

## International Summer School in Comparative Environmental law "CRITICAL TOPICS IN ENVIRONMENTAL LAW IN COMPARATIVE PERSPECTIVE"

Como, 10-14 September 2018



The International Summer School in Como, Italy is jointly presented by the University of Insubria School of Law, the University of Aix-Marseille, the University of Utrecht Centre of Water, Oceans and Sustainability Law and the Opole University.

This intensive, one-week program provides a unique opportunity law students and legal professionals to study environmental law by examining and comparing different environmental law policies and regulatory regimes.

This year the program is exceptionally attractive, as it will be connected with the Annual Conference of the European Environmental Law Forum on "Environmental loss & damage: attribution, liability, compensation and restoration". Therefore the Summer School program will provide a general introduction to the topics of the Conference in order to enable the Summer School participants to profitably attend the Conference.

Environmental law experts from the University of Insubria, Aix-Marseille, Utrecht and Opole as well as distinguished environmental law experts will lead the various thematic class sessions

Classes are taught in English.

### Location—Como, Italy

Como, Italy, is centrally located in the heart of Europe. The stunning city of Como provides the ideal location for intellectual reflection and discussion of environmental issues. The location, situated in proximity to Milan and Lugano, Switzerland, provides a sophisticated legal environment in which to study comparative environmental law.

## Schedule

### **Part I**

#### ***Introduction to Environmental Law and Environmental Loss & Damage***

**Monday 10<sup>th</sup> September 2018 (morning)**

**Morning 9.45 – 13.15**

**9.45 - 10.00** Welcome and Introduction

**10.00 – 11.30** Francesca Romanin (University of Milan)

*The evolution of international principles of environmental law*

**11.45 – 13.15** Barbara Pozzo (University of Insubria)

*Introduction to the main principles of environmental law in the UE*

**Monday 10<sup>th</sup> September 2018 (afternoon)**

**Afternoon 14.15-17.30**

**14.15-15.45** Barbara Pozzo (University of Insubria)

*Legal transplants in the field of environmental liability: the need of a comparative law methodology*

**16.00-17.30** Valentina Jacometti (University of Insubria)

*An introduction to climate change liability*

**Tuesday 11<sup>th</sup> September 2018 (morning)**

**Morning 10.00-13.15**

**10.00-11.30** Jerzy Jendrośka (Opole University)

*Role of the public in assuring effective environmental liability scheme*

**11.45-13.15** Lorenzo Squintani (University of Groningen)

*Multi-level governance and environmental damage*

**Tuesday 11<sup>th</sup> September 2018 (afternoon)**

**Afternoon 14.15-17.30**

**14.15-15.45** Eve Truilhé-Marengo (University of Aix-Marseille)

*2004/35 directive in general (origins, main dispositions, strengths and weaknesses)*

**16.00-17.30** Marie Lamoureux (University of Aix-Marseille)

*The implementation of 2004/35 in French law*

**Wednesday 12<sup>h</sup> September 2018 (morning)**

**Morning 10.00-13.00**

**10.00-11.30** Jerzy Jendrośka (Opole University)

*Environmental liability in Poland*

**11.45-13.00** Marleen Van Rijswijk (University of Utrecht)

*The Urgenda case and the Netherlands shift from administrative environmental law procedures toward civil liability procedures*

**Part II - 6th EELF annual conference - Environmental loss & damage: attribution, liability, compensation and restoration**

<https://www.uninsubria.eu/eelf2018>

**12-14 September 2018**

**Date: Wednesday 12 September 2018 afternoon**

[illegible]

