UNIVERSITÀ
DEGLI STUDI DI MILANO-BICOCCA

COURSE SYLLABUS

Environmental Law

2223-1-F7501Q037

Learning objectives

"*It doesn't matter what we cover, it matters what you discover. That's education.*" (Noam Chomsky)

The aim of the course is to provide a basic knowledge of the principles, sources, tools, actors and procedures of Environmental Law in the light of international, European, and national regulation.

Specific emphasis will be given to the topic of sustainable development – considered not only from a strictly environmental perspective, according to the approach expressed by the UN 2030 Agenda – which will be the reading key according to which students will be asked to reflect on current environmental issues (and, even before, social and economic ones).

In synthesis, the "expected objective" of the course is to provide students with a knowledge of the main principles and tools of Environmental Law that allows them to perceive and understand the role of legal regulation in the protection (present and future) of the environment. The further "desired objective" is to arouse attention and interest in the issues of environmental protection and sustainable development, demonstrating the importance of legal instruments – including those available to civil society, of which students are components – for solving these issues, as well as stimulate students' critical thinking, as well as their aptitude for fruitful collaboration with colleagues.

Contents

The course will begin with a reconstruction of the "historical path" made by the environment for the acquisition of its legal significance, starting from the international level, and then descending to European and Italian ones. The push factors that have determined the acquisition of this significance will be highlighted, starting from the growing social attention to the protection of natural ecosystems to get to its transposition first at the institutional level and then at the regulatory level. Thus, the actors of environmental law – public and private – will be introduced and then the main legal tools operating to protect the environment will be analysed (both those more traditionally attributable

to Public Environmental Law, such as EIA, SEA and AIA, and further "alternative" instruments, in which the protection of the environment passes through the activism of the Third sector and civil society, or the implementation of appropriate correctives to market dynamics). The objective of the general part of the course, therefore, is to provide students with an answer to the 5 W's of environmental law: 1) What is meant by Environmental Law? 2) When was Environmental Law born and developed? 3) Where – i.e. in which legal systems – has Environmental Law developed? 4) Who are the main actors of Environmental Law; 5) Why Environmental Law – i.e. what is its purpose and, consequently, what are the instruments that allow its pursuit?

Once the general part of the course will be over, the specific themes along which this branch of law is articulated will be explored, verifying the methods of protection of the different environmental factors (water, air, soil, extra-atmospheric space, etc.) and deepening the instruments aimed at mitigating the impact of human activities on the environment (from the discipline of waste management, to that concerning the production and consumption of food or electricity).

Detailed program

First part
1 Course introduction and general information; the concept of sustainable development
2 How environment is considered by law and the birth of Environmental Law
3 International Environmental Law
4 European Environmental Law
5 Italian Environmental Law
6 The principle of subsidiarity
7 The role of environmental activism and climate litigations
8 The administrative proceedings
9 The EIA (Environmental Impact Assessment)
10 The SEE (Strategic Environmental Assessment)
11 The IEA (Integrated Environmental Authorization)
12 Contaminated sites remediation
13 Criminal Environmental Law: an overview
14 Circular Economy and environmental protection through the market
15 Corporate Social Responsibility
16 Test

Second part
17 Air pollution and climate change
18 Water and soil protection
19 The waste regulation
20 Renewable energy sources
21 The protection of biodiversity
22 Food and environment
23 Climate Migrants' legal protection
24 The protection of the extra-atmospheric environment

Prerequisites

Basic knowledge of law principles.

More specifically, I suggest a minimum knowledge of the following topics: 1) organization of the state and division

of powers; 2) relations between national states and the European system; 3) role of the regions within the Italian legal system; 4) notion of public administration and its role in the Italian legal system; 5) sources of national, regional and European regulations; 6) administrative acts.

These topics can be reviewed in any Public Law textbook, otherwise the following texts are recommended:

- T. GROPPI e A. SIMONICINI, *Introduzione allo studio del diritto pubblico e delle sue fonti*, Giappichelli, Torino, 2012 or newer, except pp. 113-252;
- R. BIN e G. PITRUZZELLA, *Diritto pubblico*, Giappichelli, Torino, 2014 or newer, introduction, pp. 3-24 e pp. 237-415;

1. A. BARBERA e C. FUSARO, *Corso di diritto pubblico*, il Mulino, Bologna, 2010 or newer, chapters from 1 to 5, 12, 13 e 14.

Teaching methods

The first part of the course will take place throughout frontal teaching. However, this "classic" approach will be tempered by incentives to active participation of students through the provision, on a weekly basis, of ad hoc materials (scientific essays and/or newspaper articles, case law, multimedia contents, etc..) whose consultation will not be mandatory, but it will be left to the will of the students. This is in order to promote, at the beginning of the first lesson of each week, a teacher-student and student-student debate that anticipates some of the aspects discussed in the following lessons.

For the second part of the course, the use of the learning-by-doing system method will be encouraged: in case of positive feedback from the students, they will be divided into groups in charge of exposing specific topics. The group activity will be assisted by the teacher, who will provide guidelines and essential material for the conduct of the lesson, while leaving freedom to the members of the groups to set up the lecture enriching it with insights and interactive spaces defined according to their specific interests.

The course will be taught in Italian.

Assessment methods

Oral exam on the topics discussed throughout the lectures (or learned through the study of the manual, for those not attending).

For the attending students only, there will be the possibility to do an intermediate written test and to receive a further evaluation on the basis of the exposition, in group, of one of the topics of the second part of the course.

Textbooks and Reading Materials

For all the students: G. ROSSI, *Diritto dell'ambiente*, Torino, Giappichelli, last available edition.

For the attending students only: materials made available on the e-Learning platform.

Sustainable Development Goals

NO POVERTY | ZERO HUNGER | GOOD HEALTH AND WELL-BEING | CLEAN WATER AND SANITATION | AFFORDABLE AND CLEAN ENERGY | INDUSTRY, INNOVATION AND INFRASTRUCTURE | REDUCED INEQUALITIES | SUSTAINABLE CITIES AND COMMUNITIES | RESPONSIBLE CONSUMPTION AND PRODUCTION | CLIMATE ACTION | LIFE BELOW WATER | LIFE ON LAND