



International and European Environmental Law

Course Syllabus
Summer Semester 2022



I. COURSE DESCRIPTION:

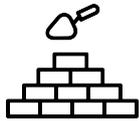
International and European Environmental Law (IEEL) is an introductory course, which aims to provide students with a broad introduction to evolution of international and European environmental law and its main topics (underlying principles and concepts, main actors, sources of law, law-making processes, implementation and enforcement mechanisms). All theoretical topics will be discussed in the context of current environmental problems. We will watch videos, discuss cases and talk about many interesting aspects of environmental law including its connection to human rights. The course includes both in-class and online components (using Moodle). Each class session is supplemented by an e-learning chapter, which provides the opportunity to review the class content before and after the class. The course does not presume any previous knowledge of the law or environmental law therefore, students from other disciplines are welcome.

Environmental law through individual stories



Environmental law will be introduced through lenses of an individual person and his/her story and possibilities to influence the policy, participate in decision-making and make a change not only in their individual case but also for other individuals on local, regional, national or global level.

Developing a foundation



Although the course does not focus on national environmental law, the students will have numerous opportunities to reflect upon dynamic and interconnected relation between environmental rules on international, European and national level. By successfully completing the course, the students will develop a professional vocabulary and solid foundation of knowledge in the field of international and European environmental law to build upon in further studies.

Part of Aurora



The course is part the portfolio of courses offered to the Palacký University students as well as to the students from the Aurora Alliance Partner Universities (more about Aurora Alliance here <https://alliance.aurora-network.global/>). Aurora Alliance was created with the main aim to equip our students (graduates) with such competences to contribute to addressing societal challenges as social entrepreneurs and innovators. The IEEL course reflects this vision not only in its content but also in the course learning outcomes described below.

II. COURSE LECTURER



Veronika Tomoszková

veronika.tomoszkova@upol.cz

Assistant Professor of Environmental Law

Veronika teaches at the Law Faculty of Palacký University since 2003. She specializes on procedural aspects of environmental protection and public participation in environmental protection.

Erasmus courses: International and European Environmental Law, Comparative Administrative Law

III. LEARNING OUTCOMES:

For the IEEL course two sets of learning outcomes apply. There is a set of knowledge-based learning outcomes and a set of competence-based learning outcomes.

The **knowledge-based learning outcomes** are as follows. By successfully completing the IEEL course the students will be able to:

- **understand and explain** based on historical context and underlying principles and concepts the importance of environmental law as a key instrument of protecting the environment on different interconnected levels of governance (international, European, national, regional, local),
- **identify** main actors involved in environmental governance on international and European, **identify and apply** information concerning opportunities for public participation in environmental protection,



- **list** sources of EU environmental law, **identify** a legal basis of an EU environmental directive and by applying relevant provisions of the EU Founding Treaties (TEU and TFEU),
- **identify** the challenges connected with proper implementation and effective enforcement of the environmental law on international and EU level,
- **apply** the knowledge from the course **in solving** a practical case study.

The IEEL course focuses on development of several **competences (competence-based learning outcomes)**:

1. creative thinking: problem solving,
2. civic engagement (public participation): analysing knowledge,
3. life long learning: taking initiative,
4. global learning: raising global self-awareness.

For your better understanding, the table below shows all four selected competences in form of progressive descriptors, which allow us to assess on what level you have mastered each of the competencies. For each of the four competencies there is a certain level that you are expected to meet during the course (that box is highlighted in grey colour). You can always work on yourself and meet higher goals, if you decide so.