**Date: Thursday 13 September 2018 morning**

9.00-11.00	<b>Session II A Room S.1.8</b>	<b>The responsibility of the States to safeguard a healthy environment and consequences in terms of liability</b>	9.00-11.00	<b>Session II B Room S.2.7</b>	<b>Private and corporate environmental liability (II)</b>	9.00-11.00	<b>Session II C Room S.1.3</b>	<b>Climate change liability (I)</b>
	<i>Chair: Fabrizio Vismara</i>			<i>Chair: Dominique Feola</i>			<i>Chair: Valentina Jacometti</i>	
	1 Misonne Delphine	Is compliance with EU Environmental Law enough, where science tells (the State) to do more, in order to protect human health and the environment?		1 Baran Mariusz	'Causal link' as a condition of liability - many faces in the environment law		1 Varvastian Samvel	Internationalizing Climate Change Liability Litigation
	2 Ruddigkeit Dana	State responsibility and the environment: The interaction of public international law and national liability regimes		2 Rakoczy Bartosz	The burden of proof in proceedings for corrective and preventive actions in Polish law and Italian law		2 Machnicka Agnieszka A.	Can the tort law system constitute an effective tool in the climate change abatement?
	3 Fermeiglia Matteo	"Environmental" counterclaims in Investor-State Dispute Settlement: Rebalancing Investment Law through Environmental Liability		3 Ginige T., Van Calster P., Green I., Demir M., Figen Doker Y.	A critically analysis the effectiveness or the Regulatory Enforcement Sanctions Act 2008		3 Sobieraj K.	"Climate" plaint as a new tool to combat climate change in the light of international and EU jurisprudence and judgements of national courts of selected states
	4 Stănilă Laura, Stănilă Sergiu	The right to a healthy environment and its consequences on other human rights. A challenging approach					4 Giabardo Carlo Vittorio	Climate in Courts: Climate Change Litigation and State Responsibility After the <<Paris Agreement>>
11.00-11.30	<b>Coffee break</b>							
11.30-13.00	<b>Session III A Room S.1.8</b>	<b>International liability and compensation for transboundary environmental damage</b>	11.30-13.00	<b>Session III B Room S.2.7</b>	<b>The role of criminal liability (I)</b>	11.30-13.00	<b>Session III C Room S.1.3</b>	<b>Climate change liability (II)</b>
	<i>Chair: Nerina Boschiero</i>			<i>Chair: Chiara Perini</i>			<i>Chair: Kurt Deketelaere</i>	
	1 Masoumi Khazar	The Myth of Plurality of Regimes in the Law of State Responsibility		1 Esser Robert	Confiscation of Assets and Proceeds of Crime in Environmental Criminal Law - New approaches by the German legislator		1 de Graaf K.J., van der Veen G.A.	State liability for climate change: aftermath and future of the Urgenda decision
	2 Reese Moritz, Köck Wolfgang	Transboundary liability for cross-border water pollution		2 Macrory Richard	Liability and Sanctions for Breaches of Environmental Regulatory Requirements Integrating criminal and administrative liability		2 Borges Cunha Kamyla, Rei Fernando	Climate litigation in Brazil: the case of the State Policy on São Paulo's Climate Change
	3 Vomacka Vojtech	Full Reparation as a Legal Principle Applicable to the Compensation in International Environmental Law		3 Ruiz Arias Miriam	Enterprises Environmental Criminal Liability and Compliance Programmes in Spain		3 Baçoğlu Başak	Is There a Prospect of Climate Change Liability in Turkey?
	4 Romanin Jacur Francesca	The Responsibility of Public-Private Partnerships for environmental damage in an international law perspective		4 Del Mar Martín Aragón María	The last Spanish Criminal Code Reform on environmental crimes: legal construction and case studies			
13.00-14.00	<b>Light lunch</b>							

