# Environmental Law

## Prof. Calogero Miccicchè; Prof. Giuseppe Rotolo

***COURSE AIMS AND INTENDED LEARNING OUTCOMES***

The course aims to offer students a conscious approach to the basic issues of the administrative and criminal legal systems, in the particular field of protection, combined with the basic theoretical framework necessary for the interpretation of the single norms.

At the end of the course, students will have acquired the necessary knowledge of the categories and institutions of the administrative and criminal systems, and they will integrate the disciplines with particular references to environmental matters; students will also be able to understand how they work in action and critically apply the rules analysed to concrete cases.

## Module on Administrative Law (*Prof. Mauro Renna)*

The module aims to illustrate the fundamental principles, regulations, and tools of environmental administrative law in the framework of administrative law. In this perspective, the module will examine the origins of environmental law and its progressive evolution, both with regard to international and European Union law, and with reference to national law.

Module on Criminal law (*Prof. Giuseppe Rotolo)*

After an introduction on important issues and problems for the protection of environmental resources, the module aims to examine the legal system regarding the subject during criminal proceedings through the analysis of some ‘pragmatical’ case studies of offense to the environment.

The analysis will mainly concern three themes linked to essential components of the legal system for environment protection: crimes introduced with Ln. 68/2015; violations linked to T.U. Environment (Legislative Decree 152/2006); rules with restorative content that accompany the criminal cases.

The study of the discipline represents at the same time the occasion to recall, at a critical level, categories and themes of general theory, which are particularly relevant in the "special" sector in question.

The analytical study of the rules and the thematization of more general issues is also accompanied by references to the criminological classification of the issues addressed, as well as to the political-criminal perspectives that seem to be able to guarantee a more effective protection. This approach is also supported by constant references - in a comparative key - to innovative models of protection suggested by experiences and legal systems different from the national one.

***COURSE CONTENT***

## Module on Administrative Law (*Prof. Mauro Renna)*

* The emergence of the environment as a legal asset and its process of gradual juridisation.
* The development of environmental law in the supranational and national system.

– Environmental administrative law and its sources and the recent reform of Articles 9 and 41 of the Constitution.

– The fundamental principles governing environmental law.

– The relationship between general administrative law and environmental law.

– Allocating regulatory and administrative functions regarding the environment.

– The main administrative functions regarding the environment and the related proceedings and measures.

– Volunteer-based tools for environment protection.

– The relationship between environmental law and the law of sustainable development, also in the perspective of ecological transition for the benefit of future generations.

Module on Criminal law (*Prof. Giuseppe Rotolo)*

Cases and problems. Criminal law, criminology and criminal politics. Requirements for prevention of offenses to the environment and effectiveness of protection. History of criminal law in Italy. The impact of the supranational law. The reform operated by the l. n. 68/2015. The architecture of the environmental criminal law in Italy. Newly introduced crimes. Critical issues regarding categories of guilt, causality, people’s participation in crimes. Violations. Critical issues regarding the effectiveness of protection. Rules of restorative content. The lack of an approach centred only on material compensation. Company compliance and administrative responsibility of institutions. Political and criminal prospective.

***READING LIST***

*For attending students*

*For both modules*

Detailed information on textbooks and on the reading list will be provided during the course and published on the platform *Blackboard*.

It is important to attend lectures with constancy (that will guide students through explore all the course topics). Students who cannot attend lectures must contact the lecturer.

*For non-attending students*

The study of the manual G. Rossi (edited by), *Diritto dell’ambiente*, Giappichelli, last edition available (2021), is required for the module on Administrative Law.

The study of the volume G. Rotolo, *‘Riconoscibilità’ del precetto penale e modelli innovativi di tutela. Analisi critica del diritto penale dell’ambiente*, Giappichelli, 2018, is required for the Module on Criminal Law.

*For both attending and non-attending students*

Students should accompany the study of the course topics with the in-depth analysis of relevant regulations and standards of the discipline.

Students who opted for the 6 ECTS Course are required to contact the lecturers for the definition of the relevant program.

***TEACHING METHOD***

For both modules: lectures and possible seminars and exercises.

***ASSESSMENT METHOD AND CRITERIA***

For both modules: assessment will be based on an oral test aimed to verify primarily the student’s essential knowledge and critical understanding of issues.

The final assessment, on a 30-point scale, will result from the average of the marks obtained by students in the exam concerning administrative law issues and in that related to the criminal law module.

The assessment will be based on the relevance of the students’ answers, their command of the language, and their ability to argue and to identify open issues.

***NOTES AND PREREQUISITES***

*Students enrolled in the course of Environmental Law are highly encouraged to first pass the courses in Administrative Law and Criminal Law I.*

In case the current Covid-19 health emergency does not allow frontal teaching, remote teaching will be carried out following procedures that will be promptly notified to students.

Further information can be found on the lecturer's webpage at http://docenti.unicatt.it/web/searchByName.do?language=ENG or on the Faculty notice board.