Competences ¹	Level 1 →	Level 2 →	Level 3 →	Level 4
1. Creative thinking ² : problem solving	Only a single approach is considered and is used to solve the problem.	Considers and rejects less acceptable approaches to solving a problem.	Having selected from among the alternatives, develops a logical, consistent plan to solve the problem.	Not only develops a logical, consistent plan to solve problem, but recognizes consequences of solution and can articulate reason for choosing solution.
2. Civic engagement ³ : analysis of knowledge	Begins to identify knowledge (facts, theories, etc.) from one's own academic study/ field/ discipline that is relevant to civic engagement and to one's own participation in civic life, politics, and government.	Begins to connect knowledge (facts, theories, etc.) from one's own academic study/ field/ discipline to civic engagement and to one's own participation in civic life, politics, and government.	Analyzes knowledge (facts, theories, etc.) from one's own academic study/ field/ discipline making relevant connections to civic engagement and to one's own participation in civic life, politics, and government.	Connects and extends knowledge (facts, theories, etc.) from one's own academic study/ field/ discipline to civic engagement and to one's own participation in civic life, politics, and government.
3. Life long learning ⁴ : taking initiative	Completes required work.	Completes required work and identifies opportunities to expand knowledge, skills, and abilities.	Completes required work, identifies and pursues opportunities to expand knowledge, skills, and abilities.	Completes required work, generates and pursues opportunities to expand knowledge, skills, and abilities.
4. Global learning ⁵ : global self-awareness	Identifies some connections between an individual's personal decision making and certain local and global issues.	Analyzes ways that human actions influence the natural and human world.	Evaluates the global impact of one's own and others' specific local actions on the natural and human world.	Effectively addresses significant issues in the natural and human world based on articulating one's identity in a global context.

¹ These Learning Outcomes have been formulated in alignment with the Aurora Competence Framework (LOUIS) which is based on the VALUE rubrics developed by the AAC&U. <http://www.aacu.org/value/index.cfm>

² **Creative thinking** is both the capacity to combine or synthesize existing ideas, images, or expertise in original ways and the experience of thinking, reacting, and working in an imaginative way characterized by a high degree of innovation, divergent thinking, and risk taking.

³ **Civic engagement** is "working to make a difference in the civic life of our communities and developing the combination of knowledge, skills, values, and motivation to make that difference. It means promoting the quality of life in a community, through both political and non-political processes".

⁴ **Lifelong learning** is "all purposeful learning activity, undertaken on an ongoing basis with the aim of improving knowledge, skills and competence". An endeavour of higher education is to prepare students to be this type of learner by developing specific dispositions and skills (described in this rubric) while in school.

⁵ **Global learning** is a critical analysis of and an engagement with complex, interdependent (natural, physical, social, cultural, economic, and political) global systems and legacies. Through global learning, students should 1) become informed, open-minded, and responsible people who are attentive to diversity across the spectrum of differences, 2) seek to understand how their actions affect both local and global communities, and 3) address the world's most pressing and enduring issues collaboratively and equitably.



IV. COURSE REQUIREMENTS & GRADING:

I expect you to come and to be prepared for the class.

During the semester you will work on the following activities and collect points. You can collect maximum 100 points from the following activities:

1. **E-learning Tests** – Starting from class 3 you will review the class content in e-learning tests which will have available in the course moodle. Maximum points for e-learning tests is 40. By passing the e-learning tests you will have the opportunity to review the course content and demonstrate that you are meeting the knowledge-based learning outcomes of the course.
2. **Case Study** - At the end of the semester, you will solve a case study and present the outcomes of your analysis in the class. In the case study, you will have the opportunity to demonstrate your progress on learning outcomes no. 1 and 2. Maximum points for case study is 35 points.
3. **Course Portfolio** – Course portfolio will consist of your work on whole range of activities during the course and it shall demonstrate that you are meeting the learning outcomes no. 3 and 4 (see the table above). You will complete your portfolio in the Moodle. Maximum points for your portfolio is 25 points.

GRADING:

For Erasmus students the following scale applies:

A: 90 – 86, B: 85 – 81, C: 80 – 76, D: 75 – 71, E: 70 – 66, F: 65 and less

The Czech students need to collect at least 66 points to pass the course.

V. DETAILED SYLLABUS:

The classes will start on 22 February 2022 and we will meet in the classroom B.31 (Law School Building B, 2nd floor).