<b>Date: Thursday 13 September 2018 afternoon</b>								
<b>14.00-16.00</b>	<b>Session IV A Room S.1.8</b>	<b>The EU Environmental Liability Directive (I)</b>	<b>14.00-16.00</b>	<b>Session IV B Room S.2.7</b>	<b>The role of criminal liability (II)</b>	<b>14.00-16.00</b>	<b>Session IV C Room S.1.3</b>	<b>Real compensation and offset regimes - the strategy of "no-net-loss"</b>
	<i>Chair: Barbara Pozzo</i>			<i>Chair: Carlo Ruga Riva</i>			<i>Chair: Bernard Vanheusden</i>	
	1 Pouikli Kleoniki	The implementation of EU Environmental Liability Directive in Greece: An example of fragmentation and the transition towards a more coherent enforcement		1 Fuentes-Loureiro Maria-Angeles	The influence of Directive 2008/99/CE on Spanish regulation. New crimes against the environment and corporate liability		1 Backes Ch. W., Köck W.	Sustainable Energy Production and Vulnerable Species - Solutions for an Ever Increasing Conflict of Interests?
	2 Schwind Manuel Patrick	Improving the implementation of Directive 2004/35/EC in the EU Member States - A network-based approach		2 La Rosa Emanuele	Planned obsolescence e criminal law: a problematic relationship?		2 Dupont Valérie	The integration of scientific teachings in legal frameworks: a comparative analysis of biodiversity offset regimes
	3 Masieri Carlo Maria	Permit defence between EU Environmental Liability Directive and national private law: some comparative law remarks		3 Mazzanti Edoardo	Environment, ECHR and EU criminal law. A possible interplay		3 Stubenrauch Jessica, Ekardt F.	Compensation and No Net Loss for Biodiversity: Pricing Nature vs. Pricing Fossil Fuels
	4 Pioldi Simone, Peeters Marjan	The Guiding hand of the European Court of Justice. A comprehensive analysis of the role of the CJEU for effectuating the Environmental Liability Directive		4 Roibu Magdalena	Born to be Wild. Stop Wildlife Crime!		4 Turunen Topi	No-net-loss in recovery - compensation aspect in assessing environmental acceptability in end-of-waste
	5 Kichigin Nikolay	Compensation for lawful damage to the environment		5 Whitfort Amanda	Wildlife Crime and Animal Victims: Improving Access to Environmental Justice		5 Van Hoorick G., Vandenhende L.	No net-loss for forests and heritage. The rising tension between restoration or compensation and land-use plans in Belgium
<b>16.00-16.30</b>	<b>Coffee break</b>							
<b>16.30-18.30</b>	<b>Session V A Room S.1.8</b>	<b>The EU Environmental Liability Directive (II)</b>	<b>16.30-18.30</b>	<b>Session V B Room S.2.7</b>	<b>Legal transplants in the environmental field: the case of environmental liability (I)</b>	<b>16.30-18.30</b>	<b>Session V C Room S.1.3</b>	<b>Climate change liability (III)</b>
	<i>Chair: Silvia Marino</i>			<i>Chair: Barbara Pozzo</i>			<i>Chair: Francesca Romanin</i>	
	1 Bar Magdalena	The right to participate in administrative proceedings and access to justice under ELD and the Polish Act on environmental liability		1 Kodolova Alena	Compensation for environmental damage in the CIS countries: comparative legal analysis		1 Savaresi Annalisa, Hartmann Jacques	Holding corporations accountable for the impacts of climate change: the role of human rights law
	2 Iliopoulos Theodoros	The Jurisprudential Configuration of the "Polluter-Pays Principle": A Critical Assessment		2 de Rossiter Corrêa Davi Beltrão	Risk society and environment: principle of precaution and dispersion of genetically modified organisms		2 Martines Francesco	Climate change and migration: liability of States and compensation for "environmental migrants"
	3 Pereira Ricardo	The quest for effective enforcement of environmental law in the EU - can the appropriate balance between civil, administrative and criminal sanctions be defined at the EU level?		3 Harbo Nana Amalie	Environmental liability for extractive activities in Greenland - the role of EU law in framing Greenland's regulation		3 Fasoli Elena	The Reparation of Non-Economic Losses related to Climate Change under the Paris Agreement
	4 Popa Florina, Mihoc Andreea	"REVIVE NATURE" A true story about what happens at the frontier between the world we inhabit and the world we imagine		4 Rincón Daniel	Environmental Liability in Brazil - Regulation and Case-law		4 Kobylarz Natalia	European Court of Human Rights on State Responsibility for the Prevention of Damage from Natural Hazards
	5 Vanhellemont Anna	The position of the Environmental Liability Directive in environmental law: issues of coherence and added value					5 Gazendam Joris	Liability issues associated with the combination of the decommissioning of hydrocarbons installations at sea and the permanent storage of CO2 in the seabed (CCS)
						<b>16.30-18.00</b>	<b>ECOLOGICAL LAW AND GOVERNANCE ASSOCIATION (ELGA) SIDE EVENT - Room S.0.5</b>	
<b>20.30-22.30</b>	<b>Official Dinner at Palace Hotel</b>							

