

**COURSE DATA****Data Subject**

<b>Code</b>	33089
<b>Name</b>	Environmental law and public administration
<b>Cycle</b>	Grade
<b>ECTS Credits</b>	6.0
<b>Academic year</b>	2021 - 2022

**Study (s)**

<b>Degree</b>	<b>Center</b>	<b>Acad. Period</b>	<b>year</b>
1104 - Degree in Environmental Sciences	Faculty of Biological Sciences	2	First term

**Subject-matter**

<b>Degree</b>	<b>Subject-matter</b>	<b>Character</b>
1104 - Degree in Environmental Sciences	138 - Environmental law and public administration	Basic Training

**Coordination**

<b>Name</b>	<b>Department</b>
BALLESTER MASIA, FRANCISCO	45 - Administrative and Procedural Law

**SUMMARY**

*Environmental Law and Public Administration* is a 6 ECTS compulsory subject taught in the second year of the degree in Environmental Sciences. It offers students an approach to Spanish Environmental Law, taking into account the European Union directives. It analyzes the main environmental legal techniques, both integrated (environmental impact assessment, integrated control industrial emissions, etc..) such sectoral (air pollution, water, waste, etc..). This course provides the skills to handle, apply and interpret environmental legislation. Its focused on the legal regime of the main instruments for environmental protection. The knowledge and skills developed in this course are essential to any degree in environmental sciences and serve as other subjects as environmental impact assessment, strategic assessment, prevention of industrial pollution, land management, etc



## PREVIOUS KNOWLEDGE

### Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

### Other requirements

No restrictions

## COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

### 1104 - Degree in Environmental Sciences

- Comprensión y conocimiento de las instituciones fundamentales del derecho del medioambiental, de su ordenamiento y de sus principales técnicas de protección.
- Capacidad para manejar, analizar e interpretar los textos normativos así como la jurisprudencia en materia ambiental.

## LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

- Understanding and interpretation of legal texts environmental main character European, national, regional and local levels and the relevant case law.
- Knowledge of the main environmental protection legal techniques and skills of the various public matter.
- Management of environmental legislation and legal databases.
- Research work in group elaboration and class exposition

## DESCRIPTION OF CONTENTS

### 1. Environmental Law Bases (historical evolution, sources and principles) (historical evolution, sources and principles)

1. Introduction to Administrative Law 2. The concept of environmental law. Historical evolution, European Green Pact. European Climate Law. Climate Change and Ecological Transition Law;3)Sources of environmental law. 4) Principles: prevention, reduction at source; "polluter pays"; precaution, integration; sustainable development. 5) EU environmental law. 6). Environmental protection in the Spanish Constitution: A) Article 45 CE: Meaning and Scope. B) The distribution of environmental public powers: a) State Administration; b) Comunidades Autónomas; c) Municipalities



## **2. Environmental Law Techniques: types**

1.-Command and control techniques: A) Regulation; B) Planning, C) Autorizations and licenses; D) Communications and account declarations; E) Monitoring and inspection, F) Administrative sanctions. Brief reference to criminal penalties: environmental crime; G) Publics Goods; 2. - Economic or market instruments: A) Information and public participation in environmental protection. Ley 27/2006, of access to information, public participation and access to justice in environmental matters; B) Environmental Taxes; C) Promotion techniques. Environmental Grants and Subsidies. Compatibility with the "polluter pays principle".

## **3. Environmental impact Assessment: Planning and Projects**

1. Origin and characteristics. 2) Legislation; 3) Scope; 4) EIA of projects: A) Procedure. B) Environmental Impact Statement; C) Judicial conflicts; 5. Strategic EIA

## **4. Industrial emissions: integrated and prevention pollution control**

1) Acts; 2) Scope; 3) Techniques: A) Integrated environmental authorization; B) Inspections; C) Sanctions; d) Emission inventories, 4) The "best available techniques", 5) Procedural ; 6) The Valencian Act 6/2014

## **5. Environmental Liability**

1)Legislation, 2) Background 3) The failure of the tort liability system; 4) The system established by 26/2007 Act: A) Features; B) Concept of environmental damage; C) Forced to prevention and environmental remediation , D) Activities affected.

## **6. Sectoral Environmental Law I: Natural Protected Areas and Biodiversity**

1)Environmental European Union Directives: ZEPAS y LICs. 2000 Natura Network; 2) Spanish legislation. Ley 42/2007 (Natural Heritage and biodiversity Act: a) Basic Figures: Parks, Nature Reserves, Natural Monuments and Protected Landscapes b) Management tools: Guidelines and Management Plans Natural Resources c) Instruments management: Using the Master Plans and Management c) Protection of biodiversity.

## **7. Sectoral Environmental Law II**

1) Water Legislation, 2) Air pollution legislation: A) Air Protection; B) CO2 emissions trading, 3) waste legislation; 4) Noise pollution legislation, 5) Coastal protection: Spanish coastal Act and coastal management plans; 6) Protection of Marine Environment, 7) Chemicals, 8) Renewables; 9) Geological storage of carbon dioxide emissions

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theory classes	45,00	100
Computer classroom practice	6,00	100
Classroom practices	6,00	100
Tutorials	3,00	100
Development of group work	26,00	0
Study and independent work	30,00	0
Readings supplementary material	4,00	0
Preparation of evaluation activities	20,00	0
Preparing lectures	10,00	0
<b>TOTAL</b>	<b>150,00</b>	

**TEACHING METHODOLOGY**

The development of the course is structured as follows:

- Theory Sessions: Master lessons will be taught, with the participation of students.
- Practice Sessions, Performance and oral presentation of a work, consisting of the legal analysis of one environmental protection tool of the program subject .

