
Environmental Law and Jurisprudence

Professor: Lela Mélon

Office hours: upon request

Course Type: Compulsory

Credits: 3 ECTS

Term: Second

Course Description

The course of Environmental Law and Jurisprudence aims to not only present the state-of-the-art of environmental law globally and in the European Union, but also at outlining its historical development and its interrelation with business and its practices. This course thereby explores domestic environmental law through the lens of emerging environmental debates and controversies, presenting international agreements and the need for a certain amount of diplomacy for practicing environmental law. The course provides an overview of significant EU environmental legislation (as collection of laws that governs how humans interact with their environment) on wide range of topics: air quality, water quality, waste management, contaminant clean-up, chemical safety, hunting and fishing and natural resource use in general. It equips the students with the knowledge on searching and understanding different legal and policy instruments as regards environmental preservation at the EU level and the capacity to use the existing and upcoming instruments in the context of creation of corporate strategy.

Objectives (resultados de aprendizaje) and competences

This course aims to equip students with a working knowledge of the most significant international and EU environmental laws and prepare them to use the rules and the existing jurisprudence in the framework of corporate management. These goals incorporate the following learning outcomes:

1. Understanding and the capacity to explain the role of law, policy and institutions in the conservation and management of natural resources as well as pollution control.
2. Introducing the laws and policies at the EU and international level relation to environment
3. Equipping the students with the skills needed for interpreting laws, policies and judicial decisions to be able to use them in the framework of business management.

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4. Understanding the roles and differing characteristics of sources of law: international law, EU law, legislation, administrative regulations, and judicial interpretation of legislation, regulations and constitutions.
5. Understanding the processes through which law is made and change and how those processes differ from one source of law to another.
6. The capacity to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes.
7. The capacity to identify legal issues in facts and applying rules and policy to facts.
8. Construct arguments and identify flaws in an argument.

Methodology

The course is divided in eight 3-hour sessions, which will combine *ex catedra* teaching with problem-based learning, which will entail vivid two-way discussions based on case law and practical cases. Active preparation of students is required for these classes as cases will need to be read in advance. The class entails individual as well as group work. While the class entails knowing and applying the law, the individual work and work in groups entails the application of law on particular business cases.

Evaluation criteria

Apart from lectures, course activities therefore imply course and reading assignments, as well as active participation by students. The evaluation of the course will combine continuous assessment and a final examination according to the following criteria:

- Midterm (session 4): 40%
- Course assignments: 20%
- Final exam: 40%

It is possible to obtain additional 10% from outstanding active in-class participation.

Contents

Week 1 and 2 – Introduction to Environmental Law

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In the first two weeks we will be discovering the notion of environmental law, its historical development at the international and then at the EU level, identifying climate change concerns as a driver of changes in environmental law on all levels:

- Introduction to environmental law and policy: international and EU sources
- Historical development of environmental law
- Climate change as the driver of change in environmental law

Week 3 and 4 – Corporate environment: sustainability and climate change

The third and fourth week we will be diving deep into the intersection between corporations and environmental law, exploring the notion of sustainability and climate change, unveiling the role of corporations in environmental preservation and the newly enacted laws on the matter at the international and EU level.

- Corporate influence on environment and historical perspective on the interaction between the two
- Defining sustainability and corporate sustainability (SDGs and European approach)
- Defining and fitting the term of circular economy in the framework of sustainability
- The EU Green Deal framework and corporations

Week 5 (midterm) and 6 – The EU framework of environmental law

Outlaying the EU environmental law framework on air quality, water quality, waste management, contaminant clean-up, chemical safety, hunting and fishing and natural resource use in general. Understanding the triple approach to the changes:

- EU Proposal on Corporate Sustainability Due Diligence Directive
- EU Corporate Sustainability Reporting Directive
- Financing the change

Weeks 7 and 8 – a deep dive into corporate environmental obligations

A brief analysis of the following legal instruments:

- EU Proposal on Corporate Sustainability Due Diligence Directive
- EU Corporate Sustainability Reporting Directive
- EU Sustainable Finance Taxonomy
- EU Strategy for Sustainable Products
- EU Strategy for Sustainable Textile

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Analysis of the pertinent legal cases on corporate sustainable behaviour: the Gulf of Mexico, Urgenda, Shell, Dieselgate.

Bio of Professor

Dr. Lela Mélon, a former Marie Curie Research Fellow at the Pompeu Fabra University in Barcelona, and the 2021 Emerging Sustainability Leader Awardee (by World Sustainability Foundation), has a legal and economics background. Currently the Executive Director of the Planetary Wellbeing Institutional Framework at the Pompeu Fabra University and the academic director and a professor of the postgraduate programme Sustainability Transition Management and Climate Emergency at ESCI-UPF, she is specialized in EU law, with a main focus on corporate conduct and sustainability, on which she published the book *Shareholder Primacy and Global Business* (Routledge 2018). She is currently researching policy coherence for sustainability at the EU level, focusing on corporate law policies as well as the challenges of policy and legislative barriers in the existing EU business law framework for sustainable corporate conduct and sustainable outcomes. Besides being active in the academic field, she created and implemented a three-step systemic approach towards sustainability, which entailed the insertion of separate sustainable corporate law course in academic curricula and a simultaneous sustainable revision of the existing and well-established academic curricula in economics and law. Additionally to the abovementioned, Dr. Lela Mélon is a lecturer at the Masters on Planetary Health (carried out jointly by the UPF, UOC and IS Global) in the course of Global and multilevel governance in planetary health; a lecturer at ESSEC Paris in the course Sustainable Finance and Law in Sustainability Management; a lecturer at CEI Barcelona in the course Companies as actors in Sustainable Development; and a lecturer at UPF Masters in Global and European Law in the course Sustainable Business Law, which she developed in the framework of her Marie Curie funded SCOM project.

Reading Materials/ Bibliography/Resources

Books

Andrew Jordan A. and Gravey V. (eds) *Environmental Policy in the EU* (Taylor & Francis 2021).

Fischer et al. *Environmental Law Second Edition* (Oxford University Press 2021)

Legal Acts

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EU Green Deal: Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Green Deal COM/2019/640 final.

EU Proposal on Corporate Sustainability Due Diligence Directive: Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 COM/2022/71 final.

EU Corporate Sustainability Reporting Directive: Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting COM/2021/189 final.

EU Sustainable Finance Taxonomy: Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 OJ L 198.

EU Strategy for Sustainable Products: Proposal for a Regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC 2022/0095 (COD).

EU Strategy for Sustainable and Circular Textiles: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Strategy for Sustainable and Circular Textiles d COM(2022) 141 final.

As the field is fast changing and being modified, the professor will be providing additional materials during the class, making them readily available for discussion in class.