<b>Date: Friday 14 September 2018 morning</b>									
<b>9.00-10.30</b>	<b>Session VI A Room S.1.8</b>	<b>General reflections on environmental liability (III)</b>	<b>9.00-10.30</b>	<b>Session VI B Room S.2.7</b>	<b>Legal transplants in the environmental field: the case of environmental liability (II)</b>	<b>9.00-10.30</b>	<b>Session VI C Room S.1.3</b>	<b>Public responsibility vs. private liability for the prevention of damage from natural hazards and adaptation to climate change</b>	
	<i>Chair: Squintani Lorenzo</i>			<i>Chair: Marina Timoteo</i>			<i>Chair: Marleen van Rijswijk</i>		
	1 Malcolm Rosalind	Eco-design of products: liability and prevention		1 Cheng Yu, Yao Congwen	Remedying Ecological Damage in the Light of Private Law Regime: Some Reflections on Experience from China		1 Cerini Diana, Memola Annateresa	The role of insurers between environmental liability, catastrophic risk mitigation and sustainability	
	2 Mauerhofer Volker	Poacher's liability for replacement costs: a case study on civil damages due to public Habitats Directive duties		2 Coggiola Nadia	The compensation of personal damages caused by environmental pollution in China: Transplanting Western-style liability in a developing country		2 Fanetti Stefano	Insurance instruments for adapting to climate change: a comparative perspective	
	3 Similä Jukka	Ecological compensation in coastal and inland waters		3 Wang Kunjie	Reforms in EU Maritime Carbon Tax Regulation: Better Prospects for Policy Makers in China?		3 Monti Alberto	Multi-country pooling schemes for the financing and transfer of climate-related disaster risk: a comparative analysis	
	4 Born Charles-Hubert	Influence of the ecosystem service concept on the use of civil liability in case of environmental damage					4 Dai Liping	Flood retention areas in China	
<b>10.30-10.50</b>	<b>Coffee break</b>								
<b>10.50-12.10</b>	<b>Session VII A Room S.1.8</b>	<b>General reflections on environmental liability (IV)</b>	<b>10.50-12.10</b>	<b>Session VII B Room S.2.7</b>	<b>Legal transplants in the environmental field: the case of environmental liability (III)</b>	<b>10.50-12.10</b>	<b>Session VII C Room S.1.3</b>	<b>Public responsibility vs. private liability for the prevention of damage from natural hazards and adaptation to climate change</b>	
	<i>Chair: Luc Lavrysen</i>			<i>Chair: Marina Timoteo</i>			<i>Chair: Alberto Monti</i>		
	1 Squintani Lorenzo	Tort Law as a means to ensure judicial protection against plans and programmes affecting the environment		1 Dewaranu Thomas Aquinas	Willingness to Pay and Willingness to Accept on Environmental Damage in Indonesia: Prospects and Ordeals		1 Moratti Stefano	The role of taxation in climate-related disaster risk management policies	
	2 Charalampidou Natalia	The European polluter pays principle, its strenghts and its weaknesses - lessons learned from Germany		2 Gitanjali Nain Gill	Indian Judiciary and the Polluter Pays Principle: Reviewing the Contours of Environmental Liability		2 van Doorn-Hoekveld Willemijn	Distributional effects of flood risk management in the Netherlands, Flanders and France	
	3 Jendroska Jerzy	Environmental liability and legal schemes for public interest litigation under the Aarhus Convention and Escazu Agreement							
<b>12.20-13.00</b>	<b>Closing session S.1.8 and Room S.2.7 (video-conference)</b>								
	Barbara Pozzo								
	Moritz Reese								
<b>13.00-14.00</b>	<b>Light lunch</b>								
<b>14.00-19.00</b>	<b>Visit to Seveso</b>								

