1 credit |
| Department | Law |
| Area | Law |
| Teaching staff | Jessica Owley |

| Data on the teaching staff | |
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| Teaching staff | Jessica Owley |
| e-mail | jowley@comillas.edu or jol@buffalo.edu |
| Telephone | +1 510-798-7070 |
| Office | |
| Tutoring Schedule | Upon request from students |

SPECIFIC DATA ON THE SUBJECT

| Pre-requisites |
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| None |
| Contribution of the degree to the professional profile |
| Students will gain a basic understanding of environmental law, with a focus on how businesses interact with such laws. Students will gain a familiarity with international treaties and EU law with supplemental information on approaches to environmental protection in common law countries. Through in-class activities they will gain skills in public speaking and representation of client interests. |

COMPETENCES TO BE IMPROVED

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| Generic Competences |
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| Instrumental |
| GC 2: Ability to communicate orally and in writing. GC 4: Problem solving skills |

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| GC 6: Team work skills |
| Interpersonal |
| Systemic |
| GC 7: Ability to work in an international context |
| Specific competences of the subject |
| Conceptual (knowing) |
| SC 2 - Mastering the rules of EU law and international law that are relevant to international business development. |
| Professional (knowing how) |
| SC 14 – Developing practical skills, especially in negotiation of contracts and complex disputes, and developing legal audit or due diligence abilities. |

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| What skills you'll gain from this class: |
| <p>Students will learn about the basic structure of environmental law in the EU, including key players, terms, and judicial systems.</p> <p>Students will gain an understanding of the major international treaties that govern the environmental laws that nearly all businesses must interact with including treaties on international waste, impact assessment, and climate change.</p> <p>Students will learn how to read environmental impact assessments and the role of experts in environmental law and policy.</p> <p>Students will develop a familiarity with ecological systems and better understand the interactions amongst differing sources of pollution (e.g., water, air, hazardous waste) and the laws that govern pollutants.</p> <p>Students will gain exposure to environmental permits and how to challenge them.</p> <p>Students will be able to explain the role businesses can play in environmental protection and describe the basic elements of sustainable development. Additionally, they will be able to critique and assess the roles businesses and private actors have played and can play in increasing human wellbeing.</p> |

THEMATIC AREA AND CONTENT

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| AREA 1: Environmental and Natural Resources Law Overview |
| Theme 1: Introduction to Environmental Law |
| <ol style="list-style-type: none"> 1.1. Private law foundations of environmental law (property and contract law) 1.2. Public and Administrative Law foundations of environmental law (regulatory state) |

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| 1.3. Key Terms and Vocabulary |
| Theme 2: Legal Institutions |
| 2.1 International Environmental Treaties |
| 2.2 EU Environmental Law Structure |
| 2.3 Examples from member states (Spain, the Netherlands, et al.) |
| Theme 3: Foundational Principles of Environmental Law |
| 3.1 Precautionary Principle |
| 3.2 Market-Based Approaches (including externalities and market failures) |
| 3.3 Polluter Pays Principle |
| 3.4 Human Rights / Constitutional Rights to a Healthy Environment |
| AREA 2: Pollution Control |
| Theme 1: Major Environmental Laws |
| 1.1 Water Pollution |
| 1.2 Air Pollution |
| 1.3 Hazardous Waste |
| 1.4 Transboundary Pollution Disputes |
| Theme 2: Permit Processes |
| 2.1 Pollution Permits |
| 2.2 Extraction and Use Permits |
| AREA 3: Environmental Impact Assessment |
| Theme 1. EU Convention and Directive on Environmental Impact Assessments |
| 1.1 The 1991 UNECE Espoo Convention |
| 1.2 Transboundary assessment including U.S. and Canadian examples. |
| 1.3 Public Role in Environmental Assessment Processes |
| AREA 4: Climate Change and Sustainability |
| Theme 1. Sustainability and Sustainable Development |
| 1.1. The Development of Sustainable Development from 1987 to present |
| 1.2. Brundtland Commission on Sustainable Development |
| 1.4. Sustainable Development to Sustainability |
| Theme 2. Climate Change |
| 2.1 U.N. Framework Convention on Climate Change |
| 2.2 Kyoto Protocol and Paris Agreement |
| 2.3 Climate Change Adaptation and Environmental Justice |