**Minimum and illustrative rules to carry out the research work**

\* The research has an obligatory character and a weight the 40% for the final mark. To pass the subject, it's necessary to pass the theory part and the research work.

\*If the theme is suggested by the students, it should be accepted by the teacher, if it is proposed by the teacher the students should adhere to it. The themes will be related to the UT 6 and 7 and the teacher's guide.

\*The research Works should be descriptive and comprehensive to be presented to the rest of the classmates.

\*The research work should be presented in power point (2003 version), it will not exceed more than 10 slides, despite the fact the teacher accepts an extension.

\*When working with legal standards and resolutions, will have to explain and summarize, it couldn't be only used the text reproduction.

\*When working with images they should be introduced in power point.



\*Is advisable to use colored backgrounds to highlight text

\*The exhibition of research work shall not last more than 15 minutes. All the group members should participate in the exhibition. Once exposed, each research work will be published in the virtual classroom, and will count as theory for the final exam.

\*The research work must be send by email to the teacher four days before the exhibition so that it can be validated (this is an indispensable requirement). The emailing time will be from 8 till 17.

\*The research work can't be individual. Groups would not exceed 4 members.

\*Students will mail to let know group composition and the theme. If it is accepted by the teacher, there will be an in-person tutorial, where all of the members should come and will suggest a diagram of the theme chosen, that would be validated by the teacher, thereafter will be able to start with the activities aimed for the exposition. During the development of the research work is must have at least 2 in-person tutorials with the teacher and enquiry by mail.

In the second summons the work will be the proposed one for the teacher, without the phase of exhibition.

- Tutorials: Students come to them in small groups, and will be one hour. Serve to guide students, determine the operation of the course and resolve specific questions about jobs. Online tutorials will be carried out.

- Computer classes: there would be taught a total of nine hours in the computer lab, to initiate with the use of legal database.

## EVALUATION

The evaluation of the subject will be realized of the following form:

- Final exam: 60%
- Work and oral presentation: 40% .

To exceed this subject it will be necessary to pass both parts .

To request the advance of summons of this subject the pupil must bear in mind that it will have to have realized presented the work that is regulated in the present Academic Guide.

## REFERENCES



### Basic

- LOZANO CUTANDA, Blanca: Derecho Ambiental Administrativo, editorial La Ley.
- ESTEVE PARDO, José: Derecho del medio ambiente, editorial Marcial Pons.
- BETANCOR, Andrés: Instituciones de Derecho Ambiental, La Ley.
- PAREJO ALFONSO, Luciano (dir): Lecciones de Derecho Administrativo. Orden económico y sectores de referencia, Tirant lo Blanc.
- I. LASAGABASTER, A. GARCÍA URETA E I. LAZCANO, Derecho Ambiental, Lete.

### Additional

- REVUELTA PÉREZ, Inmaculada, El control integrado de la contaminación en el Derecho español, Marcial Pons (2003).
- VALENCIA MARTIN, Germán (2010), LA RESPONSABILIDAD MEDIOAMBIENTAL, Revista General de Derecho Administrativo nº 25.
- LOZANO, Blanca y otros; Evaluaciones de impacto ambiental y autorización ambiental integrada, La Ley (2012).
- MESTRE DELGADO, Juan Francisco, Protección del medio ambiente acústico, Diccionario de Derecho Administrativo, editorial Iustel.
- M. C. ALONSO GARCÍA, El régimen jurídico de la contaminación atmosférica y acústica
- REVUELTA PÉREZ, Inmaculada, La revalorización de las mejores técnicas disponibles en la Directiva de emisiones industriales. Un estándar ambiental mínimo en la Unión, Revista Aranzadi de Derecho Ambiental nº 23, (2012).

## ADDENDUM COVID-19

**This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council**

### 1. Contenidos

Se mantienen los contenidos inicialmente recogidos en la guía docente

### 2. Volumen de trabajo y planificación temporal de la docencia

Mantenimiento del peso de las distintas actividades que suman las horas de dedicación en créditos ECTS marcadas en la guía docente original.

### 3. Metodología docente

Subida de materiales al Aula virtual

Videoconferencia síncrona BBC



Desarrollo de proyectos

Tutorías mediante videoconferencia

Las clases de teoría se realizarán presencialmente en el Aula (de acuerdo con los requisitos que se establezcan en cada momento), y mediante videoconferencia síncrona.

Las practicas se realizarán mediante tutorías grupales mediante AV. Si fuera posible se realizarían en Aula.

#### **4. Evaluación**

Teoria: examen escrito.

Practicas: trabajo investigacion de carácter grupal, remision en pptx, video o mediante av (bbc).

#### **5. Bibliografía**

La bibliografía recomendada se mantiene pues es accesible