## Admission, Fees, Application

### Admission

This program is intended for:

- Italian Law students and graduates
- Law students and graduates from other countries
- Professionals who possess a law degree
- Professionals interested in environmental law with an educational or practice background in environmental science or a related subject area

### Fees

€ 300,00

Fees include the participation to the EELF conference and conference meals.

A limited number of scholarships covering tuition fees will be available upon participants' request and subject to cv evaluation.

### Application deadline

July 31, 2018

### Credit

Italian students attending the classes and passing the final exam will receive 5 CFU.

### Classroom Location

University of Insubria School of Law  
Como, Italy

Classes will be held at Dipartimento di diritto, economia e culture of Università dell'Insubria, Via S. Abbondio, 12, Como.

The University of Insubria School of Law provides fully up-to-date classrooms, and a WiFi network is available.

### Apply today

In order to get enrolled, please contact:

[eelf2018.como@uninsubria.it](mailto:eelf2018.como@uninsubria.it)

## Accommodation

For information regarding housing options, please contact:

Dr. Stefano Fanetti

[stefano.fanetti@uninsubria.it](mailto:stefano.fanetti@uninsubria.it)

## Transportation\*

**By train** <http://www.trenord.it>

### **From Milano Centrale Railway Station to Como**

From Milano Centrale take the train to Como and disembark at the “Como San Giovanni” stop.

### **From Milano Cadorna F.N. Railway Station to Como**

From Milano Cadorna F.N. take the train for “Como Lago” and disembark at “Como Borghi” stop.

### **By plane**

#### **From Milano Malpensa Airport to Como**

Take the train in the direction Como S. Giovanni (every 2 hours); or

Take the “Malpensa Express” train in the direction of Milano Cadorna. Get off at Saronno stop, and take the train in the direction of Como Lago and disembark at “Como Borghi” stop; or

Take the “Malpensa Express” train in the direction of Milano Centrale, get off at Milano Centrale and take the train to Como and disembark at the “Como San Giovanni” stop, or

Take the Swiss “Malpensa Express” bus to Chiasso FFS (<http://malpensa-express.com/>) and then take the train to Como and disembark at the “Como San Giovanni” stop.

#### **From Milano Linate Airport to Como**

Take ATM bus n. 73 to Milano San Babila (<http://www.atm.it>; every 10 minutes), take underground line 1 (red line) in direction Bisceglie/Rho Fiera, get off at Cadorna stop (normal ATM ticket: 1,5 euro). At Cadorna Railway Station take the train in the direction of Como Lago and disembark at “Como Borghi” stop; or

Take the Air Bus shuttle to Milano Centrale (<http://www.atm.it>; every 30 minutes; ticket: 5 Euro). At Milano Centrale Railway Station take the train to Como and disembark at the “Como San Giovanni” stop.

#### **From Bergamo Orio al Serio Airport to Como**

Take the bus shuttle to Milano Centrale (<http://www.orioshuttle.com>; <http://www.terravision.eu>; <http://www.autostradale.it>; every 30 minutes; ticket 5 euro). At Milano Centrale Railway Station take the train to Como and disembark at the “Como San Giovanni” stop.

\*Disclaimer: The information in this handbook is provided as a matter of service.

**Please check the bus or train service before departure for the timetable and the latest information.**