BIBLIOGRAPHY AND RESOURCES

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| Basic Bibliography |
| Text books |
| Suzanne Kingston, Veerle Heyvaert, and Aleksandra Cavoski, <i>European Environmental Law</i> (Cambridge 2017) will form the backbone for this course, but we will only be reading a few chapters and in some cases only excerpts from chapters. |
| Chapters of books |
| We will supplement the main text with book chapters from Daniel Farber & Cinnamon Carlarne, <i>Climate Change Law</i> (West 2018), <i>The Oxford Handbook of International Environmental Law</i> (Oxford University Press 2007), James Salzman & Barton H. Thompson, Jr., <i>Environmental Law and Policy</i> (West 2014), and <i>Corporate Accountability in International Environmental Law</i> (Oxford University Press 2009). |
| Websites |
| Climate change treaties, protocols, and agreements can be found on the UNFCCC website: https://unfccc.int/ |
| Other material |
| EU legal instruments, case law, newspaper clips and other material could be handed out before / during classes as complementary material, or as background information to be used by the students for the practical components of the course |

TEACHING METHODOLOGY

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| General methodological aspects of the subject |
| Contact hours methodology: Activities |
| <p>My teaching methodology encompasses both an interactive lecture-based format (sometimes called the Socratic method) and a problem-based approach to environmental law. The modified-Socratic method involves both presenting legal information and statutes and delving deeper into legal issues through dialogues with students. This means that I will ask students questions throughout the class and expect all students to be prepared to engage in a discussion of the issues before us. To do so adequately, students must complete course readings. However, our discussion will not be one of merely repeating elements from the readings but instead we will explore together the deeper issues behind environmental policy and the role different actors can play.</p> <p>The problem-based approach involves using case studies and examples to see how the law works in applied settings. This approach helps students understand how law functions off the books and begins to help them think about client representation and ethical responsibilities as both future lawyers and policymakers.</p> |
| Independent study methodology: Activities |
| <p>In preparation for each course, students should review course materials carefully. When reviewing laws, judicial opinions, or other legal materials, I recommend careful reading and taking notes to aid in understanding the materials.</p> <p>Alongside each week's reading materials, I provide a list of questions for student consultation. These questions are not an assignment to be turned in but instead represent the main ideas of the</p> |

assignments. Students who are able to answer the questions (or at least discuss them) and understand the key terms identified will be well-prepared for class.

To prepare for class activities, students can look over the basic elements of the activity and the grading rubric before class each day. It will not be possible to complete the activities before class because key facts and roles will be distributed during class.

To prepare for the final take-home exam. I recommend that the students outline the general concepts and laws from the class. Revisiting the class-specific question and terms sheets should assist in that endeavour.

I am also a resource for students and encourage students to both meet with me outside of class and email me questions about the course materials at any time.

| SUMMARY OF STUDENT WORK HOURS | | | |
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| Activity | Number of class hours | Number of independent study hours | Total number of hours |
| Lecture | 6.5 | 8 | 14.5 |
| Practical class | | | |
| Debate | 1 | | 1 |
| In class presentation | 0.5 | | .5 |
| Individual work | 1 | 2 | 3 |
| Work in collaboration | 1 | 2 | 3 |
| Evaluation: exam | | 3 | 3 |
| Evaluation: exam review | | | |
| Others | | | |
| ECTS Credits: | 10 | 15 | 25 |

GRADE EVALUATION AND CRITERIA

| Evaluation Activities | Generic Competences | Indicators | Evaluation Weighting |
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| Individual work from class activities | GC 2: Ability to communicate orally and in writing. GC 4: Problem solving skills | Two in-class exercises will involve students reviewing circulated materials, composing a legal argument based on the client they will be assigned, and presenting their arguments to the class. Grading for these assignments is based on a demonstration that students have reviewed the course materials and understand the central concepts. I also consider their ability to formulate legal arguments while working under a time constraint. Grades will be based 80% on the submitted work product and 20% on the presentations of thesis and arguments during class session. | 20% (10% per exercise) |
| Collaborative work from class activities | GC 6: Team work skills | Two in-class exercises will involve students working in a large group as part of a role play exercise where the must represent the view of their assigned client while working with co-counsel. Students will submit one work product (80% of the grade) that will be produced collaboratively with their team. It will outline their client's position and legal argument. Each team will receive one group grade on this and the grade will be based on their ability to understand their client's position in the context of the environmental law at issue. They must demonstrate an understanding of the environmental law, an ability to apply the law to the circumstances before them, and skill at conveying the law in a coherent and persuasive fashion. Students will also participate in the role play activity in class and 20% of the grade will based on each individual's ability to express themselves in the context of the legal issue dispute before them. | 20% (10% per exercise) |
| Evaluation: exam (final) | SC 2 - Mastering the rules of EU law and international law that ae relevant to international business development. | Ability to identify environmental issues from a problem-based prompt, skill at understanding the legal issues, and conveying them in a coherent well-written fashion. Demonstrated understanding of client representation in the environmental law context. | 50% |

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| | SC 14 – Developing practical skills, especially in negotiation of contracts and complex disputes, and developing legal audit or due diligence abilities. | | |
| Attendance | | Present, Not engaged in outside activities while in class (e.g., using phone, surfing the internet, preparing for other courses) | 10% |