Class 1 (22 February, 2022)

In the first class, we will start with a hypothetical case called the Logging Dilemma. In one fictive EU Member State there is a primeval forest, a precious natural area with rich biodiversity protected as an UNESCO site but it is currently under the threat of extensive logging. We will discuss a role and relations of different actors and stakeholders and competing interests of economic activity (logging) and nature protection. Based on class discussion the students will engage in follow-up research concerning case C-441/17 and UNESCO sites in their countries.

Class 2 (1 March, 2022)

In the second class, we will first come back to the Logging Dilemma and share results of your homework research concerning the UNESCO sites in your country and add some details about the role of UNESCO in environmental protection. Together we will also summarize the case of Bialowieza primeval forest (C-441/17) which inspired the Logging Dilemma activity. After that, we will talk about the evolution of the international environmental law and the notion of IEL as a "tootless mouth". We will explore the **story of *Silent Spring*** by Rachel Carson: how a courageous woman took on the chemical industry and raised important questions about humankind's impact on nature. For the next class you will prepare an overview of the most important human rights documents and international courts & tribunals.

Class 3 (8 March, 2022)

The third class will start with the **Case of Farmer Joseph** – a story of an old farmer who desperately fights for preserving his lifestyle and his village. Based on this case we will discuss main actors of international environmental law. We will also focus on **human rights** as means for protecting the environment. Can we protect environment via human rights violations? What human rights may be violated by environmental pollution?



Class 4 (15 March, 2022)

In the 4th class, we will discuss the **Trail Smelter Case** and *no-harm rule* – a widely recognized principle of customary international law whereby a State is duty-bound to prevent, reduce and control the risk of environmental harm to other states. We will also cover the sources and fundamental principles and concepts of international environmental law and talk about the environmental justice in relation to the **rights of indigenous peoples**.

Class 5 (22 March, 2022)

In class 5, we will discuss in detail the concept of **sustainable development** and the UN Sustainable Development Goals (SDGs). We will touch on water management, floods protection and the concept of environmental impact assessment in the case of International Court of Justice (ICJ) called **Gabčíkovo-Nagymáros Case**. We will also discuss the concept of **rights of future generations**.

Class 6 (29 March, 2022)

In the class 6, we will deal with climate change and public participation in environmental protection based on the famous **Urgenda case**. You will be introduced to the **Aarhus Convention** and its three pillars of environmental procedural rights: access to information, public participation in decision-making and access to justice in environmental matters.

Class 7 (5 April, 2022)

In the class 7, we will start to talk about the EU environmental policy and law. We will watch the video “50 years of protecting Europe’s environment”. We will summarize the evolution of EU environmental law and discuss case **C-240/83**. You will be familiarized with Environmental Action Programmes, we will mention also the European Green Deal.

Class 8 (12 April, 2022)

We will continue to explore the EU environmental law, namely its sources, decision-making procedure and choice of legal basis for EU secondary law. We will talk about the concept of more stringent measures and illustrate it on the joint cases **C-439/05 P** and **C-454/05 P** in which we will also touch upon relation between agriculture and environmental protection as well as genetically modified organisms (GMOs).

Class 9 (19 April, 2022)

We will focus on implementation of EU environmental law and on nature protection in the EU. We will discuss **Slovak Brown Bear Case I (C-240/09)** and **II (C-243/15)** and we will come back to the role of non-governmental organisations (NGOs) in environmental protection as well as to the Aarhus Convention and procedural environmental rights.

Class 10 (26 April, 2022)

In class 10, we will deal with the enforcement of EU environmental law and explain the infringement procedure, including the EU Pilot. We will discuss possible financial sanctions under the Art. 260 TFEU. Cases discussed in the class will be: **C-237/07** (Dieter Janecek Case: air pollution and individual legal action) and **C-304/02** (France v. Commission: fisheries, long-lasting infringements).

Class 11 & 12 (3 May, 10 May 2022)

In classes 11 & 12, we will devote time to review and synthesize what we have learnt during the semester about protecting environment by legal means on international and European level. In teams, you will solve a case study and share the outcomes of your analysis with the class.